



San Joaquin County Development Title Update

Public Review Draft

Prepared for:

Community Development Department

Prepared by:

DYETT & BHATIA
Urban and Regional Planners

February 10, 2022

ACKNOWLEDGEMENTS

Board of Supervisors

Tom Patti, Chair, District 3
Chuck Winn, Vice-Chair, District 4
Miguel Villapudua, District 1
Katherine Miller, District 2
Robert Rickman, District 5

Planning Commission

Sheri Midgley, District 1
Donald Ruhstaller, District 2
James Grunsky, District 3
Randy Hamilton, District 4
Ms. Jass K Sangha, District 5

Lead County Staff

Community Development Department

Corinne King, Principal Planner
John L. Funderburg M.S., Principal Planner
Megan Aguirre, Senior Planner

Technical Advisory Committee

Office of County Counsel

Zoey Merrill, Deputy County Counsel

Community Development Department

David W. Kwong AICP, Director
Eric Merlo, Assistant Director
Jennifer Jolley, Deputy Director of Planning
Mark Fine, Deputy, Director of Building
Corinne King, Counter Manager
Stephanie Stowers, Senior Planner

Environmental Health Department

Muniappa Naidu, Assistant Director
Steven Shih, Senior Registered Environmental Health Specialist
Jeff Wong, Lead Senior Registered Environmental Health Specialist

Public Works Department

Fritz Buchman, C.E., T.E., CFM, Deputy Director Development Services
Najee Zarif, P.E., Deputy Director Engineering
Alex Chetley, P.E., Engineering Services Manager
Jayna Rutz, P.E., Community Infrastructure Engineering Manager
Shayan Rehman, P.E., CFM, Senior Engineer
Christopher RM Heylin, E.I.T., Development Services Engineer

SAN JOAQUIN COUNTY DEVELOPMENT TITLE UPDATE

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Series 100: General Provisions

Chapter 9-100 Introductory Provisions

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9-100.010 TITLE AND AUTHORITY

The ordinance codified in this Title (Title 9) shall be known and cited as the "Development Title of San Joaquin County," the "Development Title" or the "Title." Reference to section numbers herein are to the sections of this Title.

This Title is adopted pursuant to the authority contained in the California Constitution, Article XI, Section 7, Section 65850 of the California Government Code and the Subdivision Map Act (Title 7, Division 2 of the California Government Code, as amended), the Surface Mining and Reclamation Act of 1975, California Public Resource Code, Division 2, Chapter 9, the California Environmental Quality Act, California Public Resource Code, Division 13 and the California Vehicle Code, Section 22660.

9-100.020 PURPOSE

This Title is intended to serve as the basis for all land use regulations and development standards adopted by San Joaquin County. Its purposes is to protect and promote the public health, safety, and general welfare; implement the 2035 General Plan; and achieve the following objectives:

- (a) Provide a precise guide for physical development in the County in a manner that will progressively achieve the arrangement of land uses depicted in the General Plan;

- (b) Support economic development and job creation, and provide housing for all segments of the community;
- (c) Promote a safe and efficient traffic circulation system;
- (d) Provide open spaces for light, air and outdoor living;
- (e) Prevent overcrowding of land and the undue concentration of population;
- (f) Secure safety from fire, flooding, and other dangers;
- (g) Facilitate the provision of needed public services, community facilities, and recreational areas;
- (h) Conserve and stabilize the value of land and real property; and
- (i) Conserve the County's natural beauty, improve its appearance, and enhance its physical character.

9-100.030 CONSISTENCY OF DEVELOPMENT TITLE WITH GENERAL PLAN

All actions, approvals, and procedures taken with respect to, or in accordance with, this Title shall be consistent with the 2035 General Plan. In the event this Title becomes inconsistent with the 2035 General Plan by reason of adoption of a new General Plan or by amendment of the existing General Plan or any of its elements, this Title shall be amended within a reasonable time, so that it is consistent with the newly adopted General Plan or remains consistent with the existing General Plan, as amended. Additionally, all Development Title amendments shall be consistent with the 2035 General Plan. The procedure for the amendment of this Title is contained in Chapter 9-807, General Plan Amendments.

9-100.040 STRUCTURE OF THE DEVELOPMENT TITLE

- (a) **Organization of Regulations.** The Development Title consist of nine series:

100 Series – General Provisions

200 Series – Base Zones

300 Series – Master Plans, Special Purpose Plans, Specific Plans, and Planned Development

400 Series – Additional Use and Development Regulations

500 Series – Subdivision Regulations

600 Series – Infrastructure Standards and Financing

700 Series – Supplemental Development Regulations

800 Series – Administration and Permits

900 Series – General Terms

- (b) **Types of Regulations.** The Development Title include three types of regulations that control the use and development of property:
- (1) **Land Use Regulations.** These regulations specify the land uses permitted, conditionally permitted, and prohibited in each zone. These regulations also provide any special requirements that are applicable to specific uses. Land use regulations for base zones and for overlay zones are located in the 200 and 300 Series. Additional land use regulations that apply countywide or to `accessory dwelling unit, entertainment, home occupations, produce stands and agricultural stores, and wineries) are located in the 400 Series.
 - (2) **Development Regulations.** These regulations control the height, density/intensity, location and form of structures on development sites. Development regulations for base zones are located in the 200 Series. Development regulations, applicable to some or all zones are located in the 400 Series; these include regulations for accessory buildings, fences, landscaping, lighting, nonconforming uses and structures, off-street parking and loading, signs, and wireless communications facilities. Standards for infrastructure and public improvements in subdivisions are in the 600 Series.
 - (3) **Administrative Regulations.** These regulations contain detailed procedures for the administration of these regulations and include common procedures, processes and standards for discretionary entitlement applications and other permits. Administrative regulations are located in the 800 Series. Specific procedures for processing maps related to subdivisions, approving improvement agreements, and other approvals related to land divisions are located in the 500 Series. Authority for adopting and implementing Master Plans, Special Purpose Plans, Specific Plans and Planned Development is located in the 300 Series.
 - (4) **General Terms and Use Classifications.** The 900 Series provides a list of terms and definitions of the terms used in the Development Title and a system of use type classifications used in the land use regulations for the base zones.

9-100.050 APPLICABILITY

(a) **General Rules for Applicability.**

- (1) **Applicability to Property.** The Development Title applies, to the extent permitted by law, to all property within the unincorporated area of the County, including all uses, structures and land owned by any private person, firm, corporation or organization, or the County or other local, State, or federal agencies. Any governmental agency is exempt from this Title only to the extent that such land use or property may not be lawfully regulated by the County.

- (2) **Compliance with Regulations.** Land must be used, and structures must be constructed, occupied, enlarged, altered, demolished, and moved in accordance with the provisions of this Title.
- (b) **Relation to Other Regulations.**
- (1) **General.** The Development Title and the requirements or conditions imposed by it do not supersede any other regulations or requirements adopted or imposed by the Board of Supervisors, the State of California, or any federal agency that has jurisdiction over uses and development authorized by this Title. All uses and development authorized by this Title shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of these Regulations and any other provision of the County Code, uncodified ordinances, resolution, guideline or regulation, the more restrictive provisions control, unless otherwise specified.
 - (2) **Permit Streamlining Act.** It is the intent of the Development Title that all solely adjudicatory actions taken by the decision-making body pursuant to this Title be within a time frame consistent with the provisions of Government Code Section 65920 *et seq.* (California Permit Streamlining Act). This Title may not be interpreted as imposing time limits on a decision-making body's legislative actions or quasi-legislative judgments.
 - (3) **Relation to Private Agreements.** The Development Title shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where these Regulations impose a greater restriction than imposed by an easement, covenant, or agreement, these Regulations control.
 - (4) **Application During Local Emergency.** The Board of Supervisors may authorize a deviation from a provision of the Development Title during a local emergency that has been proclaimed and ratified under the County Code. This authorization may be made by resolution without notice or public hearing.
- (c) **Effect on Previously Approved Projects and Projects in Progress.** Any building, structure or use of land for which Administrative Use Permits, Conditional Use Permits, Special Purpose Plans, Site Approvals, Improvement Plans, Variances, or Flood Variances have been granted must be completed in accordance with the zoning, plans, specifications and permits on which these approvals were granted within two years of such granting, except if a later expiration date is stated in the approval. Any building, structure, or use of land for which a Building Permit or its functional equivalent has been issued and where substantial work has been performed and substantial liabilities incurred in good faith reliance thereon may be completed and used in accord with the plans, specifications and permits on which these permits or approvals were granted. No extensions of time, except as provided for in the California Building Code, shall be granted for commencement of

construction, unless the applicant has secured a permit extension from the Zoning Administrator. This provision does not apply to projects with an approved Vesting Tentative Map or Development Agreement.

(1) **Applications Filed Prior to and Approved After the Effective Date of the Development Title.**

(A) *Applications for Use Permits, Tentative Subdivision Maps and Parcel Map Submitted Prior to and Approved After the Effective Date of these Regulations.* Complete applications filed prior to the effective date of the ordinance codified in this Title may be approved under the current provisions of this Title upon request of the applicant. For a four-month period after the effective date of the ordinance codified in this Title, applicants may elect to develop under the provisions of the prior Development Title, but in that case shall comply with all provisions of the prior Development Title. If a Building Permit application is not filed within one year of the date of approval of a Use Permit, the approval shall expire unless otherwise specified in the conditions of approval.

(i) A one-year time extension may be permitted upon submission of a completed application fee, and documentation showing conditions have not substantially changed since the approval was granted.

(ii) All requests for extensions shall be reviewed for compliance to the applicable development standards. Where the pre-existing Development Title is silent on any specific aspect of land use regulations and development standards, this Title controls. Extension requests may be denied or approved by the Zoning Administrator. The Zoning Administrator shall approve the extension request if the delay in obtaining a Building Permit was not caused by the applicant and has discretion to approve or deny the extension if the applicant failed to take steps towards obtaining a Building Permit. This decision is appealable to the Planning Commission, which may deny, approve, or approve with new conditions the extension request.

(B) *Applications for Rezoning Filed Prior to and Approved After the Effective Date of this Title.* Rezoning applications filed prior to the effective date of the ordinance codified in this Title shall be governed by the provisions, standards, and conditions of approval established in this Title and shall follow the applicable procedures identified in the 800 Series, Administration and Permits, of this Title.

(2) **Applications Filed After the Effective Date of this Title and Not Covered by a Pre-Existing Development Agreement.** All new applications for Zoning Clearances, Rezoning, Use Permits, Building Permits, Tentative Subdivision Maps, and Parcel Maps filed after the effective date of the ordinance codified in

this Title, including modifications and amendments to those new applications, shall conform to the current provisions of this Title.

9-100.060 ZONING MAPS

A series of zoning maps, to be known collectively as the "Zoning Map of the County of San Joaquin" or "Zoning Map," shall be maintained by the Community Development Department.

- (a) **Contents.** The Zoning Map shall show the designations and boundaries of each zone and shall show any base data that the Director of the Community Development Department (the "Director") deems useful or that the Board of Supervisors directs.
- (b) **Revisions.** The Director shall revise the Zoning Map to show amendments, including changes in designations, rezoning of property, and clarification of zone boundaries.
- (c) **Incorporation.** The Zoning Map and all notations, references, data, and other information contained therein are made a part of this Title by reference herein.
- (d) **Zone Boundaries.** Where uncertainty exists as to the boundaries of any zone shown on the Zoning Map, the following rules shall apply:
 - (1) Where zone boundaries are indicated as approximately following street and alley lines or lot line, such lines shall be construed to be the boundary of the said zone, and the following shall apply:
 - (A) When two zones are separated by a street or alley, the zone boundary shall be the centerline of the street or alley, unless otherwise specified, and
 - (B) When a residential zone is separated from any other zone by a street or alley, the residential zone boundary shall include both sides of the street or alley.
 - (2) Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting properties shall apply to the centerline of such vacated or abandoned street or alley;
 - (3) Where any private right-of-way or easement of any railroad, canal, transportation, or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to the centerline of such vacated or abandoned property;
 - (4) For unsubdivided property, or in instances where a zone boundary divides a lot, the location of the zone boundary shall be determined by the Director unless the zone boundary is indicated by dimensions.

- (e) **Creation of New Zones.** The boundaries of a new zone shall be shown on the Zoning Map. The map together with all legends, symbols, notations, references, zoning district boundaries and other information on the map shall be incorporated into this Title by reference as though it were fully included.

9-100.070 MINIMUM REQUIREMENTS

The provisions of this Title are considered to be minimum requirements. The County may establish more stringent requirements where deemed necessary.

9-100.080 INTERPRETATION, CONSTITUTIONALITY, AND SEVERABILITY

- (a) **Ambiguities.** Unless otherwise provided, any ambiguity concerning the content or application of this Title shall be resolved by the Director.
- (b) **Invalidity; Severability.** If any section, subsection, sentence, clause, or phrase of this Title is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Title. The Board declares that it would have passed this Title and every section, subsection, clause, and phrase thereof, notwithstanding that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

9-100.090 NO RELIEF FROM OTHER PROVISIONS

Except as otherwise specifically provided, no provision of this Title shall be construed as relieving any party to whom a use permit, variance, or other development approval has been issued from any other provision of state or federal law or from any provision, ordinance, rule, or regulation of the County requiring a license, franchise, or permit to accomplish, engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, or use.

9-100.100 INAPPLICABILITY OF FORMAL RULES OF EVIDENCE

- (a) **Formal Rules of Evidence Do Not Apply.** Except as otherwise expressly provided in this Chapter, formal rules of evidence or procedure which must be followed in a court of record in this state shall not apply to hearings conducted pursuant to this Title.
- (b) **No Presumption Regarding Error.** There shall be no presumption that error is prejudicial or that injury was done if error is shown.

9-100.110 DEVELOPMENT TITLE REPEALS EXISTING ORDINANCES

The ordinance adopting this Title repeals the pre-existing Title 9 of the Ordinance Code of San Joaquin County, Ordinance No. 549, Ordinance No. 1862, Ordinance No. 441, Ordinance No. 3384, Ordinance No. 545, Ordinance No. 648, and Ordinance No. 3089. The adoption of the ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of Title 9 of the Ordinance

Code of San Joaquin County or any existing illegal use or violation of the repealed ordinances listed in this section, if the violation is also a violation of the provisions of this ordinance.

9-100.120 PERMITS AND LICENSES TO COMPLY WITH TITLE

All permits and licenses for the use or division of land or the construction, moving, or alteration of any building or structure issued by the County shall be subject to the following requirements:

- (a) **Issuance of Permit.** All departments, officials, and employees of the County responsible for the issuance of such permit or license shall determine that the permit or license requested will not violate any of the provisions of this Title.
- (b) **Invalid Permit.** Any permit or license issued by said departments, officials, or employees that is issued in violation of the provisions of this Title shall be null and void.
- (c) **Failure to Comply.** Failure to comply with any conditions or requirements of such permit or license shall be considered a violation. Conviction of an infraction because of such failure to comply will render the permit or license void.
- (d) **Permits Run with the Land.** All development permits shall run with the land; permits are not tied to individuals, including those persons who applied for the permit or who owned the property at the time the permit was issued. However, time limits may be established for certain permits.

Chapter 9-101 Rules for Construction of Language

Sections:

- 9-101.010 Purpose
- 9-101.020 Rules for Construction of Language
- 9-101.030 Rules of Interpretation

9-101.010 PURPOSE

The purpose of this Chapter is to provide precision in the interpretation of the Development Titles. The meaning and construction of words and phrases defined in this article apply throughout the Development Title regulations, except where the context indicates a different meaning.

9-101.020 RULES FOR CONSTRUCTION OF LANGUAGE

In interpreting the various provisions of the Development Title, the following rules of construction apply:

- (a) The ordinary meaning of terms applies.
- (b) In case of conflict between the text and a diagram or graphic, the text controls.
- (c) All references to public officials are to those of the County, and include designated deputies of such officials, unless otherwise indicated.
- (d) All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when County offices are closed, the deadline will be extended to the next working day. The end of a time period is the close of business on the last day of the time period.
- (e) The words "shall," "will," "must," "has to," "is required to," and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive.

9-101.030 RULES OF INTERPRETATION

The Zoning Administrator will interpret any definition not expressly identified in this Title and provide clarification and determinations, which shall be compiled, made available at County offices and the library, and be posted on the County's website for easy public access.

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Chapter 9-102 Rules of Measurement

Sections:

9-102.010	Purpose
9-102.020	General Provisions
9-102.030	Fractions
9-102.040	Measuring Distances
9-102.050	Measuring Height
9-102.060	Determining Grade
9-102.070	Measuring Lot Width and Depth
9-102.080	Determining Average Slope
9-102.090	Determining Floor Area
9-102.100	Determining Floor Area Ratio
9-102.110	Determining Lot Coverage
9-102.120	Determining Lot Frontage
9-102.130	Determining Setbacks
9-102.140	Measuring Signs
9-102.150	Measuring Parking Lot Landscaping
9-102.160	Measuring Pedestrian Clearance

9-102.010 PURPOSE

The purpose of this Chapter is to explain how various measurements referred to in this Title are to be calculated.

9-102.020 GENERAL PROVISIONS

For all calculations, the applicant is responsible for supplying drawings illustrating the measurements that apply to a project. These drawings must be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Zoning Administrator.

9-102.030 FRACTIONS

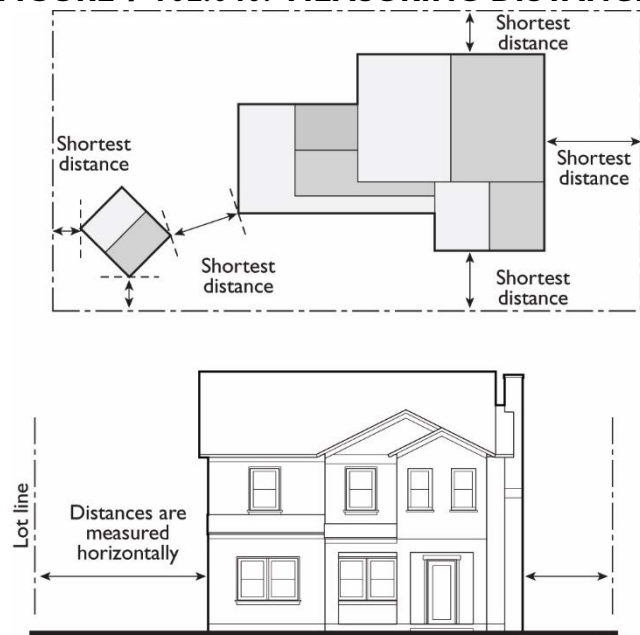
Whenever the Development Title requires consideration of distances, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

- (a) **General Rounding.** Fractions of one-half (0.5) or greater must be rounded up to the nearest whole number, and fractions of less than one-half (0.5) must be rounded down to the nearest whole number, except as otherwise provided.
- (b) **Exception for State Affordable Housing Density Bonus.** The calculation of fractions related to permitted bonus density units for projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute shall be done as provided by State law.

9-102.040 MEASURING DISTANCES

- (a) **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
- (b) **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
- (c) **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
- (d) **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
- (e) **Measuring a Buffer or Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

FIGURE 9-102.040: MEASURING DISTANCES



9-102.050 MEASURING HEIGHT

- (a) **Measuring Building Height.** Building height shall be defined as the distance from finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building along the finished grade directly below. For structures projecting over water, height will be measured from highest grade at front (landward) property line. On lots with a grade change of 10 percent or more between the front and rear property lines, building height is measured from natural or finished grade, whichever is lower, as determined in the following subsection, and height shall be measured from the measure point at the top of the building, as determined above, to the grade.

FIGURE 9-102.050-A: MEASURING BUILDING HEIGHT

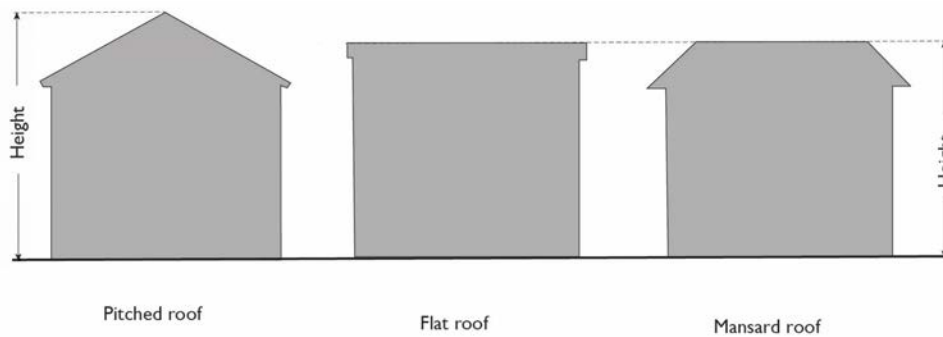
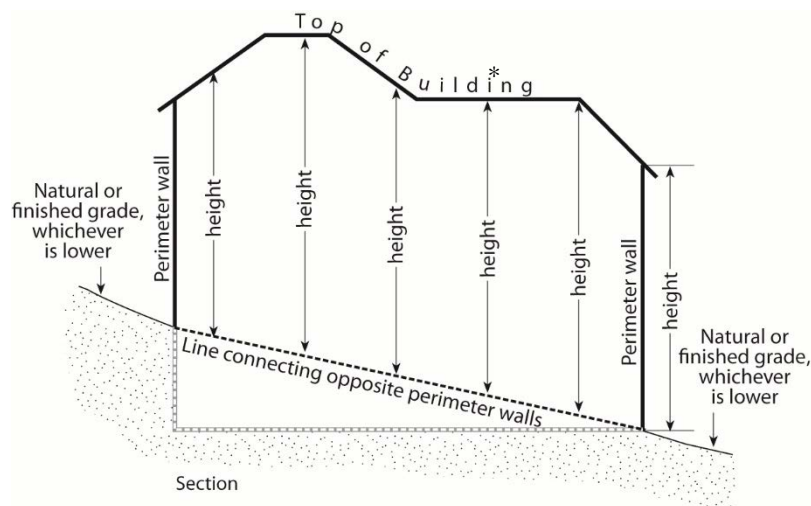


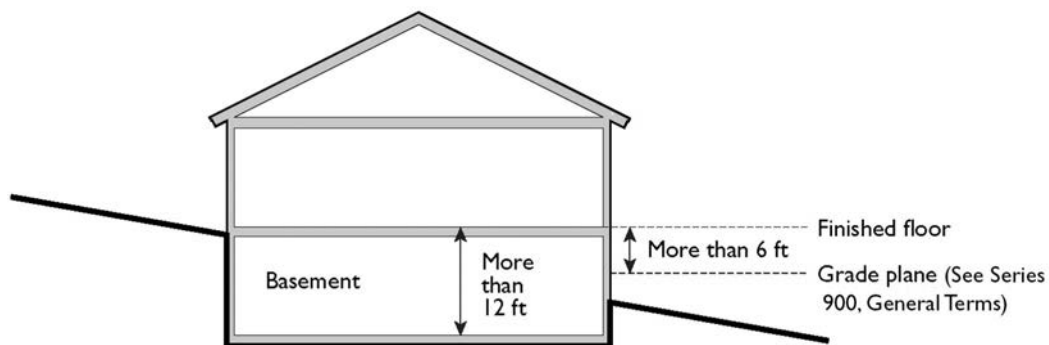
FIGURE 9-102.050-B: MEASURING BUILDING HEIGHT OF A TERRACED OR STEPPED BUILDING



* or roof mid-point

- (1) **Measuring Building Height on Sloped Lots.** On lots with a grade change of 10 percent or more between the front and rear lot lines, or between the front lot line and its most distant point when there is no rear lot line, building height is measured from the adjacent natural or finished grade, whichever is lower, to the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.
 - (2) **Exceptions.** Antennas, belfries, chimneys, cooling towers, cupolas, domes, elevator bulkheads, flagpoles, ornamental towers, penthouses, solar collectors, spires and standpipes and necessary mechanical equipment may exceed the height limits pursuant to Section 9-400.050 (Exceptions to Height Limits).
- (b) **Measuring the Number of Stories in a Building.** In measuring the height of a building in stories, the following measurement rules apply:
- (1) A balcony or mezzanine shall be counted as a full story if its floor area exceeds one-third of the total area of the nearest full floor directly below it or if it is enclosed on more than two sides.
 - (2) A basement shall be counted as a full story if the finished surface of the floor above the basement is:
 - (A) More than six feet above grade plane; or
 - (B) More than 12 feet above the finished grade at any point.

FIGURE 9-102.050-C: DETERMINING IF A BASEMENT IS A STORY

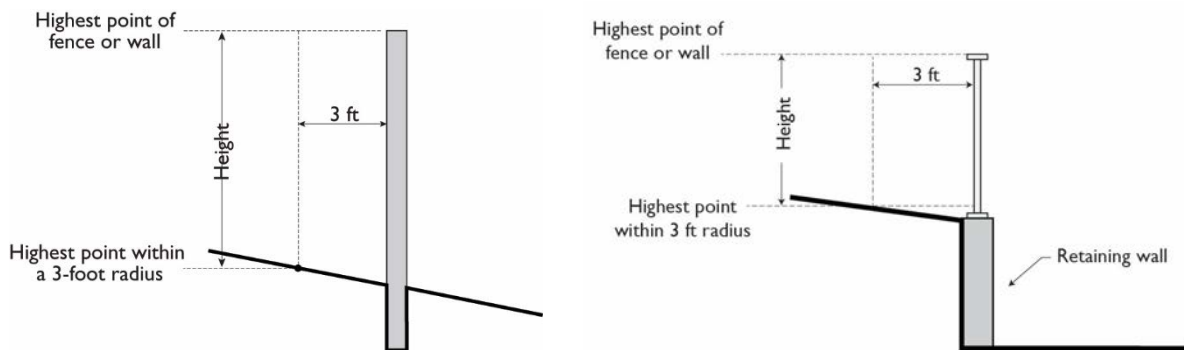


- (3) A story may not exceed 25 feet in height from the upper surface of the floor to the ceiling above.
- (c) **Measuring Height of Fences or Walls.** The height of any fence or wall shall be determined by measuring the vertical distance from the highest finished grade within a three-foot radius of any point on the fence or wall to the highest point of any portion of the fence or wall. In the case of fences or walls between the setback

line and lot line, height shall be measured from highest finished grade adjacent to the fence or wall to the top of the fence or wall.

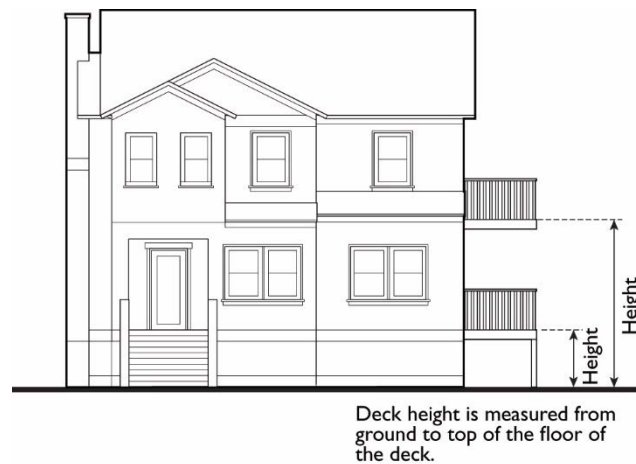
- (1) **Measuring Height of Fences on Retaining Walls.** The height of a fence that is on top of a retaining wall is measured from the highest finished grade point within a three-foot radius of any point on such fence to the highest point of the fence on the highest side of the wall. Any fence or railing required to comply with minimum height in applicable Building Code requirements is permitted.

FIGURE 9-102.050-D: MEASURING HEIGHT OF FENCES AND WALLS



- (d) **Measuring the Height of Decks.** Deck height is the vertical distance from finished grade directly below the deck to the top of the floor of the deck.

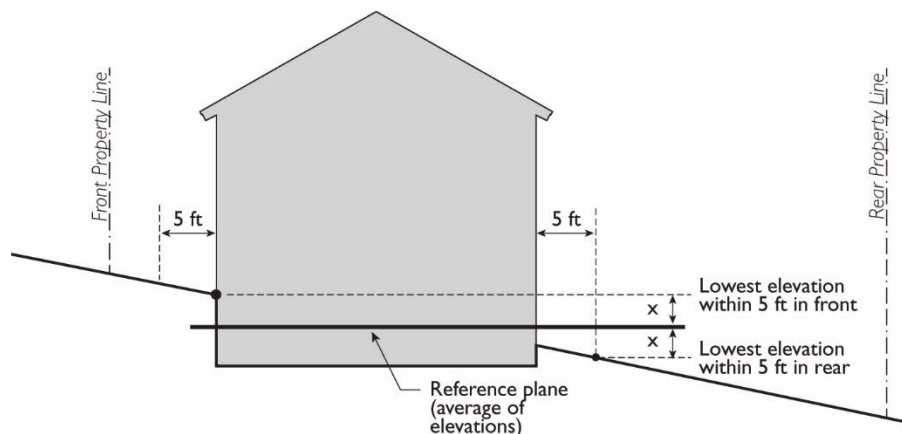
FIGURE 9-102.050-E: MEASURING HEIGHT OF DECKS



9-102.060 DETERMINING GRADE

- (a) **Determining Grade.** Grade is the location of the ground surface. For purposes of this Chapter, the grade of a building used to determine building height shall be determined by one or more of the following:
- (1) **Average Grade.** A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building. Average grade is calculated separately for each building.
 - (2) **Existing Grade.** The existing elevation of the ground at any point on a lot. Existing grade also may be referred to as natural grade.
 - (3) **Finished Grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building.
 - (4) **Grade Plane.** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than five feet from the building, between the building and a point five feet from the building.

FIGURE 9-102.060: GRADE PLANE



9-102.070 MEASURING LOT WIDTH AND DEPTH

- (a) **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at the front setback line.
- (b) **Lot Depth.** Lot depth is measured along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line.

9-102.080 DETERMINING FLOOR AREA

The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls and/or the centerline of interior walls.

- (a) **Included in Floor Area.** Floor area includes, but is not limited to, all habitable space (as defined in the California Building Code as adopted by the County) that is below the roof and within the outer surface of the main walls of principal or accessory buildings, the centerlines of party walls separating such buildings or portions thereof, or lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells, or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent. The area of mezzanines and sleeping lofts shall not be counted if the space is between two floors.
- (b) **Excluded from Floor Area.** Floor area does not include the following: mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area; bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as usable open space; solar panels and solar structures. and, in non-residential buildings, areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finish grade of the property.
- (c) **Non-Residential Uses.** For non-residential uses, gross floor area includes interior walkways interior courtyards, walkways, paseos, and corridors covered by a roof or skylight. Non-residential gross floor area does not include arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.

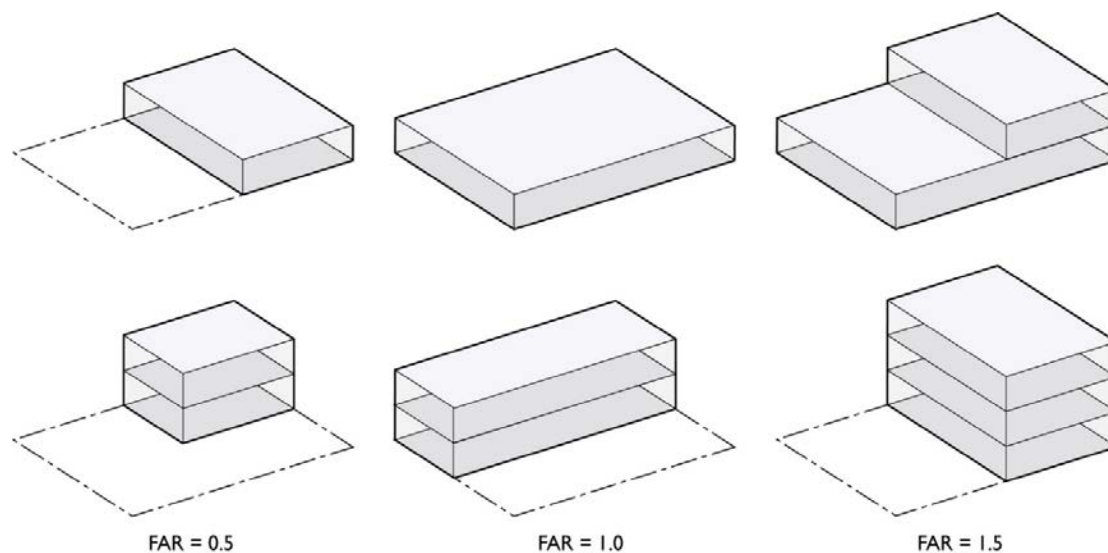
9-102.090 DETERMINING FLOOR AREA RATIO

The floor area ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all principal and accessory buildings on a site to the site area. To calculate the FAR, floor area is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0. In single family homes and duplexes, any portion of a floor with a ceiling height greater than 12 feet is counted twice for purposes of calculating compliance with the maximum residential floor area allowed.

- (a) **Excluded from Floor Area in Calculating FAR.** The following are excluded from the floor area when calculating FAR.

- (1) **Underground Areas.** Floor area located below finished grade.
- (2) **Parking.** Parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is five feet or less. Structured parking areas located above finished grade where the vertical distance between finished grade and the floor of the parking level is five feet or less.
- (3) **Sideloaded or Detached Garages.** Sideloaded or detached garages not exceeding 400 square feet, located to the rear of residential structures, a minimum of 40 feet away from the front lot line, and accessed by a driveway.

FIGURE 9-102.090: DETERMINING FLOOR AREA RATIO



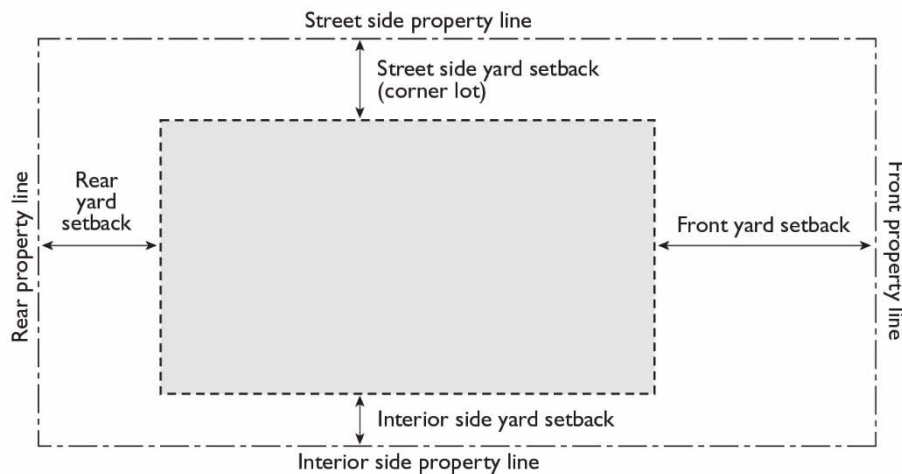
9-102.100 DETERMINING LOT FRONTAGE AND BUILDING FRONTAGE

- (a) **Corner Lot.** The front of a lot is the narrowest dimension of the lot with street frontage.
- (b) **Through Lot.** The front yard of a through lot abuts the street that adjoining lots use to provide primary access into the dwelling.
- (c) **Building Frontage.** Building frontage is the building facade in which main customer access is provided to the business. For buildings with two or more frontages, the length of the wall shall be calculated separately for each building frontage.

9-102.110 DETERMINING SETBACKS

A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear lot line. The following regulations for determining yards apply when a lot abuts a proposed street or alley.

- (a) **Yards Abutting Planned Street Expansions.** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the future right-of-way rather than the property line.
- (b) **Yards on Alleys.**
- (1) If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.
 - (2) In computing the minimum yard for any lot where such yard abuts an alley, no part of the width of the alley may be considered as part of the required yard.
- (c) **Measuring Setbacks.** Setbacks shall be measured as the distance between the nearest lot line and the closest point on the exterior of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except where allowed pursuant to Section 9-400.020, Building Projections into Required Yards, subject to compliance with the Building Code.

FIGURE 9-102.110: DETERMINING SETBACKS (YARDS)

9-102.120 DETERMINING NATURAL SLOPE

Natural slope, meaning the slope of the ground prior to any soil disturbance, shall be determined by measuring the horizontal distance between adjacent contours on a United State Geologic Survey (USGS) 7.5 minute quadrangle map or other topographic map acceptable to the Zoning Administrator with a scale of not less than 1:24000 (one inch = 2,000 feet) and contour intervals of not more than 20 feet, and then dividing the difference in elevation between the two contours by the measured horizontal distance. The horizontal distance shall be measured perpendicular to the contours.

9-102.130 MEASURING SIGNS

The calculations of measurements related to signs are described in Chapter 9-408, Signs.

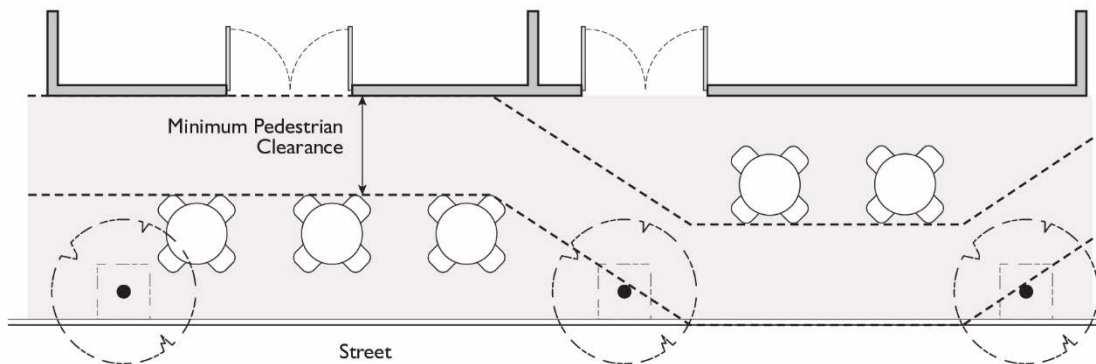
9-102.140 MEASURING PARKING LOT LANDSCAPING

For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas.

9-102.150 MEASURING PEDESTRIAN CLEARANCE

The minimum distance shall be measured from the edge of any table, chair, bench, planter, or other appurtenance used as part of an outdoor dining area to any obstruction within the sidewalk area.

FIGURE 9-102.140: MEASURING PEDESTRIAN CLEARANCE



Series 200: Base Zones

Chapter 9-200 Residential Zones

Sections:

9-200.010	Purpose
9-200.020	Land Use Regulations
9-200.030	Development Standards
9-200.040	Two-Unit Projects in the R-L Zone

9-200.010 PURPOSE

The purpose of this Chapter is to prescribe use, lot, and structure regulations and development standards for Residential Zones within the County, consistent with the General Plan. The specific purposes of the Residential Zones are to:

- (a) Designate adequate land, consistent with the General Plan, for residential uses;
- (b) Preserve, protect, and enhance the character of the County's residential neighborhoods and its urban and rural communities;
- (c) Ensure adequate light, air, and open space for each dwelling;
- (d) Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and other residential uses and appropriate to the physical characteristics of the site and the area where the project is proposed;
- (e) Promote opportunities for a variety of housing for all income groups and for those with special housing needs; and
- (f) Provide sites for public and semi-public land uses, such as day care centers, parks, community facilities, places for religious assembly, schools, and public safety facilities that will serve County residents.

The following zones implement the General Plan residential land use designations.

R-R Zone. The Rural Residential (R-R) Zone provided for large lot rural homesites within or adjacent to existing rural communities where full urban services are not available or expected and in urban communities where rural residential densities already exist. Lots will generally have sufficient area to allow for individual water supply, sewage disposal, and storm water drainage. Typically, areas in this zone will contain parcels too small to support significant commercial agriculture yet are suitable for residential use without undue

detriment to the agricultural productivity of San Joaquin County. This zone implements the Rural Residential land-use category of the General Plan.

R-VL Zone. The Very Low Density Residential (R-VL) Zone provides a transition from agricultural and rural to urban areas by allowing for detached, single-unit dwellings and bungalow courts on large lots located in areas with existing large lot development, within communities around sensitive natural resources, and on the urban fringes around cities. This zone implements the Very Low Density Residential land-use category of the General Plan.

R-L Zone. The Low Density Residential (R-L) Zone provides for neighborhoods consisting of detached single-unit dwellings and bungalow courts, located within or immediately adjacent to urban and rural communities and city fringe areas that are served by a public water supply, sanitary sewer system, and similar facilities and services. Limited neighborhood-serving commercial uses and compatible public and quasi-public uses, including parks and schools, are permitted, subject to standards to ensure land use compatibility. This zone implements the Low Density Residential land-use category of the General Plan.

R-M Zone. The Medium Density Residential (R-M) Zone accommodates attached and detached single-unit dwellings, including small "zero lot line" homes, duplexes, bungalow courts, and multi-unit residential development in neighborhoods most appropriately situated as buffers between less and more intensively developed residential areas or as transitions from residential to commercial areas. In addition to residential uses, this zone allows for small-scale neighborhood commercial and office uses at appropriate locations and a limited number of public and quasi-public uses, such as day care centers, parks, schools, public safety facilities, and residential care facilities, all of which are appropriate in a medium density residential environment. The zone implements the Medium Density Residential land-use category of the General Plan.

R-MH Zone. The Medium-High Density Residential (R-MH) Zone allows for detached and attached single-unit dwellings, bungalow courts, and multi-unit residential development in central portions of urban communities, along major transportation routes, and around major commercial areas. In addition to residential uses, this zone allows for limited, neighborhood-serving commercial and office uses, compatible public and semi-public uses, including day care centers, public safety facilities, community assembly, parks, schools, and residential care facilities and transitional and supportive housing, all of which are appropriate in a medium-high density residential environment. This zone implements the Medium-High Density Residential land-use category of the General Plan.

R-H Zone. The High Density Residential (R-H) Zone provides for a broad variety of housing, including single-unit dwellings, duplexes, bungalow courts and multi-unit residential development, located near central business districts, major commercial areas, and major transportation routes. It also accommodates hotels and motels, neighborhood-scale commercial and mixed use development, offices, and compatible public and quasi-public uses, including day care centers, public safety facilities, community assembly,

parks, schools, and residential care facilities and transitional and supportive housing. This zone is intended to implement the High Density Residential land-use category of the General Plan.

9-200.020 LAND USE REGULATIONS

Table 9-200.020-1 prescribes the land use regulations for the Residential zones. Use types are defined in Chapter 9-901, Updated Use Type Classifications; key terms used in the classifications are defined in Chapter 9-900, Terms and Definitions. In cases where a specific land use is not defined, the Zoning Administrator shall assign the land use a classification that is substantially similar in character. Use classifications and sub classifications not listed in the table or not found to be substantially similar to the uses listed in the table are prohibited. Numbered limitations for a specific use in an individual zone ("L1, L2, etc.") refer to limitations listed at the end of the table. The right-hand column in the table includes specific section references for other regulations in this Title, in Chapter 9-409, Standards for Specific Uses and Activities, and in other chapters. Zoning Clearance and permitting procedures are in the 800 Series.

TABLE 9-200.020-1: USES IN RESIDENTIAL ZONES							
<i>P = Permitted use (Zoning Clearance required); A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; L# = Numbered limitation at end of table. "-" = Not permitted</i>							
<i>Use Types</i>	<i>R-R</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>	<i>R-H</i>	<i>Additional Regulations</i>
Residential							
Day Care	See subclassifications below						
<i>Day Care Center</i>	C	C	C	C	C	C	9-409.170, Day Care Center
<i>Large Family Day Care</i>	A	A	A	A	A	A	9-409.220, Family Day Care, Large
<i>Small Family Day Care</i>	P	P	P	P	P	P	
Emergency Shelter	-	-	-	A	A	A	9.409.190, Emergency Shelters
Farm Employee Housing	See subclassifications below						9-409.230, Farm Employee Housing
<i>Large</i>							
<i>Small</i>	-	-	-	-	-	-	
Group Residential	See subclassifications below						9-409.250, Group Residential
<i>Congregate Housing</i>	-	-	A	A	A	A	
<i>Senior Group Residential</i>	-	-	A	A	A	A	
Mobile Home Park	-	-	C	C	-	-	9-409.310, Mobile Home Park
Residential Care Facility	See subclassifications below						9-409.380, Residential Care
<i>Large</i>	-	-	-	A	A	A	
<i>Small</i>	P	P	P	P	P	P	
Residential Housing Types	See subclassifications below						
<i>Single-Unit Dwelling</i>	P	P	P	P	P	P	9-200.040, Two-unit Projects in the R-L Zone 9-409.020, Accessory Dwelling Units
<i>Bungalow Court</i>	P	P	P	P	P	P	9-409.030, Accessory Short-term Rentals

TABLE 9-200.020-1: USES IN RESIDENTIAL ZONES							
<i>P = Permitted use (Zoning Clearance required); A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; L# = Numbered limitation at end of table. "-" = Not permitted</i>							
<i>Use Types</i>	<i>R-R</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>	<i>R-H</i>	<i>Additional Regulations</i>
<i>Duplex</i>	-	-	LI	P	P	P	9-409.160, Cottage Food Operations 9-409.2670, Home Occupations
<i>Multi-Unit Residential</i>	-	-	-	A	A	A	
Single Room Occupancy	-	-	-	-	-	P	9-409.410, Single Room Occupancy Housing
Supportive Housing	-	-	P	P	P	P	
Transitional Housing	-	-	P	P	P	P	
Veterans Supportive Housing	-	-	P	P	P	P	9-409.440, Veterans Supportive Housing
Non-Residential							
Adult Business	-	-	-	-	-	-	
Aerial Facilities	See subclassification below						
<i>Agricultural</i>	-	-	-	-	-	-	
<i>Airfield</i>	-	-	-	-	-	-	
<i>Commercial Airport</i>	-	-	-	-	-	-	
Agricultural Excavation	See subclassification below						
<i>Large</i>	-	-	-	-	-	-	
<i>Small</i>	-	-	-	-	-	-	
Agricultural Industry	-	-	-	-	-	-	
Agricultural Sales	See subclassification below						
<i>Agricultural Chemical Sales</i>	-	-	-	-	-	-	
<i>Feed and Grain Sales</i>	-	-	-	-	-	-	
Agricultural Warehousing	-	-	-	-	-	-	
Agricultural Waste Facilities	-	-	-	-	-	-	
Animal Care, Sales and Services	See subclassifications below						
<i>Boarding and Breeding</i>	A	-	-	-	-	-	
<i>Large</i>	-	-	-	-	-	-	
<i>Small</i>	A	-	-	-	-	-	
<i>Grooming and Sales</i>	-	-	-	-	-	-	
<i>Stables</i>	A	-	-	-	-	-	
<i>Veterinary</i>							
<i>Large Animal</i>	-	-	-	-	-	-	
<i>Small Animal</i>	-	-	-	-	-	-	
Animal Feeding and Sales	-	-	-	-	-	-	
Animal Raising	See subclassification below						9-409.070, Animal Keeping and Raising
<i>Exotic</i>	-	-	-	-	-	-	

TABLE 9-200.020-1: USES IN RESIDENTIAL ZONES							
<i>P = Permitted use (Zoning Clearance required); A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; L# = Numbered limitation at end of table. "-" = Not permitted</i>							
<i>Use Types</i>	<i>R-R</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>	<i>R-H</i>	<i>Additional Regulations</i>
<i>Family Food Production/Education</i>	P	P	P	-	-	-	
<i>General</i>	-	-	-	-	-	-	
<i>Hogs</i>	-	-	-	-	-	-	
<i>Other</i>	-	-	-	-	-	-	
<i>Artist's Studio</i>	See subclassifications below						
<i>Large</i>	-	-	-	-	-	-	
<i>Small</i>	-	-	-	-	-	-	
<i>Assembly</i>	See subclassifications below						9-409.080, Assembly
<i>Community</i>	-	-	C	C	C	A	
<i>Veterans and Service Organizations</i>	-	-	-	C	C	A	
<i>Religious Assembly</i>	-	-	C	C	C	A	
<i>Auction Sales</i>	See subclassifications below						
<i>Indoor</i>	-	-	-	-	-	-	
<i>Outdoor</i>	-	-	-	-	-	-	
<i>Automotive Sales and Services</i>	See subclassification below						9-409.090, Automobile/Vehicle Sales and Services
<i>Alternative Fuels and Recharging Facility</i>	-	-	-	-	A	A	
<i>Rentals</i>	-	-	-	-	-	-	
<i>Repairs, Limited</i>	-	-	-	-	-	-	
<i>Repairs, Major</i>	-	-	-	-	-	-	
<i>Sales</i>	-	-	-	-	-	-	
<i>Washing/Detailing</i>	-	-	-	-	-	-	
<i>Catering and Delivery</i>	-	-	-	-	-	-	
<i>Cinema/Theater</i>	-	-	-	-	-	-	
<i>Commercial Cannabis</i>	See subclassification below						9-409.140, Commercial Cannabis
<i>Cultivation</i>	-	-	-	-	-	-	
<i>Distribution</i>	-	-	-	-	-	-	
<i>Manufacturing</i>	-	-	-	-	-	-	
<i>Non-Storefront Retail Sales</i>	-	-	-	-	-	-	
<i>Laboratory Testing</i>	-	-	-	-	-	-	
<i>Communication Facilities</i>	See subclassification below						
<i>Towers</i>	-	-	-	-	-	-	

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<i>Use Types</i>	<i>R-R</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>	<i>R-H</i>	<i>Additional Regulations</i>
<i>Building-Related</i>	-	-	-	-	-	-	
<i>Co-Location</i>	-	-	-	-	-	-	
Community Garden	P	P	P	P	P	P	
Construction Services	See subclassification below						
<i>General</i>	-	-	-	-	-	-	
<i>Heavy</i>	-	-	-	-	-	-	
<i>Outdoor Storage</i>	-	-	-	-	-	-	
Correctional or Detention Facility	-	-	-	-	-	-	
Crop Production	P	P	P	P	P	P	
Cultural Institutions	-	-	-	C	A	A	
Dairies and Creameries	-	-	-	-	-	-	
Eating and Drinking Establishment	See subclassification below						
<i>Bar</i>	-	-	-	-	-	-	
<i>Restaurant, Full Service</i>	-	-	-	-	-	-	
<i>Restaurant, Limited Service</i>	-	-	-	-	-	-	
Educational Services	See subclassification below						
<i>College</i>	-	-	-	-	C	C	
<i>Schools</i>	-	-	L3	L3	L3	L3	9-409.390, Schools
<i>Trade Schools</i>	-	-	-	-	-	C	
Equipment Sales, Repair, and Storage	See subclassification below						
<i>Aircraft</i>	-	-	-	-	-	-	
<i>Farm Machinery, Sales</i>	-	-	-	-	-	-	
<i>Farm Machinery, Repair</i>	-	-	-	-	-	-	
<i>Leisure, Sales and Repair</i>	-	-	-	-	-	-	
<i>Leisure, Storage</i>	-	-	-	-	-	-	
<i>Small Equipment Rental</i>	-	-	-	-	-	-	
Freight and Truck Terminals	-	-	-	-	-	-	
Fuel Sales	See subclassification below						
<i>Service Stations</i>	-	-	-	-	-	-	
<i>Combination</i>	-	-	-	-	-	-	
<i>Alternative</i>	-	-	-	-	-	-	

TABLE 9-200.020-1: USES IN RESIDENTIAL ZONES							
<i>P = Permitted use (Zoning Clearance required); A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; L# = Numbered limitation at end of table. "-" = Not permitted</i>							
<i>Use Types</i>	<i>R-R</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>	<i>R-H</i>	<i>Additional Regulations</i>
<i>Recharging</i>	-	-	-	-	-	-	
Funeral/Interment Services	See subclassification below						
<i>Cemetery</i>	-	C	C	C	-	-	
<i>Crematory</i>	-	-	-	-	-	-	
<i>Mortuary</i>	-	-	-	-	-	-	
<i>General Industry</i>	-	-	-	-	-	-	
Government Buildings	-	-	-	-	C	C	
Industrial Hemp Production	-	-	-	-	-	-	
Instructional Services	-	-	-	-	-	-	
Light Fleet-Based Services	-	-	-	-	-	-	
Limited Industry	-	-	-	-	-	-	
Live-Work Unit	-	-	-	-	-	-	
Marinas	-	-	-	-	-	-	
Medical Services	See subclassifications below						9-409.280, Hospitals and Clinics
<i>Hospital</i>	-	-	-	-	C	C	
<i>Clinic</i>	-	-	-	L2	L2	L2	
<i>Skilled Nursing Facility</i>	-	-	-	-	C	C	
Nursery Sales and Landscaping Services	-	-	-	-	-	-	
Offices	-	-	-	-	L4	L4	
Park and Open Space	See subclassifications below						
<i>Parks</i>	A	A	A	A	A	A	
<i>Wildlife Preserve</i>	-	-	-	-	-	-	
Parking Facility	-	-	-	-	-	-	
Personal Services	See subclassifications below						9-409.350, Personal Services
<i>General Personal Services</i>	-	-	-	-	L4	L4	
<i>Massage Establishment</i>	-	-	-	-	-	-	
<i>Health and Fitness Facility</i>	-	-	-	-	L4	L4	
Petroleum and Gas Extraction	-	-	-	-	-	-	
Produce Sales	See subclassification below						
<i>Agricultural Store, Small</i>	-	-	-	-	-	-	
<i>Agricultural Store, Large</i>	-	-	-	-	-	-	
<i>Farmers' Market, Certified</i>	-	-	-	-	-	-	

TABLE 9-200.020-1: USES IN RESIDENTIAL ZONES							
<i>P = Permitted use (Zoning Clearance required); A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; L# = Numbered limitation at end of table. "-" = Not permitted</i>							
<i>Use Types</i>	<i>R-R</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>	<i>R-H</i>	<i>Additional Regulations</i>
<i>Produce Stand</i>	-	-	-	-	-	-	
Public Safety Facilities	C	C	C	C	C	C	
Quarry Operations	-	-	-	-	-	-	
Recreation Facilities	See subclassifications below						
<i>Campgrounds</i>	-	-	-	-	-	-	
<i>Large Outdoor Facility</i>	-	-	-	-	-	-	
<i>Large Indoor Facility</i>	-	-	-	-	-	-	
<i>Outdoor Sports</i>	-	-	-	-	-	-	
<i>Resort</i>	-	-	-	-	-	-	
<i>Small-scale Facility</i>	-	-	-	-	-	-	
Recycling Facilities	See subclassification below						
<i>Agricultural</i>	-	-	-	-	-	-	
<i>Sorting</i>	-	-	-	-	-	-	
<i>Processing</i>	-	-	-	-	-	-	
Renewable Energy	See subclassification below						
<i>Biomass Conversion</i>	-	-	-	-	-	-	
<i>Small Scale Solar Energy Systems</i>	P	P	P	-	-	-	
<i>Small-Scale Wind Energy System</i>	P	P	P	-	-	-	
<i>Utility Scale Solar Energy System</i>	-	-	-	-	-	-	
<i>Utility-Scale Wind Energy System</i>	-	-	-	-	-	-	9-409.420, Solar Energy Facilities 9-409.450, Wind Energy Systems
Repair Service	-	-	-	-	-	-	
Research and Development	See subclassification below						
<i>High Technology</i>	-	-	-	-	-	-	
<i>Laboratory</i>	-	-	-	-	-	-	
Retail Sales and Services	See subclassification below						
<i>Business Services</i>	-	-	-	-	-	-	
<i>Convenience Store</i>	-	-	P	P	P	P	
<i>General Market</i>	-	-	-	-	-	-	9-409.150, Convenience Store 9-409.300, Mobile Food Vendors
<i>General Retail Sales</i>	C	C	C	A	A	A	9-409.340, Outdoor Sales
<i>Liquor Sales, Off-Premises</i>	A	A	A	A	A	A	

TABLE 9-200.020-1: USES IN RESIDENTIAL ZONES							
<i>P = Permitted use (Zoning Clearance required); A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; L# = Numbered limitation at end of table. "-" = Not permitted</i>							
<i>Use Types</i>	<i>R-R</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>	<i>R-H</i>	<i>Additional Regulations</i>
<i>Mobile Food Vendor, On-Premises</i>	-	-	-	-	-	-	
Salvage and Wrecking	-	-	-	-	-	-	
Social Service Center	-	-	-	-	C	C	
Transient Lodging	See subclassification below						
<i>Bed and Breakfast</i>	P	P	P	P	P	P	9-409.100, Bed and Breakfast Lodging
<i>Hotel and Motel</i>	-	-	-	-	-	-	
<i>Recreational Vehicle Parks</i>	-	-	-	-	-	-	
<i>Short-term Rentals</i>	P	P	P	P	P	P	9-409.030, Accessory Short-term Rentals
Truck Services	See subclassification below						
<i>Parking</i>	-	-	-	-	-	-	
<i>Repairs</i>	-	-	-	-	-	-	
<i>Sales and Rentals</i>	-	-	-	-	-	-	
<i>Stops</i>	-	-	-	-	-	-	
<i>Washing</i>	-	-	-	-	-	-	
Utilities	See subclassification below						
<i>Major</i>	-	-	-	-	-	-	
<i>Minor</i>	P	P	P	P	P	P	
Warehouse, Storage, and Distribution	See subclassification below						
<i>Chemical, Mineral, and Explosives Storage</i>	-	-	-	-	-	-	
<i>Indoor</i>	-	-	-	-	-	-	
<i>Outdoor</i>	-	-	-	-	-	-	
<i>Personal</i>	-	-	-	-	-	-	
<i>Vehicle</i>	-	-	-	-	-	-	
Waste Facilities	See subclassification below						
<i>Agricultural</i>	-	-	-	-	-	-	
<i>Hauling and Transfer</i>	-	-	-	-	-	-	
Water Storage	-	-	-	-	-	-	
Wine Facilities	See subclassification below						
<i>Winery, Large</i>	-	-	-	-	-	-	
<i>Winery, Medium</i>	-	-	-	-	-	-	
<i>Winery, Small</i>	-	-	-	-	-	-	

TABLE 9-200.020-1: USES IN RESIDENTIAL ZONES							
<i>P = Permitted use (Zoning Clearance required); A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; L# = Numbered limitation at end of table. "-" = Not permitted</i>							
<i>Use Types</i>	<i>R-R</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>	<i>R-H</i>	<i>Additional Regulations</i>
<i>Off-site Wine Cellar</i>	-	-	-	-	-	-	

Notes:
 L1 Permitted provided that the combined floor area of the duplex units does not exceed 2,500 square feet.
 L2 Permitted, but an Administrative Use Permit is required for more than 5,000 square feet.
 L3 An Administrative Use Permit is required if a new non-exempt school (e.g., a charter school or private school) will be in an existing building, and any new space added to the building will not exceed 20 percent of existing floor area, excluding space if portable classrooms. A Conditional Use Permit is required for all new construction of schools and for additions to an existing building that exceeds 20 percent of existing floor area.
 L4 Allowed on the ground floor of a residential building with an Administrative Use Permit.

(a) **Expansion of Uses and Structures.** Uses or structures that require discretionary review may be expanded with a Zoning Clearance, provided the following conditions are met:

- (1) The proposed expansion or construction of a structure involves less than a 25 percent increase in the existing, approved floor area, as shown on the most recent land use permit or Zoning Clearance on file, but no more than 10,000 square feet;
- (2) The proposed expansion involves less than a 25 percent in the developed area of the site; and
- (3) The proposed expansion will not have a substantial, adverse effect on adjacent property and on the traffic-carrying capacity of local streets.

Where conditions in Subsections (1), (2), and (3) of this Section are not met, the level of review for the expansion shall be the same as the level of review required in Table 9-202.020-1 for a new use.

(b) **Accessory Uses and Structures.** Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-200.020-2. Accessory uses and structures not specifically listed in Table 9-200.020-2 are allowed with a Zoning Clearance if the primary use is permitted; they require an Administrative Use Permit if the primary use requires either an Administrative Use Permit or a Conditional Use Permit. All accessory uses are subject to the requirements of Section 9-409.040, Accessory Uses.

TABLE 9-200.020-2 - ACCESSORY USES AND STRUCTURES IN RESIDENTIAL ZONES							
<i>Accessory Use or Structure</i>	<i>R-R</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>	<i>R-H</i>	<i>Additional Regulations (Section)</i>
Accessory Dwelling Unit	P	P	P	P	P	P	9-409.020, Accessory Dwelling Units; Second Unit Dwellings

TABLE 9-200.020-2 - ACCESSORY USES AND STRUCTURES IN RESIDENTIAL ZONES							
<i>Accessory Use or Structure</i>	<i>R-R</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>	<i>R-H</i>	<i>Additional Regulations (Section)</i>
Accessory Short-Term Rentals	P	P	P	P	P	P	9-409.030, Accessory Short-term Rentals
Antennae, Radio/TV Dish	P	P	P	P	P	P	Chapter 9-41 I, Wireless Communications Facilities
Agricultural Building	P	P	P	P	P	P	Only as accessory to crop production
Agricultural Equipment Storage	-	-	-	-	-	-	
Barn	P	P	P	-	-	-	
Biomass Energy Production	-	-	-	-	-	-	
Boathouse, Private	P	P	P	P	P	P	One per lot
Coop	P	P	P	P	P	P	
Distilled Spirits Storage	-	-	-	-	-	-	
Dock, Private	P	P	P	P	P	P	One per lot
Garage, Private	P	P	P	P	P	P	
Greenhouse, Private	P	P	P	-	-	-	
Guesthouse	P	P	P	P	-	-	
Home Occupation	P	P	P	P	P	P	9-409.270, Home Occupations
Horse Raising	P	P	-	-	-	-	Only as accessory to a residence
Owner-Operator Truck Parking	-	-	-	-	-	-	
Packing Shed	-	-	-	-	-	-	
Pet Grooming and Training	-	-	-	-	-	-	
Pump/Pumphouse	P	P	-	-	-	-	
Residential Solar Energy System, Small	P	P	P	P	P	P	9-409.420, Solar Energy Systems
Second Unit Dwelling	-	-	-	-	-	-	
Silo	-	-	-	-	-	-	
Stable, Private	P	P	-	-	-	-	
Swimming Pool & Equipment	P	P	P	P	P	P	
Truck Parking	-	-	-	-	-	-	
Water Storage Facility	P	-	-	-	-	-	
Wind Energy Machine, Private	P	P	-	-	-	-	9-409.450, Wind Energy Systems
Workshop/Hobby Shop	P	P	P	P	-	-	

- (c) **Temporary Uses and Structures.** Permitted, not permitted, and conditionally permitted temporary uses and structures are set forth in Table 9-200.020-3 and Section 9-409.430, Temporary Uses. Temporary uses or structures not specifically listed in

Table 9-200.020-3 may be allowed, subject to approval of a Temporary Use Permit pursuant to Section 9-804.080, Temporary Use Permits.

TABLE 9-200.020-3: TEMPORARY USES & STRUCTURES IN RESIDENTIAL ZONES							
<i>Temporary Use or Structure</i>	<i>R-R</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>	<i>R-H</i>	<i>Additional Regulations (Section)</i>
Auction, Agricultural Machinery	-	-	-	-	-	-	
Auction, Livestock	-	-	-	-	-	-	
Car Wash	-	-	-	-	-	-	
Car Wash, Private	P	P	P	P	P	P	9-409.430 (a), Exempt Temporary Uses
Commercial Filming	T	T	T	T	T	T	
Corporation yard	-	-	-	-	-	-	
Farmers' Market, Certified	-	-	-	-	-	-	
Garage/Yard Sales	P	P	P	P	P	P	Limit: 2 sales, up to 3 consecutive days, 4 times a year; see 9-409.430(a)(3)
Produce Stand	-	-	-	-	-	-	
Public Display of Fireworks	T	T	T	-	-	-	9-409.240, Fireworks
Real Estate Sales	P	P	P	P	P	P	
Seasonal Sales	-	-	-	-	-	-	
Special Events and Sales	-	-	-	-	-	-	
<i>Special Outdoor Event</i>	-	-	-	-	-	-	
<i>Special Indoor Event</i>	-	-	-	-	-	-	9-406.430, (b)(5), Special Events and Sales
Subdivision Sales Office	T	T	T	T	T	T	
Storage Structure	T	T	T	T	T	T	
Temporary Real Estate Sales	-	-	-	-	-	-	
Temporary Structure	-	-	-	-	-	-	Only if incidental to construction pursuant to a building permit; see 9-409.430 (b)(6) & (b)(7)
Temporary Work Trailer	T	T	T	T	T	T	
Legend:							
P Permitted Use							
T Use Permitted Subject to a Temporary Use Permit							
- Use Not Permitted							

(d) **Additional Use Regulations.** The following additional regulations shall apply to those uses or use types specified below:

- (1) **Animal Raising - Limited.** In the Rural Residential (R-R) and Very Low Density Residential (R-VL) zones, the number of animals that may be raised shall not exceed the number permitted in Section 9-409.070, Animal Keeping and Raising.
- (2) **Development in General Plan-Designated Open Space/Conservation Areas.** See Section 9-706.050, Open Space/Resource Conservation Areas.

- (3) **Protection of the Delta Primary Zone.** See Section 9-706.060. Protection of the Delta Primary Zone.
- (4) **Trucks in Residential Zones.** No non-passenger truck or van, or semi-trucks, truck tractors, and semi-trailers shall be parked or stored on private property in any area zoned for residential use and containing a primary dwelling unit.
- (5) **When No Use Permit is Required for a Change in Use.** Any change in an existing use to a new use, which requires either an Administrative Use Permit or a Conditional Use Permit, shall be permitted without a Use Permit, provided the Zoning Administrator finds that the proposed use: 1) will have no greater impact in the zone than the existing use; and 2) occupies the same floor area as the existing use.

9-200.030 DEVELOPMENT STANDARDS

Table 9-200.030-1 prescribes the development standards for the Residential zones. The numbers in the illustration refer to corresponding regulations in the “#” column.

TABLE 9-200.030-1: DEVELOPMENT STANDARDS – RESIDENTIAL ZONES							
District	R-R	R-VL	R-L	R-M	R-MH	R-H	#
Lot and Density Standards							
Maximum Density (units/net are)	1.25	2.5	7.5	12.5	18.75	50	
Minimum Lot Size (sq. ft.)	1 acre	17,500	5,000	5,000	3,000	3,000	
Minimum Lot Width (ft.) ⁵	150	100	50	50	40	40	1
Corner Lots	150	100	60	60	50	50	2
Minimum Lot Depth (ft.)	65	65	65	65	60	60	3
Building Form and Location							
Maximum Height (ft.)							
Dwellings	40	40	40	40	40	40	4

TABLE 9-200.030-1: DEVELOPMENT STANDARDS – RESIDENTIAL ZONES							
District	R-R	R-VL	R-L	R-M	R-MH	R-H	#
Accessory Dwelling Unit	22 ⁴	22 ⁴	22 ⁴	22 ⁴	22 ⁴	22 ⁴	
Building Form and Location							
Buildings Accessory to Dwellings	22 ²	22 ²	22 ²	22 ²	22 ²	22 ²	5
Other Buildings not Accessory to a Dwelling	40	40	40	40	40	40	
Minimum Setbacks (ft.)							
Front & Street Side – Regular; Right-of-Way less than 50'	30; 40 ³	30; 40 ³	20; 30 ³	20; 30 ³	15; 25 ³	15; 25 ³	6, 7
Interior Side - Main Structure; Accessory Structures	15; 15	15; 10	5; 5	5; 5	5; 5	5; 5	8
Rear – Main Structure; Accessory Structures	30; 15	30; 15	10; 5	10; 5	10; 5	10; 5	9, 10
Notes:							
¹ See Section 9-400.050, Exceptions to Height Limits. ² If accessory building includes habitable space on the second floor, the maximum height is 40 feet. For accessory dwelling units, see Section 9-409.020. ³ Increased setback required. ⁴ When more than 50 percent of the floor area of an accessory dwelling unit is located above a garage, the maximum height of the entire combined structure is 25 feet. ⁵ Minimum lot widths for yards shall be measured at the minimum front setback.							

(a) **Lot Area and Width.**

(1) **Lot Area.** The minimum lot area within Residential zones shall be as set forth in Table 9-200.030-1 with the following modifications.

- (A) *Major or Minor Subdivisions.* For Major or Minor Subdivision applications, the size of individual lots may be reduced to 75 percent of the minimum lot size required by Table 9-200.030-1 and the average lot size for all lots in the proposed subdivision shall be equal to or greater than the minimum lot size required.
 - (B) *Affordable Housing.* Lot sizes for developments providing housing affordable to persons of extremely low, very low, and low income may receive a bonus incentive which provides a reduction in lot size pursuant to Chapter 9-401, Affordable Housing Density Bonus.
- (2) **Lot Width.** The minimum lot width within Residential zones be as set forth in Table 9-200.030-1 with the following modifications.
- (A) *Major or Minor Subdivision.* The lot width of individual lots in a Major or Minor Subdivision may be reduced to 70 percent of the minimum lot width required by Table 9-200.030-1, provided the following conditions are met:
 - (i) The average lot width for all lots in the proposed subdivision shall be equal to or greater than the minimum lot width required; and
 - (ii) Individual corner lots shall not have a width of less than 50 feet.
 - (B) *Affordable Housing.* The lot width for developments providing housing affordable for persons of extremely low, very low, and low incomes may receive a density bonus which provides a reduction in lot width pursuant to Chapter 9-401, Affordable Housing Density Bonus.
- (b) **Yards.** Yards on lots within Residential zones shall have the minimum dimensions set forth in Table 9-200.030-1, except as modified below:
- (1) **Reduction of Required Yards, Developed Areas.** Required yards may be reduced in developed areas as follows:
 - (A) If more than 50 percent of the block on which the lot sits is developed, the required yard may be reduced to the average of the existing yard dimensions for permitted structures on the block. In no case, however, shall a street side yard be less than 10 feet in width.
 - (B) If the lot has less width than the required width specified in Table 9-200.030-1, the side yards may be reduced to 10 percent of the width of the lot, provided the interior side yard is not less than five feet in width and the street side yard is not less than 10 feet in width.
 - (C) If a corner lot is less than 50 feet in width, the street side yard may be reduced to 10 feet in width.

- (2) **Reduction of Required Yards, Major or Minor Subdivisions.** For Major or Minor Subdivision applications, the minimum dimensions for one or more required yards may be reduced or waived for individual lots, provided the following conditions are met:
 - (A) The maximum General Plan density is not exceeded;
 - (B) The minimum exterior wall separation of buildings, including those on adjacent lots, is not less than 10 feet, except where buildings on adjacent lots have a shared common wall or abut each other in a zero lot line project;
 - (C) The street side yard is not less than 10 feet in width;
 - (D) The sum of the dimensions of the side yards shall be equal to or greater than the sum of the dimensions of the side yards required by Table 9-200.030-1; and
 - (E) The sum of the dimensions of the front and rear yards shall be equal to or greater than the respective sum of the dimensions of the front and rear yards required by Table 9-200.030-1.
- (3) **Development Within Required Yards.** The following structures may be located in or extend into required yards, subject to the provisions specified:
 - (A) Architectural features, subject to the provisions of Chapter 9-400, General Site Regulations;
 - (B) Screening, fencing, and gates, subject to the provisions of Sections 9-400.060, Fencing and Screening, and 9-400.090, Screening of Equipment; and
 - (C) Additions to nonconforming single-family dwellings, subject to the provisions of Chapter 9-405, Nonconformity Provisions.
- (c) **Affordable Housing.** In projects providing housing affordable for persons of extremely low, very low, and low incomes, a density bonus may provide for reductions in the lot and yard dimensions pursuant to Chapter 9-401, Affordable Housing Density Bonus. A streamlined ministerial approval process also is available on request for qualifying affordable housing projects on infill sites; see Section 9-401.110.
- (d) **Height.** Buildings and structures in the Residential zones shall not exceed the heights set forth in Table 9-200.030-1, except as provided by Chapter 9-400, General Site Regulations; screening devices, including fences, gates, and gate posts, shall comply with the height requirements specified in Section 9-400.060, Fencing and Screening.
- (e) **Additional Development Standards – R-L, R-M, R-MH, and R-H Zones.**

- (1) **Transitional Standards.** Where an R-M, R-MH, or R-H zone abuts an R-L or R-VL zone and a structure greater than two stories is proposed, the following standards apply:
 - (A) The building setback from the R-M, R-MH, and R-H zone boundary shall be 10 feet for side yards and 20 feet for rear yards.
 - (B) A landscaped planting area, a minimum of five feet in width, shall be provided along all R-L or R-VL zone boundaries. A tree screen shall be planted in this area with trees planted at a maximum interval of 15 feet.
- (2) **Accessory Building Height.** If a peak roof is used, the height limit may be increased to 22 feet.
- (3) **Upper Story Stepback.** Upper stories of a street facing building with three or more stories shall be stepped back a minimum of 10 feet from the story below. Exceptions may be granted by the Zoning Administrator, provided that an entry courtyard with a minimum depth of 25 feet, landscaping, and seating amenities are provided on the ground level at grade; or other comparable public amenities are provided.
- (4) **Parking Setback.** Parking may be located within the required front setback if the parking area is well screened with a wall, hedge, and/or landscaping.
- (5) **Usable Open Space.** Private and common open space for outdoor living shall be provided in accordance with the following attributes:
 - (A) Private open space shall consist of balconies, decks, patios, fenced yards, and other similar areas directly accessible from a residential unit. Private open space located on the ground level (e.g., yards, decks, and patios) shall have no horizontal dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.
 - (B) Common open space shall consist of courtyard entries, landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements available to all residents. Common open space shall have no horizontal dimension less than 15 feet.
 - (C) All private and common open space shall be designed to be usable, with a surface provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. The slope of these areas shall not exceed 10 percent.

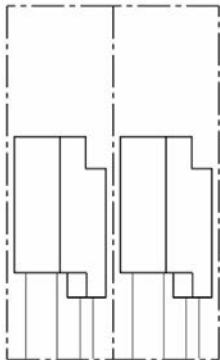
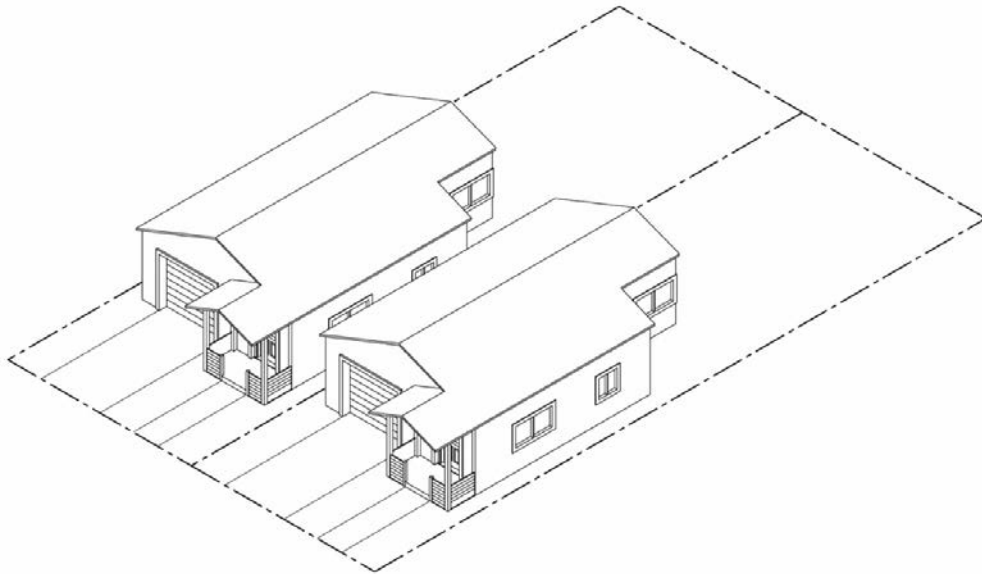
(f) **Residential Development Types.** This section provides supplemental standards for small lot single unit, bungalow court, and townhouse development types. The first subsection below establishes the development standards for these residential development types, and the second subsection establishes the procedures for small lot subdivisions where these types of housing can be built. Small lot single units are allowed wherever single-unit dwelling are allowed, and bungalow courts are allowed in zones as shown in Table 9-200.020-1. The townhouse development types are allowed on lots in any zone where multi-unit residential development is allowed pursuant to Table 9-200.020-1.

(1) **Small Lot Single Unit, Bungalow Court, and Townhouse Development Types.** Small lot single unit, bungalow court, and townhouse development types are subject to the development standards and supplemental regulations of the base zone unless modified by Table 9-200.030-2.

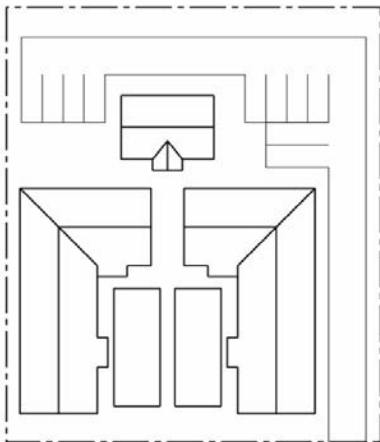
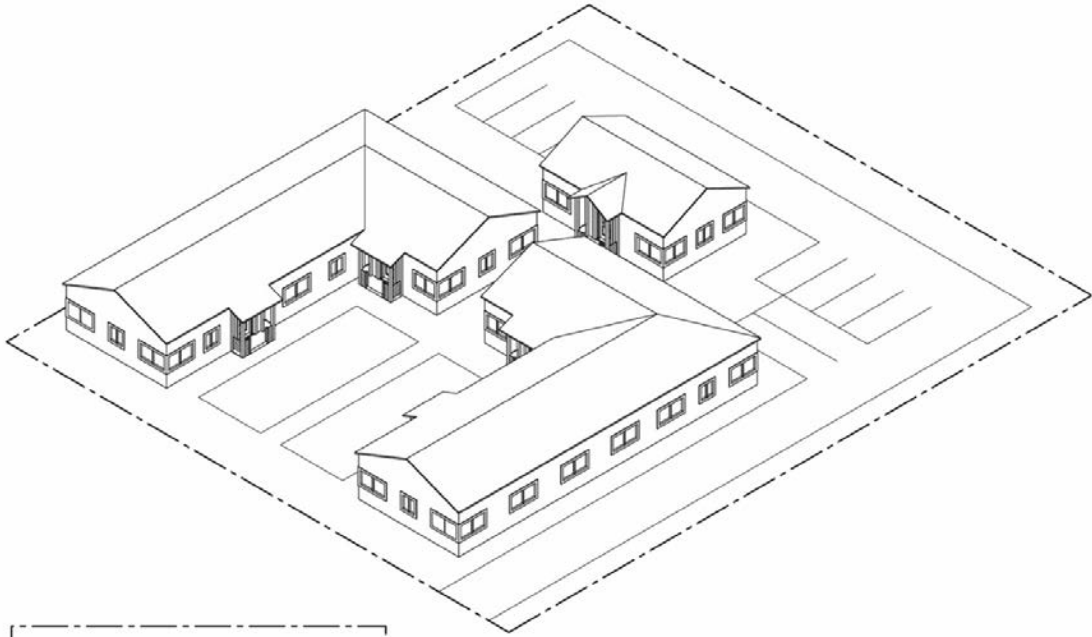
TABLE 9-200.030-2: DEVELOPMENT STANDARDS – SMALL LOT SINGLE UNIT, BUNGALOW COURT, AND TOWNHOUSE DEVELOPMENT TYPES			
<i>Standard</i>	<i>Small Single Unit</i>	<i>Lot Bungalow Court</i>	<i>Townhouse</i>
Site Standards			
Minimum Project Site Width (ft)	30	75	80
Maximum Project Site Floor Area Ratio (FAR)	0.6	0.6	1.0
Building Height and Form			
Maximum Number of Stories	2	2	3
Maximum Building Length (ft)	n/a	n/a	125
Setbacks			
Project Site	The overall project site is subject to the setback requirements of the zone where the project is located.		
Individual Lot (ft)			
<i>Front</i>	1 st -story portion: 10; 7 for porches, stoops, and dooryards		
<i>Side</i>	1 st -story portion: 0; 2 nd and 3 rd story portions: 5 For Townhouses, required setbacks apply to the ends of rows of attached units.		
<i>Rear</i>	5; 0 for detached garage on alley		
Building Separation of Detached Units (ft)	5	5	n/a
Parking and Access			
Maximum Garage Width (ft)	16; common garages not visible from the street may accommodate up to four cars.		
Access Location	Alley or side street wherever possible.		
Building Orientation			
Orientation	Facades shall be designed to orient towards the public street and a common courtyard, if provided.		

TABLE 9-200.030-2: DEVELOPMENT STANDARDS – SMALL LOT SINGLE UNIT, BUNGALOW COURT, AND TOWNHOUSE DEVELOPMENT TYPES			
<i>Standard</i>	<i>Small Single Unit</i>	<i>Lot Bungalow Court</i>	<i>Townhouse</i>
Entrance Location	The main entrance to each ground floor dwelling shall be visible to and located directly off a common courtyard or directly from the street.		
Usable Open Space			
Minimum Private Open Space (sq ft per unit)	300	150	300
Minimum Common Open Space	200 sf/unit	15% of lot area provided as a central courtyard	200 sf/unit
Minimum Dimensions			
<i>Ground floor, common (ft)</i>	n/a	20	15
<i>Ground floor, private (ft)</i>	15	8	8
<i>Balcony (ft)</i>	6	6	6
Additional Standards			
Minimum Visible Landscaping (% of site)	35	35	25
Minimum Amount of Enclosed Personal Storage (sq ft)	80	80	80

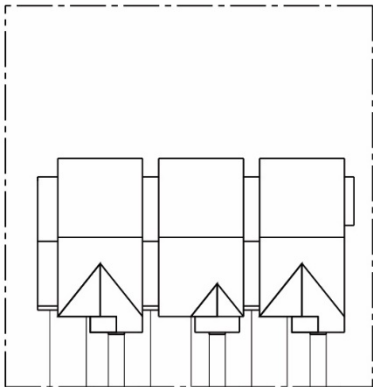
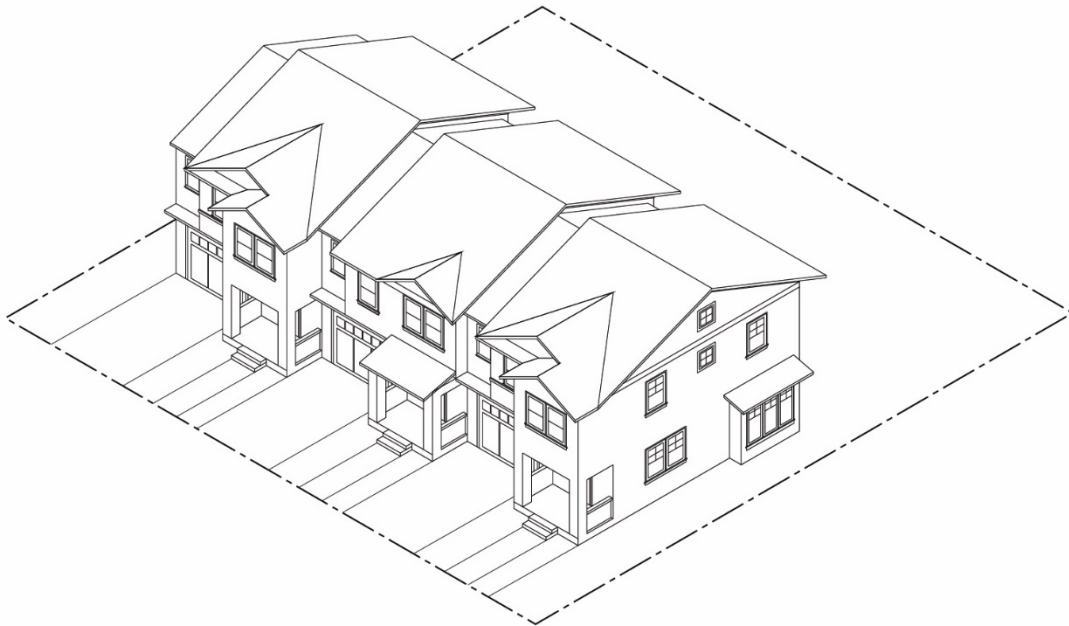
FIGURE 9-200.030-1: RESIDENTIAL DEVELOPMENT TYPE ILLUSTRATION: SMALL LOT SINGLE UNIT



**FIGURE 9-200.030-2: RESIDENTIAL DEVELOPMENT TYPE ILLUSTRATION:
BUNGALOW COURT**



**FIGURE 9-200.030-3: RESIDENTIAL DEVELOPMENT TYPE ILLUSTRATION:
TOWNHOUSE DEVELOPMENT**



- (2) **Small Lot Subdivisions – R-L and R-M Zones.** The purpose of this subsection is to provide opportunities to increase the supply of smaller dwelling units and affordable rental housing units in the County by allowing the creation of subdivisions with smaller lots and dwellings. It also is intended to establish development standards for these projects to ensure that they are compatible with the surrounding neighborhood. All of the requirements of the Series 500, Subdivision Regulations, also must be met.
- (A) *Location.* A small lot subdivision may be proposed and approved on any site within the R-L Zone where such development would be compatible with adjacent uses and the character of the area, and the overall density will not exceed the General Plan maximum unless additional density has been approved under Chapter 9-401, Affordable Housing Density Bonus. A small lot subdivision shall not be allowed where the Planning Commission determines that such compatibility will not occur, public utilities and services are inadequate, or the landform is inappropriate for such development because of grading or impacts on views from adjacent lots.
- (B) *Development Types.* Small lot subdivisions may be proposed and approved for small lot single unit, bungalow court, and townhouse development developed according to the standards in Section 9-200.030(f), Residential Development Types.
- (C) *Lot Standards.* The Planning Commission may approve smaller lots than required for the base zone, but no less than 2,400 square feet in area and 30 feet in width, upon finding that the development will be compatible with neighboring uses and will contribute to underserved segments of the County's housing market.

9-200.040 TWO-UNIT PROJECTS IN THE R-L ZONE

- (a) **Purpose and Relationship to Government Code.** The purpose of this section is to provide opportunities for two units on one legal parcel in the R-L Zone and on urban lot split lots, created under Section 9-501.040, consistent with State law. In the event of an inconsistency between this section and Government Code Section 65852.21, Government Code Section 65852.21 shall prevail.
- (b) **Where Not Permitted.** A two-unit residential development project shall not be permitted in any of the following circumstances:
- (1) Parcels located in:
- (A) Wetlands;

- (B) Very high fire severity zones, unless fire hazard mitigation measures have been approved for the parcel pursuant to County building standards or State fire mitigation measures;
 - (C) A hazardous waste site, unless the site has been cleared by the State for residential use;
 - (D) Delineated earthquake fault zones, unless the development complies with applicable seismic protection standards in the Building Code adopted by the County;
 - (E) Special flood hazard areas (100-year flood zones), unless the site has been subject to a FEMA Letter of Map Revision issued to the Floodplain Administrator or Floodplain Administrator determines that the site meets FEMA requirements and minimum flood plain management criteria of the National Flood Insurance Program;
 - (F) A regulatory floodway identified in a FEMA map, unless the development has received a “no-rise” certification from the Floodplain Administrator;
 - (G) Land identified for conservation in an adopted natural resource protection plan or an adopted habitat conservation plan for protected species or that are subject to a conservation easement; and
 - (H) A historic district designated pursuant to Chapter 9-704, Historic Districts and Landmarks, or included in the State Historic Resources Inventory.
- (2) The proposed development would require demolition or alteration of any of the following types of housing:
- (A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to moderate, low, or very low incomes;
 - (B) A rent-controlled unit;
 - (C) A unit that has been occupied by a tenant within the past three years; or
 - (D) Housing removed from the rental market within the past 15 years under the Ellis Act.
- (3) The proposed development would result in the demolition of more than 25 percent of the existing exterior structural walls.
- (4) The Zoning Administrator finds that the proposed development would have a specific, adverse impact on public health and safety or the physical environment that cannot be feasibly mitigated or avoided.

- (c) **General Requirements.** A proposed two-unit project shall comply with the following requirements:
- (1) A two-unit project located in a floodplain shall comply with Chapter 9-702, Flood Hazards.
 - (2) A permanent address is required for each Dwelling Unit.
 - (3) Applications for building permit, must include written confirmation that the requirements of Chapter 90602, Water Systems, and Chapter 9-604, Wastewater Treatment and Disposal, have been met.
 - (4) Any two-unit project legally created under this section shall be governed by the Zoning regulations in effect at the time of approval.
 - (5) Two-unit projects on urban lot split lots are subject to the requirements of Section 9-501.040.
- (d) **Restrictions.** A two-unit project qualifying for development under this section shall be subject to the following restrictions:
- (1) The development and use of the dwelling units shall only be valid and permitted based on the terms established in the Chapter.
 - (2) No dwelling unit shall be rented for a period of less than 30 consecutive days.
 - (3) On urban lot split lots approved under Section 9-501.040, no accessory dwelling units or junior accessory dwelling units are allowed.
 - (4) The owner and all successors in interest in the subject property shall agree to respond to any County survey of owners of residential dwelling units to determine the current use and conformity to the requirements of this Title for purposes of reporting to the State Department of Housing and Community Development (HCD) on implementation of State housing law.
 - (5) The owner and all successors in interest in the subject property shall maintain the dwelling units in accordance with all applicable regulations established in this Title. Violations and lack of compliance with any provisions of this Section may result in legal action against the property owner, including revocation of any right to maintain the Dwelling Units on the property, and shall be subject to administrative fines and penalties as established in Chapter 9-815, Enforcement.
- (e) **The Ministerial Approval Process**
- (1) The Zoning Administrator shall ministerially review and approve a two-unit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the two-unit project

complies with the requirements contained in this Title and qualifies for ministerial approval under Government Code Section 65852.21 (a).

- (2) Where a qualified two-unit application is submitted with an application for other development work that is subject to discretionary review, the application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
- (3) In addition to obtaining a Zoning Clearance for the two-unit project, the applicant shall be required to obtain a building permit, an Administrative Use Permit for tree removal if required by Section 9-400.100, and other applicable construction permits prior to the construction of the dwelling units.

(f) **Development Standards**

- (1) A two-unit project shall conform to all development standards applicable to the R-L Zone, except as expressly provided in this section. If the application of a development standard would require one or both units to be less than 800 square feet, such standard shall be waived to the extent necessary to allow construction of a unit(s) of at least 800 square feet.
- (2) The maximum height of a two-unit project is 25 feet above finished grade to the highest point of the roof. Buildings may be built up to 40 feet if the two-units are consolidated within one structure and comply with the allowable setbacks established for the R-L Zone.
- (3) A two-unit project is considered to be two primary dwelling units where either:
 - (A) Both units are greater than 1,000 square feet; or
 - (B) The square footage ratio between the two units are no greater than 2:3 (for example, if one unit were 1,200 square feet, the other would need to be at least 800 square feet).
- (4) One-bedroom dwelling units shall not exceed 850 square feet of gross floor area, and the combined square footage of dwelling units in a two-unit project shall not exceed 2,400 or 2,000 square feet on urban lot split lots.
- (5) Useable open space shall be provided as required by Table 9-200.030-2 for Small Lot Single Unit Development and must meet the standards of Section 9-200.030(c)(5), Usable Open Space.
- (6) Minimum required setbacks shall be as follows:
 - (A) Front and street side setbacks: 15 feet.

- (B) *Interior side and rear setbacks:* 4 feet, except in the case of existing structures or structures constructed in the same location and to the same dimensions as an existing structure.
 - (C) *Double frontage, through lots* shall maintain a front setback for the primary frontage containing either the driveway or in association with the orientation of the home. The opposite frontage shall be considered the rear yard.
 - (D) *Corner lots* with frontage on two streets shall maintain a 15-foot front setback for the primary frontage. The setback for the street side yard shall be at least 10 feet.
- (7) Garage doors shall be setback at least 18 feet from a front or street side property line.
 - (8) The dwelling units shall include permanent provisions for living, eating, and sleeping, including a kitchen and bedroom closet or other storage.
 - (9) Each unit shall have an exterior entry facing the street; an internal connection between the units is not allowed.
 - (10) A permanent foundation shall be required.

(g) **Off-Street Parking**

- (1) One off-street parking space is required for each unit, unless the lot is located within one-half mile of a high-quality transit corridor or major transit stop or there is a car share vehicle located within one block of the parcel.
- (2) Each parking space shall be independently accessible and not obstruct access to the other parking space.
- (3) Parking spaces shall be a minimum of 18 feet in length and 9 feet in width.
- (4) Tandem parking is prohibited between units.
- (5) The required parking spaces may be uncovered and provided within the front setback between an existing driveway and the lot line.

(h) **Termination of Use**

- (1) No building permit shall be issued to remove permanent features of the two-unit project, including the provisions for eating, cooking and sanitation, and separate exterior entrance until written approval to terminate the use of living space is granted by the Zoning Administrator.
- (2) At its discretion, the Zoning Administrator may grant an owner's written request to terminate the use of a dwelling unit. The Zoning Administrator shall consider the length of time the unit has been in use, the original conditions

of approval, any variances or waivers granted for the unit, and the impact on the County's affordable housing supply.

- (3) As a condition of termination, the Zoning Administrator shall require the owner to make modifications to the property to comply with: 1) current Building Code requirements and 2) current development standards in effect at the time the request is made to terminate use, including but not limited to, setbacks, heights, parking, and landscaping. The owner shall apply for a building permit to make such modifications as required by the County's Building Codes.

Chapter 9-201 Commercial Zones

Sections:

9-201.010	Purpose
9-201.020	Land Use Regulations
9-201.030	Development Standards

9-201.010 PURPOSE

The specific purposes of the Commercial Zones are to:

- (a) Designate adequate land, consistent with the General Plan, for general commercial uses, including auto service uses, freeway services, rural services, offices, business and personal services, commercial recreation, and entertainment;
- (b) Maintain and strengthen the County's economic and fiscal resources, and provide employment opportunities for residents of the County;
- (c) Establish appropriate development standards and buffering requirements to protect adjacent uses and ensure land use compatibility; and
- (d) Minimize the impacts of commercial development on adjacent residential uses.

The following Commercial zones implement the General Plan's commercial land use classifications.

C-L Zone. The Limited Commercial (C-L) Zone is intended to provide for very small commercial areas that offer a limited selection of convenience goods and services and that serve a portion of an urban neighborhood. This zone provides land for limited commercial uses in residential and industrial land use designations of the General Plan, in accordance with Plan policies.

C-N Zone. The Neighborhood Commercial (C-N) Zone is intended to provide for the development of small retail and service businesses and office uses serving the surrounding residential neighborhood. This zone implements the Neighborhood Commercial land use designation of the General Plan.

C-C Zone. The Community Commercial (C-C) Zone is intended to provide for the development of community-scale shopping centers with a full range of retail and service establishments, allowing comparison shopping and providing goods and services necessary to supply the general or commercial needs of urban communities or regional markets. This zone implements the Community Commercial land use designation of the General Plan.

C-O Zone. The Office Commercial (C-O) Zone is intended to accommodate professional and other offices located adjacent to Medium High and High Density Residential Zones or Commercial zones within Mountain House where offices are appropriate and needed. This zone implements the Office Commercial land use designation of the General Plan.

C-G Zone. The General Commercial (C-G) Zone is intended to provide for commercial areas that offer a wide variety of specialized retail and service uses and offices that are normally developed as separate individual entities rather than as part of a shopping center or business complex, serve urban communities or regional markets, and require relatively large amounts of land. This zone implements the General Commercial land use designation of the General Plan.

C-FS Zone. The Freeway Service Commercial (C-FS) Zone is intended to provide for commercial uses adjacent to freeway interchanges that are oriented almost exclusively to serve the needs of the highway traveler. This zone implements the Freeway Service land use designation of the General Plan.

C-RS Zone. The Rural Service Commercial (C-RS) Zone is intended to provide for retail and service uses within rural communities that are frequently required by rural residents and the surrounding agricultural community. The zone provides for a mix of retail uses, professional offices, and commercial services. This zone implements the Rural Service Commercial land use designation of the General Plan.

C-R Zone. The Commercial Recreation (C-R) Zone is intended to provide areas for major recreation-oriented commercial activities and associated facilities. This zone implements the Commercial Recreation land use designation of the General Plan.

C-X Zone. The Crossroads Commercial (C-X) Zone is intended to provide for a limited variety of retail and service uses and agriculturally related uses at specific intersections to serve rural residents living outside of designated urban and rural communities. This zone is appropriate for small commercial areas within an Agricultural land use designation of the General Plan, in accordance with General Plan policies.

9-201.020 LAND USE REGULATIONS

Table 9-201.020-1 prescribes the land use regulations for the Commercial zones. Use types are defined in Chapter 9-901, Updated Use Type Classifications; key terms used in the classifications are defined in Chapter 9-900, Terms and Definitions. In cases where a specific land use is not defined, the Zoning Administrator shall assign the land use a classification that is substantially similar in character. Use classifications and sub classifications not listed in the table or not found to be substantially similar to the uses listed in the table are prohibited. Numbered limitations for a specific use in an individual zone ("L1, L2, etc.") refer to limitations listed at the end of the table. The right-hand column in the table includes specific section references for other regulations in this Title, in Chapter 9-409, Standards for Specific Uses and Activities.

TABLE 9-201.020-1: USES IN COMMERCIAL ZONES										
P = Permitted use (Building permit required); Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required L# = Numbered limitation at end of table. "-" = Not permitted										
<i>Use Types</i>	<i>C-L</i>	<i>C-N</i>	<i>C-C</i>	<i>C-O</i>	<i>C-G</i>	<i>C-FS</i>	<i>C-RS</i>	<i>C-R</i>	<i>C-X</i>	<i>Additional Regulations</i>
Residential										
Day Care	See subclassifications below									
<i>Day Care Center</i>	-	A	A	-	A	-	A	-	-	9-409.170, Day Care Center
<i>Large Family Day Care</i>	-	-	-	-	-	-	-	-	-	
<i>Small Family Day Care</i>	-	-	-	-	-	-	-	-	-	
<i>Emergency Shelter</i>	-	-	-	-	P	-	-	-	-	9.409.190, Emergency Shelters
Farm Employee Housing	-	-	-	-	-	-	-	-	-	
<i>Large</i>	-	-	-	-	-	-	-	-	-	
<i>Small</i>	-	-	-	-	-	-	-	-	-	
Group Residential	See subclassifications below									
<i>Congregate Housing</i>	-	-	-	-	-	-	-	-	-	
<i>Senior Group Residential</i>	-	-	-	-	-	-	-	-	-	
Mobile Home Park	-	-	-	-	-	-	-	-	-	
Residential Care Facility	See subclassifications below									
<i>Large</i>	-	-	A	A	-	-	-	-	-	
<i>Small</i>	-	P	P	P	-	-	-	-	-	9-409.380, Residential Care
Residential Housing Types	See subclassifications below									
<i>Single-Unit Dwelling</i>	-	-	-	-	-	-	-	-	-	
<i>Bungalow Court</i>	-	-	-	-	-	-	-	-	-	
<i>Duplex</i>	-	-	-	-	-	-	-	-	-	
<i>Multi-Unit Residential</i>	-	-	-	-	-	-	-	-	-	
Single Room Occupancy	-	-	-	-	-	-	-	-	-	
Supportive Housing	-	-	-	-	-	-	-	-	-	
Transitional Housing	-	-	-	-	-	-	-	-	-	
Veterans Supportive Housing	-	-	-	-	-	-	-	-	-	

TABLE 9-201.020-I: USES IN COMMERCIAL ZONES										
P = Permitted use (Building permit required); Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required L# = Numbered limitation at end of table. "-" = Not permitted										
<i>Use Types</i>	<i>C-L</i>	<i>C-N</i>	<i>C-C</i>	<i>C-O</i>	<i>C-G</i>	<i>C-FS</i>	<i>C-RS</i>	<i>C-R</i>	<i>C-X</i>	<i>Additional Regulations</i>
Non-Residential										
Adult Business	-	-	-	-	C	-	-	-	-	9-409.050, Adult Businesses
Aerial Facilities	See subclassification below									
<i>Agricultural</i>	-	-	-	-	-	-	-	-	-	
<i>Airfield</i>	-	-	-	-	-	-	-	-	-	
<i>Commercial Airport</i>	-	-	-	-	C	-	-	C	-	
Agricultural Excavation	See subclassification below									
<i>Large</i>	-	-	-	-	-	-	-	-	-	
<i>Small</i>	-	-	-	-	-	-	-	-	-	
Agricultural Industry	-	-	-	-	-	-	-	-	-	
Agricultural Sales	See subclassifications below									
<i>Agricultural Chemical Sales</i>	-	-	-	-	-	-	-	-	-	
<i>Feed and Grain Sales</i>	-	-	-	-	C	-	C	-	C	
Agricultural Warehousing	-	-	-	-	-	-	A	-	A	
Agricultural Waste Facilities	-	-	-	-	-	-	-	-	-	
Animal Care, Sales and Services	See subclassification below									
<i>Boarding and Breeding, Large</i>	-	C	C	-	C	-	C	-	C	
<i>Boarding and Breeding, Small</i>	-	A	A	-	A	-	A	-	A	
<i>Grooming and Sales</i>	-	A	A	-	A	-	A	-	A	
<i>Stables</i>	-	-	-	-	-	-	-	-	-	
<i>Veterinary</i>	-									
<i>Large Animal</i>	-	-	-	-	-	-	A	-	A	
<i>Small Animal</i>	-	A	A	-	Z	-	A	-	-	
Animal Feeding and Sales	-	-	-	-	-	-	-	-	-	
Animal Raising	See subclassification below									
<i>Exotic</i>		-	-	-	-	-	-	-	-	

TABLE 9-201.020-I: USES IN COMMERCIAL ZONES										
P = Permitted use (Building permit required); Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required L# = Numbered limitation at end of table. "-" = Not permitted										
<i>Use Types</i>	<i>C-L</i>	<i>C-N</i>	<i>C-C</i>	<i>C-O</i>	<i>C-G</i>	<i>C-FS</i>	<i>C-RS</i>	<i>C-R</i>	<i>C-X</i>	<i>Additional Regulations</i>
<i>Family Food Production/Education</i>	-	-	-	-	-	-	-	-	-	
<i>General</i>	-	-	-	-	-	-	-	-	-	
<i>Hogs</i>	-	-	-	-	-	-	-	-	-	
<i>Other</i>	-	-	-	-	-	-	-	-	-	
Artist's Studio	See subclassifications below									
<i>Large</i>	-	-	-	-	-	-	-	-	-	
<i>Small</i>	LI	LI	-	-	LI	-	-	-	-	
Assembly	See subclassifications below									
<i>Community</i>	-	-	A	A	-	-	LI	-	LI	9-409.080, Assembly
<i>Veterans and Service Organizations</i>	-	A	A	A	A	-	LI	-	-	
<i>Religious Assembly</i>	-	A	A	A	-	-	LI	-	LI	
Auction Sales	See subclassifications below									
<i>Indoor</i>	-	-	A	-	A	A	A	-	-	
<i>Outdoor</i>	-	-	-	-	A	A	-	-	-	9-409.340, Outdoor Sales
Automotive Sales and Services	See subclassifications below									
<i>Alternative Fuels and Recharging Facility</i>	-	Z	Z	-	Z	Z	Z	-	-	9-409.090, Automobile/Vehicle Sales and Services
<i>Rentals</i>	-	-	A	P	A	A	-	-	-	
<i>Repairs, Limited</i>	-	-	A	-	A	A	A	-	-	
<i>Repairs, Major</i>	-	-	-	-	A	A	A	-	-	
<i>Sales</i>	-	-	A	-	A	A	A	-	A	
<i>Washing/Detailing</i>	-	A	A	-	A	A	A	-	-	
Catering and Delivery	-	A	A	-	A	-	-	-	-	
Cinema/Theater	-	C	A	-	A	-	C	-	-	9-409.130, Cinema and Theater
Commercial Cannabis	See subclassification below									
<i>Cultivation</i>	-	-	-	-	-	-	-	-	-	SPP also required in zones where a use type is allowed with a Conditional Use Permit;
<i>Distribution</i>	-	-	-	-	-	-	-	-	-	
<i>Manufacturing</i>	-	-	-	-	-	-	-	-	-	

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<i>Use Types</i>	<i>C-L</i>	<i>C-N</i>	<i>C-C</i>	<i>C-O</i>	<i>C-G</i>	<i>C-FS</i>	<i>C-RS</i>	<i>C-R</i>	<i>C-X</i>	<i>Additional Regulations</i>
<i>Non-Storefront Retail Sales</i>	-	-	C	-	C	-	-	-	-	9-409.140, Commercial Cannabis
<i>Laboratory Testing</i>	-	C	C	-	C	C	C	C	-	
Communication Facilities	See subclassification below									
<i>Towers</i>	A	A	A	A	A	A	A	A	A	Chapter 9-41 I, Wireless Communications Facilities
<i>Building-Related</i>	-	-	-	P	P	-	-	-	-	
<i>Co-Location</i>	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Community Garden	P	P	P	P	P	P	P	P	P	
Construction Services	See subclassification below									
<i>General</i>		A	A	-	Z	-	A	-	-	
<i>Heavy</i>	-	-	-	-	A	-	-	-	-	
<i>Outdoor Storage</i>	-	-	-	-	A	-	-	-	-	
Correctional or Detention Facility	-	-	-	-	-	-	-	-	-	
Crop Production	P	P	P	P	P	P	P	P	P	
Cultural Institutions	-	A	A	A	A	-	A	-	-	
Dairies and Creameries	-	-	-	-	-	-	-	-	-	
Eating and Drinking Establishment	See subclassification below									
<i>Bar</i>	-	C	C	C	A	-	C	C	C	9-409.200, Entertainment 9-409.330, Outdoor Dining and Seating
<i>Restaurant, Full Service</i>	A	A	A	A	A	A	A	C	A	
<i>Restaurant, Limited Service</i>	A	A	A	A	A	A	A	A	A	
Educational Services	See subclassification below									
<i>College</i>	-	-	A	A	A	-	-	-	-	
<i>School</i>	-	A	A	A	A	-	A	-	A	9-409.390, Schools
<i>Trade School</i>	-	-	A	A	A	-	-	-	-	
Equipment Sales, Repair, and Storage	See subclassification below									
<i>Aircraft</i>	-	-	-	-	-	-	-	-	-	
<i>Farm Machinery, Sales</i>	-	-	-	-	A	-	A	-	A	

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<i>Use Types</i>	<i>C-L</i>	<i>C-N</i>	<i>C-C</i>	<i>C-O</i>	<i>C-G</i>	<i>C-FS</i>	<i>C-RS</i>	<i>C-R</i>	<i>C-X</i>	<i>Additional Regulations</i>
<i>Farm Machinery, Repair</i>	-	-	-	-	A	-	A	-	A	
<i>Leisure, Sales and Repair</i>	-	-	A	-	A	A	A	A	A	
<i>Leisure, Storage</i>	-	A	A	A	Z	-	-	-	-	
<i>Small Equipment Rental</i>	-	-	A	-	Z	P	-	-	-	
Freight and Truck Terminals	-	-	-	-	-	-	-	-	-	
Fuel Sales	See subclassification below									
<i>Service Stations</i>	-	A	A	-	A	A	A	-	-	9-409.400, Service Stations 9-409.150, Convenience Store
<i>Combination</i>	-	A	A	-	Z	Z	A	-	A	
<i>Alternative</i>	-	-	-	-	-	C	-	-	-	Only within one-half mile of a freeway interchange.
<i>Recharging</i>	-	A	A	-	A	A	A	-	-	
Funeral/Interment Services	See subclassification below									
<i>Cemetery</i>	-	-	-	-	C	-	-	-	-	
<i>Crematory</i>	-	-	C	-	C	-	-	-	-	
<i>Mortuary</i>	-	-	C	-	C	-	-	-	-	
General Industry		-	-	-	-	-	-	-	-	
Government Buildings	Z	Z	Z	Z	Z	-	Z	-	-	
Industrial Hemp Production	-	-	-	-	-	-	-	-	-	
Instructional Services	-	Z	Z	Z	Z	-	Z	-	-	
Light Fleet-Based Services	-	-	A	-	A	-	A	-	-	
Limited Industry	--	-	-	-	A	-	-	-	-	
Live-Work Unit	A	A	-	-	A	-	-	-	A	9-409.290, Live-Work Units
Marinas	-	-	C	-	C	-	-	SPP	-	
Medical Services	See subclassification below									
<i>Hospital</i>	-	-	C	-	C	-	C	-	-	9-409.280, Hospitals and Clinics
<i>Clinic</i>	-	A	A	A	A	-	A	-	-	
<i>Skilled Nursing Facility</i>	-	-	A	-	A	-	A	-	-	
Nursery Sales and Landscaping Services	-	A	A	-	A	-	A	-	-	9-409.320, Nurseries and Landscaping Services

TABLE 9-201.020-I: USES IN COMMERCIAL ZONES										
P = Permitted use (Building permit required); Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required L# = Numbered limitation at end of table. "-" = Not permitted										
<i>Use Types</i>	<i>C-L</i>	<i>C-N</i>	<i>C-C</i>	<i>C-O</i>	<i>C-G</i>	<i>C-FS</i>	<i>C-RS</i>	<i>C-R</i>	<i>C-X</i>	<i>Additional Regulations</i>
Offices	Z	Z	Z	Z	Z	-	Z	-	-	
Park and Open Space	See subclassification below									
<i>Parks</i>	A	A	A	A	A	A	A	A	A	
<i>Wildlife Preserve</i>	-	-	-	-	-	-	-	C	-	
Parking Facility	-	-	-	A	-	-	-	-	-	
Personal Services	See subclassification below									
<i>General Personal Services</i>	A	-	-	P	-	-	-	-	-	9-409.350, Personal Services
<i>Massage Establishment</i>	A	-	-	-	-	-	-	-	-	
<i>Health and Fitness Facility</i>	A	-	-	P	-	-	-	-	-	
Petroleum and Gas Extraction	-	-	-	-	-	-	-	-	-	
Produce Sales	See subclassification below									
<i>Agricultural Store, Small</i>	-	Z	Z	Z	Z	Z	Z	Z	Z	9-409.360, Produce Stands and Agricultural Stores
<i>Agricultural Store, Large</i>	-	A	a	-	A	A	A	-	A	
<i>Farmers' Market, Certified</i>	-	C	C	-	C	C	C	-	C	
<i>Produce Stand</i>	-	P	P	-	P	P	P	P	P	
Public Safety Facilities	A	A	A	A	A	A	A	A	A	
Quarry Operations	-	-	-	-	-	-	-	-	-	
Recreation Facilities	See subclassification below									
<i>Campgrounds</i>	-	-	-	-	-	C	C	C	-	
<i>Large-scale Outdoor Facility</i>	-	-	-	-	C	-	-	C	-	9-409.200, Entertainment
<i>Large-scale Indoor Facility</i>	-	-	-	-	C	-	-	-	-	
<i>Outdoor Sports</i>	-	-	-	-	-	-	-	C	-	
<i>Resort</i>	-	-	-	-	-	-	-	C	-	
<i>Small-scale Facility</i>	-	A	A	-	A	-	-	A	-	
Recycling Facilities	See subclassification below									
<i>Agricultural</i>	-	-	-	-	-	-	-	-	-	
<i>Sorting</i>	-	Z	Z	-	Z	Z	Z	Z	-	

TABLE 9-201.020-I: USES IN COMMERCIAL ZONES										
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<i>Use Types</i>	<i>C-L</i>	<i>C-N</i>	<i>C-C</i>	<i>C-O</i>	<i>C-G</i>	<i>C-FS</i>	<i>C-RS</i>	<i>C-R</i>	<i>C-X</i>	<i>Additional Regulations</i>
<i>Processing</i>	-	-	-	-	-	-	-	-	-	
Renewable Energy	See subclassification below									
<i>Biomass Conversion</i>	-	-	-	-	-	-	-	-	-	
<i>Small Scale Solar Energy Systems</i>	-	P	P	-	P	P	P	P	P	9-409.420, Solar Energy Facilities 9-409.450, Wind Energy Systems
<i>Small-Scale Wind Energy System</i>	-	P	P	-	P	P	P	P	P	
<i>Utility Scale Solar Energy System</i>	-	-	-	-	-	-	-	-	-	
<i>Utility-Scale Wind Energy System</i>	-	-	-	-	-	-	-	-	-	
Repair Service	-	-	Z	-	Z	-	Z	-	-	
Research and Development	See subclassification below									
<i>High Technology</i>	-	-	-	Z	Z	-	-	-	-	
<i>Laboratory</i>	-	-	-	A	A	-	-	-	-	
Retail Sales and Services	See subclassification below									
<i>Building Materials and Supplies</i>	-	L4	P	P	P	P	LI	-	-	9-409.150, Convenience Store 9-409.300, Mobile Food Vendors 9-409.340, Outdoor Sales
<i>Business Services</i>	-	L4	P	P	P	P	LI	-	-	
<i>Convenience Store</i>	-	P	P	-	P	A	A	-	P	
<i>General Market</i>	Z	Z	Z	-	Z	Z	Z	-	A	
<i>General Retail Sales</i>	-	-	P	P	P	-	C	-	-	
<i>Liquor Sales, Off-Premises</i>	C	C	C	-	C	C	C	-	C	
<i>Mobile Food Vendor, On-Premises</i>	A	L3	L3	L3	L3	L3	L3	-	L3	
Salvage and Wrecking	-	-	-	-	-	-	-	-	-	
Social Service Center	-	A	A	A	A	-	-	-	-	
Transient Lodging	See subclassification below									
<i>Bed and Breakfast</i>	-	-	-	-	-	-	-	-	-	
<i>Hotel and Motel</i>	-	-	A	-	A	A	A	C	-	

TABLE 9-201.020-I: USES IN COMMERCIAL ZONES										
P = Permitted use (Building permit required); Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required L# = Numbered limitation at end of table. "-" = Not permitted										
<i>Use Types</i>	<i>C-L</i>	<i>C-N</i>	<i>C-C</i>	<i>C-O</i>	<i>C-G</i>	<i>C-FS</i>	<i>C-RS</i>	<i>C-R</i>	<i>C-X</i>	<i>Additional Regulations</i>
<i>Recreational Vehicle Parks</i>	-	-	-	-	-	A	-	C	-	
<i>Short-term Rentals</i>	-	-	-	-	-	-	-	-	-	
Truck Services	See subclassification below									
<i>Parking</i>	-	-	-	-	A	A	-	-	-	
<i>Repairs</i>	-	-	-	-	A	A	A	A	-	
<i>Sales and Rentals</i>	-	-	-	-	A	L3	A	A	-	
<i>Stops</i>	-	-	-	-	-	C	-	-	-	
<i>Washing</i>	-	-	-	-	A	A	-	-	-	
Utilities	See subclassification below									
<i>Major</i>	A	A	A	A	A	A	A	A	A	
<i>Minor</i>	P	P	P	P	P	P	P	P	P	
Warehouse, Storage, and Distribution	See subclassification below									
<i>Chemical, Mineral, and Explosives Storage</i>	-	-	-	-	-	-	-	-	-	
<i>Indoor</i>	-	-	-	-	A	-	A	-	-	
<i>Outdoor</i>	-	-	-	-	A	-	-	-	-	
<i>Personal</i>	-	A	A	-	A	-	A	-	-	
<i>Vehicle</i>	-	-	-	-	A	-	-	-	-	
Waste Facilities	See subclassification below									Waste Facilities
<i>Vehicle</i>	-	-	-	-	A	-	-	-	-	
<i>Hauling and Transfer</i>	-	-	-	-	-	-	-	-	-	
<i>Water Storage</i>	-	-	-	-	-	-	-	-	-	
Wine Facilities	See subclassification below									
<i>Winery</i>	-	-	-	-	-	-	-	-	-	
<i>Large</i>	-	-	-	-	-	-	-	-	-	
<i>Medium</i>	-	-	-	-	-	-	-	-	-	
<i>Small</i>	-	-	-	-	-	-	-	-	-	
<i>Off-site Wine Cellar</i>	-	-	A	-	A	-	A	-	-	

TABLE 9-201.020-1: USES IN COMMERCIAL ZONES

P = Permitted use (Building permit required); Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required
 L# = Numbered limitation at end of table. “-” = Not permitted

Use Types	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X	Additional Regulations
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Notes:

- L1 Only small-scale uses with up to 3,000 square feet of space allowed with approval of an Administrative Use Permit. A larger facility may be allowed with a Conditional Use Permit.
- L2. Only allowed on arterial streets, occupying 1,000 square feet or less.
- L3 An Administrative Use Permit is required if outdoor seating is provided; otherwise, no land use permit is required.

(a) **Expansion of Uses and Structures.** Uses or structures that require discretionary review may be expanded with a Zoning Clearance, provided the following conditions are met:

- (1) The proposed expansion or construction of a structure involves less than a 25 percent increase in the existing, approved floor area, as shown on the most recent land use permit or Zoning Clearance on file, but no more than 10,000 square feet;
- (2) The proposed expansion involves less than a 25 percent in the developed area of the site; and
- (3) The proposed expansion will not have a substantial, adverse effect.

Where conditions in Subsections (a)(1), (a)(2), and (a)(3) of this Section are not met, the level of review for the expansion shall be the same as the level of review required in Table 9-202.020-1 for a new use.

(b) **Accessory Uses and Structures.** Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-201.020-2 and Section 9-409.040, Accessory Uses. Accessory uses and structures not specifically listed in Table 9-201.020-2 are allowed with a Zoning Clearance if the primary use is permitted or with an Administrative Use Permit if the primary use requires an Administrative Use Permit or a Conditional Use Permit. All accessory uses are subject to Section 9-409.040, Accessory Uses.

TABLE 9-201.020-2: ACCESSORY USES & STRUCTURES IN COMMERCIAL ZONES

P = Permitted Use; Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP Special Use Plan required
 L# = Numbered limitation at end of table. “-” = No permitted

	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X	Additional Regulations
Accessory Dwelling Unit	-	-	-	-	-	-	-	-	
Accessory Short-term Rentals	-	-	-	-	-	-	-	-	

TABLE 9-201.020-2: ACCESSORY USES & STRUCTURES IN COMMERCIAL ZONES									
P = Permitted Use; Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP Special Use Plan required L# = Numbered limitation at end of table. “-” = No permitted									
	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X	Additional Regulations
Antennae, Radio/TV Dish	P	P	P	P	P	P	-	P	Chapter 9-411, Wireless Communications Facilities
Agricultural Building	-	-	-	-	-	-	-	-	
Agricultural Equipment Storage	-	-	-	-	-	-	-	-	
Barn	-	-	-	-	-	-	-	-	
Biomass Energy Production	-	-	-	-	-	-	-	-	
Boathouse, Private	-	-	-	-	-	-	-	-	
Coop	-	-	-	-	-	-	-	-	
Distilled Spirits Storage	-	-	-	-	-	-	-	-	
Dock, Private	-	-	-	-	-	-	-	-	
Garage, Private	-	-	-	-	-	-	-	-	
Greenhouse, Private	-	-	-	-	-	-	-	-	
Guesthouse	-	-	-	-	-	-	-	-	
Home Occupation	-	-	-	-	-	-	-	-	
Horse Raising	-	-	-	-	-	-	-	-	
Owner-Operator Truck Parking	-	-	-	-	-	-	-	-	
Packing Shed	-	-	-	-	-	-	-	-	
Pet Grooming and Training	-	-	-	-	-	-	-	-	
Pump/Pumphouse	P	P	P	P	P	P	P	P	
Second Unit Dwelling	-	-	-	-	-	-	-	-	
Silo	-	-	-	-	-	-	-	-	
Stable, Private	-	-	-	-	-	-	-	-	
Swimming Pool & Equipment	-	-	-	-	-	-	-	-	
Truck Parking	-	A	-	P	P	-	-	-	
Wind Energy Machine, Private	P	P	P	P	P	P	P	P	9-409.450, Wind Energy Systems
Workshop/Repair Shop	P	P	P	P	P	P	P	P	
Legend: P Permitted Use A Requires an Administrative Use Permit - Use Not Permitted									

- (c) **Temporary Uses and Structures.** Temporary uses and structures permitted, not permitted, and conditionally permitted with a Temporary Use Permit are set forth in Table 9-201.020-3 and Section 9-409.430, Temporary Uses. Temporary uses and structures not specifically listed in Table 9-201.020-3 may be allowed by the Zoning Administrator, subject to the requirements of Section 9-804.080, Temporary Use Permits.

TABLE 9-201.020-3: TEMPORARY USES & STRUCTURES IN COMMERCIAL ZONES									
<i>Temporary Use or Structure</i>	<i>C-N</i>	<i>C-C</i>	<i>C-O</i>	<i>C-G</i>	<i>C-FS</i>	<i>C-RS</i>	<i>C-R</i>	<i>C-X</i>	<i>Additional Regulations</i>
Auction, Agricultural Machinery	-	T	-	T	-	T	-	T	
Auction, Livestock	-	-	-	-	-	T	-	-	
Car Wash	P	P	P	P	P	P	P	P	
Car Wash, Private	-	-	-	-	-	-	-	-	
Commercial Filming	T	T	T	T	T	T	T	T	
Corporation Yard	T	T	T	T	T	T	T	T	
Farmers' Market, Certified	-	-	-	-	-	-	-	-	
Garage/Yard Sales	P	P	P	P	P	P	P	P	Limit: 2 consecutive days, 2 times a year
Produce Stand	-	-	-	-	-	-	-	-	
Public Display of Fireworks*	T	T	T	T	T	T	T	T	
Real Estate/Subdivision Sales Office	P	P	P	P	P	P	P	P	
Seasonal Sales	T	T	T	T	T	T	T	T	9-409.430 Temporary Uses
Special Events and Sales	-	-	-	-	-	-	-	-	
Special Outdoor Event	-	T	-	T	-	T	T	-	
Special Indoor Event	T	T	T	T	T	T	T	T	
Storage Structure	T	T	T	T	T	T	T	T	Only if incidental to construction pursuant to a building permit; 9-409.430 (b)(6) & (b)(7)
Subdivision Sales Office	-	-	-	-	-	-	-	-	
Temporary Work Trailer	T	T	T	T	T	T	T	T	
Temporary Real Estate Sales	-	-	-	-	-	-	-	-	
Temporary Structure	-	-	-	-	-	-	-	-	
Legend:									
P Permitted Use									
T Use Permitted Subject to Temporary Use Permit									
- Use Not Permitted									

- (d) **Additional Use Regulations.** In addition to the provisions of Sections 9-201.020 (a) through 9-201.020(b), the following regulations shall apply to Commercial zones:

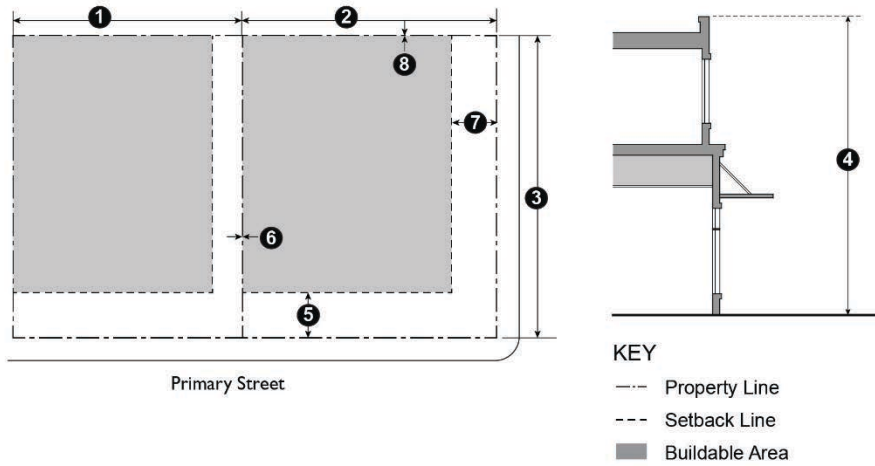
- (1) **Change in Use.** Any change in an existing use to a new use that requires either an Administrative Use Permit or a Conditional Use Permit shall be permitted with a Zoning Clearance, provided the proposed use will occupy the same space and will have no greater impact than the existing use.
- (2) **Development in General Plan-Designated Open Space/Conservation Areas.** See Section 9-706.050, Open Space/Resource Conservation Areas.
- (3) **Large Projects.** Unless a Conditional Use Permit is required in Table 9-201.020-1, an Administrative Use Permit is required for construction of more than 20,000 square feet of ground floor space for any permitted commercial use or if full public services are not available.
- (4) **Outdoor Sales.** See Section 9-409.340.
- (5) **Protection of the Delta Primary Zone.** See Section 9-706.060. Protection of the Delta Primary Zone.
- (6) **Residential Development.** In all Commercial zones, Multi-Unit Residential is allowed above the ground level with an Administrative Use Permit. Such residential uses shall meet General Plan density requirements unless additional density is allowed pursuant to Chapter 9-401, Affordable Housing Density Bonus.

9-201.030 DEVELOPMENT STANDARDS: LOT AND STRUCTURE REGULATIONS

Table 9-201.030 prescribes the development standards for Residential zones. The numbers in each illustration refer to corresponding regulations in the “#” column in the associated table.

TABLE 9-201.030: DEVELOPMENT STANDARDS – COMMERCIAL ZONES¹

P = Permitted Use; Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP Special Use Plan required
 L# = Numbered limitation at end of table. “-” = No permitted



District	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C--R	C-X	#
Lot and Density Standards										
Minimum Lot Size (sq. ft.)	5,000	5,000	5,000	5,000	10,000	10,000	1 acre	2 acres	1 acre	
Minimum Lot Width (ft.)	50	50	50	50	100	100	150	150	150	①
<i>Corner Lots</i>	65	65	65	65	125	125	185	185	185	②
Minimum Lot Depth (ft.)	150	150	150	150	150	150	150	150	150	
Maximum Floor Area Ratio	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.5	0.6	③
Building Form and Location										
Maximum Height (ft.)	40	40	50	50	50	50	50	50	50	④
Minimum Setbacks (ft.)										
<i>Front</i>	20	20	20 ²	15	20	20	30	30	30	⑤
<i>Interior Side</i>	None	None	None ²	None	None	None	None	None	None	⑥
<i>Street Side</i>	20	20	20 ²	10	20	20	30	30	30	⑦
<i>Rear</i>	None	None	None ²	None	None	None	None	None	None	⑧

Notes :
 1 See Sections 9-400.050, Exceptions to Height Limits.
 2 Setbacks for yards within the C-C Zone in the unincorporated urban community of Woodbridge shall be as specified in the Woodbridge Design Guidelines.

- (a) **Yards.** Yards shall have the minimum dimensions set forth in Table 9-201.3, except as modified below.
 - (1) **Reduction of Required Yards.**
 - (A) If more than 50 percent of the block on which the lot sits is developed, the required yard may be reduced to the average of the existing yard

dimensions of permitted structures on the block. In no case, however, shall a street side yard be less than 10 feet in width.

- (B) If the lot is less than 75 feet in width, the street side yard may be reduced to 10 feet in width.
 - (C) If the lot abuts public or deed-restricted, private open space, the side and rear yard setbacks may be reduced to five feet.
- (2) **Increase in Required Yards.** If a side or rear yard abuts a lot developed with conforming residential uses, a lot that is zoned residentially, or a lot shown on the General Plan Map for residential development, the side or rear yard shall be 20 feet in width.
- (3) **Development within Required Yards.** The following structures may be located in or extend into required yards, subject to the provisions specified:
- (A) Architectural features, subject to the provisions of Chapter 9-400, General Site Regulations;
 - (B) Screening, including fences and gates, subject to the provisions of Sections 9-400.060, Fences and Screening, and 9-400.090, Screening of Equipment; and
 - (C) Additions to nonconforming single-family dwellings, subject to the provisions of Chapter 9-405, Nonconformity Provisions.
- (b) **Height.** Buildings within the Commercial zones shall not exceed the heights set forth in Table 9-201.030, except as provided in Chapter 9-400, General Site Regulations; screening devices, including fences, gates, and gateposts, shall comply with the requirements specified in Section 9-400.060, Fences and Screening, and Chapter 9-402, Landscaping.
- (c) **Access.** All principal uses in the Commercial zones shall have direct access to a publicly-maintained road unless alternative access is approved by the Zoning Administrator.

Chapter 9-202 Industrial Zones

Sections:

9-202.010	Purpose
9-202.020	Land Use Regulations
9-202.030	Development Standards

9-202.010 PURPOSE

The specific purposes of the Industrial zones are to:

- (a) Designate adequate land, consistent with the General Plan, for business use, manufacturing and industrial operations, agricultural industry, oil and gas facilities, research and technology, wholesaling, distribution and related storage, and services supporting industrial growth and agricultural activity;
- (b) Maintain and strengthen the County's economic and fiscal resources, and provide employment opportunities for residents of the County;
- (c) Establish appropriate development standards and buffering requirements to protect adjacent uses and ensure land use compatibility; and
- (d) Minimize the impacts of industrial development on adjacent residents.

The following Industrial zones implement the General Plan Industrial land use classification.

I-W Zone. The Warehouse Industrial (I-W) Zone is intended to accommodate wholesale distribution and warehouses and service establishments catering to those uses whose primary distinguishing features are independence from public sewage disposal systems using septic tanks and the minimal production of industrial wastes. This zone implements the Limited Industrial land use category of the General Plan.

I-P Zone. The Industrial Park (I-P) Zone is intended to allow for the development of a combination of corporate and technology service offices, warehousing, light manufacturing, wholesaling, and professional offices, as well as the services necessary to support those uses. Development standards may be established for this zone to allow for locations near existing and planned residential areas with a minimum of environmental conflict and adverse land use impacts. This zone implements the Limited Industrial land use category of the General Plan.

I-L Zone. The Limited Industrial (I-L) Zone is intended to provide for light impact manufacturing, warehousing, wholesaling, construction contracting, and distribution uses. Activities within this zone have external physical effects that are generally restricted to the immediate area, are compatible with surrounding uses, are conducted entirely within enclosed buildings. Business and professional offices are permitted within this zone as a secondary use. This zone implements the Limited Industrial land use category of the General Plan.

I-G Zone. The General Industrial (I-G) Zone provides for a wide range of manufacturing, distribution, and storage uses. Uses within this zone tend to have moderate to high nuisance characteristics, such as noise, heat, glare, odor, and vibration, requiring segregation from other land uses, and/or may require extensive outside storage areas. This zone implements the General Industrial land use category of the General Plan.

I-T Zone. The Truck Terminals (I-T) Zone is intended to provide locations within one mile of a freeway interchange for the transfer of goods from large freight trucks and trains to smaller local distribution trucks or to consolidate small loads to large freight trucks and trains for delivery to distant locations, and for the storage and transfer of uncontainerized materials. The Truck Terminals zone is limited to areas outside urban and rural communities. It also may not be applied land adjacent to residential, commercial (other than Freeway Service), or Resource Conservation areas designated in the General Plan. This zone implements the Trucking Terminals land use category of the General Plan.

9-202.020 LAND USE REGULATIONS

Table 9-202.020-1 prescribes the land use regulations for the Industrial zones. Use types are defined in Chapter 9-901, Use Classifications; key terms used in the classifications are defined in Chapter 9-900, Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity a classification that is substantially similar in character. Use classifications and sub classifications not listed in the table or not found to be substantially similar to the uses listed in the table are prohibited. Numbered limitations for a specific use in an individual zone (“L1, L2, etc.”) refer to limitations listed at the end of the table. The right-hand column in the table includes specific section references for other regulations in this Title, in Chapter 9-409, Standards for Specific Uses and Activities.

TABLE 9-202.020-1: USES IN INDUSTRIAL ZONES						
P = Permitted Use; Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP Special Use Plan required						
L# = Numbered limitation at end of table. “-” = No permitted						
<i>Use Types</i>	<i>I-W</i>	<i>I-P</i>	<i>I-L</i>	<i>I-G</i>	<i>I-T</i>	<i>Additional Regulations</i>
Residential						
Day Care	See subclassifications below					
<i>Day Care Center</i>	-	LI	LI	-	-	9-409.170, Day Care Center
<i>Large Family Day Care</i>	-	-	-	-	-	
<i>Small Family Day Care</i>	-	-	-	-	-	
Emergency Shelter	-	-	-	-	-	
Farm Employee Housing	-	-	-	-	-	
<i>Large</i>						
<i>Small</i>	-	-	-	-	-	
Group Residential	See subclassifications below					

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<i>Use Types</i>	<i>I-W</i>	<i>I-P</i>	<i>I-L</i>	<i>I-G</i>	<i>I-T</i>	<i>Additional Regulations</i>
<i>Congregate Housing</i>	-	-	-	-	-	
<i>Senior Group Residential</i>	-	-	-	-	-	
Mobile Home Park	-	-	-	-	-	
Residential Care Facility	See subclassifications below					
<i>Large</i>						
<i>Small</i>	-	-	-	-	-	
Residential Housing Types	See subclassifications below					
<i>Single-Unit Dwelling</i>	-	-	-	-	-	
<i>Bungalow Court</i>	-	-	-	-	-	
<i>Duplex</i>	-	-	-	-	-	
<i>Multi-Unit Residential</i>	-	-	-	-	-	
Single Room Occupancy	-	-	-	-	-	
Supportive Housing	-	-	-	-	-	
Transitional Housing	-	-	-	-	-	
Veterans Supportive Housing	-	-	-	-	-	
Non-Residential						
Adult Business	-	-	C	-	-	9-409.050, Adult Businesses
Aerial Facilities	See subclassification below					
<i>Agricultural</i>	-	-	-	-	-	
<i>Airfield</i>	-	-	-	-	-	
<i>Commercial Airport</i>	C	C	C	C	-	
Agricultural Excavation	See subclassification below					
<i>Large</i>	-	-	-	-	-	
<i>Small</i>	-	-	-	-	-	
Agricultural Industry	-	-	A	A	-	
Agricultural Sales	See subclassifications below					
<i>Agricultural Chemical Sales</i>	-	-	A	A	-	
<i>Feed and Grain Sales</i>	Z	-	Z	Z	-	
Agricultural Warehousing	A	-	A	A	-	
Agricultural Waste Facilities	-	-	-	A	-	
Animal Care, Sales and Services	See subclassification below					
<i>Boarding and Breeding, Large</i>	A	-	A	A	-	

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<i>Use Types</i>	<i>I-W</i>	<i>I-P</i>	<i>I-L</i>	<i>I-G</i>	<i>I-T</i>	<i>Additional Regulations</i>
<i>Boarding and Breeding, Small</i>	Z	-	Z	Z	-	
<i>Grooming and Sales</i>	-	-	Z	Z	-	
<i>Stables</i>	-	-	-	-	-	
<i>Veterinary</i>						
<i>Large Animal</i>	-	-	-	-	-	
<i>Small Animal</i>	-	-	A	A	-	
Animal Feeding and Sales	-	-	-	-	-	
Animal Raising	See subclassification below					
<i>Exotic</i>	-	-	-	-	-	
<i>Family Food Production/Education</i>	-	-	-	-	-	
<i>General</i>	-	-	-	-	-	
<i>Hogs</i>	-	-	-	-	-	
<i>Other</i>	-	-	-	-	-	
Artist's Studio	See subclassifications below					
<i>Large</i>	-	-	Z	Z	-	
<i>Small</i>	-	-	Z	Z	-	
Assembly	See subclassifications below					
<i>Community</i>	-	-	-	-	-	
<i>Veterans and Service Organizations</i>	-	-	-	-	-	
<i>Religious Assembly</i>	-	-	-	-	-	
Auction Sales	See subclassifications below					
<i>Indoor</i>	A	-	A	A	-	
<i>Outdoor</i>	-	-	-	A	-	9-409.340, Outdoor Sales
Automotive Sales and Services	See subclassifications below					
<i>Alternative Fuels and Recharging Facility</i>	Z	Z	Z	Z	Z	9-409.090, Automobile/Vehicle Sales and Services
<i>Rentals</i>	A	-	A	A	-	
<i>Repairs, Limited</i>	A	-	A	A	-	
<i>Repairs, Major</i>	A	-	A	A	-	
<i>Sales</i>	A	-	A	A	-	
<i>Washing/Detailing</i>	-	-	A	Z	-	

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<i>Use Types</i>	<i>I-W</i>	<i>I-P</i>	<i>I-L</i>	<i>I-G</i>	<i>I-T</i>	<i>Additional Regulations</i>
Catering and Delivery	-	-	Z	Z	-	
Cinema/Theater	-	-	-	-	-	
Commercial Cannabis	See subclassification below					SPP also required in zones where allowed with a Conditional Use Permit unless in an approved Cannabis Business Park in which case only an Administrative Use Permit is required; see 9-409.140, Commercial Cannabis
<i>Cultivation</i>	-	C	C	C	-	
<i>Distribution</i>	C	C	C	C	-	
<i>Manufacturing</i>	-	C	C	C	-	
<i>Non-Storefront Retail Sales</i>	C	C	C	C	-	
<i>Laboratory Testing</i>	C	C	C	C	-	
Communication Facilities	See subclassification below					Chapter 9-41 I, Wireless Communications Facilities
<i>Towers</i>	A	A	A	A	A	
<i>Building-Related</i>	Z	Z	Z	Z	Z	
<i>Co-Location</i>	Z	Z	Z	Z	Z	
Community Garden	P	P	P	P	P	
Construction Services						
<i>General</i>	A	-	A	A	Z	
<i>Heavy</i>	A	-	A	Z	Z	
<i>Outdoor Storage</i>	A	-	A	Z	Z	
Correctional or Detention Facility	-	-	-	-	-	
Crop Production	P	P	P	P	P	
Cultural Institutions	-	-	-	-	-	
Dairies and Creameries	-	-	A	A	-	Processing only; no cows or goats allowed on-site.
Eating and Drinking Establishment	See subclassification below					9-409.200, Entertainment 9-409.330, Outdoor Dining and Seating
<i>Bar</i>	-	-	-	-	-	
<i>Restaurant, Full Service</i>	-	-	-	-	-	
<i>Restaurant, Limited Service</i>	-	A	Z	-	-	
Educational Services	See subclassification below					
<i>College</i>	-	C	C	-	-	
<i>School</i>	-	-	-	-	-	
<i>Trade School</i>	-	A	A	A	-	
Equipment Sales, Repair, and Storage	See subclassification below					
<i>Aircraft</i>	-	-	-	-	-	

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<i>Use Types</i>	<i>I-W</i>	<i>I-P</i>	<i>I-L</i>	<i>I-G</i>	<i>I-T</i>	<i>Additional Regulations</i>
<i>Farm Machinery, Sales</i>	A	-	A	Z	A	
<i>Farm Machinery, Repair</i>	A	-	A	Z	A	
<i>Leisure, Sales and Repair</i>	A	-	A	Z	A	
<i>Leisure, Storage</i>	A	-	A	Z	A	
<i>Small Equipment Rental</i>	Z	-	Z	-	-	
Freight and Truck Terminals	A	-	A	A	A	
Fuel Sales	See subclassification below					
<i>Service Stations</i>	-	A	Z	Z	-	9-409.400, Service Stations 9-409.150, Convenience Store
<i>Combination</i>	-	A	Z	Z	-	
<i>Alternative</i>	A	-	A	A	A	Only within one-half mile of a freeway interchange.
<i>Recharging</i>	Z	Z	Z	Z	Z	
Funeral/Interment Services	See subclassification below					
<i>Cemetery</i>	-	-	-	-	-	
<i>Crematory</i>	-	-	-	-	-	
<i>Mortuary</i>	-	-	-	-	-	
General Industry	-	-	C	A	-	9-409.120, Breweries
Government Buildings	-	-	-	-	-	
Industrial Hemp Production	-	C	C	C	-	9-203.020 (d) (7), Industrial Hemp Production – limited to indoors where allowed.
Instructional Services	-	-	-	-	-	
Light Fleet-Based Services	Z	-	Z	Z	-	
Limited Industry	A	A	A	Z	-	
Live-Work Unit	A	-	A	-	-	9-409.290, Live-Work Units
Marinas	-	-	-	-	-	
Medical Services	See subclassification below					9-409.280, Hospitals and Clinics
<i>Hospital</i>	-	-	C	-	-	
<i>Clinic</i>	-	-	C	-	-	
<i>Skilled Nursing Facility</i>	-	-	-	-	-	
Nursery Sales and Landscaping Services	A	-	A	A	C	9-409.320, Nurseries and Landscaping Services
Offices	Z	Z	Z	Z	-	
Park and Open Space	See subclassification below					
<i>Parks</i>	-	-	-	-	-	
<i>Wildlife Preserve</i>	-	-	-	-	-	

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L# = Numbered limitation at end of table. "-" = No permitted						
<i>Use Types</i>	<i>I-W</i>	<i>I-P</i>	<i>I-L</i>	<i>I-G</i>	<i>I-T</i>	<i>Additional Regulations</i>
Parking Facility	-	-	-	-	-	
Personal Services	See subclassification below					9-409.350, Personal Services
<i>General Personal Services</i>	-	-	-	-	-	
<i>Massage Establishment</i>	-	-	-	-	-	
<i>Health and Fitness Facility</i>	A	A	A	A	-	
Petroleum and Gas Extraction	A	-	A	A	-	
Produce Sales	See subclassification below					
<i>Agricultural Store, Small</i>	-	-	-	-	-	9-409.360, Produce Stands and Agricultural Stores
<i>Agricultural Store, Large</i>	-	-	-	-	-	
<i>Farmers Market</i>	-	-	-	-	-	
<i>Produce Stand</i>	P	P	P	P	P	
Public Safety Facilities	A	A	A	A	A	
Quarry Operations	-	-	-	C	-	Chapter 9-813, Quarry Excavation Permits
Recreation Facilities	See subclassification below					
<i>Campgrounds</i>	-	-	-	-	-	
<i>Large Outdoor Facility</i>	-	-	-	-	-	
<i>Large Indoor Facility</i>	-	-	-	-	-	
<i>Outdoor Sports</i>	-	-	-	-	-	
<i>Resort</i>	-	-	-	-	-	
<i>Small-scale Facility</i>	C	C	C	-	-	
Recycling Facilities	See subclassification below					
<i>Agricultural</i>	Z	-	Z	Z	-	
<i>Sorting</i>	Z	Z	Z	Z	-	
<i>Processing</i>	-	-	C	A	-	
Renewable Energy	See subclassification below					
<i>Biomass Conversion</i>	-	-	-	C	-	
<i>Small Scale Solar Energy</i>	A	A	A	A	A	9-409.420, Solar Energy Facilities 9-409.450, Wind Energy Systems
<i>Small-Scale Wind Energy</i>	A	-	A	A	-	
<i>Utility Scale Solar Energy</i>	A	-	A	A	-	
<i>Utility-Scale Wind Energy</i>	A	-	A	A	-	
Repair Service	Z	A	Z	Z	-	
Research and Development	See subclassification below					
<i>High Technology</i>	-	A	A	A	-	

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P = Permitted Use; Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP Special Use Plan required						
L# = Numbered limitation at end of table. "-" = No permitted						
<i>Use Types</i>	<i>I-W</i>	<i>I-P</i>	<i>I-L</i>	<i>I-G</i>	<i>I-T</i>	<i>Additional Regulations</i>
<i>Laboratory</i>	-	A	A	Z	-	
Retail Sales and Services	See subclassification below					
<i>Building Materials & Supplies</i>	A	-	A	A	-	9-409.150, Convenience Store 9-409.300, Mobile Food Vendors 9-409.340, Outdoor Sales
<i>Business Services</i>	A	A	A	A	-	
<i>Convenience Store</i>	-	-	-	-	-	
<i>General Market</i>	-	-	-	-	-	
<i>General Retail Sales</i>	-	-	-	-	-	
<i>Liquor Sales, Off-Premises</i>	-	-	-	-	-	
<i>Mobile Food Vendor, On-Premises</i>	-	-	Z	-	-	
Salvage and Wrecking	-	-	-	C	-	
Social Service Center	-	-	-	-	-	
Transient Lodging	See subclassifications below					
<i>Bed and Breakfast</i>	-	-	-	-	-	
<i>Hotel and Motel</i>	-	-	-	-	-	
<i>Recreational Vehicle Parks</i>	-	-	-	-	-	
<i>Short-term Rentals</i>	-	-	-	-	-	
Truck Services	See subclassifications below					
<i>Parking</i>	A	-	A	A	A	
<i>Repairs</i>	A	-	A	A	-	
<i>Sales and Rentals</i>	-	-	A	A	-	
<i>Stops</i>	-	-	C	A	A	
<i>Washing</i>	-	-	A	A	-	
Utilities	See subclassifications below					
<i>Major</i>	A	A	A	A	A	
<i>Minor</i>	P	P	P	P	P	
Warehouse, Storage, and Distribution						
<i>Chemical, Mineral, and Explosives Storage</i>	C	-	-	C	-	9-409.210, Explosives Handling
<i>Indoor</i>	A	-	A	A	-	
<i>Outdoor</i>	A	-	-	A	-	
<i>Personal</i>	A	-	A	A	-	
<i>Vehicle</i>	A	-	A	A	-	

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P = Permitted Use; Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP Special Use Plan required L# = Numbered limitation at end of table. "-" = No permitted						
<i>Use Types</i>	<i>I-W</i>	<i>I-P</i>	<i>I-L</i>	<i>I-G</i>	<i>I-T</i>	<i>Additional Regulations</i>
Waste Facilities	See subclassifications below					9-409.260, Hazardous Waste Facilities
<i>Agricultural</i>	-	-	A	A	-	
<i>Hauling and Transfer</i>	-	-	-	C	-	
Water Storage	-	-	-	-	-	
Wine Facilities	See subclassifications below					
<i>Winery, Large</i>	-	-	A	A	-	Chapter 9-410, Wineries and Related Facilities
<i>Winery, Medium</i>	-	-	A	A	-	
<i>Winery Small</i>	-	-	A	A	-	
<i>Off-site Wine Cellar</i>	-	-	-	-	-	
Notes: LI Only allowed as an accessory or secondary use in a mixed-use development, occupying less than 10 percent of the total floor area.						

- (a) **Expansion of Uses and Structures.** Uses or structures that require discretionary review may be expanded with a Zoning Clearance, provided the following conditions are met:
- (1) The proposed expansion or construction of a structure involves less than a 25 percent increase in the existing, approved floor area as shown on the most recent land use permit or Zoning Clearance on file, but no more than 10,000 square feet;
 - (2) The proposed expansion involves less than a 25 percent in the developed area of the site; and
 - (3) The proposed expansion will not have a substantial, adverse effect.

Where conditions in Subsections (a)(1), (a)(2), and (a)(3) of this Section are not met, the level of review for the expansion shall be the same as the level of review required in Table 9-202.020-1 for a new use.

- (b) **Accessory Uses and Structures.** Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-202.020-2. Accessory uses and structures not specifically listed in Table 9-203.020-3 are allowed with a Zoning Clearance if the primary use is permitted or with an Administrative Use Permit if the primary use requires either an Administrative Use Permit or a Conditional Use Permit. All accessory uses are subject to the requirements of Section 9-409.040, Accessory Uses.

TABLE 9-202.020-2: ACCESSORY USES & STRUCTURES IN INDUSTRIAL ZONES						
P = Permitted Use; Z = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP Special Use Plan required L# = Numbered limitation at end of table. "-" = No permitted						
Accessory Use or Structure	Industrial Zones					Additional Regulations
	I-W	I-P	I-L	I-G	I-T	
Accessory Dwelling Unit	-	-	-	-	-	
Accessory Short-term Rentals	-	-	-	-	-	
Antennae, Radio/TV Dish	P	P	P	P	P	Chapter 9-41 I, Wireless Communications Facilities
Agricultural Building	-	-	-	-	-	
Agricultural Equipment Storage	-	-	-	-	-	
Barn	-	-	-	-	-	
Biomass Energy Production	-	-	-	-	-	
Boathouse, Private	-	-	-	-	-	
Coop	-	-	-	-	-	
Distilled Spirits Storage	-	-	-	-	-	
Dock, Private	-	-	-	-	-	
Garage, Private	-	-	-	-	-	
Greenhouse, Private	-	-	-	-	-	
Guesthouse	-	-	-	-	-	
Home Occupation	-	-	-	-	-	
Horse Raising	-	-	-	-	-	
Owner-Operator Truck Parking	-	-	-	-	-	
Packing Shed	P	-	-	P	-	Allowed with crop production and may include seasonal use by other farmers
Pet Grooming and Training	-	-	-	-	-	
Pump/Pumphouse	P	P	P	P	P	
Second Unit Dwelling	-	-	-	-	-	
Silo	-	-	-	-	-	
Stable, Private	-	-	-	-	-	
Swimming Pool & Equipment	-	-	-	-	-	
Truck Parking	A	-	A	A	A	
Wind Energy Machine, Private	P	P	P	P	P	9-409.450, Wind Energy Facilities
Workshop/Repair Shop	P	P	P	P	P	
Legend: P Permitted Use A Requires an Administrative Use Permit - Use Not Permitted						

(c) **Temporary Uses and Structures.** Temporary uses and structures permitted, not permitted, and conditionally permitted with a Temporary Use Permit are set forth in Table 9-202.020-3 and Section 9-409.430, Temporary Uses. Temporary uses and

structures not specifically listed in Table 9-202.020-3 may be allowed by the Zoning Administrator, subject to the requirements of Section 9-804.080, Temporary Use Permits.

TABLE 9-202.020-3: TEMPORARY USES & STRUCTURES IN INDUSTRIAL ZONES						
<i>Temporary Use or Structure</i>	<i>Industrial Zones</i>					<i>Additional Regulations</i>
	<i>I-W</i>	<i>I-P</i>	<i>I-L</i>	<i>I-G</i>	<i>I-T</i>	
Auction, Agricultural Machinery	-	-	T	T	-	9-409.430, Temporary Uses
Auction, Livestock	-	-	-	T	-	
Batch Plant	-	-	T	T	-	
Car Wash	-	-	-	-	-	
Car Wash, Private	-	-	-	-	-	
Commercial Filming	T	T	T	T	T	
Corporation Yard	T	T	T	T	T	
Farmers' Market, Certified	-	-	-	-	-	
Garage/Yard Sales	-	-	-	-	-	
Produce Stand	P	P	P	P	P	
Public Display of Fireworks	T	T	T	T	T	9-409.240, Fireworks
Real Estate Sales Office	P	P	P	P	P	
Seasonal Sales	T	T	T	T	T	9-409.430, Temporary Uses
Special Events and Sales	T	T	T	T	T	
Special Outdoor Event	-	-	-	-	-	
Special Indoor Event	-	-	-	-	-	
Subdivision Sales Office	T	T	T	T	T	
Storage Structure	T	T	T	T	T	Only if incidental to construction pursuant to a building permit; 9-409.430 (b)(6) & (b)(7)
Temporary Work Trailer	T	T	T	T	T	
Temporary Real Estate Sales	-	-	-	-	-	
Temporary Structure	-	-	-	-	-	
Legend:						
P Permitted Use						
T Requires a Temporary Use Permit						
- Use Not Permitted						

(d) **Additional Use Regulations.**

- (1) **Permits Required.** Unless a Conditional Use Permit is required in Table 9-201.020-1, an Administrative Use Permit is required for construction of more than 10,000 square feet of floor area for any permitted commercial use.
- (2) **Change in Use.** Any change in an existing use to a new use that requires either an Administrative Use Permit or a Conditional Use Permit shall be

permitted with a Zoning Clearance, provided the proposed use will occupy the same space and will have no greater impact than the existing use.

- (3) **Development in General Plan-Designated Open Space/Conservation Areas.** See Section 9-706.050, Open Space/Resource Conservation Areas.
- (4) **Outdoor Sales.** See Section 9-409.310.
- (5) **Outdoor Storage.** See Section 9-409.070. Outdoor storage of heavy equipment used for agricultural activities on-site is permitted in the I-W and I-G Zones.
- (6) **Protection of the Delta Primary Zone.** See Section 9-706.060. Protection of the Delta Primary Zone.

9-202.030 DEVELOPMENT STANDARDS

Table 9-202.030 prescribes the development standards for Industrial Zones. The numbers in each illustration refer to corresponding regulations in the “#” column in the associated table.

TABLE 9-202.030: DEVELOPMENT STANDARDS – INDUSTRIAL ZONES ¹						
District	I-W	I-P	I-L	I-G	I-T	#
Lot and Density Standards						
Minimum Lot Size (sq. ft.)	2 acres	10,000	10,000	10,000	2 acres	
Minimum Lot Width (ft.)	150	100	100	100	150	1
Corner Lots	185	125	125	125	185	
Minimum Lot Depth (ft.)	300	100	100	100	300	
Maximum Floor Area Ratio	0.6	0.6	0.6	0.6	0.6	2
Building Form and Location						
Maximum Height (ft.) ¹						
All Buildings	100	75	100	100	75	3

TABLE 9-202.030: DEVELOPMENT STANDARDS – INDUSTRIAL ZONES ¹						
District	I-W	I-P	I-L	I-G	I-T	#
Minimum Setbacks (ft.)						
Front	30	30	30	30	30	4
Interior Side	None	None	None	None	10	5
Street Side	20	20	20	20	20	6
Rear	None	None	None	None	10	7
Notes:						
¹ See Sections 9-400.050, Exceptions to Height Limits.						

- (a) **Lot Area and Width.** Lots shall have the minimum lot area and minimum width set forth in Table 9-202.030.
- (b) **Yards.** Yards shall have the minimum dimensions set forth in Table 9-202.030, except as modified below.
 - (1) **Reduction of Required Yard.** Required yards may be reduced as follows:
 - (A) If more than 50 percent of the block on which the lot sits is developed, the required yard may be reduced to the average of the existing yard dimensions of the block. In no case, however, shall a street side yard be less than 10 feet in width.
 - (B) If the lot is less than 75 feet in width, the street side yard may be reduced to 10 feet in width.
 - (2) **Increase in Required Yards.** If a side or rear yard abuts land developed with conforming residential uses, land zoned residentially, or land shown on the General Plan Map for residential development, the required yard shall be 20 feet in width.

- (3) **Development Within Required Yards.** The following structures may be located in or extend within required yards, subject to the provisions specified:
 - (A) Architectural features, subject to the provisions of Chapter 9-400, General Site Regulations;
 - (B) Screening, including fences and gates, subject to the provisions of Sections 9-400.060, Fencing and Screening, and 9-400.090, Screening of Equipment;
 - (C) Additions to nonconforming single-unit dwellings, subject to the provisions of Chapter 9-405, Nonconformity Provisions; and
 - (D) Structures adjacent to and associated with railroad spurs.
- (c) **Height.** Buildings and structures in the Industrial zones shall not exceed the heights set forth in Table 9-202.030-2, except as provided in Section 9-400.020, Building Projections into Required Yards; screening devices, including fences, gates, and gateposts, shall comply with the requirements specified in Chapter 9-402, Landscaping Regulations.
- (d) **Additional Development Standards.**
 - (1) **Access.** All principal uses in the Industrial zones shall have access to a County-maintained road.
 - (2) **Transitional Standards.** Where an Industrial zone adjoins a Residential zone, the following standards apply:
 - (A) The maximum height shall be 50 feet within 50 feet of the Residential zone boundary;
 - (B) A landscaped planting area, a minimum of 10 feet in width, shall be provided along all Residential zone boundaries. A tree screen shall be planted in this area with trees planted at a minimum interval of 15 feet.
 - (C) The minimum building setback from a Residential zone boundary shall be 15 feet for interior side yards and 20 feet for rear yards.
 - (3) Drive-In and Drive Through Facilities. See Section 9-409.080.
 - (4) **Parking Location.** Parking shall be located at the side or rear of buildings wherever possible.

Chapter 9-203 Agricultural Zones

Sections:

- 9-203.010 Purpose
- 9-203.030 Land Use Regulations
- 9-203.040 Development Standards

9-203.010 PURPOSE

The specific purposes of the Agricultural zones are to:

- (a) Designate adequate land, consistent with the General Plan, for animal raising, crop production, and related agricultural services supporting the agricultural economy in the County;
- (b) Maintain and strengthen the County's economic and fiscal resources and provide employment and housing opportunities for residents of the County.
- (c) Establish appropriate development standards and buffering requirements to protect adjacent uses and ensure land use compatibility; and
- (d) Minimize the impacts of agricultural development on adjacent residents, while also ensuring the Right-to-Farm.

The following Agricultural zones implement the General Plan classification for agricultural land use:

AG Zone. The General Agriculture (AG) Zone is established to preserve agricultural lands for the continuation of commercial agricultural enterprises. This zone implements the General Agriculture land use category of the General Plan.

AI Zone. The Agricultural Industry (AI) Zone ...(to be added when the new zone, as approved by the Board of Supervisors, is effective).

AL Zone. The Limited Agriculture (AL) Zone is intended to recognize and preserve areas for small-scale agricultural operations and dwellings. This zone implements the Limited Agriculture land use category of the General Plan.

AU Zone. The Agriculture-Urban Reserve (AU) Zone is intended to retain in agriculture those areas planned for future urban development in order to facilitate compact, orderly urban development and appropriate timing and economical provision of services and utilities. This zone implements the Agriculture-Urban Reserve land use category of the General Plan.

A number included after an agricultural zoning designation annotates the minimum lot size in thousands of square feet. For example, AU-20 means a 20-acre minimum lot size in that AU zone.

9-203.020 LAND USE REGULATIONS

Table 9-203.020-1 prescribes the land use regulations for the Agricultural zones. Use types are defined in Chapter 9-901, Use Classifications; key terms used in the classifications are defined in Chapter 9-900, Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity a classification that is substantially similar in character. Use classifications and sub classifications not listed in the table or not found to be substantially similar to the uses listed in the table are prohibited. The right-hand column in the table includes specific section references for other regulations in this Title, in Chapter 9-409, Standards for Specific Uses and Activities.

TABLE 9-203.020-1: USES IN AGRICULTURAL ZONES					
P = Permitted use; P = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required					
L# = Numbered limitation at end of table. "-" = No permitted					
<i>Use Types</i>	<i>AG</i>	<i>AI</i>	<i>AL</i>	<i>AU</i>	<i>Additional Regulations</i>
Residential					
Day Care	See subclassifications below				
<i>Day Care Center</i>	-		-	-	
<i>Large Family Day Care</i>	Z		Z	Z	9-409.220, Family Day Care, Large
<i>Small Family Day Care</i>	P		P	P	
Emergency Shelter	-		-	-	9-409.190, Emergency Shelters
Farm Employee Housing	See subclassifications below				9-409.230, Farm Employee Housing
<i>Large</i>	A		A	A	
<i>Small</i>	P		P	P	
Group Residential	See subclassifications below				
<i>Congregate Housing</i>	-		-	-	
<i>Senior Group Residential</i>	-		-	-	
Mobile Home Park	-		-	-	9-409.310, Mobile Home Park
Residential Care Facility	See subclassifications below				9-409.380, Residential Care
<i>Large</i>	-		-	-	
<i>Small</i>	P		P	P	
Residential Housing Types	See subclassifications below				
<i>Single-Unit Dwelling</i>	P		P	P	9-409.020, Accessory Dwelling Units
<i>Bungalow Court</i>	-		-	-	9-409.030, Accessory Short-term Rentals
<i>Duplex</i>	-		-	-	9-409.160, Cottage Food Operations 9-409.2670, Home Occupations

TABLE 9-203.020-1: USES IN AGRICULTURAL ZONES

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<i>Use Types</i>	<i>AG</i>	<i>AI</i>	<i>AL</i>	<i>AU</i>	<i>Additional Regulations</i>
<i>Multi-Unit Residential</i>	-		-	-	
Single Room Occupancy	-		-	-	
Supportive Housing	-		-	-	
Transitional Housing	-		-	-	
Veterans Supportive Housing	-		-	-	
Non-Residential					
Adult Business	-		-	-	
Aerial Facilities	See subclassification below				
<i>Agricultural</i>	A		A	A	
<i>Airfield</i>	C		C	-	
<i>Commercial Airport</i>	C		-	-	
Agricultural Excavation	See subclassification below				Chapter 9-809, Agricultural Excavation Permits
<i>Large</i>	C		C	C	
<i>Small</i>	A		A	A	
Agricultural Industry	A		A	A	
Agricultural Sales	See subclassifications below				
<i>Agricultural Chemical Sales</i>	A		A	-	
<i>Feed and Grain Sales</i>	A		A	-	
Agricultural Warehousing	A		A	-	
Agricultural Waste Facilities	-		-	-	
Animal Care, Sales and Services	See subclassification below				
<i>Boarding and Breeding, Large</i>	A		C	-	
<i>Boarding and Breeding, Small</i>	A		A	-	
<i>Grooming and Sales</i>	-		-	-	
<i>Stables</i>	A		A	A	
<i>Veterinary</i>	See subclassification below				
<i>Large Animal</i>	A		A	A	
<i>Small Animal</i>	-		-	-	
Animal Feeding and Sales	C		-	-	
Animal Raising	See subclassification below				9-409.070, Animal Keeping and Raising
<i>Exotic</i>	A		A	A	
<i>Family Food Production/Education</i>	P		P	P	
<i>General</i>	P		P	P	

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<i>Use Types</i>	<i>AG</i>	<i>AI</i>	<i>AL</i>	<i>AU</i>	<i>Additional Regulations</i>
<i>Hogs</i>	C		C	C	
<i>Other</i>	A		C	A	
Artist's Studio	See subclassifications below				
<i>Large</i>	-		-	-	
<i>Small</i>	-		-	-	
Assembly	See subclassifications below				
<i>Community</i>	-		-	-	
<i>Veterans and Service Organizations</i>	-		C	C	9.409.080, Assembly
<i>Religious</i>	C		C	C	
Auction Sales	See subclassifications below				
<i>Indoor</i>	-		-	-	
<i>Outdoor</i>	-		-	-	
Automotive Sales and Services	See subclassifications below				
<i>Alternative Fuels and Recharging Facility</i>	-		-	-	
<i>Rentals</i>	-		-	-	
<i>Repairs, Limited</i>	-		-	-	
<i>Repairs, Major</i>	-		-	-	
<i>Sales</i>	-		-	-	
<i>Washing/Detailing</i>	-		-	-	
Catering and Delivery	-		-	-	
Cinema/Theater	-		-	-	
Commercial Cannabis	See subclassification below				
<i>Cultivation</i>	C		-	-	SPP also required in zones where allowed with a Conditional Use Permit; see 9-409.140, Commercial Cannabis
<i>Distribution</i>	C		-	-	
<i>Manufacturing</i>	C		-	-	
<i>Non-Storefront Retail Sales</i>	-		-	-	
<i>Laboratory Testing</i>	-		-	-	
Communication Facilities	See subclassification below				
<i>Towers</i>	A		A	A	Chapter 9-41 I, Wireless Communications Facilities
<i>Building-Related</i>	Z		Z	Z	
<i>Co-Location</i>	Z		Z	Z	
Community Garden	P		P	P	

TABLE 9-203.020-1: USES IN AGRICULTURAL ZONES

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 L# = Numbered limitation at end of table. "-" = No permitted

<i>Use Types</i>	<i>AG</i>	<i>AI</i>	<i>AL</i>	<i>AU</i>	<i>Additional Regulations</i>
Construction Services	See subclassification below				
<i>General</i>	-		-	-	
<i>Heavy</i>	-		-	-	
<i>Outdoor Storage</i>	-		-	-	
Correctional or Detention Facility	-		-	-	
Crop Production	P		P	P	
Cultural Institutions	-		-	-	
Dairies and Creameries	A		A	C	
Eating and Drinking Establishment	See subclassification below				
<i>Bar</i>	-		-	-	
<i>Restaurant, Full Service</i>	-		-	-	
<i>Restaurant, Limited Service</i>	-		-	-	
Educational Services	See subclassification below				
<i>College</i>	-		-	-	
<i>School</i>	A		A	A	9-409.390, Schools
<i>Trade School</i>	-		-	-	
Equipment Sales, Repair, and Storage	See subclassification below				
<i>Aircraft</i>	-		-	-	
<i>Farm Machinery, Sales</i>	A		A	C	
<i>Farm Machinery, Repair</i>	A		A	C	
<i>Leisure, Sales and Repair</i>	-		-	-	
<i>Leisure, Storage</i>	A		A	A	9-203.020 (d) (4), Equipment Sales, Repair, and Storage – Leisure, Storage
<i>Small Equipment Rental</i>	-		-	-	
Freight and Truck Terminals	-		-	-	
Fuel Sales	See subclassification below				
<i>Service Stations</i>	-		-	-	
<i>Combination</i>	-		-	-	
<i>Alternative</i>	-		-	-	
<i>Recharging</i>	-		-	-	
Funeral/Interment Services	See subclassification below				
<i>Cemetery</i>	C		C	C	
<i>Crematory</i>	-		-	-	
<i>Mortuary</i>	-		-	-	

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<i>Use Types</i>	<i>AG</i>	<i>AI</i>	<i>AL</i>	<i>AU</i>	<i>Additional Regulations</i>
General Industry	-		-	-	
Government Buildings	-		-	-	
Industrial Hemp Production	A		A	A	9-203.020 (d) (7), Industrial Hemp Production
Instructional Services	-		-	-	
Light Fleet-Based Services	-		-	-	
Limited Industry	-		-	-	
Live-Work Unit	-		-	-	
Marinas	C		-	-	
Medical Services	See subclassification below				
<i>Hospital</i>	-		-	-	
<i>Clinic</i>	-		-	-	
<i>Skilled Nursing Facility</i>	-		-	-	
Nursery Sales and Landscaping Services	A		A	A	9-409.320, Nurseries and Landscaping Services
Offices	-		-	-	
Park and Open Space	See subclassification below				
<i>Parks</i>	C		C	C	
<i>Wildlife Preserve</i>	C		C	-	
Parking Facility	-		-	-	
Personal Services	See subclassification below				9-409.350, Personal Services
<i>General Personal Services</i>	-		-	-	
<i>Massage Establishment</i>	-		-	-	
<i>Health and Fitness Facility</i>	-		-	-	
Petroleum and Gas Extraction	Z		Z	Z	
Produce Sales	See subclassification below				
<i>Agricultural Store, Small</i>	Z		Z	Z	9-409.360, Produce Stands and Agricultural Stores
<i>Agricultural Store, Large</i>	A		A	A	
<i>Farmers Market</i>	-		-	-	
<i>Produce Stand</i>	P		P	P	
Public Safety Facilities	Z		Z	Z	
Quarry Operations	C		C	-	Chapter 9-813, Quarry Excavation Permits
Recreation Facilities	See subclassification below				
<i>Campgrounds</i>	C		C	C	

TABLE 9-203.020-1: USES IN AGRICULTURAL ZONES

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<i>Use Types</i>	<i>AG</i>	<i>AI</i>	<i>AL</i>	<i>AU</i>	<i>Additional Regulations</i>
<i>Large Outdoor Facility</i>	-		-	-	
<i>Large Indoor Facility</i>	-		-	-	
<i>Outdoor Sports</i>	A		-	-	
<i>Resort</i>	C		C	-	
<i>Small-scale Facility</i>	-		-	-	
Recycling Facilities	See subclassification below				
<i>Agricultural</i>	C		C	C	
<i>Sorting</i>	-		-	-	
<i>Processing</i>	-		-	-	
Renewable Energy	See subclassification below				
<i>Biomass Conversion</i>	C		-	-	
<i>Small Scale Solar Energy Systems</i>	A		A	A	9-409.420, Solar Energy Facilities 9-409.450, Wind Energy Systems
<i>Small-Scale Wind Energy System</i>	A		A	A	
<i>Utility Scale Solar Energy System</i>	C		-	-	
<i>Utility-Scale Wind Energy System</i>	C		-	-	
Repair Service	-		-	-	
Research and Development	See subclassification below				
<i>High Technology</i>	-		-	-	
<i>Laboratory</i>	-		-	-	
Retail Sales and Services	See subclassification below				
<i>Business Services</i>	-		-	-	
<i>Convenience Store</i>	-		-	-	
<i>General Market</i>	-		-	-	
<i>General Retail Sales</i>	-		-	-	
<i>Liquor Sales, Off-Premises</i>	-		-	-	
<i>Mobile Food Vendor, On-Premises</i>	-		-	-	
Salvage and Wrecking	-		-	-	
Social Service Center	-		-	-	
Transient Lodging	See subclassifications below				
<i>Bed and Breakfast</i>	A		A	A	9-409.100, Bed and Breakfast Lodging
<i>Hotel and Motel</i>	-		-	-	
<i>Recreational Vehicle Parks</i>	C		C	C	

TABLE 9-203.020-1: USES IN AGRICULTURAL ZONES					
P = Permitted use; P = Zoning Clearance required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required L# = Numbered limitation at end of table. "-" = No permitted					
<i>Use Types</i>	<i>AG</i>	<i>AI</i>	<i>AL</i>	<i>AU</i>	<i>Additional Regulations</i>
<i>Short-term Rentals</i>	-		-	-	
Truck Services	See subclassifications below				
<i>Parking</i>	-		A	-	9-203.020(b)(2), Owner-Operator Truck Parking as an Accessory Use
<i>Repairs</i>	-		-	-	
<i>Sales and Rentals</i>	-		-	-	
<i>Stops</i>	-		-	-	
<i>Washing</i>	-		-	-	
Utilities	See subclassifications below				
<i>Major</i>	A		A	A	
<i>Minor</i>	P		P	P	
Warehouse, Storage, and Distribution	See subclassifications below				
<i>Chemical, Mineral, and Explosives Storage</i>	-		-	-	
<i>Indoor</i>	-		-	-	
<i>Outdoor</i>	-		-	-	
<i>Personal</i>	-		-	-	
<i>Vehicle</i>	-		-	-	
Waste Facilities	See subclassifications below				9-409.260, Hazardous Waste Facilities
<i>Agricultural</i>	C		C	-	Only allowed for the recycling of agricultural waste products
<i>Hauling and Transfer</i>	-		-	-	
Water Storage	C		-	-	
Wine Facilities	See subclassifications below				
<i>Winery, Large</i>	C		-	-	Chapter 9-410, Wineries and Related Facilities
<i>Winery, Medium</i>	C		-	-	
<i>Winery, Small</i>	A		A	-	
<i>Off-site Wine Cellar</i>	A		A	-	

- (a) **Expansion of Uses and Structures.** Uses or structures that require discretionary review may be expanded with a Zoning Clearance, provided the following two conditions are met:
- (1) The proposed expansion or construction of a structure involves less than a 25 percent increase in the existing, approved floor area, as shown on the most

recent land use permit or Zoning Clearance on file, but no more than 10,000 square feet;

- (2) The proposed expansion involves less than a 25 percent in the developed area of the site;
- (3) The proposed expansion will not have a substantial, adverse effect; and
- (4) The expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency.

Expansion of uses that involve maximum number of animals shall be reviewed on a case-by-case basis. Where conditions in Subsections (1) through (4) of this Section are not met, the level of review for the expansion shall be the same as the review required in Table 9-203.020-1 for a new use.

- (b) **Accessory Uses and Structures.** Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-203.2 Accessory uses and structures not specifically listed in Table 9-203.2 are allowed with a Zoning Clearance if the primary use is permitted or with an Administrative Use Permit if the primary use requires an Administrative Use Permit or a Conditional Use Permit. All accessory uses are subject to Section 9-409.040, Accessory Uses.

TABLE 9-203.020-2: ACCESSORY USES IN AGRICULTURAL ZONES					
	<i>AG</i>	<i>AI</i>	<i>AL</i>	<i>AU</i>	<i>Additional Regulations</i>
Accessory Dwelling Unit	P		P	P	9-409.020, Accessory Dwelling Units
Accessory Short-Term Rentals	A		A	A	9-409.030, Accessory Short-term Rentals
Agricultural Equipment Storage	P		P	P	Outside storage allowed for equipment uses on-site for soil preparation, tilling, seeding, cultivation, and harvesting
Antennae, Radio/TV Dish	P		P	P	Chapter 9-411, Wireless Communications Facilities
Barn	P		P	P	
Biomass Energy Production	P		P	P	Only for use on the site
Boathouse, Private	P		P	P	Limited to one per lot
Coop	P		P	P	
Distilled Spirits Storage	P		-	-	Only in large wineries
Dock, Private	P		P	P	Limited to one per lot
Firewood Sales	P		P	P	Only if grown on-site or within a five-mile radius of the site
Garage, Private	P		P	P	
Greenhouse, Private	P		P	P	
Guesthouse	P		P	P	
Home Occupation	P		P	P	9-409.270, Home Occupations
Horse Raising	P		P	P	9-409.070, Animal Keeping and Raising
Owner-Operator Truck Parking	P		P	P	
Packing Shed	P		P	P	Seasonal use by neighboring farmers is allowed

TABLE 9-203.020-2: ACCESSORY USES IN AGRICULTURAL ZONES					
	<i>AG</i>	<i>AI</i>	<i>AL</i>	<i>AU</i>	<i>Additional Regulations</i>
Pet Grooming and Training	P		P	-	
Pump/Pumphouse	P		P	P	
Residential Solar Energy System, Small	P		P	P	9-409.420, Solar Energy Facilities
Silo	P		P	P	
Stable, Private	P		P	P	
Swimming Pool & Equipment	P		P	P	
Water Storage Facility	P		P	P	
Wind Energy Machine, Private	P		P	P	9-409.450, Wind Energy Facilities
Wine Tasting Room	P		-	-	May be on-site or off-site; see Chapter 9-410, Wineries and Related Facilities
Workshop/Hobby Shop	P		P	P	

- (1) **Continuation of a Batch Plant at a Quarry.** Continuation of a batch plant as an accessory use to an existing excavation subject to a Quarry Excavation Permit shall be allowed, subject to the following requirements:
- (A) *Application for Revision of Approved Actions.* When the Quarry Excavation Permit is about to lapse solely because the mineral resource is nearly exhausted or has been exhausted, the Permittee may apply for a Conditional Use Permit allowing the continuation of the batch plant as an accessory use if the following criteria are satisfied:
 - (i) Reclamation of the excavation site shall be completed or shall be initiated prior to or simultaneously with the approval of Conditional Use Permit and shall be completed within two years;
 - (ii) Continued operation of the batch plant will not significantly affect the condition of the site; and
 - (iii) Operation of the batch plan must comply with all requirements of agencies having jurisdiction as determined by the Zoning Administrator.
 - (B) *Review.* The site and the batch plant shall continue to be subject to periodic inspections and reviews required by the Surface Mining and Reclamation Act and the Conditional Use Permit to determine if the criteria, as set forth above, are being met.
- (2) **Owner-Operator Truck Parking as an Accessory Use.** Truck parking as an accessory use in an Agricultural zone is permitted with an Administrative Use Permit subject to the following conditions:

- (A) The proposed site for the truck parking is at least three acres in size for one truck and one or two trailers or at least five acres for two trucks and up to four trailers.
 - (B) The site fronts on a County-maintained road with a minimum 20-foot width of pavement.
 - (C) The owner-operator of the truck(s) must live on the site.
 - (D) A minimum 10-foot wide setback shall be maintained between the project site and adjacent properties. If a residence is located on an adjacent parcel within 100 feet of the project site, the setback distance shall be increased to 20 feet.
 - (E) All truck parking spaces and major circulation drive lanes shall be surfaced and permanently maintained with all-weather surfacing.
 - (F) Only one accessory structure may be permitted for maintenance and repair of the permitted trucks and trailers.
- (c) **Temporary Uses and Structures.** Temporary uses and structures permitted, not permitted, and allowed with a Temporary Use Permit are set forth in Table 9-203.020-3 and Section 9-409.430, Temporary Uses. Accessory uses and structures not specifically listed in Table 9-203.020-3 may be allowed by the Zoning Administrator, subject to the requirements of Section 9-804.080, Temporary Use Permits.

TABLE 9-203.020-3: TEMPORARY USES & STRUCTURES IN AGRICULTURAL ZONES					
<i>Use Types</i>	<i>AG</i>	<i>AI</i>	<i>AL</i>	<i>AU</i>	
Auction, Agricultural Machinery	T		T	T	Section 9-409.430 (b)(1)
Auction, Livestock	T		T	T	Section 9-409.430 (b)(1)
Car Wash	P		P	P	
Car Wash, Private	-		-	-	
Commercial Filming	T		T	T	Section 9-409.430 (b)(3)
Construction Yard, Off-site	T		T	T	Section 9-409.430 (b)(4)
Construction Yard, On-Site	P		P	P	Section 9-409.430 (a)(4)
Corporation Yard	-		-	-	
Farmer's Market, Certified	T		T	T	
Garage/Yard Sales	P		P	P	Limit: 2 sales, up to 3 consecutive days, 4 times a year; see 9-409.430(a)(3)
Outdoor Sales	T		T	T	Only includes sales associated with an existing business on the same site; Section 9-409.430 (b)(5).
Produce Stand	P		P	P	
Public Display of Fireworks	T		T	T	9-409.240, Fireworks
Seasonal Sales	P		P	P	Includes Christmas tree and pumpkin sales; see Section 9-409.430 (a)(3)
Special Events and Sales	T		T	T	Section 9-409.430 (b)(1)

TABLE 9-203.020-3: TEMPORARY USES & STRUCTURES IN AGRICULTURAL ZONES					
<i>Use Types</i>	<i>AG</i>	<i>AI</i>	<i>AL</i>	<i>AU</i>	
Special Outdoor Event	T		T	T	
Special Indoor Event	T		T	T	
Storage Structure	T		T	T	Section 9-409.430 (b)(6)
Subdivision Sales Office	-		-	-	
Temporary Real Estate Sales	-		-	-	
Temporary Structure	-		-	-	
Temporary Work Trailer	T		T	T	Section 9-409.430 (b)(7)
Legend:					
P Permitted Use					
T Permitted Use with a Temporary use Permit					
- Use Not Permitted					

(d) **Additional Use Regulations.** In addition to the provisions of Sections 9-203.020(a) through 9-203.020(c), the following Special Use Regulations shall apply to the uses or use types specified below:

(1) **Change in Existing Use.** Any change from an existing use to a new use, which requires either an Administrative Use Permit or a Conditional Use Permit, shall be permitted with a Zoning Clearance, provided the Zoning Administrator finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing use.

(2) **Commercial Cannabis Uses.** The following special use regulations shall apply:

(A) *Cultivation-Locational Criteria.* Parcels located in the General Agriculture (AG) Zone shall be located no more than 2,000 feet from a major intersection or arterial road as measured from the closest edge of the parcel to the closest edge of the major intersection or arterial road. A parcel may be located more than 2,000 feet from a major intersection or arterial road if the following are found to be true:

- (i) There is sufficient ease of access from the proposed parcel to an arterial road;
- (ii) There is sufficient access for emergency vehicles; and
- (iii) The Cultivator License applicant demonstrates that the premises can be secured to the satisfaction of the County.

(B) *Distribution.* For any operation allowed pursuant to a Distributor License in the AG Zone, a Distributor License and Cultivator License shall be required pursuant to Title 4 for the same lot.

- (C) *Manufacturing.* For any operation allowed pursuant to a Manufacturer License in the AG Zone, a Manufacturer License and Cultivator License shall be required pursuant to Title 4 for the same lot.
- (3) **Development in General Plan-Designated Open Space/Conservation Areas.** See Section 9-706.050, Open Space/Resource Conservation Areas.
- (4) **Equipment Sales, Repair, and Storage – Leisure, Storage.** The following special use regulations shall apply:
 - (A) Cannot be located on land designated as prime farmland or under a Williamson Act contract.
 - (B) The site fronts a public maintained highway or highway frontage road with a minimum 20-foot width of pavement.
 - (C) Only one accessory structure may be permitted.
 - (D) A minimum 10-foot wide setback shall be maintained between the project site and adjacent properties. If a residence is located on an adjacent parcel within 100 feet of the project site, the setback distance shall be increased to 20 feet.
- (5) **Expansion of Existing Uses in the Agricultural Urban Reserve Zones.** Existing uses in the Agricultural Urban Reserve (AU) Zone that are consistent with the General Plan may be expanded or changed to other uses that are consistent with the General Plan. If the uses is inconsistent with the General Plan, the expansion requires an Administrative Use Permit.
- (6) **Explosives Handling.** A Conditional Use Permit may be approved for Explosives Handling provided the standards of Section 9-409.210, Explosives Handling, are met and the following findings are made in addition to the required findings in Section 9-804.050, Required Findings:
 - (A) The nature of the materials processed and the operational characteristics of the use require a location outside of an urban area as designated on the General Plan; and
 - (B) The facility only converts waste products from agricultural operations to other useable products.
- (7) **Industrial Hemp Production.** The following standards shall apply to the cultivation of industrial hemp for commercial and research purposes in the zones where this use type is allowed; see Table 9-203.020-1.
 - (A) A person cultivating industrial hemp shall design and construct improvements on the parcel to be used for cultivation in a manner that

minimizes impacts, which may include, but are not limited to odor and pollen drift to surrounding areas.

- (B) The minimum size parcel upon which a person cultivating industrial hemp for commercial purposes may cultivate is 20 acres (five acres in the AL Zone).
- (C) Outdoor industrial hemp cultivation in the County shall meet the following setback requirements:
 - (i) 100 feet from the lot line, unless the hemp cultivation area is adjacent to a hemp cultivation area that is under the legal control of the same owner;
 - (ii) 1,000 feet from any lot containing a sensitive receptor;
 - (iii) 200 feet from any residential dwelling unit on an adjacent lot; and
 - (iv) 200 feet from the lot line of any residentially-zoned land.
- (D) In the AG Zone, indoor cultivation of industrial hemp is limited to the cultivation of hemp transplants, or seed production in a structure dedicated solely to the cultivation of nursery stock. All other indoor cultivation of industrial hemp is prohibited.
- (E) In the AL Zone, indoor cultivation of Industrial Hemp transplants is allowed if:
 - (i) There is a pre-existing wholes nursery sales facility on the site;
 - (ii) There are no flowering hemp plants of any kind; and
 - (iii) Any mother plant used for the production of hemp transplants that reaches the flowering stage is destroyed in a manner approved by the Agricultural Commissioner.
- (F) In the AG Zone, structures used for indoor cultivation of hemp must meet the following setback requirements:
 - (i) 50 feet from front, side, and rear lot lines unless the adjacent parcel is under the same ownership in which case the standard setback for the AG Zone is required;
 - (ii) 1,000 feet from any parcel containing a sensitive receptor; and
 - (iii) 100 feet from any residential dwelling.
- (G) In the AL Zone, a 30-foot setback from side and rear lot lines must be provided for transplant production unless the adjacent parcel is under

the same ownership or control, in which case the standard setbacks for the AL Zone are required.

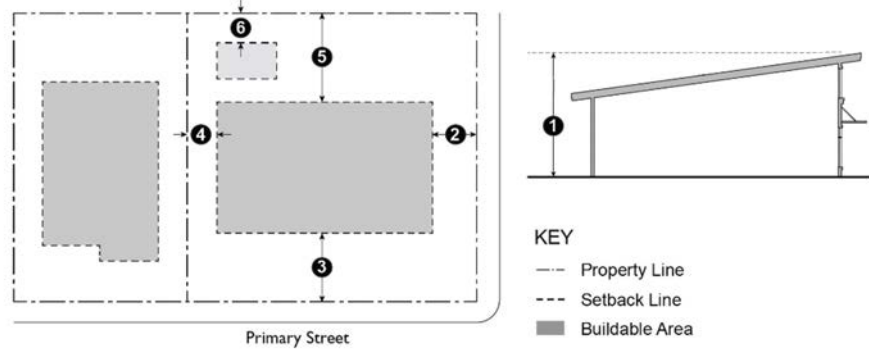
- (8) **Outdoor Sales.** See Section 9-409.310.
- (9) **Outdoor Storage.** See Section 9-409.070. Outdoor storage of heavy equipment used for agricultural activities on-site is permitted in the I-W and I-G Zones.
- (10) **Protection of the Delta Primary Zone.** See Section 9-706.060. Protection of the Delta Primary Zone.

9-203.030 DEVELOPMENT STANDARDS

Table 9-203.030 prescribes the development standards for Industrial zones. The numbers in each illustration refer to corresponding regulations in the “#” column in the associated table.

TABLE 9-203.030 : DEVELOPMENT STANDARDS – AGRICULTURAL ZONES¹					
	AG	AI	AL	AU	
Lot and Density Standards					
Minimum Lot Size (acres)	20; 40; 80; 160		5; 10	20	
Maximum Lot Site (acres)	None		None	None	
Minimum Lot Width (ft.) ¹	330 ¹		200 ¹	330 ¹	
Maximum Density (units/acre)	-		-	-	
Building Form and Location					
Maximum Height (ft.) ²					①
<i>Dwellings</i>	40 ³		40 ³	40	
<i>Accessory Dwelling Units</i>	40 ⁴		40 ⁴	40 ⁴	
<i>Buildings accessory to dwellings</i>	40 ⁵		40 ⁵	22 ⁵	
<i>Other structures</i>	None		None	None	
Minimum Setbacks (ft.) ^{6 7 8}					
<i>Front and Street Side Regular; Right-of-Way less than 50 ft.</i>	30; 55		30; 55	30; 55	② ; ③

TABLE 9-203.030 : DEVELOPMENT STANDARDS – AGRICULTURAL ZONES¹



	AG	AI	AL	AU	
<i>Interior Side – Main Structure; Accessory Structures</i>	10		10	10	4
<i>Rear – Main Structure; Accessory Structures; Reverse Corner Lots</i>	30; 15; 10		30; 15; 10	30; 15; 10	5 ; 6
<i>Interior Side & Rear – Non-residential Accessory Structures</i>	50		50	50	6

Notes:

- ¹ For homesite parcels, the minimum lot width shall be 150 feet.
- ² See Section 9-400.050, Exceptions to Height Limits.
- ³ For parcels containing 20 or more acres, there shall be no maximum height for dwellings, and the minimum setback from all lot lines for dwellings over 40 feet in height shall be a minimum of 50 feet.
- ⁴ When more than 50 percent of the floor area of an accessory dwelling unit is located above an existing or proposed garage, the maximum height of the entire combined structure is 25 feet.
- ⁴ Height limits for Accessory Dwelling Units are established in Section 9-409.020.
- ⁶ The minimum setback from all property lines for dwellings over 35 feet in height shall be twice the maximum height of the dwelling.
- ⁷ Setbacks for yards shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the General Plan or applicable Specific Plan or Master Plan.
- ⁸ If a setback reduction is applied for and granted, screening may be required pursuant to Section 9-400.040.

(a) **Lot Area and Width; Exceptions.**

(1) **Lot Area.** Lots and homesite parcels in the Agricultural zones shall have the minimum areas set forth in Table 9-203.030 with the following exceptions:

(A) *Homesite Parcels.* Homesite parcels may be approved in any agricultural zone, provided that:

- (i) Not more than one homesite parcel may be created from an existing parcel; however, under no circumstances shall the number of parcels resulting from the division exceed the maximum number of parcels permissible under the General Plan density. The minimum lot size for homesite parcels is:

AG Zone: 40 acres;

AL Zone: 10 acres; and

AU Zone: 40 acres with an underlying AU/R General Plan designation and 20 acres for all other General Plan designations.

- (ii) The homesite parcel shall contain two to five acres, and at least one of the property owners shall have owned the property for a minimum of 10 years prior to filing an application to create a homesite parcel. A homesite parcel created from property under Williamson Act contract shall also comply with Section 66474.4 of the Government Code, including that homesite parcel must have contained a residence for a minimum of five years prior to the filing of the application.
- (iii) A Minor Subdivision application proposing the creation of a homesite parcel from an existing parcel shall not be approved if it would adversely affect agricultural operations, as determined by the Zoning Administrator.
- (iv) If a Minor Subdivision application is approved, the homesite parcel which is created shall not be transferred for a period of 10 years following the date of approval or upon the death of an owner unless the homesite parcel and the remainder parcel are merged.
 - 1. For applications converting a financing homesite parcel to a standard homesite parcel, the 10-year period shall be counted from the date of approval of the financing homesite parcel.
 - 2. In determining how many homesite parcels have been created from an existing parcel, all homesite parcels shall be counted that were created from an existing parcel as of December 13, 2016, the date of the adoption of the General Plan.
 - 3. On properties under a Williamson Act contract, there must be at least 10 years between the creation of a homesite parcel prior to December 13, 2016, and a homesite parcel created after this date.
- (v) After the creation of a homesite parcel under this subsection, no further homesite parcels may be created on the remainder parcel except for financing purposes as set forth below, or when the remainder parcel has first been further divided into parcels meeting the zone minimum.
- (i) *Required Notice.* Approved homesite parcels and remainder parcels shall have a notice recorded by separate instrument concurrently with the parcel map to indicate the restrictions specified in that subsection. A note shall also be placed on the parcel map indicating these restrictions with a reference to the instrument number of the

recorded notice. The restrictions specified in this subsection shall terminate if the subject property is reclassified to a Non-agricultural zone or to an Agricultural zone with a five-acre minimum lot size.

- (B) *Financing Homesite Parcels.* Homesite parcels created for financing purposes only may be approved in the AG Zone, provided that:
- (i) Neither the homesite parcel nor the remainder parcel may be voluntarily transferred separately from the other parcel; however, if an institutional lender forecloses on either parcel, then either parcel may be transferred separately in accordance with the power of sale provisions contained in the deed of trust;
 - (ii) Upon repayment of the loan, the owner of the homesite parcel shall merge the homesite parcel with the remainder parcel, as provided for in this Title. Exceptions apply if the owner of the homesite parcel acquired the homesite parcel through a foreclosure action, the owner refinances the loan, or the owner applies for a homesite parcel;
 - (iii) The remainder parcel shall remain a non-buildable site for a primary dwelling unit; and
 - (iv) All homesite parcels created for financing purposes only shall contain two to five acres.
 - (v) *Required Notice.* Approved financing homesite parcels and remainder parcels shall have a notice recorded by separate instrument concurrently with the parcel map to indicate the restrictions specified in that subsection. A note shall also be placed on the parcel map indicating these restrictions with a reference to the instrument number of the recorded notice. The restrictions specified in this subsection shall terminate if the subject property is reclassified to a non-agricultural zone or to an agricultural zone with a five-acre minimum lot size.
- (C) *Lots for Certain Specified Uses.* Lots containing less area than the minimum required in Table 9-203.030 may be created for the purpose of providing a separate lot for an existing use or a use granted by an Administrative Use Permit or a Conditional Use Permit in the AG Zone, subject to the following conditions:
- (i) The existing use, or a use granted by a permit, is classified under one or more of the following use types:
 1. Agricultural Aerial Services;
 2. Agricultural Industry;

3. Agricultural Recycling Facilities; Agricultural Sales;
 4. Agricultural Warehousing;
 5. Animal Feeding and Sales;
 6. Animal Raising;
 7. Assembly;
 8. Farm Machinery Sales or Repair;
 9. Marinas;
 10. Nursery Sales and Landscaping Services;
 11. Park;
 12. Public Safety Facility;
 13. Recreation Facilities;
 14. Stables; or
 15. Utilities.
- (ii) The lot to be created will be reduced to the least area required to conduct the operation;
- (iii) The remainder parcel shall meet the minimum lot area requirements specified in Table 9-203.030;
- (iv) An Accessory Dwelling Unit or Second Unit Dwelling may be allowed on such resulting parcels only as an accessory use; and
- (v) The proposed subdivision of property complies with Sections 51230.1 and 66474.4 of the Government Code if the property to be divided is under a Williamson Act Contract.
- (D) *Dwellings on Same Parcel.* Two lots, each containing one Single-Unit Dwelling and each consisting of less area and/or width than required in Table 9-203.030, may be created from an original parcel for the purpose of providing a separate lot for each dwelling, subject to the following conditions:
- (i) The Single-Unit Dwellings were erected prior to February 9, 1961; and
 - (ii) The proposed subdivision of property complies with Sections 51230.1 and 66474.4 of the Government Code if the property to be divided is under a Williamson Act Contract.
- (E) *Lot-Size Averaging.* Lots containing up to 10 percent less area than the minimum area required in Table 9-610.2 may be created from an original parcel, subject to the following conditions:

- (i) The overall average lot area of the proposed subdivision is equal to or greater than the minimum area required in Table 9-203.4; and
 - (ii) The proposed subdivision complies with Sections 51230.1 and 66474.4 of the Government Code if the property to be divided is under a Williamson Act Contract.
- (2) **Lot Width Exceptions.** Lots within Agricultural zones shall not have a width less than that set forth in Table 9-203.030, except that:
 - (A) *Homesite Parcels and Financing Homesite Parcels:* Homesite parcels may have a minimum width of 150 feet, measured at the front yard setback, and not including the portion of a flag lot used solely for a driveway.
- (3) *Major or Minor Subdivision.* The lot width of individual lots in a Major or Minor Subdivision may be reduced to 90 percent of the minimum lot width required by Table 9-203.030, provided the average lot width for all lots in the proposed subdivision shall be equal to or greater than the minimum lot width required.
- (b) **Yard Exceptions.** Yards within Agricultural zones shall have the minimum depths set forth in Table 9-203.030 except as modified below:
 - (1) **Reduction of Required Yards.** Required yards may be reduced as follows:
 - (A) If a lot has less width than the required width specified in Table 9-203.030, the side yard or street side yard may be reduced to 10 percent of the width of the lot, provided the side yard is not less than four feet in width and the street side yard is not less than 10 feet in width.
 - (B) If a lot is less than 75 feet in width, the street side yard may be reduced to 10 feet in width.
 - (2) **Structures within Required Yards.** The following structures may be located in or extend within required yards, subject to the provisions specified:
 - (A) Architectural features, subject to the provisions of Chapter 9-400, General Site Regulations;
 - (B) Screening, including fences and gates, subject to the provisions of Sections 9-400.060, Fencing and Screening, and 9-400.090, Screening of Equipment;
 - (C) Structures adjacent to and associated with railroad spurs.
- (c) **Height.** Buildings and structures within Agricultural zones shall not exceed the heights set forth in Table 9-203.030 except as provided by Chapter 9-400, General Site Regulations; screening devices, including fences, gates, and gateposts, shall

comply with the height requirements specified in Sections 9-400.090, Fences and Screening.

Chapter 9-204 Airport, Mixed Use, and Public Facilities Zones

Sections:

9-204.010	Purpose
9-204.020	Land Use Regulations
9-204.030	Development Standards

9-204.010 PURPOSE

The purpose of this Chapter is to prescribe land use regulations and development standards for the following zones.

P-F Zone. The Public Facilities (P-F) Zone is intended to provide for the establishment of major correctional, medical, and infrastructure facilities; publicly owned recreation facilities and similar facilities and areas; educational facilities for primary, secondary, and higher education; police and fire protection facilities; public facilities and supporting uses in areas where they are most likely to benefit County residents. This zone is intended to implement the Public Facilities land use category of the General Plan.

M-X Zone. The Mixed-Use (M-X) Zone is intended to provide for activity centers containing a variety of compatible and integrated land uses under a coherent plan. This zone is intended to implement the Mixed-Use land use category of the General Plan.

AP-X Zone. The Airport Multi-Use (AP-X) Zone is intended to provide for the establishment of a variety of commercial and industrial land uses that are compatible with and supportive of airport operations on or adjacent to the Stockton Metropolitan Airport property.

9-204.020 LAND USE REGULATIONS

Table 9-204.020-1 prescribes the land use regulations for the P-F, M-X, and AP-X zones. Use types are defined in Chapter 9-901, Updated Use Type Classifications; key terms used in the classifications are defined in Chapter 9-900, Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity a classification that is substantially similar in character. Use classifications and sub classifications not listed in the table or not found to be substantially similar to the uses listed in the table are prohibited. The right-hand column in the table includes specific section references for other regulations in this Title, in Chapter 9-409, Standards for Specific Uses and Activities.

TABLE 9-204.020-1: USES IN AIRPORT, MIXED USE, AND PUBLIC FACILITIES ZONES				
P = Permitted use (Zoning Clearance required); A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission;				
L# = Numbered limitation at end of table. "-" = No permitted				
<i>Use Types</i>	<i>P-F</i>	<i>M-X</i>	<i>AP-X</i>	<i>Additional Regulations</i>
Residential				
Day Care	See subclassifications below			
<i>Day Care Center</i>	-	C	-	9-409.170, Day Care Center
<i>Large Family Day Care</i>	-	A	-	9-409.220, Family Day Care, Large
<i>Small Family Day Care</i>	-	P	-	
Emergency Shelter	P	-		9-409.190, Emergency Shelters
Farm Employee Housing	-	-	-	9-409.230, Farm Employee Housing
<i>Large</i>				
<i>Small</i>	-	-	-	
Group Residential	See subclassifications below			9-409.250, Group Residential
<i>Congregate Housing</i>	-	A	-	
<i>Senior Group Residential</i>	-	A	-	
Mobile Home Park	-	-	-	9-409.310, Mobile Home Park
Residential Care Facility	See subclassifications below			9-409.380, Residential Care
<i>Large</i>				
<i>Small</i>	-	P	-	
Residential Housing Types	See subclassifications below			
<i>Single-Unit Dwelling</i>	-	-	-	
<i>Bungalow Court</i>	-	A	-	9-409.020, Accessory Dwelling Units
<i>Duplex</i>	-	C	-	9-409.030, Accessory Short-term Rentals
<i>Multi-Unit Residential</i>	-	C	-	9-409.160, Cottage Food Operations 9-409.2670, Home Occupations
Single Room Occupancy	-	C	-	9-409.410, Single Room Occupancy Housing
Supportive Housing	-	P	-	
Transitional Housing	-	P	-	
Veterans Supportive Housing	P	-	-	9-409.440, Veterans Supportive Housing
Non-Residential				
Adult Business	-	-	-	
Aerial Facilities	See subclassification below			
<i>Agricultural</i>	-	-	-	
<i>Airfield</i>	-	-	-	
<i>Commercial Airport</i>	-	-	C	
Agricultural Excavation	See subclassification below			
<i>Large</i>	-	-	-	
<i>Small</i>	-	-	-	

TABLE 9-204.020-1: USES IN AIRPORT, MIXED USE, AND PUBLIC FACILITIES ZONES

P = Permitted use (Zoning Clearance required); A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission;

L# = Numbered limitation at end of table. "-" = No permitted

<i>Use Types</i>	<i>P-F</i>	<i>M-X</i>	<i>AP-X</i>	<i>Additional Regulations</i>
Agricultural Industry	-	-	C	
Agricultural Sales	See subclassifications below			
<i>Agricultural Chemical Sales</i>	-	-	C	
<i>Feed and Grain Sales</i>	-	-	-	
Agricultural Warehousing	-	-	C	
Agricultural Waste Facilities	-	-	-	
Animal Care, Sales and Services	See subclassification below			
<i>Boarding and Breeding</i>	-	-	-	
<i>Large</i>	-	-	-	
<i>Small</i>	-	-	-	
<i>Grooming and Sales</i>	-	-	-	
<i>Stables</i>	-	-	-	
<i>Veterinary</i>	-	-	-	
<i>Large Animal</i>	-	-	-	
<i>Small Animal</i>	-	-	-	
Animal Feeding and Sales	-	-	-	
Animal Raising	See subclassification below			
<i>Exotic</i>	-	-	-	
<i>Family Food Production/Education</i>	-	-	-	
<i>General</i>	-	-	-	
<i>Hogs</i>	-	-	-	
<i>Other</i>	-	-	-	
Artist's Studio	See subclassifications below			
<i>Large</i>	-	-	-	
<i>Small</i>	-	-	-	
Assembly	See subclassifications below			
<i>Community</i>	A	A	-	
<i>Veterans and Service Organizations</i>	A	A	-	9.409.080, Assembly
<i>Religious Assembly</i>	A	A	-	
Auction Sales	See subclassifications below			
<i>Indoor</i>	-	-	-	
<i>Outdoor</i>	-	-	-	9-409.340, Outdoor Sales

TABLE 9-204.020-1: USES IN AIRPORT, MIXED USE, AND PUBLIC FACILITIES ZONES				
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L# = Numbered limitation at end of table. "-" = No permitted				
<i>Use Types</i>	<i>P-F</i>	<i>M-X</i>	<i>AP-X</i>	<i>Additional Regulations</i>
Automotive Sales and Services	See subclassifications below			9-409.090, Automobile/Vehicle Sales and Services
<i>Alternative Fuels and Recharging Facility</i>	-	P	P	
<i>Rentals</i>	-	-	A	
<i>Repairs, Limited</i>	-	-	C	
<i>Repairs, Major</i>	-	-	C	
<i>Sales</i>	-	-	-	
<i>Washing/Detailing</i>	-	-	C	
Catering and Delivery	-	-	-	
Cinema/Theater	-	A	-	9-409.130, Cinema and Theater
Commercial Cannabis	See subclassification below			
<i>Cultivation</i>	-	-	-	
<i>Distribution</i>	-	-	-	
<i>Manufacturing</i>	-	-	-	
<i>Non-Storefront Retail Sales</i>	-	-	-	
<i>Laboratory Testing</i>	-	-	-	
Communication Facilities	See subclassification below			
<i>Towers</i>	A	A	A	Chapter 9-41 I, Wireless Communications Facilities
<i>Building-Related</i>	A	A	A	
<i>Co-Location</i>	P	P	P	
Community Garden	P	P	-	
Construction Services	See subclassification below			
<i>General</i>	-	-	C	
<i>Heavy</i>	-	-	-	
Outdoor Storage	-	-	-	
Correctional or Detention Facility	P	-	-	
Crop Production	P	P	P	
Cultural Institutions	P	P	C	
Dairies and Creameries	-	-	-	
Eating and Drinking Establishment	See subclassification below			
<i>Bar</i>	-	C	-	9-409.200, Entertainment 9-409.330, Outdoor Dining and Seating
<i>Restaurant, Full Service</i>	-	P	C	
<i>Restaurant, Limited Service</i>	-	P	C	
Educational Services	See subclassification below			

TABLE 9-204.020-1: USES IN AIRPORT, MIXED USE, AND PUBLIC FACILITIES ZONES				
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L# = Numbered limitation at end of table. "-" = No permitted				
<i>Use Types</i>	<i>P-F</i>	<i>M-X</i>	<i>AP-X</i>	<i>Additional Regulations</i>
<i>College</i>	-	-	A	
<i>School</i>	A	A	C	409.390, Schools
<i>Trade School</i>	-	-	A	
Equipment Sales, Repair, and Storage	See subclassification below			
<i>Aircraft</i>	-	-	A	
<i>Farm Machinery, Sales</i>	-	-	-	
<i>Farm Machinery, Repair</i>	-	-	-	
<i>Leisure, Sales and Repair</i>	-	-	-	
<i>Leisure, Storage</i>	-	-	-	
<i>Small Equipment Rental</i>	-	-	-	
Freight and Truck Terminals	-	-	C	
Fuel Sales	See subclassification below			
<i>Service Stations</i>	-	A	A	9-409.400, Service Stations 9.409.150, Convenience Store
<i>Combination</i>	-	A	-	
<i>Alternative</i>	-	-	-	
<i>Recharging</i>	-	A	A	
Funeral/Interment Services	See subclassification below			
Cemetery	A	-	-	
Crematory	-	-	-	
Mortuary	-	-	-	
General Industry	-	-	-	
Government Buildings	P	P	P	
Industrial Hemp Production	-	-	-	
Instructional Services	-	A	-	
Light Fleet-Based Services	-	-	A	
Limited Industry	-	-	C	
Live-Work Unit	-	A	-	9-409.290, Live-Work Units
Marinas	-	-	-	
Medical Services	See subclassification below			9-409.280, Hospitals and Clinics
<i>Hospital</i>	C	P	-	
<i>Clinic</i>	C	P	C	
<i>Skilled Nursing Facility</i>	C	C	-	

TABLE 9-204.020-1: USES IN AIRPORT, MIXED USE, AND PUBLIC FACILITIES ZONES				
P = Permitted use (Zoning Clearance required); A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission;				
L# = Numbered limitation at end of table. "-" = No permitted				
<i>Use Types</i>	<i>P-F</i>	<i>M-X</i>	<i>AP-X</i>	<i>Additional Regulations</i>
Nursery Sales and Landscaping Services	-	-	C	9-409.320, Nurseries and Landscaping Services
Offices	-	A	C	
Park and Open Space	See subclassification below			
<i>Parks</i>	P	P	-	
<i>Wildlife Preserve</i>	-	-	-	
Parking Facility	C	A	A	
Personal Services	See subclassification below			9-409.350, Personal Services
General Personal Services	-	P	-	
Massage Establishment	-	-	-	
Health and Fitness Facility	-	A	-	
Petroleum and Gas Extraction	-	-	C	
Produce Sales	See subclassification below			
<i>Agricultural Store, Small</i>	-	-	-	
<i>Agricultural Store, Large</i>	-	-	-	
<i>Farmers Market</i>	-	-	-	
<i>Produce Stand</i>	-	-	-	
Public Safety Facilities	P	P	P	
Quarry Operations	-	-	-	
Recreation Facilities	See subclassification below			
<i>Campgrounds</i>	-	-	-	
<i>Large Outdoor Facility</i>	A	-	-	9-409.200, Entertainment
<i>Large Indoor Facility</i>	A	A	-	
<i>Outdoor Sports</i>	-	-	-	
<i>Resort</i>	-	-	-	
<i>Small-scale Facility</i>	-	A	-	
Recycling Facilities	See subclassification below			
<i>Agricultural</i>	-	-	-	
<i>Sorting</i>	-	P	C	
<i>Processing</i>	-	-	-	
Renewable Energy	See subclassification below			
<i>Biomass Conversion</i>	-	-	-	
<i>Small Scale Solar Energy Systems</i>	A	A	A	

TABLE 9-204.020-1: USES IN AIRPORT, MIXED USE, AND PUBLIC FACILITIES ZONES				
P = Permitted use (Zoning Clearance required); A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission;				
L# = Numbered limitation at end of table. "-" = No permitted				
<i>Use Types</i>	<i>P-F</i>	<i>M-X</i>	<i>AP-X</i>	<i>Additional Regulations</i>
<i>Small-Scale Wind Energy System</i>	A	A	A	
<i>Utility Scale Solar Energy System</i>	C	-	-	
<i>Utility-Scale Wind Energy System</i>	-	-	-	9-409.420, Solar Energy Facilities 9-409.450, Wind Energy Systems
Repair Service	-	P	P	
Research and Development	See subclassification below			
<i>High Technology</i>	-	-	-	
<i>Laboratory</i>	-	-	-	
Retail Sales and Services	See subclassification below			
<i>Business Services</i>	-	P	-	
<i>Convenience Store</i>	-	-	-	
<i>General Market</i>	-	-	-	9-409.150, Convenience Store 9-409.300, Mobile Food Vendors 9-409.340, Outdoor Sales
<i>General Retail Sales</i>	-	P	-	
<i>Liquor Sales, Off-Premises</i>	-	A	-	
<i>Mobile Food Vendor, On-Premises</i>	-	-	-	
Salvage and Wrecking	-	-	-	
Social Service Center	A	A	-	
Transient Lodging	See subclassification below			
<i>Bed and Breakfast</i>	-	-	-	
<i>Hotel and Motel</i>	-	-	-	
<i>Recreational Vehicle Parks</i>	-	-	-	
<i>Short-term Rentals</i>	-	-	-	
Truck Services	See subclassification below			
<i>Parking</i>	-	-	-	
<i>Repairs</i>	-	-	-	
<i>Sales and Rentals</i>	-	-	-	
<i>Stops</i>	-	-	-	
<i>Washing</i>	-	-	-	
Utilities	See subclassification below			
<i>Major</i>	A	-	C	
<i>Minor</i>	P	P	P	

TABLE 9-204.020-1: USES IN AIRPORT, MIXED USE, AND PUBLIC FACILITIES ZONES				
P = Permitted use (Zoning Clearance required); A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission;				
L# = Numbered limitation at end of table. "-" = No permitted				
<i>Use Types</i>	<i>P-F</i>	<i>M-X</i>	<i>AP-X</i>	<i>Additional Regulations</i>
Warehouse, Storage, and Distribution	See subclassification below			
<i>Chemical, Mineral, and Explosives Storage</i>	-	-	-	
<i>Indoor</i>	-	-	A	
<i>Outdoor</i>	-	-	C	
<i>Personal</i>	-	-	-	
<i>Vehicle</i>	-	-	-	
Waste Facilities	See subclassification below			
<i>Agricultural</i>	-	-	-	
<i>Hauling and Transfer</i>	-	-	-	
Water Storage	-	-	-	
Wine Facilities	See subclassification below			
<i>Winery, Large</i>	-	-	-	
<i>Winery, Medium</i>	-	-	-	
<i>Winery, Small</i>	-	-	-	
<i>Off-site Wine Cellar</i>	-	-	-	

- (a) **Accessory Uses and Structures.** Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-204.020-2 and Section 9-409.040, Accessory Uses. Accessory uses and structures not specifically listed in Table 9-204.020-2 are allowed with a Zoning Clearance if the primary use is permitted or with an Administrative Use Permit if the primary use requires an Administrative Use Permit or a Conditional Use Permit. All accessory uses are subject to Section 9-409.040, Accessory Uses.

TABLE 9-204.020-2: ACCESSORY USES & STRUCTURES IN THE AIRPORT, MIXED USE, AND PUBLIC FACILITIES ZONES				
	<i>P-F</i>	<i>M-X</i>	<i>AP-X</i>	<i>Additional Regulations</i>
Accessory Dwelling Unit	-	-	-	
Accessory Short-term Rentals	-	-		
Antennae, Radio/TV Dish	P	P	P	Chapter 9-411, Wireless Communications Facilities
Agricultural Building	-	-	-	
Agricultural Equipment Storage	-	-	-	
Barn	-	-	-	
Biomass Energy Production	-	-	-	

Boathouse, Private	-	-	-	
Coop	-	-	-	
Distilled Spirits Storage	-	-	-	
Dock, Private	-	-	-	
Garage, Private	-	-	-	
Greenhouse, Private	-	-	-	
Guesthouse	-	-	-	
Home Occupation	-	-	-	
Horse Raising	-	-	-	
Owner-Operator Truck Parking	-	-	-	
Packing Shed	-	-	-	
Pet Grooming and Training	-	-	-	
Pump/Pumphouse	P	P	P	
Second Unit Dwelling	-	-	-	
Silo	-	-	-	
Stable, Private	-	-	-	
Swimming Pool & Equipment	-	-	-	
Truck Parking	-	A	-	
Wind Energy Machine, Private	P	P	P	9-409.050, Wind Energy Systems
Workshop/Repair Shop	P	P	P	
Legend: P Permitted Use A Requires an Administrative Use Permit - Use Not Permitted				

- (b) **Temporary Uses and Structures.** Accessory uses and structures permitted, not permitted, and conditionally permitted with a Temporary Use Permit are set forth in Table 9-204.020-2. Temporary uses and structures not specifically listed in Table 9-204.020-2 may be allowed by the Zoning Administrator, subject to the requirements of Section 9-804.080, Temporary Use Permits.

TABLE 9-204.020-2: TEMPORARY USES & STRUCTURES IN OTHER ZONES				
<i>Temporary Use or Structure</i>	<i>P-F</i>	<i>M-X</i>	<i>AP-X</i>	<i>Additional Regulations</i>
Auction, Agricultural Machinery or Livestock	T	-	-	9-409.430, Temporary Uses
Auction, Livestock	-	-	-	
Car Wash	-	-	-	
Car Wash, Private	-	-	-	
Commercial Filming	T	T	T	
Construction Yard	T	T	T	

TABLE 9-204.020-2: TEMPORARY USES & STRUCTURES IN OTHER ZONES				
<i>Temporary Use or Structure</i>	<i>P-F</i>	<i>M-X</i>	<i>AP-X</i>	<i>Additional Regulations</i>
Corporation Yard	-	-	-	
Emergency Facilities	P	P	P	
Farmer's Market	T	T	T	
Garage/Yard Sales	-	P	-	
Produce Stand	-	-	-	
Public Display of Fireworks*	T	-	-	9-409.240, Fireworks
Real Estate Sales	P	P	-	
Seasonal Sales	T	T	T	
Special Events and Sales	T	T	T	9-409.430, Temporary Uses
Special Outdoor Event	-	-	-	
Special Indoor Event	-	-	-	
Subdivision Sales Office	-	T	T	
Storage Structure or Work Trailer	T	T	-	Only if incidental to construction pursuant to a building permit
Temporary Real Estate Sales	-	-	-	
Legend: P Permitted Use T Permitted Use with a Temporary Use Permit - Use Not Permitted				

(C) **Additional Use Regulations.**

(1) **Additional Regulations for PF, M-X and AP-X Zones.**

- (A) *Commercial and Industrial Uses.* Unless the permit type is more restrictive, an Administrative Use Permit is required for any commercial or industrial use that:
 - (i) Will occupy 10,000 square feet or more in floor area;
 - (ii) Has a site area of 10 or more acres; or
 - (iii) Is not served by a public wastewater treatment plant, public water system, and a public drainage system.
- (B) *Use of a Zoning Clearance – When Allowed.* A Zoning Clearance shall replace the permit type specified in Table 9-204.020-2 for a given use if a Special Purpose Plan was adopted for the site on which the use is to be located and the use is consistent with that Special Purpose Plan.

(C) *Permit Type Required for Change in Existing Use.* Any change from an existing use to a new use requiring a use permit shall be permitted without the use permit provided the Zoning Administrator finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing use.

(2) **Special Use Regulations in the Mixed-Use Zone.**

(A) *Building Use Mix.*

- (i) At least 20 percent of the total square footage in a project shall be devoted to residential uses.
- (ii) In at least one main retail block, at least 75 percent of the ground floor frontage shall be retail, restaurants, personal services, or offices for walk-in clientele.
- (iii) Blocks adjacent to the main retail block(s) shall contain ground floor frontages with at least 50 percent of the block devoted to:
 1. Retail uses;
 2. Commercial recreation and entertainment services, except radio and television studios;
 3. Eating and drinking establishments; or
 4. Public open space.
- (iv) No surface parking is allowed on the perimeter of the main retail block. All parking shall be in the interior of the block, underground, or in parking structures.

(B) *Public Spaces.* There shall be at least one central public space with at least one linear foot of seating capacity per 30 square feet of public space.

(3) **Special Use Regulations in the Public Facilities Zone.** In addition to the provisions of Sections 9-204.020(a) through 9-204.020(c), the following Special Use Regulations shall apply in the Public Facilities (P-F) Zone:

- (A) *Accessory Uses and Structures.* Only accessory residential structures for the owner-operator and/or employees who work on the site shall be permitted.
- (B) *Stockton Metropolitan Airport.* In addition to the uses permitted in Table 9-204.1 for the P-F Zone, additional uses may be permitted with a Conditional Use permit if the Zoning Administrator finds that the use is an aviation related and consistent with FAA Grant Assurances.

- (C) *Veterans Supportive Housing*. Veterans Supportive Housing may be permitted in the P-F Zone subject to the following requirements:
- (i) A Zoning Clearance shall be required for projects where the total number of units for Veterans Supportive Housing is 49 or less.
 - (ii) An Administrative Use Permit shall be required for projects where the total number of units for Veterans Supportive Housing is 50 or more.
 - (iii) The housing shall be located on a site that is within one-half mile of a State or Federal Interstate Highway and one-half mile of a County-owned hospital.
 - (iv) The development site must have a primary frontage on a Minor Arterial or higher classification roadway.
 - (v) The project shall comply with multi-unit residential project landscaping requirements in Chapter 9-402, Landscaping, and parking landscaping requirements in Chapter 9-406, Parking and Loading.
 - (vi) Signs shall comply with Chapter 9-408, Signs.
 - (vii) Veterans Supportive Housing shall be served by public water, sewer, and storm drainage.
 - (viii) If, during the course of construction or any grading activity associated with the construction, subsurface cultural resources are uncovered anywhere within the project site, work shall be immediately halted in the vicinity of the finding, and a qualified cultural resources specialist consulted for an on-site evaluation.
 - (ix) If artifacts or evidence of materials such as bone, shell, or nonnative stone are uncovered during construction activities, work shall immediately be halted in the vicinity of the finding, and a qualified archaeologist consulted for an on-site evaluation. This evaluation may entail an archaeological test excavation and/or mitigative data recovery.

9-204.030 DEVELOPMENT STANDARDS

Table 9-204.030 prescribes the development standards for the P-F, M-X, and AP-X Zones. The numbers in each illustration refer to corresponding regulations in the “#” column in the associated table.

TABLE 9-204.030: DEVELOPMENT STANDARDS – P-F, M-X, AND AP-X ZONES				
<p>The diagram illustrates lot and building standards. On the left, a lot is shown with setbacks 1 (front), 2 (interior side), 3 (rear), 4 (street side), 5 (street side), and 6 (interior side). A 'Primary Street' is labeled at the bottom. On the right, a cross-section shows a building with setbacks 1 and 2. A 'KEY' defines: --- Property Line, - - - Setback Line, and ■ Buildable Area.</p>				
<i>District</i>	<i>P-F</i>	<i>M-X</i>	<i>AP-X</i>	#
Lot and Density Standards				
Minimum Lot Size (sq. ft.)	None	None	None	
Minimum Lot Width (ft.)	100	None	100	①
Building Form and Location				
Maximum Height (ft.) ¹	90	60 ⁵	N/A ²	②
Minimum Setbacks (ft.) ³				
<i>Front</i>	20	None	N/A ⁴	③
<i>Interior Side</i>	None	None	N/A ⁴	④
<i>Street Side</i>	20	None	N/A ⁴	⑤
<i>Rear</i>	None	None	N/A ⁴	⑥
Notes:				
¹ See Section 9-400.050 or any applicable Special Purpose Plan, for exceptions to height limits.				
² The maximum height within the AP-X Zone shall be as specified in the Stockton Metropolitan Airport Special Purpose Plan.				
³ Setbacks for yards shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the General Plan or applicable Specific Plan or Special Purpose Plan				
⁴ The setbacks for yards within the AP-X Zone shall be as specified in the Stockton Metropolitan Airport Special Purpose Plan.				
⁵ Public buildings may be up to 90 feet in height.				

- (a) **Lot Area and Width.** Lots shall have the minimum areas and minimum widths set forth in Table 9-204.030.
- (b) **Yard Dimensions.** Yards shall have the minimum dimensions set forth in Table 9-204.030, except as modified for the Public Facilities Zone as follows:

- (1) **Reduction of Required Yards.** Required yards may be reduced as follows:
 - (A) If more than 50 percent of the block on which the lot sits is developed, the required yard shall be the average of the existing yard dimensions of permitted structures on the block. In no case, however, shall a street side yard be less than 10 feet in width.
 - (B) If the lot is less than 75 feet in width, the street side yard may be reduced to 10 feet in width.
 - (2) **Increase in Required Yards.** If a side or rear yard abuts a lot developed with residential uses, a lot zoned residentially, or a lot shown on the General Plan Map for residential development, such side yard shall be increased to 20 feet in width.
 - (3) **Development within Required Yards.** The following structures may be located in or extend within required yards, subject to the provisions specified:
 - (A) Architectural features, subject to the provisions of Chapter 9-400, General Site Regulations;
 - (B) Screening, including fences and gates, subject to the provisions of Sections 9-400.060, Fences and Screening, and 9-400.090, Screening of Equipment;
 - (C) Additions to nonconforming single-family dwellings, subject to the provisions of Chapter 9-405, Nonconformity Provisions; and
 - (D) Structures adjacent to and associated with railroad spurs.
- (c) **Height.** Buildings and structures within the P-F, M-X, and AP-X Zones shall not exceed the heights set forth in Table 9-204.030, except as permitted by Section 9-400.020, Building Projections into Required Yards. Buildings and structures in these zones shall also be subject to the following limitations on height:
- (1) Within airport imaginary surface zones, buildings and structures shall comply with the height restrictions specified by the FAA or by the Stockton Metropolitan Airport regulatory documents.
 - (2) In the Airport Multi-Use Zone, buildings and structures shall comply with the height requirements specified in the Stockton Metropolitan Airport Special Purpose Plan.
 - (3) Screening devices, including fences, gates, and gateposts, shall comply with the requirements specified in Chapter 9-402, Landscaping.

Series 300: Master Plans, Special Purpose Plans, Specific Plans, and Planned Development

Chapter 9-300 Master Plans

Sections:

9-300.010	Purpose
9-300.020	Zoning Map Designator
9-300.030	Initiation
9-300.040	Contents of Master Plan
9-300.050	Minimum Lot Sizes; Maximum Number of Dwelling Units
9-300.060	Review Procedures
9-300.070	Approval; Required Findings
9-300.080	Conditions
9-300.090	Recovery of Costs

9-300.010 PURPOSE

The Chapter provides procedures for adopting and amending Master Plans to facilitate implementation of the General Plan for new communities or the substantial expansion of existing communities.

9-300.020 ZONING MAP DESIGNATOR

Each Master Plan approved by the Board of Supervisors after ____, the effective date of the ordinance, codified in this Title, shall be shown on reference map with an "-MP" designator, numbered and identified sequentially by order of enactment and reference to the enacting ordinance.

9-300.030 INITIATION

Applications for Master Plans may be initiated by the Board of Supervisors, the Planning Commission, the Director of Community Development, or any qualified applicant. To initiate the application, the applicant shall file a request for a preapplication conference with the Community Development Department. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership must be submitted with the application. The Master Plan or Master Plan Amendment may be prepared by the County, its consultant, or by the applicant, as determined by the

Zoning Administrator. A fee, as specified by resolution of the Board of Supervisors, shall be required.

9-300.040 CONTENTS OF MASTER PLAN

Each Master Plan shall set forth for the area within the Master Plan boundaries a specific land use and circulation system concept that is consistent with the General Plan, compatible with the environment, and capable of being served by existing and planned public facilities and utilities. The following plans and materials shall be submitted, provided that the Zoning Administrator may waive submission of items deemed unnecessary:

- (a) A vicinity map showing proposed Master Plan boundaries and the relationship of the area to uses and structures within a 300-foot radius of the plan area boundaries.
- (b) An existing conditions map of the Master Plan area showing sufficient topographical data to indicate clearly the character of the terrain, existing streets and infrastructure, if any, and the type, location, and condition of mature trees and other natural vegetation.
- (c) A site plan indicating the existing and proposed uses, building locations, gross floor area, lot coverage, height, parking, and residential density, and a multi-modal circulation plan for vehicles, bicycles, and pedestrians.
- (d) Tabulation of proposed densities of dwelling units, bedroom count, building coverage, paving coverage, landscaped areas, parking spaces, and height of structures;
- (e) A preliminary development schedule indicating sequence and timing of development.
- (f) Reservation of land for public uses, including schools, parks, playgrounds, and other open spaces.
- (g) Proposed grading plans based on field surveys.
- (h) Infrastructure improvement plans for utilities and public services, including water and sewer systems, flood control, and stormwater drainage.
- (i) Objective design standards and guidelines for the physical development of the property, including illustrations of proposed architectural, urban design, and landscape concepts.
- (j) Proposed open space and landscaping plan including landscape concept and type of plant materials, recreation area, parking, service areas, and other public area used in common on the property and a description of intended improvements to and maintenance of the open area of the property.

- (k) Any other information deemed necessary by the Zoning Administrator to ascertain if the project meets the requirements of this Title.

9-300.050 MINIMUM LOT SIZE; MAXIMUM NUMBER OF DWELLING UNITS

The Planning Commission may recommend, and the Board of Supervisors may approve a Master Plan including lots smaller than those required by the base zone but shall not approve a total number of dwelling units in a Master Plan greater than permitted by the General Plan density limitations. Restrictions on the number of dwelling units permitted shall be recorded with subdivision maps prior to acceptance of applications for development plan review.

9-300.060 REVIEW PROCEDURES

Master Plan applications shall be reviewed using the procedure in Chapter 9-808, Development Title Text and Zoning Map Amendment, with modifications as provided in this Section.

- (a) **Planning Commission.** At the conclusion of a duly-noticed Public Hearing the Planning Commission shall recommend approval or conditional approval of the application or deny the application.
 - (1) If the Planning Commission recommends approval or conditional approval, the application shall be reviewed by the Board of Supervisors.
 - (2) If the Planning Commission denies the Master Plan Application, the action is final, unless appealed to the Board of Supervisors.
- (b) **Board of Supervisor.** The Board of Supervisors shall hold a duly-noticed Public Hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial was appealed.

9-300.070 APPROVAL; REQUIRED FINDINGS

Prior to approving or conditionally approving an application for a Master Plan or a Master Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that the Master Plan or the Master Plan Amendment is consistent with the General Plan and any applicable Specific Plan and Public Financing Plan and must make the following findings:

- (a) The proposed Master Plan will contribute to the public health, safety, and general welfare or will be of benefit to the public;
- (b) The proposed Master Plan is consistent with other adopted plans, unless concurrent amendments to those plans are also proposed and will result in consistency;

- (c) The site is physically suitable for the type and intensity of the land use being proposed;
- (d) Adequate transportation facilities, water supply, wastewater disposal services, and stormwater management facilities exist or will be provided in accordance with the conditions of approval to serve the proposed development; and the approval of the Master Plan will not result in a reduction of transportation service for all modes of travel or public services so as to be a detriment to public health, safety, or welfare;
- (e) The proposed Master Plan will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area; and
- (f) The proposed Master Plan has been reviewed in compliance with the requirements of the California Environmental Quality Act.

A Master Plan shall be adopted by resolution and may be amended as often as deemed necessary by the Board of Supervisors.

9-300.080 CONDITIONS

In approving a Master Plan, the Board of Supervisors may impose reasonable conditions deemed necessary to:

- (a) Ensure that the Master Plan conforms in all significant respects with the General Plan and with any other applicable plans or policies that the County has adopted; and
- (b) Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

The Board of Supervisors may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

9-300.090 RECOVERY OF COSTS

For a Master Plan or a Master Plan Amendment prepared at the County's expense, the Board of Supervisors may impose a Master Plan fee. The fee shall be applied to persons seeking approvals for development within the area covered by the Master Plan or Master Plan Amendment. The fee charged shall be a prorated amount determined on the basis of the amount of land proposed for development and shall be expressed as a percentage of the total land included in the applicable Master Plan or Master Plan Amendment.

Chapter 9-301 Special Purpose Plans

Sections:

9-301.010	Purpose
9-301.020	Applicability
9-301.030	Zoning Map Designator
9-301.040	Initiation
9-301.050	Review Procedures
9-301.060	Approval
9-301.070	Contents of Special Purpose Plans
9-301.080	Subsequent Applications
9-301.090	Legal Effect of Adopted Plan

9-301.010 PURPOSE

This Chapter provides procedures for adopting and amending Special Purpose Plans to facilitate implementation of the General Plan in portions of communities or larger areas where such plans are needed and appropriate. A Special Purpose Plan shall be used to provide a greater level of detail and more specific guidance than is contained in the General Plan.

9-301.020 APPLICABILITY

The need for a Special Purpose Plan for specific uses is identified in the land use regulations for individual zones which are in the 200 Series of this Title or may be applied for in the case of larger development plans as permitted by the Zoning Administrator. The scope of individual Special Purpose Plans may include, but shall not be limited to, the following:

- (a) **Commercial Recreation and Freeway Service Uses.** To ensure appropriate planning for areas designated as Commercial Recreation or Freeway Service in the General Plan;
- (b) **Utilities and Public Services.** To ensure planning for the provision or installation of utilities and public services, including water, sewer, and storm drainage, in specific areas;
- (c) **Roadways.** To establish the location of roadways and roadway rights-of-way;
- (d) **Improvements.** To coordinate the provision of improvements such as noise barriers or fencing;
- (e) **Aesthetics.** To establishing aesthetic standards for development in specific areas; and
- (f) **Parking.** To provide comprehensive parking plans for specific commercial areas.

9-301.030 ZONING MAP DESIGNATOR

Each Special Purpose Plan approved by the Board of Supervisors after ____, the effective date of the ordinance, codified in this Title, shall be shown on a reference map with an "-SPP" designator, numbered and identified sequentially by order of enactment and reference to the resolution approving the plan.

9-301.040 INITIATION

Applications for Special Purpose Plans may be initiated by the Board of Supervisors, Planning Commission, Director of Community Development, or any qualified applicant. To initiate the application, a qualified applicant shall file a request for a pre-application conference with the Community Development Department. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership must be submitted with the application. The Special Purpose Plan may be prepared by the County, its consultant, or by the applicant, as determined by the Zoning Administrator. A fee, as specified by resolution of the Board of Supervisors, shall be required.

9-301.050 CONTENTS OF SPECIAL PURPOSE PLAN

Each Special Purpose Plan shall contain a map of the area to be affected by the plan and text that describes the land use proposed development for the area. The level of detail may be specific or conceptual, as appropriate. In addition, Special Purpose Plans may be required by the Zoning Administrator to include the following information, provided that the Zoning Administrator may waive submission of items deemed unnecessary.

(a) **Existing Conditions and Site Plan.**

- (1) A vicinity map showing proposed Special Purpose Plan boundaries and the relationship of the area to uses and structures within a 300-foot radius of the plan area boundaries.
- (2) An existing conditions map of the Master Plan area showing sufficient topographical data to indicate the character of the terrain, existing streets and infrastructure, if any, and the type, location, and condition of mature trees and other natural vegetation.
- (3) A site plan indicating the existing and proposed uses, building locations, gross floor area, lot coverage, height, parking, and residential density, and a multi-modal circulation plan for vehicles, bicycles, and pedestrians.

(b) **Proposed Development Program.** Tabulation of proposed residential and non-residential development, including building coverage, paving coverage, landscaped areas, parking spaces, and height of structures and a preliminary

development schedule indicating sequence and timing of development. Reservation of land for public uses shall be identified.

- (c) **Land Use and Development Standards.** Objective development standards for proposed land uses, structures, and public facilities;
- (d) **Transportation Standards.** The location of, and objective development standards for, streets, roads, and other transportation facilities;
- (e) **Improvements and Standards.** The phasing, financing, and location of, and objective standards for, water supply, wastewater treatment and disposal, storm drainage facilities, and other public improvements;
- (f) **Natural Resource Standards.** Objective standards for the conservation, development, and use of natural resources; and
- (g) **Environmental Impact Mitigation.** Objective standards and measures for mitigating and identified environmental impacts of development under the Special Purpose Plan.

9-301.060 REVIEW PROCEDURES

Each Special Purpose Plan application shall be reviewed using the Common Procedure in Chapter 9-802, with modifications as provided in this Section.

- (a) **Planning Commission.** At the conclusion of a duly-noticed public hearing, the Planning Commission shall recommend approval or conditional approval of the application or deny the application.
 - (1) If the Planning Commission recommends approval or conditional approval, the application shall be reviewed by the Board of Supervisors.
 - (2) If the Planning Commission denies the Special Purpose Plan application, the action is final, unless appealed to the Board of Supervisors.
- (b) **Board of Supervisors.** The Board of Supervisors shall hold a duly-noticed public hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial was appealed.

9-301.070 APPROVAL; REQUIRED FINDINGS

Prior to approving an application for a Special Purpose Plan, the Board of Supervisors shall determine that the Special Purpose Plan is consistent with the General Plan, any applicable Master Plan, and any applicable Specific Plan and Public Financing Plan and must make the following findings:

- (a) The proposed Special Purpose Plan will contribute to the public health, safety, and general welfare or will be of benefit to the public;

- (b) The proposed Special Purpose Plan is consistent with other adopted plans, unless concurrent amendments to those plans are also proposed and will result in consistency;
- (c) The site is physically suitable for the type and intensity of the land use being proposed;
- (d) Adequate transportation facilities, water supply, wastewater disposal services, and stormwater management facilities exist or will be provided in accordance with the conditions of approval to serve the proposed development; and the approval of the Special Purpose Plan will not result in a reduction of transportation service for any mode of travel or public services so as to be a detriment to public health, safety, or welfare;
- (e) The proposed Special Purpose Plan will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area as shown in the General Plan; and
- (f) The proposed Special Purpose Plan has been reviewed in compliance with the requirements of the California Environmental Quality Act.

A Special Purpose Plan shall be adopted by resolution and may be amended as often as deemed necessary by the Board of Supervisors.

9-301.080 SUBSEQUENT APPLICATIONS

- (a) **Public Improvement Plan.** If the Zoning Administrator determines that the uses and issues of a proposed application were addressed in an existing Special Purpose Plan and there is no expansion to the area covered by the project, a Public Improvement Plan meeting the requirements of Chapter 9-600, Infrastructure Standards; General Provisions, may be used for a subsequent application for development.
- (b) **Expansion of Special Purpose Plans.** Expansion of a development, beyond the uses and issues addressed in an existing Special Purpose Plan, shall require an amended or new Special Purpose Plan.
- (c) **Expansion of an Existing Permitted Use.** For uses requiring a Special Purpose Plan that have an existing permit, the existing permit is valid for the purpose for which it was issued. Any expansion of such use shall require a new Special Purpose Plan.

9-301.090 LEGAL EFFECT OF AN ADOPTED SPECIAL PURPOSE PLAN

All improvements and land uses within the area covered by the Special Purpose Plan shall be consistent with the adopted Special Purpose Plan. Once adopted, such plans shall remain in effect until amended or rescinded by the Board of Supervisors.

Chapter 9-302 Specific Plans

Sections:

9-301.010	Purpose
9-301.020	Zoning Map Designator
9-301.030	Initiation
9-301.040	Preparation, Adoption, and Amendment
9-301.050	Contents of Specific Plan
9-301.060	Review Procedures
9-301.070	Approval; Required Findings
9-301.080	Conditions
9-301.090	Recovery of Costs
9-301.100	Post-Approval Administration

9-302.010 PURPOSE

This Chapter provide procedures for adopting and amending Specific Plans. Specific plans are regulatory documents established by the County to carry out specific purposes, as authorized by the Government Code, for specific geographic areas shown on the Zoning Map. They are governed by a set of regulation that address specific subjects, such as land use, physical development, building design, transportation, utilities, and public improvements, or impose requirements for detailed master plans that may be applicable in sub-areas within the specific plan area. The provisions of a specific plan may be combined with provisions of base or overlay zoning districts for the area to which the specific plan applies, and the more restrictive provisions will govern. Specific plan provisions also may be substituted for countywide provisions included in this Title.

9-302.020 ZONING MAP DESIGNATOR

Each Specific Plan approved by the Board of Supervisors after ____, the effective date of the ordinance, codified in this Title, shall be shown on a reference map with an "-SP" designator, numbered and identified sequentially by order of enactment and reference to the resolution approving the plan.

9-302.030 INITIATION

Applications for Specific Plans or Specific Plan Amendments may be initiated by the Board of Supervisors, the Planning Commission, the Director of Community Development, or any qualified applicant. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership must be submitted with the application. Applications shall be filed with the Community Development Department. A fee, as specified by resolution of the Board of Supervisors, shall be required.

9-302.040 PREPARATION, ADOPTION, AND AMENDMENT

A Specific Plan shall be prepared, adopted, amended, and repealed following the procedure for General Plan amendments specified in Chapter 9-807. A Specific Plan shall be adopted by resolution.

9-302.050 CONTENTS OF SPECIFIC PLAN

A Specific Plan shall include introductory and background text, policies, development standards, and diagrams that specify all of the following in detail, as required by Government Code Section 65451:

- (a) **Land Use.** The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan and the phasing of development, if proposed.
- (b) **Infrastructure, Public Facilities and Services.** The proposed distribution, location, and extent and intensity of major components of public and private transportation, water supply and distribution, wastewater collection and treatment, stormwater collection, transmission, and discharge, stormwater quality elements, solid waste disposal, energy, telecommunications, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- (c) **Development and Conservation Standards.** Objective development standards for density/intensity, building form and siting, internal circulation, landscaping, and parking and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- (d) **Implementation and Financing Program.** A program of implementation measures including zoning regulations, programs, public improvements projects, and financing measures necessary to carry out paragraphs (a), (b), and (c) above.
- (e) **General Plan Consistency.** A statement of the relationship of the Specific Plan to the general plan and how the Specific Plan is consistent with and implements the General Plan.

9-302.060 REVIEW PROCEDURES

Specific Plan applications shall be reviewed at a duly-noticed public hearing following the process in Chapter 9-802, Common Procedures, with modifications as provided in this Section.

- (a) **Planning Commission.** At the conclusion of the public hearing, the Planning Commission shall recommend approval of the application or deny the application.

- (1) If the Planning Commission recommends approval or conditional approval of the Specific Plan or Specific Plan Amendment to the Board of Supervisors.
 - (2) If the Planning Commission denies the Specific Plan or the Specific Plan Amendment, the action is final, unless appealed to the Board of Supervisors.
- (b) **Board of Supervisors.** The Board of Supervisors shall hold a duly-noticed public hearing to take final action if the Planning Commission has recommended approval or conditional approval or if the Planning Commission's denial was appealed.

9-302.070 APPROVAL; REQUIRED FINDINGS

Prior to approving or conditionally approving an application for a Specific Plan or a Specific Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that the Specific Plan or Specific Plan Amendment is consistent with the General Plan and any applicable Master Plan and Public Financing Plan and must make the following findings:

- (a) The proposed Specific Plan will contribute to the public health, safety, and general welfare or will be of benefit to the public.
- (b) The proposed Specific Plan is consistent with other adopted plans, unless concurrent amendments to those plans are also proposed and will result in consistency.
- (c) The site is physically suitable for the type and intensity of the land use being proposed;
- (d) Adequate transportation facilities, water supply, wastewater disposal services, and stormwater management facilities exist or will be provided in accordance with the conditions of approval to serve the proposed development; and the approval of the Specific Plan will not result in a reduction of transportation service for all modes of travel or public services so as to be a detriment to public health, safety, or welfare;
- (e) The proposed Specific Plan will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area as shown in the General Plan; and
- (f) The proposed Specific Plan has been reviewed in compliance with the requirements of the California Environmental Quality Act.

9-302.080 CONDITIONS

In approving a Specific Plan, the Board of Supervisors may impose reasonable conditions deemed necessary to:

Ensure that the Specific Plan conforms in all significant respects with the General Plan and with any other applicable plans or policies that the County has adopted; and

Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

The Board of Supervisors may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

9-302.090 RECOVERY OF COSTS

For a Specific Plan or a Specific Plan Amendment prepared at the County's expense, the Board of Supervisors may impose a Specific Plan fee. The fee shall be applied to persons seeking approvals for development within the area covered by the Specific Plan or Specific Plan Amendment. The fee charged shall be a prorated amount determined on the basis of the amount of land proposed for development expressed as a percentage of the total land included in the applicable Specific Plan or Specific Plan Amendment.

9-302.100 POST-APPROVAL ADMINISTRATION

A Specific Plan adopted by resolution of the Board of Supervisors shall be administered as prescribed by the Board, consistent with the Government Code Section 65450-65457.

Chapter 9-303 Planned Development

Sections:

9-302.010	Purpose
9-302.020	Applicability
9-302.030	Zoning Map Designator
9-302.040	Uses Permitted
9-302.050	Initiation, Review, and Approval Procedures
9-302.060	Required Findings
9-302.070	Conditions
9-302.080	Development Plan Review
9-302.090	Expiration and Renewal
9-302.100	Amendments of Approval Plan

9-303.010 PURPOSE

This Chapter provides procedures for establishing a Planned Development (PD) zone to facilitate orderly development of larger sites in the County consistent with the General Plan, especially where a particular mix of uses or character is desired that can best be achieved through an integrated development plan. A PD zone permits greater flexibility and innovation in the design and processing of projects than would otherwise be allowed under base zone regulations in order to:

- (a) Facilitate efficient use of land, particularly for those parcels that are sufficiently unique in their physical characteristics or other circumstances to warrant special methods of development;
- (b) Simplify the processing of projects by providing a method of concurrent review of land use, subdivision, public improvements, and siting considerations;
- (c) Allow mixed use projects, containing residential, commercial, and/or civic uses, that are desirable and compatible with surrounding uses;
- (d) Enable diversity in housing types, styles, and price ranges;
- (e) Allow use of common open areas and the inclusion of other amenities in project design; and
- (f) Provide for the development of sites while protecting open space resources.

9-303.020 APPLICABILITY

The Planned Development (PD) zone may be applied to parcels carrying any General Plan designation, except the Commercial Recreation designation. The minimum area for a PD zone is 10 acres. A PD zone may be applied to parcels containing less than 10 acres,

provided the applicant can show that a PD zone established on such parcels would meet the intent and the provisions set forth in this Chapter.

9-303.030 ZONING MAP DESIGNATOR

Each Planned Development zone approved by the Board of Supervisors after ____, the effective date of the ordinance, codified in this Title, shall be shown on a reference map with an "-PD" designator, numbered and identified sequentially by order of enactment and reference to the resolution approving the plan.

9-303.040 USES PERMITTED

The uses permitted in the PD zone shall be those uses recommended by the Planning Commission and approved by the Board of Supervisors, provided such uses are consistent with General Plan policies for the area.

9-303.050 MAXIMUM RESIDENTIAL DENSITY.

Density bonuses may be awarded to a PD zone, provided the PD Zone meets the intent of this Chapter, conforms to General Plan, and does not exceed the maximum density for the General Plan designations that apply within PD Zone shown in the table below.

TABLE 9-304.040: MAXIMUM RESIDENTIAL DENSITY			
<i>General Plan Designation</i>	<i>Standard Density</i>	<i>Maximum Density for PD Zone (du/ga)</i>	<i>Maximum Density for PD Zone with Density Bonuses (du/ga)</i>
Rural Residential	1-5 du/5 ga	1.0	1.0
Very Low Density Residential	1-2 du/ga	2.5	3.0
Low Density Residential	2-6 du/ga	6.5	8.0
Medium Density Residential	6-10 du/ga	12.0	15.0
Medium-High Density Residential	10-15 du/ga	18.0	22.5
High Density Residential	15-40 du/ga	48.0	60.0

1. du/ga = dwelling units / gross acre.

9-303.060 INITIATION, REVIEW, AND APPROVAL PROCEDURES

- (a) **Decision-Making Body.** A PD must be adopted by the Board of Supervisors as a Zoning Map amendment. A public hearing before the Planning Commission for a recommendation is required prior to Board of Supervisors review.
- (b) **Review Procedures.**
 - (1) **Rezoning.** An application for rezoning to a PD Planned Development Zone District must be processed as an amendment to the Zoning Map, according

to the procedures of Chapter 9-808, Development Title Text and Zoning Map Amendments, and must include a Planned Development Plan.

- (2) **Planned Development Plan.** The Planned Development Plan will be accepted and processed concurrently, in the same manner as a Conditional Use Permit application, pursuant to Chapter 9-802, Common Procedures and Chapter 9-804, Use Permits, although additional information is required to be submitted in order to determine if the intent of this Chapter and the General Plan will be fulfilled.
 - (3) **Tentative Subdivision Map.** When development in a PD Zone requires the submission of a tentative subdivision map, this map and all supporting documents must be prepared and submitted concurrently with the application for rezoning to a PD Zone.
 - (4) **Master Planned Development.** A Master Plan may be submitted as a Planned Development Plan, with additional engineering detail provided in "unit plans."
- (c) **Initiation.** An amendment to rezone to a PD Zone must be initiated by property owner. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership must be submitted with the application.
- (d) **Application Content.** An application for a PD Zone must be filed with the Community Development Department, accompanied by the required fee. Applications must contain all of the following:
- (1) **Legal Description.** A legal description of the site and a statement of the number of acres contained therein.
 - (2) **Title Report.** A title report verifying the description and the ownership of the property.
 - (3) **Project Narrative.** A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed development, including proposed uses and activities, proposed residential densities, if appropriate, and physical land alteration required by the development; and the relation of the proposed PD Zone to the General Plan.
 - (4) **Development Schedule.** A development schedule, including anticipated timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses, and an

indication of the proposed number and type of dwelling units by phase of development, if applicable.

- (5) **Maps and Diagrams.** Maps, diagrams, and other graphics necessary to establish the physical scale and character of the development and to demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. These graphics must, at a minimum, include:
- (A) A map showing the perimeter boundaries of the project site, the perimeter of the ownership, the location and dimensions of any existing property lines and easements within the site, and all uses and structures within a 300-foot radius of the project area boundaries;
 - (B) Existing and proposed changes in the topography of the site, including the degree of land disturbance, the location of drainage channels or water courses, and the direction of drainage flow in one-foot contour intervals on areas of cross-slopes of less than five percent, at two-foot intervals on areas of cross-slopes of five to 10 percent, and at five-foot intervals on areas of cross-slopes exceeding 10 percent;
 - (C) A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the district and to and from adjacent areas, including streets and driveways, sidewalks and pedestrian ways, and off-street parking and loading areas;
 - (D) A site plan indicating existing and proposed uses, location and dimension of buildings and structures, gross floor area of existing and proposed structures, identification of structures to be demolished or removed;
 - (E) Detailed engineering site plans, including proposed finished grades and all public improvements as well as estimates of grading volume (cut and fill), with accompanying grading sections or other technical drawings acceptable to the Director of Public Works;
 - (F) Detailed engineering plans for the provision of public utilities for the site, including provisions for off-site connections and facilities necessary to serve the site;
 - (G) A detailed tabulation of the proposed densities of dwelling units, bedroom count, building coverage, paving coverage, landscaped areas, parking dedication, and height of structures;
 - (H) Lighting for the building(s), parking areas, open space areas, and pedestrian travel areas;

- (I) Reservation of land for public uses, including schools, parks, playgrounds, and other open spaces;
 - (J) Dimensioned building elevations showing proposed architectural concepts, color program and material samples; and
 - (K) A master sign program, including the size and location of all proposed signs.
- (6) **Open Space and Landscaping Plan.** An existing and proposed open space and landscaping plan including landscape concept and type of plant materials, recreation area, parking, service areas, and other public area used in common and a description of intended improvements to and maintenance of the open areas of the development
- (7) **Other Information.** Any other information deemed necessary by the Zoning Administrator to ascertain if the project meets the required findings for a Planned Development Plan and re-zoning.

9-303.070 REQUIRED FINDINGS

A Planned Development Plan and rezoning will only be approved if the Planning Commission and the Board of Supervisors make all of the following findings:

- (a) The proposed development is consistent with the General Plan, including the height, density, and intensity limitations that apply unless these limitations are to be amended;
- (b) The site is physically suitable for the type and intensity of the land use being proposed;
- (c) Adequate transportation facilities, water supply, wastewater disposal services, and stormwater management facilities exist or will be provided in accordance with the conditions of Planned Development Plan approval to serve the proposed development; and the approval of the proposed development will not result in a reduction of transportation service for all modes of travel or public services so as to be a detriment to public health, safety, or welfare;
- (d) The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area as shown in the General Plan; and
- (e) The proposed development is demonstratively superior to the development that could occur under the standards applicable to prior zones and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors will be considered:

- (1) Appropriateness of the use(s) at the proposed location and compatibility with adjacent uses.
- (2) The mix of uses, housing types, and housing price levels.
- (3) Provision of units affordable to persons and families of low and moderate income or to lower income households.
- (4) Provision of and financing for infrastructure improvements.
- (5) Provision of landscaping, open space, and community facilities.
- (6) Overall contribution to the enhancement of neighborhood character and the environment of the County in the long term.

9-303.080 CONDITIONS

In approving a Planned Development Plan and rezoning, the Board of Supervisors may impose reasonable conditions deemed necessary to:

- (a) Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the County has adopted;
- (b) Ensure installation of all public facilities and improvements, both on-site and off-site, required for the Planned Development Plan;
- (c) Ensure maintenance and management of all common open areas and protection of all open space resources; and
- (d) Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

The Board of Supervisors may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

9-303.090 DEVELOPMENT PLAN REVIEW

Plans for a project in a PD Zone shall be accepted for Zoning Clearance and planning and building permits or subdivision approvals only if they are consistent with an approved Planned Development Plan and any conditions of approval. No project may be approved and no building permit issued unless the project is consistent with the approved Planned Development Plan.

9-303.100 EXPIRATION AND RENEWAL

(a) **Expiration.**

- (1) **Planned Development Plan.** A Planned Development Plan is effective on the same date as the ordinance creating the Planned Development Zone is

approved. An approved Planned Development Plan will expire three years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved Planned Development Plan may specify a development staging program exceeding two years.

- (2) **Tentative Map.** Where a Tentative Map or Vesting Tentative Map has been approved in conjunction with a Planned Area Plan, the Planned Area Plan will expire upon the expiration of the Tentative Map or Vesting Tentative Map.
 - (3) **Phased Development.** If the applicant intends to develop the project in phases, and the Board of Supervisors approves phased development, the Planned Development Plan remains in effect so long as not more than two years lapse between the end of one phase and the beginning of the next phase.
- (b) **Renewal.** An approved Planned Development Plan that has not been exercised may be renewed for a two-year period by the Board of Supervisors if the Board finds the renewal consistent with the purposes of this Chapter. Application for renewal must be made in writing prior to the expiration date of the original approval.

9-303.110 AMENDMENTS OF APPROVAL PLAN

Any changes or amendments to the Planned Development Plan shall be approved reviewed and approved as follows. These procedures supersede provisions in Section 9-802.120, Modification of Approved Plans.

- (a) **Changed Plans.** Amendments to a PD Zone District or Planned Development Plan may be requested by the applicant or his/her successors. Amendments to the approved PD Zone or Planned Development Plan will be classified as major or minor amendments. Upon receipt of an amendment application, the Zoning Administrator will determine if the proposed amendment constitutes a major or minor amendment.
- (b) **Major Amendments.** Major Amendments to an approved PD Zone or Planned Development Plan will be considered by the Board of Supervisors at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:
 - (1) A change in the boundary of the PD Zone;
 - (2) An increase or decrease in the number of dwelling units for the PD Zone that is greater than the maximum or less than the minimum stated in the Planned Development Plan;

- (3) An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the Planned Development Plan by 10 percent or more;
 - (4) Any change in land use or density that is likely to negatively impact or burden the transportation system or public facilities and utilities infrastructure; or
 - (5) Any other proposed change to the Planned Development Plan or the conditions of approval that substantively alters one or more of its components as determined by the Zoning Administrator.
- (c) **Minor Amendments.** Amendments not meeting one or more of the criteria listed in subsection B above will be considered minor if they are consistent with the original findings and conditions of approval. Minor Amendments may be approved by the Zoning Administrator. The Zoning Administrator, at his/her discretion, may refer any request for an amendment to a Planned Development Plan that may generate substantial public interest to the Planning Commission for a decision rather than acting on the proposed amendments.

Series 400: Additional Use and Development Regulations

Chapter 9-400 General Site Regulations

Sections:

9-400.010	Accessory Structures
9-400.020	Building Projections into Required Yards
9-400.030	Exceptions to Height Limits
9-400.040	Fencing and Screening
9-400.050	Property Maintenance
9-400.060	Refuse, Recycling, and Waste Storage Areas
9-400.070	Screening of Equipment
9-400.080	Small Residential Rooftop Solar Energy Installations
9-400.090	Swimming Pools and Spas
9-400.100	Trees on Private Property
9-400.110	Truck Docks, Loading, and Service Areas
9-400.120	Visibility at Intersections and Driveways

9-400.010 ACCESSORY STRUCTURES

- (a) **Applicability.** The following standards shall apply to all accessory structures not otherwise regulated, including agricultural buildings, barns, coops, garages, garden sheds, gazebos, greenhouses, guest quarters, packing sheds, pergolas, storage sheds, satellite antennas, and covered patios. Accessory dwelling units are regulated by Section 9-409.020; solar installations are regulated by Sections 9-400.080 and 9-409.420; wireless communications facilities are regulated by Chapter 9-411; and accessory uses are regulated by Section 9-409.040.
- (b) **Height.** The maximum allowable height for accessory structures shall not exceed the building height allowed in the base zone unless a lower height is set in the base zone regulations for such structures or in this section.
- (c) **Non-residential Accessory Structures in Residential Zones.** All non-residential structures that are accessory to dwelling units in Agricultural and Residential zones shall meet the following standards:
- (1) The accessory structure must be for the owner's or tenant's use; and

- (2) The total floor area of all accessory structures shall be equal to or smaller than the total floor area of the principal dwelling unit,

(d) **Location and Setbacks.**

- (1) The accessory structure may be located anywhere on a lot except within a required setback with the following exceptions:
- (A) Single-story accessory buildings, except accessory dwelling units and second unit dwellings, that are located in the rear one-third of a lot may be located within three feet of the rear or interior side lot line, provided such single-story accessory building is at least ten feet from any dwelling on an adjacent lot and does not exceed 14 feet in height; and
 - (B) Accessory structures, such as covered patios, gazebos, or pergolas, that are open on three sides, may encroach into a required interior side and rear setback as long as such encroachment does not exceed 50 percent of the area of the required setback.
- (2) An accessory structure shall be no closer than five feet to a main building or less than five feet from any public right-of-way.
- (3) In Residential zones where the rear yard abuts the side yard on an adjacent parcel, the siting of an accessory structures shall observe a rear setback equal to the side yard setback required on the adjacent lot.

9-400.020 BUILDING PROJECTIONS INTO REQUIRED YARDS

The current standards have been updated to maintain a 3-foot clearance in interior side yards for fire/life safety. Also added are standards for bay windows, pools and spas, and ramps that provide access for persons with disabilities.

Building projections may extend into required yards, according to the standards of Table 9-400.020 Allowed Building Projections into Yards. The "Limitations" column states any dimensional, area, or other limitations that apply to such structures when they project into required yards.

TABLE 9-400.020: ALLOWED BUILDING PROJECTIONS INTO YARDS				
<i>Projection</i>	<i>Front or Street Side Yard (ft.)</i>	<i>Interior Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>	<i>Limitations</i>
All projections	No projection may extend closer than three feet to an interior lot line or into a public utility easement.			
Bay windows; balconies	3	2	3	Shall not occupy more than 1/3 of the length of the building wall on which they are

TABLE 9-400.020: ALLOWED BUILDING PROJECTIONS INTO YARDS				
<i>Projection</i>	<i>Front or Street Side Yard (ft.)</i>	<i>Interior Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>	<i>Limitations</i>
				located or ½ of the length of a single room.
Cornices, canopies, eaves, belt courses, and similar architectural features	3 if the required yard is 10 ft. or less; 4 if the required yard is 10 ft. or more, and 10 in all Commercial zones			
Fire escapes required by law or public agency regulation	4	2 or 3 if the setback is 6 ft. or more	4	
Fireplaces, air conditioning units, water softening units	2.5 but no closer than 30 inches to the lot line			
Uncovered stairs, ramps, stoops, or landings that service above first floor of building	3	2 or 3 if the setback is 6 ft. or more	4	
Depressed ramps or stairways and supporting structures designed to permit access to parts of buildings that are below average ground level	3.5	3.5	3.5	
Basketball Rims and Backboards	No closer than 10 ft. to a front or street-side lot line or 5 ft. to an interior side or rear lot line.			
Decks, porches, stairs, and patio covers				
- Less than 18 inches above ground elevation	6	6	6	Must be open with only rails on at least 2 sides. No closer than 7 ft. to a street-facing lot line or 3 ft. to an interior lot line.
- 18 inches or more above ground elevation	3	2	3	
Pools and spas	No closer than 3 ft. to an interior lot line. No projection allowed into a front or street side yard.			
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation shall be provided, consistent with the Americans with Disabilities Act; see Chapter 9-806, Waivers.			

9-400.030 EXCEPTIONS TO HEIGHT LIMITS

Currently, the County allows projections above height limits for a variety of features, as listed in Table 9-400.050, but sets no limits on overall height. Sacramento County limits the area of the lot where structures may exceed the height limits but leaves it to the Chief Building Official to determine these allowable projections on a case-by-case basis. By contrast, Merced County allows projections up to 25 percent of the height limit but gives the Review Authority discretion to set low maximums. Stockton sets specific limits for height exceptions (15 feet for roof-mounted structures and four feet for parapets), while Manteca allows excepts for specific features and structures with no specific limits other than bow much area of a lot some of them may occupy. Table 9-400.050 is generally consistent with these limits.

Lower limits are proposed for certain features, such as stair towers, mechanical equipment penthouses, sky lights, and alternative energy production facilities but would not limit these to a percentage of the roof area, as Stockton does. This will limit the visual mass on rooftops. For streamlining, fixed standards are preferable to discretionary review on a case-by-case basis.

The standards of this Section apply to all new development and to all existing structures. The structures listed in Table 9-400.050 below may exceed the maximum permitted building height for the zone in which they are located, subject to the limitations stated in the table and further provided that no portion of a structure above the building height limit may be used for sleeping quarters or advertising. Projections not listed in the table and projections above the limits listed in the table may be allowed with a Conditional Use Permit issued by the Planning Commission.

TABLE 9-400.030: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
<i>Structures Allowed Above the Height Limit</i>	<i>Maximum Vertical Projection Above the Height Limit</i>	<i>Size and Locational Limitations</i>
Skylights	3 feet	None
Solar panels	Subject to the provisions of §9-400.100	
Other energy production facilities located on a rooftop such as a small wind turbine	5 feet	None
Chimneys Decorative features such as cupolas, pediments, obelisks, and monuments Rooftop open space feature for residents' and tenants' use, such as sun decks, sunshade and windscreen devices, open trellises, and landscaping, excluding detached residential structures	20% of base zone height limit	Limited to a total 25% of roof area, including all structures unless an administrative use permit allows for more rooftop open space for residents' uses
Elevator and stair towers (for multi-unit and non-residential buildings only)	12 feet	Limited to 20% of roof area
Mechanical equipment penthouses	12 feet	Limited to 20% of roof area
Flagpoles	Subject of provisions of Chapter 9-406, Signs.	
Fire escapes, catwalks, and open railings required by law	No restriction	None
Architectural elements, such as spires, bell towers, and domes	20% of base zone height limit	None
Parapets, excluding detached residential structures	4 feet	None
Distribution and transmission towers, lines, and poles; freestanding wind turbines Water tanks Airway beacons	12 feet as an accessory structure; None as a primary use	Limited to 20% of the area of the lot, or 20% of the roof area of all on-site structures, whichever is less; No limit if primary use permitted in the zone

TABLE 9-400.030: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
<i>Structures Allowed Above the Height Limit</i>	<i>Maximum Vertical Projection Above the Height Limit</i>	<i>Size and Locational Limitations</i>
Telecommunications facilities, antennas, and microwave equipment Radio towers	Subjects to provisions of Chapter 9-412	
Athletic field lighting	Up to a maximum of 80 feet in total height	None

- (a) Additional Height Allowed for Public and Quasi-Public Buildings. Public and quasi-public buildings, when allowed in a zone, may be erected to a height not exceeding 75 feet if the building is set back from the required setback line at least one foot for each additional foot of building height above the maximum height limit for the zone in which the building is erected.
- (b) Carports and Garages. Where a lesser setback would be permitted by other Sections of this Title, carports, garages, and vehicular entrances to structures shall be set back at least 15 feet from a front or street side lot line.

9-400.040 FENCING AND SCREENING

- (a) **General Standards.** All fencing and screening shall comply with the provisions of this Section, unless otherwise specified.
 - (1) **Placement.** Fences and screens may be constructed anywhere on a lot.
 - (2) **Height Limits in Required Yards.** Fencing and screening shall not exceed the height limits specified in subsection (b).
 - (3) **Height Limits Outside Required Yards.** The height of fencing and screening outside required yards shall not exceed the height limits for accessory buildings.
 - (4) **Gates.** Any gate shall meet the applicable fence height and setback requirements. Ine and the edge of the travelled roadway, in which case the setback requirement is waived.
 - (5) **Fences Adjacent to "Restricted" or "Nonaccess" Property.** A fence up to eight feet in height may be constructed on the lot line when that line is shown as "restricted" or "nonaccess" on a recorded map. If adjacent to a roadway, intersection and driveway visibility standards may limit the fence height; see Section 9-400.120.
- (b) **Fencing Standards.** Unless otherwise specified, fencing shall be permitted, but not required, and shall comply with the provisions of this Section.
 - (1) **Height Limits and Required Setbacks.** Table 9-400.040-B establishes height limits for closed fences, which create a solid barrier, and open fences, which have slats or separations allowing views in the interior of the lot.

TABLE 9-400.040-B: HEIGHT LIMITS FOR FENCES	
<i>Zone and Placement</i>	<i>Maximum Height (Feet) Above Finished Grade</i>
Residential Zones	
Front and Street Side Yards	5 (open or closed) plus 3 with a Zoning Clearance (open only)
Interior Side and rear Yards	7 (open or closed)
Outside of Required Yards	Not to exceed the maximum height for an accessory building
Commercial and Industrial Zones	
Front and Street Side Yards	7 (open) or 5 (closed) plus 2 (open)
Interior Side and rear Yards	7 (open or closed)
Outside of Required Yards	Not to exceed the maximum height for an accessory building
Agricultural Zones	
Front and Street Side Yards	8 (open) or 5 (closed) plus 3 (open)
Interior Side and rear Yards	5 (open or closed)
Outside of Required Yards	Not to exceed the maximum height for an accessory building

- (2) **Fencing Materials.** Fence materials may include wood, chain link, fence pickets or panels, wire mesh, and other similar materials. The use of barbed wire, razor wire, and electrified fencing is prohibited in Residential zones. Alternative fencing materials may be approved by the Zoning Administrator. If bushes, trees, or other plantings are used as alternative fencing material, they must meet the fencing height and setback requirements.
- (A) *Prohibited Materials.* Corrugated plastic or iron, steel, aluminum, and asbestos are specifically prohibited. Chain link fencing with slats may be approved at the discretion of the Zoning Administrator in combination with another material.
- (B) *Required Materials Backing Up To or Abutting a Public Roadway.* In new residential subdivisions, the required material for perimeter fencing abutting or backing up to a public roadway is masonry.
- (3) **Special Fencing Requirements.**
- (A) *Playing Courts.* The seven-foot fence height limit may be waived for playing courts if the playing court is in a side or rear yard and open type fencing material is used.
- (B) *Swimming Pools.* All pools shall be enclosed per the requirements of the California Building Code and this Title and any additional requirements of the Building Code.

(C) *Levees.*

- (i) Any fence next to a levee shall conform to the requirements for Levees in Chapter 9-703, Flood Hazards.
- (ii) The height of any fence or wall located at the toe of a levee may be increased to eight feet subject to the review and approval of the Zoning Administrator.

(4) **Special Fencing Requirements for Commercial and Industrial Zones.**

- (A) *Fencing of Front Yards.* A fence up to seven feet in height is permitted in the required front yard, provided it is open material and does not obstruct vehicular site distance.
- (B) *Security and Electrified Fencing.* Except for fencing abutting a Residential zone, barbed wire security fencing, razor wire, and electrified fencing, not to exceed two feet in height, may be erected on top of required or permitted fencing. See Section 9-400.040(f), below.

(5) **Special Fencing Requirements for Agricultural Zones.**

- (A) *Open Fencing.* An open fence up to seven feet in height is permitted in any required yard. An open fence eight feet in height is permitted in any required side yard or rear yard on parcels 20 acres or greater in size.
- (B) *Security and Electrified Fencing.* Except for fencing abutting a Residential Zone, barbed wire fencing, razor wire, and electrified fencing, not to exceed two feet in height, may be erected on top of required or permitted fencing. See Section 9-400.040(f), below.

(c) **Screening Standards.**

- (1) **Materials.** Screening shall include the installation and maintenance of one, or a combination, of the following elements:

- (A) Plant materials;
- (B) Fencing;
- (C) Walls; or
- (D) Berms.

- (2) **Prohibited Materials.** Corrugated plastic or iron, steel, aluminum, and asbestos are specifically prohibited. Chain link fencing with slats may be approved at the discretion of the Zoning Administrator in combination with another material.

(3) **Special Screening Requirements.**

- (A) *Screening Adjoining Residential Areas.*

- (i) If a commercial or industrial development project will abut a Residential zone or a conforming residential use, screening eight feet in height shall be erected along the abutting lot line.
 - (ii) If an agricultural development project will abut a Residential zone or a conforming residential use and development is proposed within 50 feet of the abutting property line, screening six feet to eight feet in height shall be erected. Driveways are exempt from this requirement.
- (B) *Screening of Commercial Storage Area.* All storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. Screening shall be between six and eight feet in height. Outside storage is not permitted in front yards, street side yards, or in front of main buildings. Exceptions can be approved by the Zoning Administrator.
- (C) *Screening of Industrial Storage Areas.*
 - (i) All storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. This screening shall be between six and eight feet in height. Items stored within 100 feet of a public street or a Residential zone shall not be stacked higher than two feet above the adjacent screen. Exceptions can be approved by the Zoning Administrator.
 - (ii) All exterior electrical cage enclosures and storage tanks shall be screened from view from adjacent public streets and Residential zones.
- (d) **Maintenance.** All required screening materials shall be maintained in good condition by the property owner and, whenever necessary, repaired or replaced.
- (e) **Noise Attenuation Walls.** As a condition of approval for a discretionary permit, the Zoning Administrator may require walls, fences, berms, and/or landscaping for the purpose of noise attenuation in any zone to meet the standards in Chapter 9-404 when adjacent to a high noise generator, such as a major roadway or railroad. Where noise attenuation walls are required, height and yard restrictions for walls that would otherwise apply may be waived by the Zoning Administrator upon review of a noise study, if necessary, for effective noise reduction.
- (f) **Electrified Security Fencing.** The Zoning Administrator may permit electrified security fences in Industrial, Commercial, and Agricultural zones subject to the following development standards.
 - (1) **Warning Signs.** The electrified security fence shall be clearly identified by installing prominently placed warning signs that are legible from both sides of the fence. At minimum, the warning signs shall meet the following criteria:

- (A) The warning signs are placed at each gate and access points, and at intervals along the fence not exceeding 30 feet.
 - (B) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.
 - (C) The warning signs are marked with a written warning or a commonly recognized symbol for shock.
 - (D) The minimum dimensions for each sign are nine inches by 12 inches.
- (2) **Power.** The primary power voltage for an electrified security fence shall not exceed 12 DC volts maximum. The electrified security fence shall only be electrified when the business it is protecting is closed to the public.
- (3) **Height.** The height of an electrified security fence may exceed the height of the protective barrier by two feet, provided the overall fence height is not more than 10 feet.
- (4) **Setbacks.** Setbacks between the protective barrier and an electrified security fence are required as follows:
- (A) Any opening in the perimeter protective barrier that is less than or equal to three inches shall require a minimum 12-inch setback for the electrified security fence.
 - (B) Any opening in the perimeter protective barrier that is greater than three inches but no more than six inches shall require a minimum three-foot setback for the electrified security fence, or an approved mesh or equivalent material, with openings not to exceed three inches, shall be installed.
 - (C) When abutting a Residential zone, a protective barrier consisting of a minimum six-foot high solid wooden fence or block wall shall require a minimum 12-inch setback for the electrified security fence. Any other protective barrier proposed adjacent to a Residential zone is required to have mesh installed, as approved by the Zoning Administrator, as a secondary protective barrier, that is a minimum of six feet in height and is setback 12 inches from the electrified security fence.
- (5) **Knox Box.** Before the electrified security fence is electrified, a Fire Marshall approved Knox Box providing for emergency access to enable the electrification to be turned off shall be installed and the security fence shall be inspected by the Fire Department. The Knox Box shall be fully operational at all times when the electrified security fence is operational. If at any time the Knox Box is not operational, the electrified security fence cannot be activated.

(6) **Uses and Locations.**

- (A) The Zoning Administrator may authorize electrified security fences for any uses in the I-W (Warehouse), I-P (Industrial Park), I-L (Limited Industrial), I-G (General Industrial), AG (General Agricultural), AL (Limited Industrial), and AU (Agriculture Urban Reserve) zones.
- (B) The Zoning Administrator may authorize electrified security fences in the C-C (Community Commercial), C-G (General Commercial), C-RS (Rural Service Commercial), and C-X (Crossroad Commercial) zones only for the following land uses:
 - (i) Auction sales—Indoor, outdoor;
 - (ii) Automotive sales and services—Automotive rentals, automotive repairs (light), automotive repairs (heavy), automotive sales, operable vehicle storage, parking;
 - (iii) Communication services—Towers
 - (iv) Construction service;
 - (v) Equipment sales and repair—Farm machinery sales and leisure;
 - (vi) Marinas;
 - (vii) Nursery sales and landscaping services;
 - (viii) Truck Services;
 - (ix) Utilities; and
 - (x) Warehousing, storage, and distribution.

- (7) **Required Permits.** A building permit is required for electrified security fences in any commercial zone and for any electrified security fence exceeding seven feet in height.

9-400.050 SCREENING OF EQUIPMENT

The standards of this Section apply to equipment in new development, replacement equipment that is added to serve existing buildings, and condominium conversions. These standards do not apply to existing equipment that serves existing buildings. The Zoning Administrator may waive or modify screening requirements for equipment.

- (a) **General Requirements.** All exterior mechanical equipment, whether on a roof, on the side of a structure, or located on the ground, must be screened from public view from an adjacent public road. Exterior mechanical equipment to be screened includes, without limitation, heating, ventilation, air conditioning, refrigeration

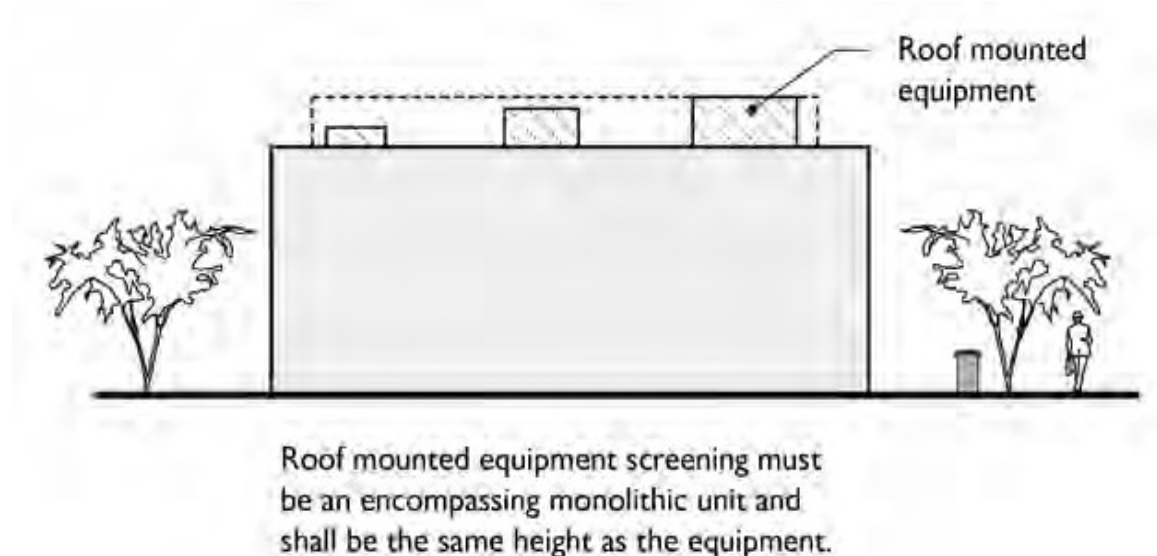
equipment, plumbing lines, ductwork, transformers, smoke exhaust fans, water meters, backflow preventers, and similar utility devices.

- (1) Screening must be architecturally integrated into the main structure with regard to materials, color, shape, and size to appear as an integral part of the building or structure.
 - (2) Equipment must be screened on all sides, and screening materials must be opaque.
 - (3) When screening with plants, evergreen types of vegetation must be planted and maintained. Plant material sizes and types must be selected and installed so that, at the time of building occupancy, such plants effectively screen their respective equipment.
 - (4) The use of chain link for the purpose of screening is prohibited.
- (b) **Requirements for Specific Types of Mechanical Equipment.** The following additional screening standards apply to the specified types of mechanical equipment:

(1) Roof-Mounted Equipment.

- (A) Whenever feasible, roof-mounted equipment screening must be constructed as an encompassing monolithic unit or a series of architecturally similar screening units on large roofs, rather than as several individual screens (i.e., multiple equipment screens, or "hats," surrounding individual elements are not permitted).
- (B) The height of the screening element must equal or exceed the height of the structure's tallest piece of installed equipment.

FIGURE 9-400.070-1: SCREENING OF ROOF MOUNTED EQUIPMENT



- (2) **Ground-Mounted Equipment.** Ground-mounted equipment that faces a street must be screened to a height of 12 inches above the equipment, unless such screening conflicts with utility access, in which case reasonable accommodation must be allowed.
- (A) Acceptable screening devices consist of decorative walls and/or berms (3:1 maximum slope) with supplemental plant materials, such as trees, shrubs, and groundcovers.
 - (B) For screen walls that are three feet high or lower, vegetative materials may be substituted for 50 percent of the screening device.
 - (C) This requirement does not apply to incidental equipment in the interior of a lot that is not visible from the street. However, electrical substations, water tanks, sewer pump stations, and similar utilities are required to be screened and secured with an eight-foot-high wall.

FIGURE 9-400.070-2: SCREENING OF GROUND MOUNTED EQUIPMENT



- (3) **Exterior Wall Equipment.** Wall-mounted equipment, including, without limitation, electrical meters, electrical distribution cabinets, and valves and cabinets that face a street or public parking and are not recessed and/or separated from the street by intervening building(s) or walls or gates, must be screened. Screening devices must incorporate elements of the building design (e.g., shape, color, texture, and material). For screen walls that are three feet in height or lower, vegetative materials may be substituted for 50 percent of the screening device.
- (c) **Exceptions in Agricultural Zones and the I-G General Industrial Zone.** Due to size and physical characteristics, outdoor equipment that is ancillary to farming operations in the Agricultural Zones and industrial operations in the I-G General Industrial zone does not have to be fully screened from view. In these cases, operators of such equipment are only required to provide screening from view of public roads for the outdoor storage of such equipment to the extent feasible.

9-400.060 SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY INSTALLATIONS

This Section establishes development standards and expedited permit review procedures for small rooftop solar energy solar energy systems, which are allowed by-right under State law.

- (a) **Expedited Administrative Review.** After receipt of a complete application, only a Zoning Clearance is required for issuance of a building permit, and the building permitting process shall be streamlined with use of checklists to determine compliance with standards and eligibility for expedited review. Absent any specific, adverse impact findings, the Building Official shall administratively approve an application for a small rooftop solar energy installation that meets the standards of this section and is eligible for expedited review and issue all required permits or authorizations.
 - (1) **Approval for Connection to the Electricity Grid.** The Building Official's approval of a building permit application does not authorize an applicant to connect a small residential rooftop solar energy system to the local utility provider's electricity grid. The applicant may need to contact the local utility provider for approval prior to activating the system.
 - (2) **Inspections.** Only one building inspection of an installation eligible for expedited review shall be required, which shall be done in a timely manner and may include a consolidated inspection, except that a separate fire safety inspection may be required if the County that does not have an agreement with the local fire authority to conduct a fire safety inspection on behalf of the fire authority. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.
- (b) **Conformance to Codes Required.** The installation must meet all applicable requirements of the State fire, structural, electrical, and other building codes, as adopted by the County.
- (c) **Locations Allowed.** A small residential rooftop energy system may be installed on any single family or duplex dwelling.
- (d) **Maximum Generating Capacity.** Not to exceed 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
- (e) **Maximum Height.**
 - (1) **On Single-Unit Lots.** A small residential rooftop solar energy system may extend up to five feet above the height limit in the zone in which it is located. Solar water or swimming pool heating systems may extend up to seven feet above the height limit in the zone in which it is located.
 - (2) **On All Other Lots.** A small residential rooftop solar energy system may extend up to five feet above the roof surface on which they are installed, even if this

exceeds the maximum height limit in the zone in which it is located. Solar water or swimming pool heating systems may extend up to seven feet above the roof surface on which they are installed even if this exceeds the maximum height limit in the zone in which it is located.

- (f) **No Other Approval Required.** Approval of a small rooftop solar energy system by an association, as the term is defined in Section 4080 of the Civil Code, is not required for issuance of a building permit.
- (g) **Required Setbacks.** Excluding solar collector panels, solar energy system equipment may be installed within a required side and rear setback but must not be closer than three feet to any lot line.

9-400.070 SWIMMING POOLS AND SPAS

This Section establishes standards for swimming pools and spas.

- (a) **Pool Setbacks.** The outside wall of the water-containing portion of any swimming pool or spa must be a minimum of three feet from side and rear lot lines.
- (b) **Filtration Equipment.** Swimming pool or spa filtration equipment and pumps shall not be in the front or street side yard and cannot be closer than 30 inches to side and rear lot lines.

9-400.080 TREES ON PRIVATE PROPERTY

- (a) **Purpose and Applicability.** The purpose of this section is to preserve the County's tree resources by requiring replacement of protected trees where removal is allowed. It applies to all development projects requiring discretionary approval that have Native Oak Trees, Heritage Oak Trees, or Historical Trees on the property, unless otherwise exempt.
- (b) **Exemptions.** This section does not apply to:
 - (1) Cases of emergency requiring the immediate removal of said trees for the safety of structures or human life, as determined by the Zoning Administrator, the Director of Public Works, the Director of Parks and Recreation, or the Chief of the applicable fire district.
 - (2) Removal of trees by the County or a public utility that are necessary: 1) to protect electric power or communication lines or other property owned by the County or the public utility or 2) to repair and maintain existing roads, flood control facilities, and/or other public facilities. Where flood channels consist of all or portions of natural waterways, the portion to be exempted shall be limited to the watercourses and such portions of the adjacent land area between the levees required to discharge the 100-year flood.
 - (3) Removal of trees required by other County codes, ordinances, or State or federal laws.

- (4) Removal of trees that are dead or diseased.
 - (5) Removal of Native Oak Trees on:
 - (A) Existing lots containing less than 10,000 square feet and an existing residential use; and
 - (B) Existing lots containing less than one acre and an existing commercial or industrial use.
- (c) **Permit Required for Tree Removal.** A Zoning Clearance is required for the removal of a Heritage Oak Tree, Historical Tree or Native Oak Tree.
- (1) **Heritage Oak Tree or Historical Tree.** The removal of a Heritage Oak or Historical Tree shall not be permitted unless the Zoning Administrator finds that one or more of the following situations exists and the tree is replaced:
 - (A) That the removal is in the public interest;
 - (B) That the tree interferes with an existing structure, utility service, or road, and no reasonable alternative exists to correct the interference other than removal of the tree;
 - (C) That removal is necessitated because the tree is endangering another plant in the area with infection or infestation; or
 - (D) The removal is necessitated because the tree interferes with the maintenance of flood control facilities.
 - (2) **Native Oak Tree.** Removal of a Native Oak Tree shall be permitted, provided any tree removed is replaced.
- (d) **Replacement.** Trees removed shall be replaced as follows:
- (1) **Replacement Stock.** Replacement stock shall be of healthy commercial nursery stock of the species removed or other species approved by the Zoning Administrator.
 - (2) **Replacement Location.** Replacement trees shall be planted as near as possible to the location of the removed tree or in an alternative location acceptable to the Zoning Administrator.
 - (3) **Timing.** Replacement stock shall be planted between October 1 and December 31, and no later than 18 months after the date of tree removal.
 - (4) **Number.**
 - (A) Each Heritage Oak Tree or Historical Tree that has been removed shall be replaced with five trees or acorns, or combination thereof.

- (B) Each Native Oak Tree that has been removed shall be replaced with three trees or acorns, or combination thereof.
 - (C) The applicant shall be required to demonstrate to the satisfaction of the Zoning Administrator that replacement stock will be planted and maintained in such a manner as to ensure the survival of said stock at the end of a three-year period commencing from the date of planting.
- (e) **Security Required.** The Zoning Administrator may require the applicant to provide a performance bond or other financial security to replant any replacement tree found not to be alive at the end of the required three-year maintenance period. The form of the bond or other financial security must be found acceptable by the County Counsel and the amount shall be sufficient to cover the County's cost to replant replacement trees.
- (1) The Zoning Administrator shall, upon written request of the applicant at the end of the maintenance period, determine the health of the replacement trees and release the security, if all replacement trees are alive.
 - (2) If the replacement trees are not alive, the Zoning Administrator shall use all or part of the security to replant replacement trees, and the applicant may be required to provide additional security to ensure maintenance of these trees for an ensuing three-year maintenance period.
- (f) **Protection from Development.** To protect and preserve Heritage Oak Trees, Historical Trees, and Native Oak Trees from construction activity, the following standards apply to all non-exempt development:
- (1) **Grade Changes.** Grade changes near or within the dripline of Heritage Oak Trees, Historical Trees, and Native Oak Trees shall comply with the following restrictions:
 - (A) No grade changes shall occur within six feet of the trunk of the tree.
 - (B) No grade changes shall occur that entail removing or adding more than six inches of soil in the protected zone of the tree.
 - (C) Extensive cuts or fills that are necessary beyond the protected zone shall have adequate
 - (D) Any grade changes within the protected zone of the tree shall be accomplished so as to prevent soil compaction and injury to or removal of the tree's roots.
 - (2) **Fencing.** Before grading operations may commence, a minimum five-foot high chain link fence or other comparable protective fencing shall be installed at the outermost edge of the protected zone of each protected tree or group of

trees. Fencing, however, to protect trees on slopes that will not be graded is not required.

(A) Fences shall remain in place throughout the entire construction period.

(B) No material, machinery, or objects of any kind may be stored within the fenced area.

(3) **Trenching.** No trenching whatsoever shall be allowed within the protected zone of subject trees. If underground utility lines must be installed within the protected zone, the conduit shall be installed by boring or drilling through the soil.

(4) **Retaining Walls.** In cases where retaining walls are required within the protected zone of the tree, the property owner shall complete said improvement before the completion of grading operations and before commencement of any construction.

(5) **Paving.** Paving within the dripline of affected trees shall be minimized. If paving is necessary, porous materials such as gravel, loose boulders, and cobbles, brick with sand joints, wood chips, or bark mulch shall be used.

(6) **Exceptions.** This subsection does not apply to normal agricultural practices.

(g) **Landscaping beneath Protected Trees.** Landscaping beneath Heritage Oak Trees, Historical Trees, and Native Oak Trees shall be subject to the following requirements:

(1) **Non-plant Materials.** Non-plant materials such as loose boulders and cobbles, wood chips, or similar materials, may be used under trees.

(2) **Permitted Plants.** Only plant species that are tolerant of the natural semi-arid environment of said trees, or the natural environment of Historical Trees, whichever is applicable, shall be permitted under trees.

(3) **Non-planting Areas.** No plants or lawn shall be planted within a ten-foot radius of the trunk of any Heritage Oak Tree, Historical Tree, or Native Oak Tree.

(4) **Irrigation Systems.** Permanent irrigation systems within the protective zone of Heritage Oak Trees, Historical Trees, and Native Oak Trees shall be limited to bubbler, drip, or subterranean systems only, and no irrigation system shall be allowed within a ten-foot radius of the trunk of these trees.

(5) **Exceptions.** This subsection does not apply to normal agricultural practices.

(h) **Expert Opinion.** The Zoning Administrator may require the opinion of an arborist with special expertise in the care and maintenance of Native Oak Trees, Historical Trees, or Heritage Oak Trees to review a discretionary permit for a project that would affect any of these trees, and the applicant shall be required to pay for the cost of obtaining the services of the arborist. The arborist's review shall focus on whether the proposed project will protect and preserve Heritage Oak Trees, Historical Trees, and

Native Oak Trees, as required by this section and, if not, what additional conditions of approval should be imposed to ensure that the standards of this section are met.

Chapter 9-401 Affordable Housing Density Bonus

Sections:

9-401.010	Purpose
9-401.020	Eligibility
9-401.030	Additional Density Bonus
9-401.040	Floor Area Ratio Bonus
9-401.050	Incentives or Concessions
9-401.060	No Maximum Density Bonus or Maximum Number of Concessions
9-401.070	Guarantees for Continued Affordability
9-401.080	Location and Design of Affordable Units and Bonus Units
9-401.090	Protection of Existing Rental Units
9-401.100	Procedures
9-401.110	Streamlined Approval for Eligible Infill Projects
9-401.120	Required Affordable Housing Density Bonus Agreement

9-401.010 PURPOSE

The purpose of this Chapter is to provide a method by which residential developments which provide affordable housing shall receive a density bonus and incentive pursuant to Section 65915 of the Government Code.

9-401.020 ELIGIBILITY

- (a) **Very Low and Low Income Housing and Senior Housing.** A residential development is eligible for a 20 percent density bonus if the builder seeks and agrees to construct at least one of the following:
- (1) Ten percent of the total units, excluding density bonus units, are affordable for rental or sale to low income households at an affordable rent or affordable ownership cost; or
 - (2) Five percent of the total units for rental or sale, excluding density bonus units, are affordable to very low income households at an affordable rent or affordable ownership cost; or
 - (3) A senior citizen housing development, or mobile home park that limits residency based on age requirements for housing for older persons.
- (b) **Moderate Income Housing.** A residential development is eligible for a five percent density bonus if the builder seeks and agrees to sell ten percent of the total units, excluding density bonus units, to moderate income households and if the project also meets all of the following additional criteria:
- (1) All the dwelling units in the residential development are offered to the public for purchase; and

- (2) The density bonus units are offered for sale at affordable ownership cost.
- (c) **Housing for the Disabled Veterans, Transitional Youth, or Homeless Persons.** A residential development is eligible for 20 percent density bonus if at least ten percent of the total units, excluding density bonus units, are reserved for and occupied by disabled veterans, transitional youth, or homeless persons and if the builder agrees to:
- (1) Provide the units are the same affordability level as very low income units;
 - (2) Record an affordability restriction for at least 55 years.
- (d) **Housing for Students.** A student housing project is eligible for a 35 percent density bonus if at least 20 percent of the total units, excluding density bonus units, are reserved for and occupied by lower income students and if the builder agrees to that meet the following requirements:
- (1) All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the builder must provide evidence to the County that there is an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to make all of the housing available to students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subsection is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.
 - (2) At least 20 percent of the units will be reserved for and occupied by lower income students. The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government.
 - (3) The rent for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.
 - (4) The development will provide priority for affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in Section 103577 of the Health and Safety Code, or an institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this Section.

(e) **Density Bonus for Land Donation, Child Care Facility, or Condominium Conversion.**

- (1) **Density Bonus for Land Donations.** When a subdivider or residential developer donates land to the County in return for providing housing for very low income households, the subdivider or developer shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning district for the entire development, as follows:

TABLE 9-401.020 - DENSITY BONUS FOR LAND DONATIONS	
<i>Percentage Very Low Income Units Provided</i>	<i>Percentage Density Bonus</i>
10	15
For each additional 1% increase above 10% in the proportion of units affordable to very low income households, the density bonus shall be increased by 1% up to a maximum of 35%	
30	35

- (2) **Relation to Other Density Bonuses.** This increase shall be in addition to any increase in density otherwise mandated, up to a maximum combined mandated density increase of 35 percent if a developer seeks both the increase required pursuant to this section and a density bonus. The developer shall be eligible for the increased density bonus described in this paragraph if all the following conditions are met:
- (A) The developer donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - (B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in the amount not less than 10 percent of the number of residential units of the proposed development.
 - (C) The transferred land is zoned and sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned, and is or will be served by adequate public facilities and infrastructure. The developer must have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units prior to the date of approval of the final subdivision map, parcel map, or the residential development. Such approvals may be granted concurrently.
 - (D) The transferred lands and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with this Chapter, which shall be recorded on the property at the time of dedication.

- (E) The housing developer is approved by the County.
 - (F) 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.
 - (G) 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.
- (3) **Density Bonus for Development with a Childcare Facility.**
- (A) When a developer proposes to construct a housing development that includes a childcare facility that will be located on the site of, as part of, or adjacent to, the project, the County shall grant either of the following:
 - (i) An additional density bonus that is an amount of square feet of residential space that is equal to the amount of square feet in the childcare facility; or
 - (ii) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
 - (B) The County shall require, as a condition of approving a density bonus housing development with a childcare facility that the following occur:
 - (i) The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
 - (ii) Of the children who attend the child are facility, the children of extremely low income, very low income households, lower-income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for extremely low income, very low income households, lower-income households, or families of moderate income pursuant to this section.
 - (C) The County shall not be required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the surrounding neighborhood has adequate childcare facilities.
- (4) **Condominium Conversions.** Condominium conversions may be eligible for a density bonus or incentive pursuant to the requirements set forth in Government Code Section 65915.5.

9-401.030 ADDITIONAL DENSITY BONUS

The density bonus for which the residential development is eligible shall increase if the percentage of very low, low, and moderate income units exceeds the base percentage established in Sections 9-401.020 (a) and (b), as follows:

- (a) **Very Low Income Units.** For each one percent increase above five percent in the percentage of density bonus units affordable to very low income households, the density bonus shall be increased by two and one-half percent up to a maximum of 50 percent.
- (b) **Low Income Units.** For each one percent increase above ten percent in the percentage of density bonus units affordable to low income households, the density bonus shall be increased by one and one-half percent up to a maximum of 50 percent.
- (c) **Moderate Income For Sale Units.** For each one percent increase above ten percent in the percentage for sale density bonus units affordable to moderate income households, the density bonus shall be increased by one percent up to a maximum of 35 percent. For each one percent increase above 40 percent, the density bonus shall be increased by 3.75 percent up to a maximum of 50 percent if 44 percent of the units are affordable to moderate income households.

All density calculations resulting in fractional units shall be rounded up to the next whole number. Table 9-401.030 summarizes these additional density bonuses.

TABLE 9-401.030 - DENSITY BONUS SUMMARY				
<i>Income Category</i>	<i>Minimum % Density Bonus Units Required</i>	<i>Density Bonus Granted</i>	<i>Add'l Bonus for Each 1% Increase in Density Bonus Units</i>	<i>% Density Bonus Units Required for Maximum 50% Bonus</i>
Very Low Income	5%	20%	2.5%	15%
Low Income	10%	20%	1.5%	24%
Moderate Income (for sale common interest development only)	10%	5%	1%	44%

9-401.040 FLOOR AREA RATIO BONUS

Pursuant to Government Code Section 67917.2, an eligible multifamily housing development in the R-H Residential High Density Zone that contains five or more residential units and is located on an urban infill site that is within a transit priority area or within one-half mile of a major transit stop may request a floor area ratio bonus in lieu of a density bonus if at least 20 percent of the units, excluding any additional units allowed under a floor area ratio bonus or other incentives or concessions provided pursuant to this Chapter, will have an affordable housing cost or affordable rent to, and be occupied by, persons with a

household income equal to or less than 50 percent of the area median income and be subject to an affordability restriction for a minimum of 55 years.

- (a) **Bonus Allowed.** The floor area ratio bonus allows an eligible housing development to build additional floor area for housing above the otherwise maximum allowable density permitted under the R-H Zone.
- (b) **Definitions.** For purposes of this section, "major transit stop" has the same meaning as defined in Section 21155 of the Public Resources Code and "transit priority area" has the same meaning as defined in Section 21099 of the Public Resources Code.
- (c) **Calculating the Bonus.** The allowable additional gross residential floor area in square feet shall be the product of all of the following amounts:
 - (1) An assumed base density for the R-H Zone in dwelling units per acre (15)
 - (2) Multiplied by:
 - (3) The site area in square feet, divided by 43,560
 - (4) Multiplied by:
 - (5) 2,250.
- (d) **No Unit Size Limitations.** The builder of the eligible housing development may construct affordable units of any size with the additional floor area, and the overall density bonus limits shall not apply.
- (e) **Parking Required.** The minimum amount of required parking requirement shall be no more than 0.1 parking spaces for each unit that is affordable to persons and families with a household income equal to or less than 120 percent of the area median income and 0.5 parking spaces for each unit that is offered at market rate.
- (f) **Impact Fees.** Applicants granted a floor area ratio bonus may calculate impact fees for the additional floor area based on square feet, instead of on a per unit basis.
- (g) **Other Incentives or Concessions.** An applicant for a floor area ratio bonus may also request specific incentives or concessions pursuant to Section 9-401.050.

9-401.050 INCENTIVES OR CONCESSIONS

- (a) **Eligibility for Incentives.** A builder may request incentives or concessions pursuant to this section only when the builder is eligible for and receives a density bonus pursuant to Section 9-401.020. A residential development may receive the following number of incentives:
 - (1) **One incentive or concession** for a project that includes:
 - (A) At least five percent of the total units for very low income households;
 - (B) At least ten percent of the total units for low income households; or

- (C) At least ten percent for persons or families of moderate income in a development in which units are for sale.
- (2) **Two incentives or concessions** for a project that includes:
 - (A) At least ten percent of the total units for very low income households;
 - (B) At least 17 percent of the total units for low income households; or
 - (C) At least 20 percent for persons and families of moderate income in a development in which units are for sale.
- (3) **Three incentives or concessions** for a project that includes:
 - (A) At least 15 percent of the total units for very low income households;
 - (B) At least 24 percent of the total units for low income households; or
 - (C) At least 30 percent for persons or families of moderate income in a development in which units are for sale.
- (4) **Four incentives or concessions** for a project with all of the units affordable to lower income households. If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.
- (5) **One incentive or concession** for projects that include at least 20 percent of the total units for lower income students in a student housing development.
- (b) **Types of Incentives and Concessions.** One or more of the following incentives and concessions shall be made available to a builder eligible for incentives, per the requirements in Section 9-401.050 (a) above, except as provided in Section 9-401.060:
 - (1) Reduction in minimum lot size and/or dimensions;
 - (2) Reduction in minimum setbacks;
 - (3) Reduction in common and/or private open space required;
 - (4) Reduction in square footage requirements of the lot;
 - (5) Reduction in yard dimensions;
 - (6) Reduction in minimum building separation requirements;
 - (7) Increase in building height;
 - (8) Increase in building intensity;
 - (9) Reduction of ratio of vehicular parking spaces per unit;
 - (10) Reduction in street standards, including street width;

- (11) Expediated "fast track" processing of an application (e.g., allowing plan check to begin during an appeal period); or
 - (12) Reduction of filing or processing fees pursuant to policies established by the Board.
- (c) In addition to the incentives and concessions described above, an applicant for a development that meets the requirements of Section 9-401.020 may request parking standards consistent with Government Code Section 65915.
 - (d) The County is not obligated to provide any direct financial incentives for affordable housing development, to waive impact fees and/or dedication requirements, or to provide publicly owned land for an affordable housing development.

9-401.060 NO MAXIMUM DENSITY BONUS OR MAXIMUM NUMBER OF CONCESSIONS

Nothing in this Chapter shall be construed to prohibit the County from granting a density bonus greater than what is described in this Chapter or a greater number of concessions or incentives than what is listed in Section 9-401.050 for a development that meets the requirements of this Chapter.

9-401.070 LIMITATIONS ON PARKING REQUIREMENTS FOR CERTAIN PROJECTS

- (a) **Developments for Moderate-Income Households.** If a development that includes at least 40 percent moderate-income units is located within one-half mile of a major transit stop and the residents of the development have unobstructed access to that stop from the development, then, upon the request of the developer, the amount of required parking, inclusive of parking for persons with a disability and guests, shall not exceed 0.5 spaces per bedroom.
- (b) **Rental Housing for Lower-Income Households.** If a development consists of rental housing for lower-income households, then, upon request of the developer, no parking shall be required if:
 - (1) The development is within one-half mile of a major transit stop and the residents of the development have unobstructed access to that stop from the development; or
 - (2) The development is reserved for occupancy by individuals 62 years of age or older and it has either paratransit service for the residents or is within one-half mile of a bus route operating at least eight times a day.

9-401.080 GUARANTEES FOR CONTINUED AFFORDABILITY

- (a) **Rental Units.** The applicant shall agree to ensure continued affordability of all very low and lower income density bonus units for 55 years for rental units or a longer period of time if required by the construction or mortgage financing assistance

program, mortgage insurance program, or rental subsidy program. During this time the affordable rent shall be set as defined in Section 50053 of the Health and Safety Code.

- (b) **For-Sale Units.** The applicant shall agree to, and the County shall ensure that, the initial occupant of all for-sale 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 the units are offered at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code:
- (c) **Equity Sharing Agreement.** An applicant shall agree to, and the County shall ensure that, the initial occupant of all for-sale 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 units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. The following provisions must be included in an equity sharing agreement:
 - (1) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The County shall recapture any initial subsidy, as defined in subsection (A) below, and its proportionate share of appreciation, as defined in subsection (B) below, which amount shall be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership.
 - (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.
 - (B) The County's proportionate share of appreciation shall be equal to the ratio of the County's initial subsidy to the fair market value of the home at the time of initial sale.

9-401.090 LOCATION AND DESIGN OF AFFORDABLE UNITS AND BONUS UNITS

- (a) **Location and Design of Affordable Housing Units.** The affordable housing units shall be integrated with other housing units in the housing development with regard to siting and placement within buildings and shall not differ in exterior appearance from the other housing units. The location of the affordable housing units may or may not be on contiguous parcels within the site. In no event shall the affordable housing units be in only one portion of the housing development or situated in one building of a multi-building development;
- (b) **Location of Density Bonus Units.** The density bonus units can be in geographic areas of the development site other than the areas where the units for the affordable

housing units are located and can be located only on parcels for which the density bonus was granted.

9-401.100 PROTECTION OF EXISTING RENTAL UNITS

An applicant shall be ineligible for a density bonus or any other incentives or concessions under this Chapter if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income; or occupied by low or very low income households, unless the proposed housing development replaces those units and either of the following applies:

- (a) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units in the percentages specified in Section 9-401.020 (a) through (d) for the density bonus requested; or:
- (b) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
- (c) For the purposes of this Section, "replace" shall mean the following:
 - (1) If any rental units are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy.
 - (2) For unoccupied dwelling units in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units.
 - (3) If any dwelling units have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made

available for rent at affordable housing costs to, and occupied by, low income persons and families.

- (4) All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to an equity sharing agreement pursuant to Section 9-401.080 (c).
- (5) If any dwelling units are occupied on the date of application, each household of very low, low, or moderately low income residing in the dwelling units must be offered the right to return to a comparable unit in the proposed housing development with rent for the first 12 months subsequent to that return being the lower of the following: up to five percent higher than the rent at the time of application or up to 30 percent of household income.

9-401.110 PROCEDURES

- (a) **Pre-Application.** A developer requesting a density bonus or incentive(s) pursuant to this Chapter may submit pre-application, accompanied by the required fee, for feedback prior to the submittal of any formal requests for approval of a density bonus and incentive and other planning approvals, such as a General Plan amendment, tentative subdivision map, or development plan. The purpose of the pre-application is to determine whether the proposed housing development is in substantial compliance with applicable planning regulations and to establish the basis and procedures for granting the incentive(s) or concession(s). Approval of a pre-application does not constitute approval of the housing development but indicates that the housing development nominally complies with the County's zoning regulations and establishes the type of incentive(s) or concession(s) and agreement to ensure compliance with this Chapter to be recommended by staff.
 - (1) **Information Required.** The following information is required to be submitted for a pre-application:
 - (A) A concise written description of the project, including location, number and type of housing units, including affordable units and bonus units, and the permits and approval(s) required;
 - (B) A site map showing the location and general layout of the proposed housing development and surrounding land uses and roadways; and
 - (C) A written request for the specific incentive(s) or concession(s) sought accompanied by a rationale and accurate supporting information sufficient to demonstrate that any requested incentive is required in order to provide for affordable housing costs or for rents for the targeted units to be set as specified above. If applicable, the developer shall identify the proposed use of any housing subventions or programs for the housing

development, such as California Housing Community Development programs or other sources of funding.

- (2) **Staff Response.** Within 90 days of receipt of a pre-application, the Zoning Administrator shall notify the developer in writing what the staff will recommend as to how the County will comply with this Chapter and shall indicate whether the housing development complies with this Chapter and with the applicable regulations.
- (b) **Housing Density Bonus and Incentive Application.** An application for a housing density bonus and, if requested, an incentive or concession must include:
- (1) **Documentation for a Requested Density Bonus.**
 - (A) Evidence that the project includes the qualifying percentages of residential units set forth in this Chapter, excluding the units added by the granted density bonus;
 - (B) Calculations showing the maximum base density;
 - (C) Number or percentage of affordable units and the income level at which the units will be restricted to;
 - (D) Number of market rate units that will result from the granted density bonus;
 - (E) Resulting density, described in units per square foot; and
 - (F) A written acknowledgement that the project will be subject to the affordability restrictions and other provisions set forth in this Chapter.
 - (2) **Documentation of Requested Incentives or Concessions.**
 - (A) A pro forma or other report demonstrating that the requested incentives and concessions result in identifiable, financially sufficient and actual cost reductions necessary to ensure the financial feasibility of the proposed units shall be prepared. The City may require that an independent financial review be conducted at the expense of the applicant.
 - (B) A description of any proposed waivers of development standards or other zoning requirements and why they are necessary for making the project physically possible.
 - (3) **Planned Developments.** If the housing development is proposed as a Planned Development under Chapter 9-302, the density bonus and incentive(s) shall be reviewed concurrently with the rezoning application. If the housing development is not proposed as a Planned Development, a Conditional Use Permit shall be required for the density bonus and incentive(s) or concession(s).

- (c) **Housing Density Bonus and Incentive Approval.** The Planning Commission shall grant the concession or incentive requested unless the Commission finds, based upon substantial evidence, that:
- (1) The concession or incentive does not result in identifiable and actual cost reductions that provide for affordable housing costs or for rents for the targeted units to be set as specified above; or
 - (2) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or on any real property that is listed in the California Register of Historic 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 and moderate-income households; or
 - (3) The concession or incentive would be contrary to State or federal law.
- (d) **Standards Must Not Preclude Development.** In no case will the County apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of this Chapter at the densities or with the concessions or incentives permitted by this Chapter. An applicant may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of this Chapter at the densities or with the concessions or incentives permitted, and the Planning Commission shall consider that request at the same time as it reviews the application. A proposal for the waiver or reduction of development standards pursuant to this Chapter shall not include a request to reduce nor increase the number of incentives or concessions to which the applicant is otherwise entitled.

9-401.120 STREAMLINED APPROVAL FOR ELIGIBLE INFILL PROJECTS

An applicant proposing a residential development that includes at least 10 percent affordable units and meets the eligibility criteria of Government Code Section 65913.4 may request that the entitlement be approved through a streamlined, ministerial approval process. Projects that meet the eligibility criteria in this Chapter and the requirements of the State law shall be approved under a ministerial approval process, which exempts them from environmental review under the California Environmental Quality Act. This process also exempts such projects from any discretionary review that would otherwise be required by this Development Title, including, but not limited to requirements for administrative use approval, and does not allow public hearings.

- (a) **Eligibility criteria for streamlined ministerial approval.** The project shall meet all of the following requirements pursuant to Government Code Section 65913.4:

- (1) The development shall be multi-family housing that contains three or more dwelling units that will be offered for rental or for sale, excluding Accessory Dwelling Units (ADUs).
- (2) At least two-thirds of the square footage of the development shall be designated for residential use.
- (3) The developer shall dedicate at least 10 percent of the units in the project to households making 80 percent or less of the area median income and restricted by an Affordable Housing Density Bonus Agreement pursuant to Section 9-401.120.
- (4) The development shall be consistent with all applicable standards of this Zoning Code.
- (5) At least 75 percent of the perimeter of the development site shall be developed with urban uses. For purposes of this requirement, parcels that are only separated by a public street or highway are considered to be adjacent.
- (6) The General Plan designation and zoning of the site shall allow for residential or residential mixed-use development.
- (7) The project shall meet the parking requirements in Chapter 9-406, Parking and Loading, or a maximum of one parking space per unit, whichever is lower. However, no parking shall be required if the project is located:
 - (A) Within one half mile of a major transit stop in a transit corridor,
 - (B) Within a historic district adopted pursuant to Chapter 9-704, Historic Districts and Landmarks; or
 - (C) Within one block of a car-share vehicle station.
- (8) The project site shall not be located in any of the following areas:
 - (A) Wetlands as defined by federal law;
 - (B) Within a flood plain or floodway designated by the Federal Emergency Management Agency (FEMA);
 - (C) On prime farmland or farmland of statewide importance as defined by the United States Department of Agriculture and designated on maps prepared by the State Department of Conservation;
 - (D) In a very high fire hazard severity zone designated by the State Department of Forestry and Fire Protection;
 - (E) On a hazardous waste site designated by the State Department of Toxic Substances Control (DTSC) unless it has been cleared for residential or residential mixed-use by DTSC;

- (F) Within an earthquake fault zone unless the development meets applicable seismic protection standards of the County's Building Code;
 - (G) Within a protected species habitat area designated by the General Plan or a County-approved Habitat Conservation Plan;
 - (H) Lands under a conservation easement or identified for conservation in an adopted conservation plan or other adopted natural resource protection plan;
 - (I) A site where development would require demolition of housing subject to recorded rent restrictions or occupied by tenants during the past 10 years;
 - (J) A site where demolition of an historic structure listed on a County, State, or federal Historic Register would be required; or
 - (K) A site governed by the Mobile Home Residency Law, the Recreational, Vehicle Park Occupancy Law, the Mobile Home Parks Act, or the Special Occupancy Parks Act.
- (b) **Application and Review Process.** An applicant seeking approval under the requirements of this section and Government Code Section 65913.4 shall submit proposed plans and an application for SB 35 - Streamlined Infill Project Approval on the form issued by the Community Development Department. The application shall be accompanied by: 1) the required fee listed in the County's Fee Schedule, 2) a Housing Density Bonus and Incentive Application signed by property owner or authorized agent, and 3) dimensioned plans that meet the current application and checklist requirements for streamlined review. A pre-application, as required by Section 9401.100, shall be used to determine eligibility for streamlined review.
- (c) **Zoning Clearance.** A housing project, including a mixed-use project, shall be granted a Zoning Clearance with a streamlined, ministerial approval process if it:
- (1) Qualifies for streamlined, ministerial approval under Government Code Section 65913.4; and
 - (2) Complies with the County's objective development standards.
- (d) **Notification of Non-Compliance with Standards.** If the Zoning Administrator determines a project submitted under this section conflicts with any of the requirements set forth in subsection (a) above, it shall inform the applicant, in writing, of the requirement or requirements the project conflicts with, along with an explanation of all conflicts, in the following timeframes:
- (1) Within 60 days of submittal of the application if the project contains 150 or fewer dwelling units; or
 - (2) Within 90 days of submittal of the application if the project contains more than 150 dwelling units.

- (e) **Deemed approval.** If the Zoning Administrator does not provide written notice as required by subsection (c) above, the project will be deemed to satisfy the requirements specified in subsection (b) above and must be granted a Zoning Clearance.
- (f) **Establishment and Expiration of the Permit.** Section 9-802.110 governs the establishment and expiration of an administrative permit granted under this section, except when that section conflicts with subdivision (f) of Government Code Section 65913.4, the provisions of the Government Code prevail.
- (g) **Subsequent Permits.** The County shall issue subsequent permits if the application for those permits substantially complies with the development as it was approved under this section. Upon receipt of an application for a subsequent permit, County staff shall process the permit without unreasonable delay and shall not impose any procedure or requirement that is not imposed on projects that are not approved using the Streamlined Ministerial Approval Process of this section. Issuance of subsequent permits shall implement the approved development, and review of the permit application shall not inhibit, chill, or preclude the development. For purposes of this subsection "unreasonable delay" means permit processing times that are longer than other similar permit requests for projects not approved using the Streamlined Ministerial Approval Process.
- (h) **Prevailing Wage and Skilled and Trained Workforce Requirements.** The Labor Provisions in the Streamlined Ministerial Approval Process, located in paragraph (8) of subdivision (a) of Government Code Section 65913.4, contain requirements regarding payment of prevailing wages and use of a skilled and trained workforce in the construction of a development approved under this section. Applicants shall certify in the development application that these provisions will be met, as applicable, and that post-approval payroll records shall be maintained.
 - (1) A project with more than 25 housing units is required to use a skilled and trained workforce and submit monthly reports to the Zoning Administrator demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. This requirement does not apply if 100 percent of the units are subsidized affordable housing.
 - (2) A project that includes 10 or fewer housing units is exempt from these prevailing wage and trained workforce requirements.

9-401.130 REQUIRED AFFORDABLE HOUSING DENSITY BONUS AGREEMENT

Prior to the issuance of a building permit for any dwelling unit in a development for which a density bonus has been awarded or incentives or concessions have been granted, the developer shall enter into a written agreement with the County for the duration of affordability. The terms and conditions of the agreement shall be binding upon the successor in interest of the developer and shall be recorded in the San Joaquin County

Clerk Recorder's Office, County Recorder Division. The agreement shall be approved by County Counsel and include provisions for the following:

- (a) The number and proportion of housing units affordable to moderate-income, lower-income, very low income, and extremely low income households by type, location and number of bedrooms;
- (b) Standards for maximum qualifying household incomes and maximum rents or sale prices;
- (c) The party responsible for certifying rents and sales prices of affordable housing units;
- (d) The process that will be used to certify incomes of tenants or purchasers of the affordable housing units;
- (e) How vacancies will be marketed and filled, including the screening and qualifying of prospective renters and purchasers of the affordable units;
- (f) Deed restrictions on the affordable housing units binding on property upon sale or transfer;
- (g) Enforcement mechanisms to ensure that the affordable units are continuously occupied by eligible households and are not sold, rented, leased, sublet, assigned, or otherwise transferred to non-eligible households;
- (h) Project phasing, including the timing of completions, and rental or sale of the affordable housing units, in relation to the timing of the market-rate units; and
- (i) **For Common Interest Development.** An equity-sharing agreement for moderate-income units that are directly related to the receipt of the density bonus in the common interest development unless it conflicts with the requirements of another public funding source or law. The following provisions must be included:
 - (1) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation; and
 - (2) The County shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.

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Chapter 9-402 Landscaping

Sections:

9-402.010	Purpose and Authority
9-402.020	Applicability
9-402.030	Areas to be Landscaped
9-402.0540	General Landscaping Standards
9-402.050	Required Trees
9-402.060	Required Landscape Plans and Supporting Materials
9-402.070	Certificate of Completion
9-402.080	Post-Installation Irrigation Scheduling
9-402.090	Maintenance and Irrigation Audit Reporting
9-402.100	Model Homes
9-402.110	Modification of Requirements

9-402.010 PURPOSE AND AUTHORITY

This Chapter establishes standards for landscaping to protect public security and safety, conserve water, protect property, and improve the general appearance of the County and support implementation of the Model Water Efficient Landscape Ordinance (MWELo). The MWELo was prepared by the California Department of Water Resources and is used by the County in reviewing and approving plans for landscape design and installation. The specific purposes of the landscape regulations are to:

- (a) Require water-efficient landscaping through the use of native and drought-tolerant plants and water-conserving irrigation practices;
- (b) Aid in energy conservation by providing shade from the sun and shelter from the wind;
- (c) Provide habitat through the re-establishment of native plants;
- (d) Assist in mitigating air quality impacts by reducing or absorbing pollutants; and
- (e) Minimize or eliminate conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots through visual screening.

These regulations are intended to comply with the requirements of California Government Code of Regulations, Title 23, Division 2, Chapter 2.7 for a "water efficient landscape ordinance."

9-402.020 APPLICABILITY; EXEMPTIONS

- (a) **Applicability.** This Chapter applies to the following landscape projects associated with any development requiring a building permit or discretionary approval:
 - (1) New landscape installations of 500 square feet or more;

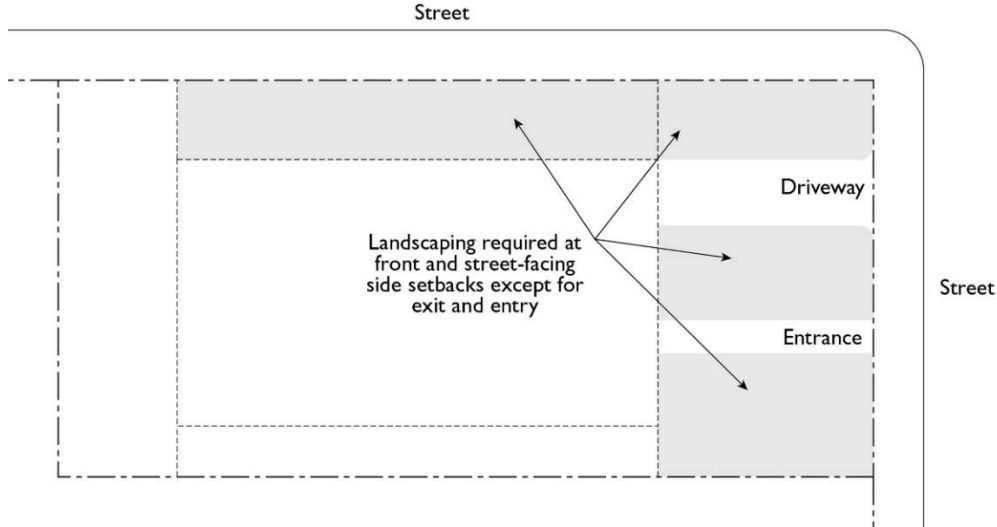
- (2) Rehabilitated landscapes with an area 2,500 square feet or more;
 - (3) New construction and rehabilitated landscapes that are developer-installed in a Single-Unit or Multi-Unit project with a landscape area of 2,500 square feet or more; and
 - (4) New construction landscapes that are homeowner-provided and/or homeowner-hired in Single-Unit or Multi-Unit projects with a total project landscape area of 5,000 square feet or more.
- (b) **Exemptions.** The following are exempt from the requirements of this Chapter:
- (1) Homeowner-provided landscaping that is less than 500 square feet;
 - (2) Registered local, State, or federal historical sites;
 - (3) Areas in need of fire-resistant sections of vegetation;
 - (4) Ecological restoration projects that do not require a permanent irrigation system;
 - (5) Plant collections, as part of botanical gardens and arboretums open to the public; and
 - (6) Mined-land reclamation projects, and other projects that do not require a permanent irrigation system;

9-402.030 AREAS TO BE LANDSCAPED

The following areas shall be landscaped and count toward the total area of landscaping required by the development standards for individual zones in the 200 Series and other countywide landscape regulations.

- (a) **Required Setbacks.** All required front and street-facing side setbacks, except for areas used for driveways and entries, shall be landscaped.

FIGURE 9-402.040 (A): REQUIRED SETBACKS



(b) **Lot Perimeters.** Landscape buffers shall be installed and maintained along side and rear lot lines between differing zones, in accordance with the following standards.

(1) **Required Landscape Buffers.** Table 9-402.040-B(1), Required Landscape Buffers, shows when a buffer treatment is required, and of what type, based on the proposed use and the adjoining use. Only the proposed use is required to provide the buffer yard. Adjoining uses are not required to provide the buffer yard. The type of buffer yard required refers to buffer yard-type designations as shown in the table and defined in subsection (2), below. “-” means that a buffer yard is not required unless required by another section of this Chapter.

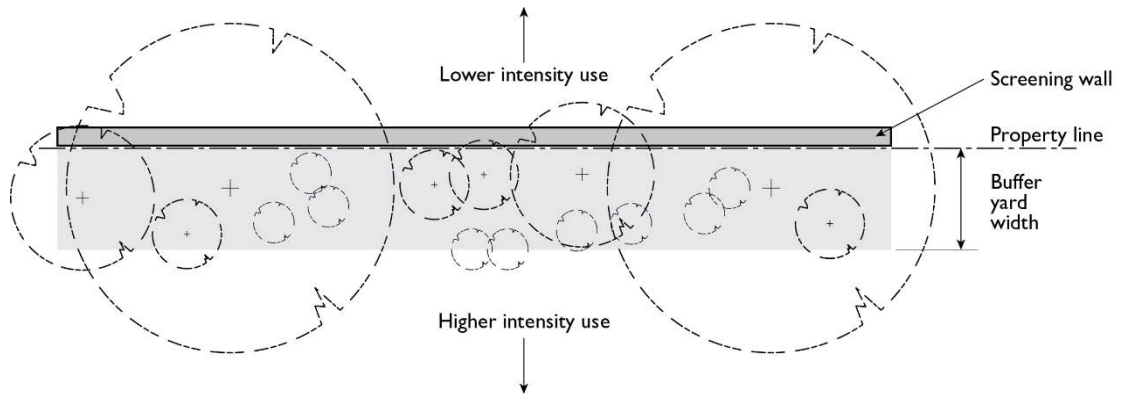
TABLE 9-402.040-B(1): REQUIRED LANDSCAPE BUFFERS						
<i>Use</i>	<i>Adjoining Use</i>					
	<i>Park or Public Facility</i>	<i>Single-unit Residential</i>	<i>Multi-unit Residential</i>	<i>Mixed Use</i>	<i>Commercial</i>	<i>Industrial or Agricultural</i>
Multi-unit Residential	Type 1	Type 1	-	-	-	-
Mixed Use	Type 2	Type 2	Type 2	-	-	-
Commercial	Type 2	Type 2	Type 2	-	-	-
Industrial	Type 2	Type 2	Type 2	Type 2	Type 2	-

(2) **Buffer Yard Types.** Table 9-402.040-B(2), Buffer Yard Requirements, lists the minimum width, plant materials, and wall requirements for each type of buffer yard illustrated in Figure 9-402.040-B(2). The listed number of trees and shrubs are required for each 100 lineal feet of buffer yard. Trees shall be planted at least 40 feet on center. Natural areas with native vegetation or alternative

planting materials which achieve equivalent buffering effects may be approved by the Zoning Administrator.

TABLE 9-402.040-B(2): BUFFER YARD REQUIREMENTS					
<i>Buffer Yard Type</i>	<i>Minimum Width (ft.)</i>	<i>Trees</i>		<i>Shrubs</i>	
		<i>Canopy (mature height of 40 ft. or more)</i>	<i>Understory (mature height of less than 40 ft.)</i>	<i>Large (mature spread of 2 ft. or more)</i>	<i>Small (mature spread of less than 2 ft.)</i>
Type 1	5	2	2	4	8
Type 2	10	2	3	6	8

FIGURE 9-402.040(B)(2): BUFFER YARD REQUIREMENTS



- (3) **Width Reduction for Adjacent Landscaped Buffer.** If an equivalent landscape buffer exists on the adjacent lot, the width of the required buffer may be reduced 50 percent.
- (c) **Parking Areas.** Parking areas shall be landscaped as follows:
 - (1) One tree shall be required for each five parking stalls, or portion thereof, and shall be evenly spaced throughout the parking lot.
 - (2) A ten-foot wide landscaped strip shall be installed between parking areas and adjacent public streets.
 - (3) Planters that abut parking stalls shall be a minimum of five feet wide. A minimum 18-inch wide paved strip shall be added to the adjacent parking stall to allow access to and from vehicles.
- (d) **Turf Areas.** Turf shall not be installed within ten feet of the dripline of Native Oak trees, except for young trees with driplines of less than ten feet.

- (e) **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or left in a natural state.

9-402.040 GENERAL LANDSCAPING STANDARDS

- (a) **General.** Landscaping may consist of a combination of ground cover materials, shrubs, and trees. Ground cover may include grasses, shrubs, perennials, vines, or other plants. Ground cover also includes mulch, such as gravel, rock, cinder, bark, or other permeable materials. Landscaping may include incidental features, such as stepping-stones, site furniture, water features, art, or other ornamental features placed within a landscaped setting.
- (b) **Composition.** Where required, planting shall include the installation and maintenance of no less than one item from each of the following groups:
 - (1) **Group One:** Trees;
 - (2) **Group Two:** Shrubs or Vines; and
 - (3) **Group Three:** Ground Cover, Flowers, or Turf.
- (c) **Plant Materials.**
 - (1) **Turf Allowance.** The maximum amount of turf in required landscape areas is 30 percent for non-residential uses and 50 percent for residential uses, except for turf areas that comprise an essential component of a project (e.g., golf courses or playing fields), which are exempt from this limit. Turf is prohibited on slopes greater than 20 percent. The Zoning Administrator may grant exceptions for the following areas:
 - (A) Cemeteries, schools, and parks; and
 - (B) Any area for which the Zoning Administrator finds that the proposed design is in substantial compliance with the purpose and intent of this Chapter.
 - (2) **Plant Selection.**
 - (A) Any plant that is not specifically prohibited may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance.
 - (B) Plants should be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.
 - (C) Methods to achieve water efficiency include:

- (i) Using the *Sunset Magazine Western Climate Zone System* which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - (ii) Recognizing the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines) and to allow for adequate soil volume for healthy root growth; and
 - (iii) Using solar orientation for plant placement to maximize summer shade and winter solar gain.
- (3) **Native Plant Preference.** Native plants, particularly native trees and shrubs, shall be considered as the first alternative when selecting plants.
- (d) **Water Features.** Recirculating water systems must be used for water features. The surface area of a water feature must be included in the high water use hydrozone area of the required water budget calculation.
- (e) **Tree Size.** When planted, the trees shall be at least five gallons in size.
- (f) **Earth Berms.**
 - (1) An earth berm may count toward the minimum height of any planting, fencing, or wall; and
 - (2) Mounds of earth used to screen or for planting shall not maintain a slope greater than 2:1.
- (g) **Soil Preparation.** Prior to the planting of any materials, compacted soils must be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.
- (h) **Mulch.** A minimum three-inch layer of mulch must be applied on all exposed soil surfaces of planting areas except in turf areas, areas receiving closely spaced plugs as a lawn alternative, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five percent of the landscape area may be left without mulch. Stabilizing mulching products must be used on slopes that meet current engineering standards. The mulching portion of the seed/mulch slurry in hydro-seeded applications must meet the mulching requirement.
- (i) **Erosion Control.** Erosion shall be controlled as follows:
 - (1) Slopes created through grading during construction shall be (re)planted with groundcover at a maximum of 18 inches on center or (re)planted with shrubs;
 - (2) Slopes shall be restricted to a maximum 2:1 slope ratio;

- (3) Slopes greater than six feet in vertical height shall be planted with groundcover a maximum of 18 inches on center;
- (4) Erosion shall be controlled on all graded sites which remain vacant prior to building construction; and
- (5) Protective netting may be required on an interim basis to ensure bank stability.
- (j) **Protective Curbing.** Protective six-inch concrete curbs or standard concrete wheel stops shall be required where planting abuts parking stalls, loading areas, driveways, or turn-around areas.
- (k) **Timing of Installation.** Required landscaping, including irrigation systems, shall be completely installed prior to the use of the property.
- (l) **Common Interest Development Guidelines.** The architectural guidelines of a common interest development, such as a community apartment project, a condominium, or a planned residential development, shall not prohibit, or include conditions that have the effect of prohibiting, the use of low-water use plants as a group.

9-402.050 REQUIRED TREES

- (a) **On-Site Trees.** To provide cooling and improve air quality, trees must be provided as follows:
 - (1) **Residential Zones.** One tree for every 1,000 square feet of lot area for residential development. The Zoning Administrator may grant reductions in this ratio for the R-R zone.
 - (2) **Commercial Zones.** One tree for every 2,000 square feet of lot area.
 - (3) **Public Facilities, Mixed-Use and Airport Zones.** One tree for every 2,500 square feet of lot area.
 - (4) **Industrial Zones.** One tree for every 5,000 square feet of lot area with none required for the I-G and I-T zones.
 - (5) **Agricultural Zones.** None
 - (6) **Off-Site Planting.** If the lot size or other site conditions make planting of the required trees impractical, the Zoning Administrator may allow the required trees to be planted off-site at twice the required ratio.
 - (7) **Exception for Existing Trees.** If the required number and size of trees already exists on the site, the applicant shall not be required to plant new trees on-site.
- (b) **Street Trees.** All development in the Residential and Commercial zones must provide at least one street tree for each 60 linear foot of street frontage or one per lot frontage unless the Zoning Administrator determines that a different number of trees

is warranted because of existing conditions and the number of street trees in the vicinity.

- (1) **Spacing.** Trees shall be spaced at a maximum of 60-foot intervals or a minimum of one tree per lot frontage.
 - (2) **Corner Lots.** For corner lots, street trees shall be required on both street frontages.
 - (3) **Size.** Trees shall be at least 15 gallons in size or 1 ½ inches in diameter at breast height.
 - (4) **Location from Driveways.** Trees shall be located a minimum of ten feet from driveways.
 - (5) **Location from Rights-of-Way.** Trees shall be located a minimum of four feet and a maximum of ten feet outside of the road right-of-way.
 - (6) **Street Frontages.** Street trees shall be required along frontages where noise attenuation walls are required. They shall be placed in the yard or integrated with a serpentine wall.
 - (7) **County Tree List.** Trees shall be chosen from a County Street Tree List maintained by the Director of Public Works.
 - (8) **Timing of Installation.** Required street trees, including irrigation systems, shall be completely installed prior to the final inspection of the building.
- (c) **Maintenance.** All trees must be maintained to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects, and disease. Any tree showing such damage to the extent that its life would be impaired must be replaced with another tree.

9-402.060 REQUIRED LANDSCAPE PLANS AND SUPPORTING MATERIALS

- (a) **General Requirements.** Documentation must be provided to the Zoning Administrator on the forms required by the MWELO for all non-exempt landscape projects. Streamlined submittals are available for:
- (1) **Small Sites.** A project with a landscape area of 2,500 square feet or less that complies with the prescriptive measures listed in subsection (h), below, is exempt from certain submittal requirements for the MWELO Landscape Documentation Package.
 - (2) **Graywater or Rainwater Projects.** A project that meets the lot or site's landscape water requirement entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to certain requirements.

- (3) **Existing Landscape.** All existing landscape over one acre in size may be required to have an irrigation audit if a property owner proposes an expansion of floor area that is more than 10 percent of existing floor area or structural alterations that exceed 10 percent of the replacement cost of the building. Restrictions on overspray and runoff may be imposed as conditions of approval of a discretionary permit in order to conserve water.
- (b) **Landscape Documentation Package.** A Landscape Documentation Package meeting the requirements of the MWELO must be submitted to the Zoning Administrator by the project applicant for review and approval prior to start of construction.
- (c) **Prescriptive Compliance Option for Smaller Sites.** Landscape projects that involve 2,500 square feet or less of landscape area may be approved through a Zoning Clearance if the applicant meets all of the following requirements. Under this procedure, Landscape Documentation requirements of the MWELO are waived.
 - (1) Submit a Prescriptive Compliance Form or Performance Checklist providing the required MWELO information.
 - (2) At the time of final inspection of a smaller site, provide the owner of the property with a Certificate of Completion, Certificate of Installation, Irrigation Schedule, and a Schedule of Landscape and Irrigation Maintenance.

9-402.070 CERTIFICATE OF COMPLETION

A Certificate of Completion, in the form specified by the Zoning Administrator, must be submitted to the Zoning Administrator upon completion of the installation.

9-402.080 POST-INSTALLATION IRRIGATION SCHEDULING

For the efficient use of water, all irrigation schedules must be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules must meet the following criteria:

- (a) Irrigation scheduling must be regulated by automatic irrigation controllers.
- (b) Overhead irrigation must be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. Operation of the irrigation system outside these times is allowed for auditing and system maintenance or if required by the water purveyor.
- (c) Irrigation run times and flow rates shall be monitored to ensure that the applied water meets the Estimated Total Water Use and the total annual applied water is less than or equal to the Maximum Applied Water Allowance.
- (d) A diagram of the irrigation plan showing hydrozones must be kept with the irrigation controller.

9-402.090 MAINTENANCE AND IRRIGATION AUDIT REPORTING

(a) Landscape and Irrigation Maintenance.

- (1) The maintenance schedule shall include, as needed, routine inspections; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas; and removing obstructions to emission devices.
- (2) Repair of all irrigation equipment must be done with the originally installed components or their equivalents or with components with greater efficiency.

(b) Irrigation Audit Report.

- (1) After completion of the installation, a Landscape Irrigation Audit must be conducted by a County landscape irrigation auditor or a third party certified landscape irrigation auditor and submitted with the Certificate of Completion.
- (2) In large projects or projects with multiple landscape installations, an auditing rate of one in seven lots or approximately 15 percent will satisfy this requirement.
- (3) The irrigation audit must include, and the report must document, the on-site inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and updating of the irrigation schedule, including configuring irrigation controllers with application rate reflecting the soil types, plant factors, slope, exposure, and any other factors necessary for accurate programming.

9-402.100 MODEL HOMES

All model homes that are landscaped must use signs and written information to demonstrate the principles of water efficient landscapes described in this Chapter.

- (a) Signs must be used to identify the model home as an example of water efficient landscaping, featuring elements, such as hydrozones, irrigation equipment, and other design elements that contribute to overall water efficiency. Signs must include information about the site water use; specify who designed and installed the water efficient landscape; and indicate, as appropriate, use of native plants, graywater systems, and rainwater catchment systems.
- (b) Information must be provided about designing, installing, managing, and maintaining water efficient landscapes.

9-402.110 MODIFICATION OF REQUIREMENTS

The requirements of this Chapter may be modified by the Zoning Administrator in cases where it is demonstrated that an alternative would result in an equal or greater amount of landscaping without increased water use.

Chapter 9-403 Lighting and Illumination

Sections:

9-403.010	Purpose
9-403.020	Applicability
9-403.030	Exemptions
9-403.040	Prohibitions
9-403.050	General Requirements
9-403.060	Supplemental Requirements

9-403.010 PURPOSE

The purpose of this Chapter is to control outdoor lighting in order to maintain adequate visibility and safety, conserve energy, and protect against direct glare, light trespass, and excessive lighting.

9-403.020 APPLICABILITY

The standards of this Chapter apply to all development and to exterior alterations and additions that involve replacement light fixtures or lighting systems unless the lighting is exempt from the provisions of this Chapter.

9-403.030 EXEMPTIONS

The following lighting is exempt from the provisions of this Chapter.

- (a) **Holiday Lights.** Holiday lighting from October 30th to February 1st, provided that no individual lamp exceeds 10 watts and 70 lumens. Flashing holiday lights are prohibited on commercial properties.
- (b) **Swimming Pool and Fountain Lighting.** Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards.
- (c) **Solar-powered Lighting.** Solar-powered lights of 5 watts or less per fixture used in residential landscaping applications and to illuminate walkways are exempt from applicable lamp type and shielding standards and are excluded from the total lumen calculations for the site.
- (d) **Temporary Lighting.** Any individual may submit a written request to the Zoning Administrator for a temporary exemption from the requirements of this Chapter. If approved, such exemption will be valid for up to 30 days and is renewable at the discretion of the Zoning Administrator. The request for a temporary exemption must describe:
 - (A) Specific exemptions requested and the length of time for the requested exemption;
 - (B) Type, location, and proposed use of exterior light involved;

- (C) Type of lamp, calculated lumens, and total wattage of the lamp or lamps
- (D) Previous temporary exemptions, if any; and
- (E) Physical size of exterior light and type of shielding provided.

9-403.040 PROHIBITIONS

The following types of lighting are prohibited:

- (a) **Searchlights.** The operation of searchlights for advertising purposes.
- (b) **Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
- (c) **Advertising Sign or Landscape Illumination.** The unshielded outdoor illumination of any outdoor advertising sign or landscaping. Low voltage accent landscape lighting is allowed.
- (d) **Mercury Vapor.** The installation of new mercury vapor fixtures. Existing mercury vapor fixtures must be removed and replaced with compliant lighting fixtures wherever substantial alterations and additions are undertaken, exclusive of ordinary maintenance and repair.
- (e) **Other Light Types.** Blinking, flashing, revolving, flickering, changing intensity of illumination, and changing color lights. This prohibition does not apply to holiday lights or digital displays that are regulated by Chapter 9-406, Signs.

9-403.050 GENERAL REQUIREMENTS

- (a) **Efficient Use.** All outdoor lighting in non-residential development must be turned off during daylight hours and during any hours when the building is not in use and the lighting is not required for security. Time clocks or photo-sensor systems may be required as a condition of approval of a discretionary permit.
- (b) **Entrances in Multi-Unit Dwelling Development.** All entrances to multi-unit residential buildings containing more than four units shall be lighted with low intensity fixtures of at least 0.25 foot-candles at the ground level during hours of darkness.
- (c) **Entrances to Non-Residential Buildings.** All exterior doors shall be illuminated with a minimum of 0.5 foot-candles of light during hours of darkness.
- (d) **Shielding.** All nonexempt outdoor lighting fixtures shall have shielding so as not to have lamps that are directly visible from a public street or an adjacent lot.

9-403.060 SUPPLEMENTAL REQUIREMENTS

- (a) **Outdoor Recreational Facilities.** Light fixtures in outdoor recreational facilities, such as ball fields and other outdoor nighttime facilities, may exceed the height limits of the zone.

- (1) All lighting for outdoor recreations facilities shall require an Administrative Use Permit.
 - (2) Fully shielded lighting is required for all fields unless another type of luminaire will not cause light trespass in adjacent residential neighborhoods.
 - (3) All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA), with adjustments allowed, as appropriate, for the level of play, the most light-demanding sport in a multi-sport venue, and the maximum number of attendees.
 - (4) The installation shall limit off-site spillover light to the maximum extent possible consistent with the illumination constraints of the design.
 - (5) Every such lighting system design and installation shall be certified by a California-registered engineer as conforming to all applicable standards of this Chapter.
- (b) **Exterior Display/Sales Areas.** Lighting levels on exterior display/sales areas must be adequate to facilitate the activities taking place and cannot be used to attract attention to the business.
- (1) **Shielding.** All display lot lighting shall utilize fully shielded luminaires that are installed in a fashion that maintains the fully shielded characteristics.
 - (2) **Illuminance.** The display lot shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by IESNA.
 - (3) **Off-Site Spillover Light.** The display lot shall limit off-site spillover light (off the parcel containing the display lot) to a maximum of 5 lux (0.5 footcandles (fc)) at any location on any non-residential property, and 0.5 lux (0.05 fc) at any location on any residential property, as measurable from any orientation of the measuring device.
- (c) **Gasoline Station/Convenience Store Aprons and Canopies.** Lighting levels on gasoline station/convenience store aprons and under canopies must be adequate to facilitate the activities taking place.
- (1) **Shielding.** Light fixtures mounted on canopies must be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy.
 - (2) **Total Under-Canopy Output.** The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any

lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.

Chapter 9-404 Noise

Sections:

9-404.010	Purpose
9-404.020	Exemptions
9-404.030	General Standard
9-404.040	Noise Limits
9-404.050	Noise Exposure – Land Use Requirements and Limitations
9-404.060	Additional Regulations for Specific Activities
9-404.070	Noise Measurement
9-404.080	Acoustical Studies – When Required
9-404.090	Noise Attenuation Measures
9-404.100	Equipment Maintenance for Noise Control

9-404.010 PURPOSE

The purpose of this Chapter is to establish standards for maximum noise limits and procedures for enforcing them to ensure that the General Plan limits on noise exposure and land use compatibility policies are achieved and maintained.

9-404.020 EXEMPTIONS

This Chapter does not apply to:

- (a) **Emergencies.** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
- (b) **Warning Devices.** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens.
- (c) **Parks and Schools.** Activities conducted in public parks, playgrounds, and public or private school grounds, including but not limited to school athletic and school entertainment events;
- (d) **Construction.** Noise associated with construction, provided such activities do not take place before 6:00 a.m. or after 9:00 p.m. on any day;
- (e) **Residential Property Maintenance and Residential Air Conditioning.** Noise sources associated with maintenance of residential property located in Residential zones, provided such activities shall take place between 8:00 a.m. and 9:00 p.m. on any day, and noise associated with residential air conditioning equipment, provided such equipment is in good repair;
- (f) **Agricultural Operations.** Noise associated with any agricultural operation, including the processing or transportation of crops when such activities are conducted in Agricultural zones;

- (g) **Special Events.** Outdoor gatherings, public dances, shows, and sporting and entertainment events, provided that such events are conducted pursuant to a Temporary Use Permit or, if exempt, meet the standards for special events in Section 9-409.430, Temporary Uses.
- (h) **Community Assembly, Religious Institutions, and Other Similar Organizations.** Unamplified bells, chimes, or other similar devices used for community assembly or by religious institutions and other houses of religious worship.
- (i) **Solid Waste Collection.** Collection of solid waste, vegetative waste, and recyclable materials by the County or under contract with the County.
- (j) **Public Works Construction Projects, Maintenance, and Repair.** Street, utility, and similar construction projects undertaken by or under contract to or direction of the County, or the State of California, or a public utility, as well as maintenance and repair operations conducted by such parties, including street sweeping, debris and litter removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, and repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, and sidewalks.
- (k) **Utility Facilities.** Facilities for utilities including, without limitation, electric power transformers and related equipment, sewer lift stations, wastewater processing, wells, and pumping stations.

9-404.030 GENERAL STANDARD

No person shall make, or cause to suffer, or permit to be made upon any public property, public right-of-way or private property, any excessive noise, annoying noise, or amplified sound that are physically annoying to reasonable persons of normal sensitivity or that are so harsh or so prolonged or unnatural or unusual in their nature, time or place as to cause or contribute to the unnecessary and unreasonable discomfort of any persons of normal sensitivity who are beyond the lot line of the property from which these noises emanate or that interfere with the peace and comfort of adjacent residents or their guests, or the operators or customers in places of business in the vicinity, or that may detrimentally or adversely affect such residents or places of business. The purpose of this general standard is to establish the principles and context for the application of noise limits, standards for noise exposure and land use compatibility, and requirements for reasonable noise attenuation measures, all which are intended to protect County residents, visitors, and businesses from excessive noise exposure.

9-404.040 NOISE LIMITS

All uses and property must meet the following standards for noise from transportation sources and stationary sources.

- (a) **Transportation Noise Sources.**

- (1) Excluding projects on infill lots, proposed noise sensitive land uses that will be impacted by noise from existing or planned transportation facilities shall be required to mitigate the noise levels from these noise sources so that the resulting noise levels within the site do not exceed the standards specified in Table 9-404.040, Part I for the specified noise sensitive land uses.
- (2) Proposed projects on infill lots that will be impacted by noise from existing or planned transportation facilities shall be required to mitigate the noise levels from these noise sources so that the resulting noise levels do not exceed the standards specified in Table 9-404.040, Part I for interior spaces only for the specified noise sensitive land uses.
- (3) Private development projects that include the development of new transportation facilities or the expansion of existing transportation facilities shall be required to mitigate the noise levels from these facilities so that the resulting noise levels on noise sensitive land uses within and adjacent to said development projects do not exceed the standards specified in Table 9-404.040, Part I for the specified noise sensitive land uses.

(b) **Stationary Noise Sources.**

- (1) Excluding proposed noise sensitive land uses on infill lots, proposed noise sensitive land uses that will be impacted by stationary noise sources shall be required to mitigate the noise levels from these sources so that the resulting noise levels on the proposed noise sensitive land uses do not exceed the standards specified in Table 9-404.040, Part II for the specified noise sensitive land uses.
- (2) Proposed projects that will create new stationary noise sources or expand existing stationary noise sources shall be required to mitigate the noise levels from these sources so as not to exceed the noise level standards specified in Table 9-404.040, Part II for the specified noise sensitive land uses.

TABLE 9-404.040 - MAXIMUM ALLOWABLE NOISE EXPOSURE FOR NOISE SENSITIVE LAND USES		
Part I: Transportation Noise Sources		
<i>Noise Sensitive Land Use (Use Types)</i>	<i>Outdoor Activity Areas' (dB Ldn)</i>	<i>Interior Spaces (dB Ldn)</i>
Residential: all Housing Types and Residential Use	65	45
College and Trade School	65	45
Commercial Use Types not separately listed	-	45
Community Assembly/Religious Assembly	65	45
Cultural Institutions	65	45
Hospitals and Clinics	65	45
Offices	-	45
Parks and Recreation Facilities	65	45
Schools	65	45

TABLE 9-404.040 - MAXIMUM ALLOWABLE NOISE EXPOSURE FOR NOISE SENSITIVE LAND USES

Part II: Stationary Noise Sources		
<i>Sound Level</i>	<i>Outdoor Activity Areas of Noise Sensitive Land Uses¹ Daytime² (7 a.m. to 10 p.m.)</i>	<i>Outdoor Activity Areas for Noise Sensitive Land Uses¹ Nighttime² (10 p.m. to 7 a.m.)</i>
Hourly Equivalent Sound Level (Leq), dB ³	55	45
Maximum Sound Level (Lmax), dB	75	65
1. Where the location of outdoor activity areas is unknown or is not applicable, the noise standard shall be applied at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards shall be applied on the receiving side of noise barriers or other property line noise mitigation measures. 2. Each of the noise level standards specified shall be reduced by 5 dB for impulsive noise, single tone noise, or noise consisting primarily of speech or music. 3. If the noise source operates for less than 30 minutes per hour, then the maximum sound level standard shall apply.		

(c) Prohibited Activities.

- (1) The outdoor operation of any industrial, commercial, or residential property maintenance tool or equipment powered by an internal combustion engine or electric motor, including, but not limited to, leaf blower, chainsaw, lawn mower, and hedger, is prohibited within 500 feet of a residence in a Residential zone between the hours of 9:00 p.m. and 8:00 a.m.
- (2) No use or activity shall create any noise or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person that causes the noise level on any property with a noise-sensitive land use to exceed the applicable noise standard in Table 9-404.0404, unless the activity is exempt or a specific regulation applies.

9-404.050 NOISE EXPOSURE – LAND USE REQUIREMENTS AND LIMITATIONS

Table 9-404.050, Noise Exposure–Land Requirements and Limitations, describes the requirements and limitations of various land uses within the listed Day/Night Average Sound Level (Ldn) ranges that must be addressed in required acoustical studies.

TABLE 9-404.050: NOISE EXPOSURE–LAND USE REQUIREMENTS AND LIMITATIONS		
<i>Land Use</i>	<i>Day/Night Average Sound Level (Ldn)</i>	<i>Requirements and Limitations</i>
Residential: Single Unit Dwelling, Duplex, Bungalow Court, and Townhouse	Less than 65	Normally acceptable
	65 to 75	Conditionally acceptable; acoustic study and noise attenuation measures required
	Over 75	Unacceptable; acoustic study and noise attenuation measures required
Residential Multi-family, Group Residential, and Transient Lodging	Less than 65	Normally acceptable
	Over 65	Conditionally acceptable; acoustic study and noise attenuation measures required
Schools, Libraries, Community Assembly, Hospitals, Religious Assembly, Residential Care,	Less than 65	Normally acceptable
	65 and Over	Conditionally acceptable; acoustic study and noise attenuation measures required

TABLE 9-404.050: NOISE EXPOSURE–LAND USE REQUIREMENTS AND LIMITATIONS		
<i>Land Use</i>	<i>Day/Night Average Sound Level (Ldn)</i>	<i>Requirements and Limitations</i>
Playgrounds, Parks, Commercial, and Office		
Agricultural, Industrial, and Utilities; golf courses, riding stables, water sports, and cemeteries	Less than 75	Normally acceptable
	75 and over	Conditionally acceptable; acoustic study and noise attenuation measures required; avoid uses involving concentrations of people
<p>New residential development in noise impacted areas are subject to the following noise levels:</p> <ol style="list-style-type: none"> 1. For new single-unit residential development, maintain a standard of 60 Ldn for exterior noise in private use areas. 2. For new multi-unit residential development maintain a standard of 65 Ldn in community outdoor recreation areas. Noise standards are not applied to private decks and balconies. 3. Where new residential units would be exposed to intermittent noise levels generated during train operations, maximum railroad noise levels inside homes shall not exceed 45 dBA in bedrooms or 55 dBA in other occupied spaces. These single event limits are only applicable where there are normally four or more train operations per day. 		

9-404.060 ADDITIONAL REGULATIONS FOR SPECIFIC ACTIVITIES

- (a) **Construction.** General construction noise shall be limited to weekdays from 6:00 a.m. to 9:00 p.m. Pre-construction activities, including loading and unloading, deliveries, truck idling, backup beeps, and radios, also are limited to these construction noise hours.
 - (1) No noise-producing construction activities shall be permitted outside of these hours or on Sundays and federal holidays unless a temporary waiver is granted by the Building Official.
 - (2) More restrictive construction noise hours may be established as a conditional of approval of an Administrative Use Permit or a Conditional Use Permit when appropriate, given the surrounding neighborhood, the type of noise, or other unique factors.
 - (3) Any waiver granted shall take the potential noise impacts upon the surrounding neighborhood and the larger community into consideration.
 - (4) No construction shall be permitted outside of these hours that creates construction noise, except in emergencies, including maintenance work on public rights-of-way that might be required.
- (b) **Deliveries.** Deliveries to or pickups from any commercial use sharing a lot line with any conforming residential use may occur between 7:00 a.m. and 10:00 p.m. daily. No deliveries to or pickups from any such use shall occur outside of these hours unless specifically authorized by a Conditional Use Permit.
- (c) **Normal Maintenance.** Maintenance of real property operations may exceed the noise standards between 6:00 a.m. and 9:00 p.m.

9-404.070 NOISE MEASUREMENT

Noise shall be measured with a sound level meter that meets the standards of the American National Standards Institute. Noise levels shall be measured in decibels (dBA) on a sound level meter using the A-weighted filter network. Exterior noise shall be measured at the lot line. Interior noise shall be measured in the center of a habitable room with an exterior window on the side of the building with the loudest ambient exterior noise. All noise measurements shall be made when there is no noise source present inside the room at a point five feet above the floor level. A calibration check of the instrument shall be made at the time any noise measurement is made. Excluded from these standards are occasional sounds generated by the movement of railroad equipment or warning devices.

9-404.080 ACOUSTICAL STUDIES – WHEN REQUIRED

- (a) **Scope of Study.** The Zoning Administrator shall require an acoustical study, to be paid for by the applicant, that includes field measurement of noise levels for any proposed project that would locate a noise source with the potential to increase noise levels to levels exceeding limits in Table 9-404.050. Acoustical studies must identify noise sources and magnitudes, describe existing and future noise exposure, and propose mitigation measures for any on-site generated noise in order to ensure that the noise exposure limits in Table 9-404.050 are not exceeded. The acoustical study shall include the following information:
- (1) A general description of the project and its general location, with appropriate maps, and the noise sources of concern;
 - (2) A description of the methodology that will be used to assess noise impacts, including a listing of all assumptions and data used in any computer models.
 - (A) Computer models that will be used for noise predictions shall be standard versions approved by the FHWA, FAA, Caltrans, or other government agencies.
 - (B) For traffic noise studies, the computer models, SOUND32 or other proprietary models based on the 1978 "FHWA Highway Traffic Noise Prediction Model (FHWA-RD-77-108)" shall be used. The FHWA's new "Traffic Noise Model" (TNM) shall be used after its phase in date. For aircraft noise studies, the latest version of the FAA's "Integrated Noise Model" (INM) shall be used.
 - (C) If standard government approved models do not exist (e.g., for railroad and industrial noise sources), a description of the consultant's analysis model shall be provided.
 - (3) A description of existing and future noise levels on the project site together with a comparison of these noise levels to the noise level standards specified in Table 9-404.040 and the noise exposure-land use requirements in Table 9-404.050.

- (4) Recommended mitigation measures to achieve compliance with the standards specified by Tables 9-404.040 and 9-404.050 (i.e., noise barriers, site design, setbacks, equipment modification, structure sound proofing), or a detailed explanation stating why mitigation is infeasible.
- (b) **Establishing Ambient Noise.** When the Zoning Administrator has determined that there could be an existing condition that would necessitate adjusting the standards, an acoustical study shall be performed to establish ambient noise levels. In order to determine if adjustments to the standards should be made upwards, a minimum 24-hour duration noise measurement shall be conducted. The noise measurements shall collect data utilizing noise metrics that are consistent with the noise standards presented in Table 9-404.050. An arithmetic average of ambient noise levels during the three loudest hours should be made to demonstrate that ambient noise levels regularly exceed the noise standards.

9-404.090 NOISE ATTENUATION MEASURES

Any project subject to the acoustic study requirements of Section 9-404.080 may be required as a condition of approval to incorporate noise attenuation measures deemed necessary to ensure that noise standards established in Tables 9-404.040 are not exceeded.

- (a) New noise-sensitive uses must incorporate noise-attenuation measures to achieve and maintain the interior noise level listed in Table 9-404.040 for each specified noise sensitive land use.
- (b) The preferred noise attenuation measures are those based on site planning and building orientation along with noise-abating materials, technology, and construction standards to minimize noise. Noise barriers for attenuation should be used only after all feasible design-related noise measures have been incorporated into the project. Where noise barriers are used, they must provide noise reduction to meet the limits for outdoor and indoor noise in Table 9-404.040.

9-404.100 EQUIPMENT MAINTENANCE FOR NOISE CONTROL

New and existing heating, ventilation, and air conditioning equipment and other agricultural, commercial, and industrial equipment must be adequately maintained in proper working order so that noise levels emitted by such equipment do not create noise levels exceeding applicable limits in Table 9-404.040, Part II. The Zoning Administrator may require noise shielding or insulation for such equipment if the operation of the equipment results in noise levels exceeding applicable limits on adjacent properties.

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Chapter 9-405 Nonconformity Provisions

Sections:

9-405.010	Purpose
9-405.020	Applicability
9-405.030	Finding of Incompatibility
9-405.040	Exemptions
9-405.050	Nonconforming Use
9-405.060	Nonconforming Structure
9-405.070	Historic Buildings, Structures, Or Sites
9-405.080	Repairs Necessary to Protect Health and Safety
9-405.090	Requirements for Obtaining Status as a Nonconforming Use

9-405.010 PURPOSE AND APPLICABILITY

The purpose of this Chapter is to regulate structures and uses which were legal when brought into existence, but which no longer comply with the development standards and use regulations of this Title. This Chapter permits those nonconformities to continue until they are removed or required to be terminated, but not to encourage their continuance. It also distinguishes between incompatible nonconformities that are detrimental to public health, safety, and general welfare and nonconformities that are economically productive and compatible with surrounding development despite being inconsistent with the long-term future of an area, as expressed in the General Plan, the use regulations or the development standards of this Title or any applicable specific plan.

9-405.020 APPLICABILITY.

This Chapter applies to structures, land, and uses that have become nonconforming by adoption of the Development Title, as well as structures, land, and uses that become nonconforming due to subsequent amendments to the Development Title's text or to the Zoning Map or adoption of a specific plan. Nonconforming uses also include uses that were previously permitted by right but are now subject to a discretionary permit, such as an Administrative Use Permit or a Conditional Use Permit.

9-405.030 FINDING OF INCOMPATIBILITY

Nonconforming uses and structures are declared to be incompatible with permitted uses, structures, and standards in the zones involved. They shall not be enlarged upon, expanded, extended, or replaced, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone, except as expressly permitted by this Chapter.

9-405.040 EXEMPTIONS

- (a) **For Limited Parking.** Residential structures with at least one parking space per dwelling unit are not considered nonconforming solely due to inadequate parking.

- (b) **For Certain Residential Uses.** Any residential use, lot, or structure that was legally established prior to the adoption or amendment of this Title and that has been continuously maintained in residential use in compliance with all applicable County requirements is considered to be a conforming use, lot, or structure. It may be enlarged up to 50 percent of the existing floor area with a building permit but no discretionary review; any enlargement that would be an increase of 51 percent or more requires a Zoning Clearance and any such enlargement or a replacement of such use must conform to this Title and any applicable Specific Plan or Special Purpose Plan.
- (c) **For Certain Nonconforming Features.** A use, lot, or structure shall not be deemed nonconforming solely because it does not conform with standards for fencing and screening, landscaping and planting requirements, parking and loading, setbacks, standards for projections above the top of buildings, or restrictions on features allowed in required yards and setback areas, or because of other deviations from the requirements of this Title or any applicable specific plan that are determined to be minor by the Zoning Administrator.
- (d) **For Specific Repairs and Improvements.** This Chapter does not prevent repairs, improvements, or maintenance, including in replacement of building features, that are necessary to comply with this Title or to strengthen or restore to a safe condition any building, structure, or part thereof declared to be unsafe by the Director.

9-405.050 NONCONFORMING USE

A nonconforming use that was legally established prior to the adoption of the current provisions in this Title shall be subject to the provisions of this Section.

- (a) **Continuation.** A nonconforming use may be continued as long as it remains otherwise lawful, subject to the following provisions:
 - (1) If the nonconforming use is not conducted within a structure but on land only, such use shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of this Chapter;
 - (2) If the nonconforming use is conducted wholly or partially within a conforming structure, the structure devoted to the nonconforming use may be enlarged, extended, or remodeled up to 50 percent of the existing floor area. Additions exceeding 50 percent of the existing floor area may be approved, subject to a Zoning Clearance; and
 - (3) If the nonconforming use is superseded by a conforming use, or if the nonconforming use ceases for any reason for a period of more than 18 consecutive calendar months, any subsequent use shall conform to the requirements of this Title for the zone in which it is located, and the nonconforming use may not thereafter be resumed.

- (b) **Adding New Uses.** When a nonconforming use exists on any lot, no new use shall be established or built on such lot unless the new use conforms to the requirements of this Title for the zone in which the lot is located.
- (c) **Change to Another Nonconforming Use.** A nonconforming use not conducted within a structure but on land only, shall not be changed to another nonconforming use. A nonconforming use conducted at least partially within a confirming structure may be changed to another nonconforming use within that structure, subject to the following:
 - (1) If the nonconforming use is changed to another conforming use classified within the same use type and the Zoning Administrator determines that additional off-street parking and loading space is not needed for this change, no permit or approval shall be required.
 - (2) A Zoning Clearance shall be required for all changes other than those described in Subsection (c)(1) above.
 - (3) A change subject to a Zoning Clearance shall be allowed only if the Zoning Administrator finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing nonconforming use. In permitting such change, the Zoning Administrator may impose conditions and an amortization period for the new use.
 - (4) No nonconforming use shall be changed to a different nonconforming use.
- (d) **Replacement of a Structure Occupied by a Nonconforming Use.** A building or structure occupied by a nonconforming use that is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or natural disaster may be restored, and the occupancy or use of such building, structure, or part thereof to the extent that it existed at the time of such damage or destruction, may be continued or resumed, provided that such restoration is started within a period of 18 months and is diligently pursued to completion. All restored structures must meet the requirements of Chapter 9-703, Flood Hazards.
- (e) **Abandonment of a Nonconforming Use.** 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 18 months.
 - (1) **Special Circumstances.** A nonconforming use is not considered abandoned following damage from an act of God, a state of emergency or a pandemic, or a casualty event provided that the business owner is actively engaged in restoring the use. Moreover, the 18-month period does not include the period between the date the County notifies the owner that the application for reconstruction of the use has been found to be complete and the date the County's action on the application becomes final or the date the building permit issued by the County for the reconstruction expires, whichever is later.

- (2) **Exceptions.** The nonconforming status of a single-unit dwelling shall not lapse, regardless of the length of time of non-use.

9-405.060 NONCONFORMING STRUCTURE

A nonconforming structure that was legally established prior to the adoption of the current provisions in this Title shall be subject to the provisions of this Section.

- (a) **Continuation.** A nonconforming structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
 - (1) Such structure may be remodeled or repaired, provided such action does not increase its nonconformity;
 - (2) Such structure may be added to or enlarged within the yard setback areas, provided such additions do not increase such nonconformity and provided the expansion does not increase the linear measurement of the portion of the building within the setback area by more than 100 percent. Expansions within the setback area that are greater than 100 percent require an Administrative Use Permit; and
 - (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located.
- (b) **Adding New Structures.** When a nonconforming structure exists on any lot, no new structure shall be established or built on such land unless the new structure conforms to the development standards and other requirements of this Title for the zone in which the lot is located.
- (c) **Replacement of Nonconforming Structure.** Should a nonconforming structure be destroyed or damaged by fire, flood, wind, earthquake, or other calamity or natural disaster, it may be restored to the extent to which it existed at the time of the damage or destruction, provided that such restoration is started within a period of 18 months and is diligently pursued to completion. All restored structures must meet the requirements of Chapter 9-703, Flood Hazards.
- (d) **Structural Repairs.** Structural repairs may be undertaken without discretionary review when the cost of such work does not, within a 12-month period, exceed 75 percent of the replacement cost of the nonconforming structure as determined by the Building Official. All other structural repairs require an Administrative Use Permit.

9-405.070 HISTORIC BUILDINGS, STRUCTURES, OR SITES

Notwithstanding any other provision of this Chapter, a building, structure, or site listed on the National Register of Historic Places, or registered as a State Historical Landmark, or designated as a County Landmark or historic resource shall be allowed to continue to exist and be repaired, restored, or reconstructed as long as it complies with federal and State

regulations regarding historic buildings, structures, or sites and the provisions of Chapter 9-705, Historic Districts and Landmarks.

9-405.080 REPAIRS NECESSARY TO PROTECT HEALTH AND SAFETY

Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any County or State official charged with protecting the public health or safety, upon order of such official.

9-405.090 REQUIREMENTS FOR OBTAINING STATUS AS A CONFORMING USE

A use that was established without obtaining required permits shall be deemed a conforming use only if all of the following conditions are satisfied:

- (a) **Conformance to Development Title.** The use shall comply with all applicable requirements of the Development Title that would have been required at the time the use was established unless a variance or waiver is obtained pursuant to the Chapters 9-805 and 9-806, respectively.
- (b) **Permits.** The following permits shall be required:
 - (1) If the use is permitted in the zone where it is located, a Zoning Clearance shall be required; if the use requires an Administrative Use Permit or a Conditional Use Permit in the zone where it is located, then that permit shall be required.
 - (2) Other permits that normally would have been required at the time the use was established shall be obtained.

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Chapter 9-406 Parking and Loading

Sections:

9-406.010	Purpose
9-406.020	Applicability
9-406.030	General Requirements
9-406.040	Required Parking Spaces
9-406.050	Location of Required Parking Spaces
9-406.060	Design Of Parking Lots and Structures
9-406.070	Alternative Compliance with Parking Requirements
9-406.080	Truck Parking And Loading
9-406.090	Bicycle Parking
9-406.100	Off-street Loading Spaces
9-406.110	Modification Of Requirements

9-406.010 PURPOSE

The purposes of the off-street parking and loading regulations are to:

- (a) Ensure that adequate off-street parking and loading facilities are provided for new uses and major alterations and additions to existing uses in order to meet parking demands and to or minimize negative impacts associated with spillover parking onto adjacent streets;
- (b) Address the needs of people traveling by bicycle by requiring short-term and long-term bicycle parking and parking lot designs that offer safe bicycle access;
- (c) Establish standards and regulations for safe and well-designed parking, loading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles within parking lots;
- (d) Allow reductions in the number of required parking spaces for areas with a diverse mix of land uses with off-setting periods of peak parking demand, for shared parking facilities, and for other situations expected to have lower vehicle parking demand; and
- (e) Reduce urban stormwater run-off.

9-406.020 APPLICABILITY

The provisions of this Chapter shall apply whenever:

- (a) A new building is constructed;
- (b) An existing building, including a legal nonconforming structure, is enlarged, creating an increase for more than 10 percent of the required spaces; or

- (c) The use of any building is changed, and the proposed use requires an increase of more than 10 percent in the number of spaces provided.
- (d) A change in occupancy is not considered a change in use unless the new occupant is in a different use classification (use type), as defined in Chapter 9-901, compared to the former occupant.

9-406.030 GENERAL REQUIREMENTS

- (a) **Computation of Required Parking.** Whenever the computation of the number of off-street parking spaces required by this Chapter results in a fractional parking space, one additional parking space shall be required for a fractional space of one-half or more. A fractional space of less than one-half shall not be counted.
- (b) **No Reduction in Off-Street Parking and Loading Spaces.** Off-street parking and loading spaces serving an existing building or use shall not be reduced in number below that which would be required for a new building or use of a similar type under the requirements of this Chapter. All such off-street parking and loading spaces shall remain permanently available and accessible for the parking or loading of vehicles by occupants of the property, except that any surplus spaces may be rented out to non-occupants, or otherwise made publicly accessible, provided that such spaces must be vacated on 30 days' notice if they become needed by occupants of the property.
- (c) **Separate Parking and Loading Spaces.** No area may be used and counted both as a required parking space and a required loading space. However, maneuvering aisles and driveways may serve both required parking spaces and loading spaces if they meet the requirements of this Chapter for both parking and loading facilities.
- (d) **Conversion of Existing Parking Facilities for Shared Use.** An existing parking facility is not required to be maintained for the exclusive private use of the land use for which it was constructed as accessory parking. A property owner may submit a parking inventory and occupancy study of off-street parking and on-street parking in the vicinity of the project, conducted by an independent transportation planning and/or engineering consultant, to the Zoning Administrator to demonstrate that a certain share of the existing parking spaces on the property are infrequently utilized. On the basis of this inventory and study, the Zoning Administrator may grant the property owner authorization to dedicate the underutilized portion of the off-street parking to other uses, including leasing such spaces to other businesses, other property owners, or developers of projects within a one-quarter mile walking distance of the facility to provide some or all of their required off-street parking obligations.
- (e) **Parking for Disabled Persons.** Parking spaces intended for the exclusive use of a Disabled Person permitted vehicle and provision of access for disabled persons shall be provided, as required by the California Building Code, Division 11, Site Accessibility. Such spaces will be counted towards the parking requirements of this Chapter.

- (1) **Number.** The number of the required off-street parking spaces required for any use by this Chapter to be reserved and be designed for Disabled Person permit holders shall be provided in accord with State law and the following standards:

TABLE 9-406.030: PARKING FOR DISABLED PERSONS STANDARDS	
<i>Total Number of Required Parking Spaces</i>	<i>Number of Spaces for Disabled Person Permit Holders</i>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
Over 1,000	20 plus 1 for each 100 spaces provided over 1,000

- (2) *Design, Designation, and Location.* All parking spaces for Disabled Person permit holders shall, at a minimum, comply with the design, designation, and location requirements of the California Building Code, Division 11, Site Accessibility.
- (f) **Nonconforming Parking Facilities.** Existing land uses with off-street parking and loading facilities that do not conform to the requirements of this Chapter may be enlarged or expanded; provided, that additional parking and loading facilities shall be added so that the enlarged or expanded portion of the building conforms to the requirements of this Chapter.
- (g) **Construction Timing.** On-site parking facilities required by this Chapter shall be constructed or installed prior to the issuance of a final approval for the uses that they serve.
- (h) **Damage or Destruction.** When a use that has been involuntarily damaged or destroyed is re-established, off-street parking and loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities more than those required by this Chapter.
- (i) **Exceptions.**

- (1) **Neighborhood Retail.** Commercial uses having a gross floor area of 2,500 square feet or less are exempt from the off-street parking and loading requirements of this Chapter.
- (2) **Alternative Access and Parking Plans.** If an alternative access and parking plan is approved pursuant to Section 9-406.070, the off-street parking requirements shall be subject to the provisions of that plan.
- (j) **Motorcycle and Bicycle Spaces.** For every four motorcycle or six bicycle parking spaces provided, a credit of one parking space shall be given toward the requirements of this Chapter, provided, however, that the credit for each shall not exceed 1/40th of the total number of standard parking spaces required.
- (k) **Front Yard Parking.** Parking spaces necessary to meet off-street parking requirements shall not be permitted within the required front yard setback of a residential unit, except as allowed by an Administrative Use Permit.

9-406.040 REQUIRED PARKING SPACES

All applications for development, including applications for Zoning Clearances, must include a table showing that off-street parking spaces will be provided in the quantities set forth in Table 9-406.040.

- (a) **Description of Use Types.** Use types are defined Chapter 9-901.
- (b) **Requirements Cumulative.** Where Tables 9-406.040 set forth more than one requirement for a given use type, those requirements shall be cumulative.
- (c) **Spaces Based on Square Footage.** The square footage requirements used in Table 9-404.040 to calculate parking spaces refer to the total floor area of all buildings on the lot calculated according to Section 9-102.080 and excluding any area used exclusively for parking and loading in garages or parking facilities.
- (d) **Spaces Based on Employees.** The employee requirements used in Table 9-404.040 to calculate parking spaces refer to the maximum number of employees who could be working at one time when the facility is operating at full capacity.
- (e) **Spaces “To Be Determined.”** For certain use types, denoted as “TBD” meaning “To Be Determined”, the Zoning Administrator shall determine the number of spaces required based on the application and information available on similar uses from the Institute of Transportation Engineers, *Parking Generation* reports or other sources. The Zoning Administrator’s determination may be appealed to the Planning Commission.

TABLE 9-406.040: ESTIMATED PARKING DEMAND BY USE TYPE		
<i>Use Type</i>	<i>Number of Spaces</i>	<i>Per</i>
Residential Use Types		
Accessory dwelling unit	1	dwelling unit
<i>Junior accessory dwelling unit</i>	none	

TABLE 9-406.040: ESTIMATED PARKING DEMAND BY USE TYPE		
<i>Use Type</i>	<i>Number of Spaces</i>	<i>Per</i>
Day Care		
<i>Day Care Center</i>	3	1,000 gross square feet
Duplexes	1.5	dwelling unit
Emergency Shelter	0.67	employee plus 1 per 8 beds
Group Residential		
<i>Congregate housing</i>	0.3	bed
<i>Other</i>	0.3	bed or one per dwelling unit
Mobile Home Park	1	mobile home
Multi-Unit Dwelling except senior ² and long term care ³		
<i>One bedroom</i>	1	dwelling unit
<i>Two bedroom</i>	1.5	dwelling unit
<i>Three or more bedrooms</i>	2	dwelling unit
<i>Efficiency Unit</i>	0.5	dwelling unit
<i>Guest parking for developments with five or more dwelling units</i>	0.2	dwelling unit
Residential Care Facility		
<i>Small</i>	none	
<i>General</i>	0.70	1,000 gross square feet
Senior Group Residential		
<i>Resident parking</i>	0.5	dwelling unit plus 1 per employee
<i>Guest parking for developments with five or more dwelling units</i>	0.2	dwelling unit
<i>Single Room Occupancy</i>	0.25	bed
Single Unit	2	dwelling unit
Supportive Housing	0.25	bed
Transitional Housing; Veterans Transitional Housing	0.25	bed
Commercial Use Types		
Adult Businesses		
<i>Retail</i>	3	1,000 gross square feet
<i>Performance</i>	5	1,000 gross square feet
Animal Care, Sales and Services		
<i>Animal Boarding</i>	3.3	1,000 gross square feet plus 1 per five stalls
<i>Animal Auctions</i>	TBD ¹	
<i>Grooming and Sales</i>	3	1,000 gross square feet
<i>Stables</i>	1	Per employee plus 1 per five stalls
<i>Veterinary Services</i>	3	1,000 gross square feet
Artist's Studio	1	1,000 gross square feet

TABLE 9-406.040: ESTIMATED PARKING DEMAND BY USE TYPE		
<i>Use Type</i>	<i>Number of Spaces</i>	<i>Per</i>
Auction Sales	1	Per 50 square feet of seating area used for sales
Automotive Services		
<i>Alternative Fuels and Recharging Facility</i>	TBD ¹	
<i>Rentals</i>	1	rental vehicle to be stored on-site
<i>Repairs, Limited and Major</i>	1	Service bay
<i>Sales</i>	1	1,000 gross square feet plus 1 per employee
<i>Washing and Detailing</i>	1	Service bay
<i>Towing and Impound</i>	TBD ¹	
Business Services	3	1,000 gross square feet
Catering and Delivery	1	1,000 gross square feet
Commercial Cannabis	TBD ¹	
Communications Facilities		
<i>Towers</i>	None	
<i>Building-related</i>	1	2
Construction Services	2	1,000 gross square feet excluding storage areas
Eating and Drinking Establishments ¹		
<i>Bars</i>	0.33	per seat (fixed or movable)
<i>Restaurants, Full Service</i>	5	1,000 gross square feet
<i>Restaurant, Limited Service</i>	3	1,000 gross square feet
Equipment Sales and Repair	1	1,000 gross square feet
Fuel Sales	1.2	per fuel station
Funeral/Interment Services		
<i>With fixed seats</i>	0.2	seat ²
<i>Without fixed seats</i>	10	1,000 gross square feet of indoor assembly area
Instructional Services	0.2	student
Live-Work	1.0	dwelling unit
Marinas	0.4	Per berth
Nursery Sales and Landscaping Services	2	1,000 gross square feet
Offices	3.5	1,000 gross square feet
Personal Services		
<i>General Personal Services; Massage</i>	3	1,000 gross square feet

TABLE 9-406.040: ESTIMATED PARKING DEMAND BY USE TYPE		
<i>Use Type</i>	<i>Number of Spaces</i>	<i>Per</i>
<i>Health and Fitness Facility</i>	4.5	1,000 gross square feet
Produce Sales	2	1,000 gross square feet
Retail Sales: less than 60,000 square feet	3	1,000 gross square feet
Retail Sales: 60,000 square feet or more	4	1,000 gross square feet
Retail Sales: Mobile Food Trucks	None	
Transitional Lodging		
<i>Bed and Breakfast</i>	1	room plus two for resident owner
<i>Hotel and Motel</i>	0.75	room
<i>Recreational Vehicle Park</i>	1	space
Truck Sales and Services		
<i>Parking</i>	1	1,000 gross square feet
<i>Repairs</i>	1	1,000 gross square feet
<i>Sales and Rentals</i>	2	1,000 gross square feet
<i>Stops</i>	4	1,000 gross square feet
<i>Washing</i>	1	Service bay plus 1
Industrial Use Types		
General Industry	0.5	1,000 gross square feet or one per employees, whichever is greater
Limited Industry	1	1,000 gross square feet or one per employees, whichever is greater
Petroleum and Gas Extraction	0.67	employee
Salvage and Wrecking	1	1,000 gross square feet
Warehouse, Storage, and Distribution		
<i>Chemical, Mineral, and Explosives Storage</i>	TBD ¹	
<i>Indoor</i>	0.5	1,000 gross square feet
<i>Outdoor</i>	TBD ¹	
<i>Personal</i>	0.15	1,000 gross square feet
<i>Vehicle</i>	TBD ¹	
Wine Facilities	2.5	1,000 gross square feet
Public, Institutional, and Community Facilities		
Assembly		
Community	1	Per 50 square feet of seating area used for assembly
Veteran and Service Organization	10	Per 1000 square feet used for assembly
Religious	1	Per four fixed seats or 1 per 50 square feet of seating area used for assembly
Cemetery	0.2	1,000 gross square feet

TABLE 9-406.040: ESTIMATED PARKING DEMAND BY USE TYPE		
<i>Use Type</i>	<i>Number of Spaces</i>	<i>Per</i>
Colleges and Trade Schools	1	Per three employees plus one for every three students (full-time equivalent)
Community Garden	TBD ¹	
Cultural Institution	1	1,000 gross square feet
Government Building	3	1,000 gross square feet
Medical Services		
<i>Clinic</i>	4	1,000 gross square feet
<i>Hospital</i>	2	Bed plus one per three employees
<i>Skilled Nursing Facility</i>	1	Per three beds plus one per three employees
Schools		
<i>Nursery School; Elementary School</i>	0.15	student
<i>Middle School; Jr. High; High School</i>	0.09	student
<i>Social Service Center</i>	3	1,000 gross square feet
Transportation, Communications, and Utility Use Types		
Airfield, Airport, and Heliport	TBD ¹	
Communications Facilities		
<i>Towers</i>	none	
<i>Building-Related</i>	0.5	employee
Freight/Truck Terminals	0.5	employee
Light Fleet-Based Services	1	Maximum number of fleet vehicles on site at any one time
<i>plus</i>	0.5	employee
Recycling Facilities	1	1,000 gross square feet
Waste Facilities	1	1,000 gross square feet
Utilities	TBD ¹	
Agricultural Use Types		
Agricultural Industry	0.5	1,000 gross square feet
Agricultural Sales	2	1,000 gross square feet
Agricultural Warehousing	1	1,000 gross square feet
Crop Production	none	
Dairy and Creamery	0.67	employee
Wine Facilities	2.5	1,000 gross square feet
Notes:		
TBD ¹ = To be determined by the Zoning Administrator.		
² Outdoor seating which is less than 25 percent of the parking requirement is exempt.		

9-406.050 LOCATION OF REQUIRED PARKING SPACES

Required parking spaces shall be located as follows:

- (a) **On Same or Adjacent Lot.** For dwellings, motels, automobile-oriented services, schools, and all uses in the I-L, I-P, and I-T zones, required parking spaces shall be provided on the same lot as the main building(s) or on an adjoining lot or lots zoned for the main use of the property. The applicant shall be required to show evidence that the off-site parking is reserved for the applicant's use if such parking is on private property.
- (b) **Other Uses.** For uses not listed in Subsection (a), required parking spaces shall be located on the lot or within 300 feet of the lot on which the main building is located.

9-406.060 DESIGN OF PARKING LOTS AND STRUCTURES

The parking area design standards of this section apply to all off-street parking areas. All required parking spaces and associated maneuvering aisles, driveways, and other related features shall be designed and arranged so as to provide motor vehicles with adequate ingress to and egress from all required parking spaces, and to provide pedestrians with adequate access to parked vehicles.

- (a) **Parking Lot Design.** Parking lot design and dimensions shall be in accordance with Tables 9-406.060-A and 9-406.060-B.
 - (1) **Compact Spaces.** Compact spaces with an eight-foot width and 16-foot length are permitted for up to 25 percent of the required spaces.
 - (2) **Aisle Width for Parking Angles Not Shown.** For parking angles not shown in Table 9-406.060-A, the required aisle width shall be interpolated from the values shown. For example, for a parking angle of 70 degrees, which is one-third of the increment between 60 degrees and 90 degrees, the required one-way aisle width for 9-foot stalls is 21 feet eight inches, which is one-third of the increment between the required aisle widths for 60-degree parking and 90-degree parking, 20 feet and 25 feet respectively.
 - (3) **Overhang.** Parking stall lengths, except for parallel spaces, may be reduced by two feet where the parking stall is designed to abut a landscaped area a minimum of five feet wide, such that the front of the vehicle can overhang the landscaped area.
 - (4) **Spaces Abutting Walls or Posts.** For each side of a parking space abutting a wall or post, an additional foot of width shall be required.

TABLE 90406.060-A: ANGLE PARKING				
<i>Angle</i>	<i>Stall Width a</i>	<i>Stall to Curb b</i>	<i>Aisle c</i>	<i>Two Rows + Aisle d</i>
90°	9'-0"	19'-0"	25'-0" *	63'-0"
	9'-6"	19'-0"	24'-8" *	62'-6"
	10'-0"	19'-0"	24'-0" *	62'-0"
60°	9'-0"	21'-0"	20'-0" **	62'-0"
	9'-0"	21'-0"	19'-0" *	61'-0"
	9'-6"	21'-3"	18'-6" *	61'-0"
	10'-0"	21'-6"	18'-0" *	61'-0"
45°	9'-0"	19'-10"	20'-0" **	59'-8"
	9'-0"	19'-10"	16'-4" *	56'-0"
	9'-6"	20'-2"	15'-2" *	55'-6"
	10'-0"	20'-6"	14'-0" *	55'-0"

** Two-way aisle
* One-way aisle

Key Diagram:

The key diagram illustrates two configurations for angle parking. The 'One-Way Aisle' diagram shows two rows of stalls angled towards each other, with a central aisle. Dimension 'a' is the stall width, 'b' is the distance from the stall to the curb, 'c' is the aisle width, and 'd' is the total width of the two rows plus the aisle. The 'Two-Way Aisle' diagram shows two rows of stalls angled away from each other, with a central aisle. Dimension 'a' is the stall width, 'b' is the distance from the stall to the curb, 'c' is the aisle width, and 'd' is the total width of the two rows plus the aisle.

(5)

TABLE 9-406.060-B: PARALLEL PARKING			
<i>Stall Width A</i>	<i>Stall Width B</i>	<i>Aisle C</i>	<i>Two Rows + Aisle D</i>
9'-0"	20'-0"	12'-0" *	30'

* One-way aisle

Key Diagram:

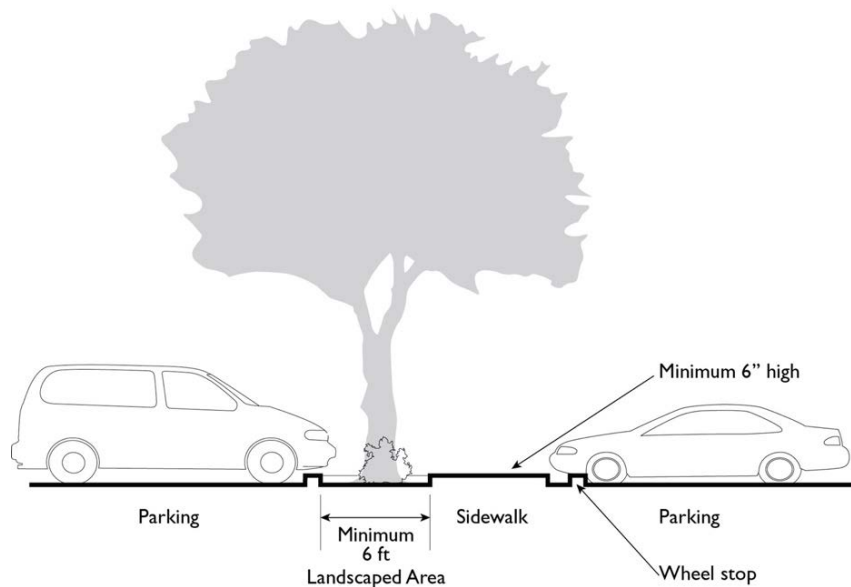
The key diagram for parallel parking shows two rows of stalls. Dimension 'a' is the stall width, 'b' is the distance from the stall to the curb, 'c' is the aisle width, and 'd' is the total width of the two rows plus the aisle.

(b) **Recreation Vehicle Parking.** The off-street parking of operable recreational vehicles, boats and trailers in Residential zones is only allowed as follows:

- (1) No recreational vehicle, boat or trailer that exceeds 2.5 tons in dry weight, 36 feet in length, or 15 feet in height, not including rooftop equipment, is permitted to be parked, stored or loaded in a Residential zone.
 - (2) Permitted recreational vehicles, boats, and trailers, excluding those prohibited by paragraph (1) above, may be parked, stored or loaded on a paved parking space, in any location in which passenger vehicles may be parked, stored or loaded, as long as it does not block the sidewalk and/or driveway. Further, recreational vehicles, boats, and trailers may be parked, stored or loaded in other location as indicated below, provided that no other location on the site ordinarily available for vehicle parking can accommodate the recreational vehicle, boat, or trailer because access to those locations is blocked by a permanent building element such as a structural wall, an eave or a roof. These locations are:
 - (A) In areas blocking access to required parking spaces, provided that the spaces being blocked are for a single-family dwelling only and the owner of the recreational vehicle, boat, or trailer resides in that dwelling; and
 - (B) In the side and rear yard setback areas, provided that:
 - (i) The recreational vehicle, boats, or trailer is located as far as physically feasible from the side lot line, consistent with requirements for light and ventilation into adjoining rooms; and
 - (ii) The recreational vehicle, boat, or trailer is located as far to the rear of the lot as is physically consistent with maintaining access to the garage.
- (c) **Tandem Parking.** Required parking may be arranged as tandem spaces, provided that pairs of spaces in tandem are assigned to the same residential unit or to employees of the same nonresidential establishment; or that a full-time parking attendant supervises the parking arrangements during periods of peak demand for the uses served. The required stall width, stall length, and aisle width shall apply to tandem spaces, except that the stall length shall be doubled for each pair of tandem spaces.
- (d) **Parking Lifts.** Required parking may be provided in parking lifts, provided that, if it is necessary to remove one vehicle from the lift to access another vehicle, the parking shall be subject to the provisions applicable to tandem parking. Parking lifts allowing each vehicle to be independently accessed have no such restrictions. The dimensional standards for 90-degree parking shall apply to parking lifts, including the requirement for an aisle of 25 feet. Exterior parking lifts shall be screened from public view.
- (e) **Striping.** All parking stalls and directional arrows shall be delineated with paint or similar distinguishable material.

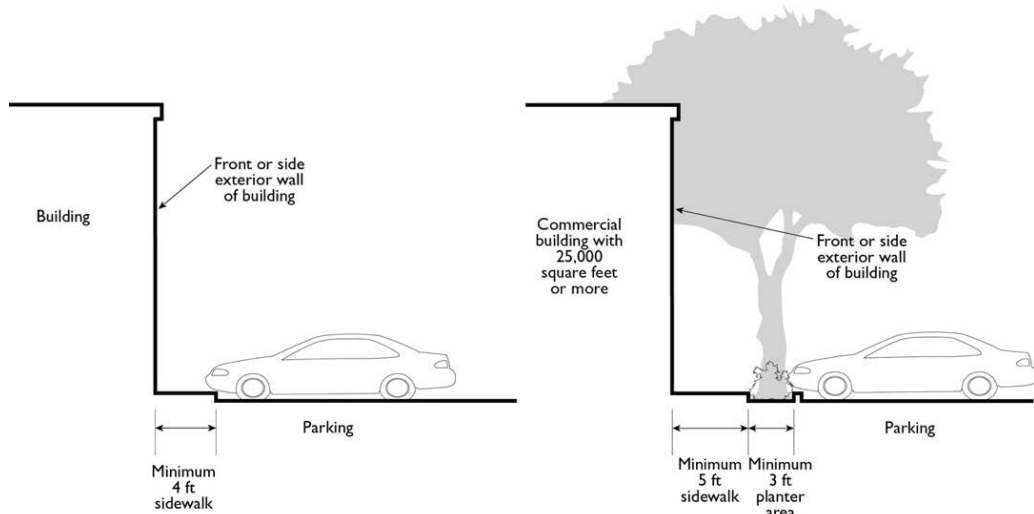
- (f) **Wheel Stops.** Concrete bumper guards or wheel stops shall be provided for all unenclosed parking spaces on a site with 10 or more unenclosed parking spaces. A six-inch high concrete curb surrounding a landscape area at least six feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.

FIGURE 9-406.060 (F):WHEEL STOPS



- (g) **Perimeter Curbing.** A six-inch wide and six-inch high concrete curb shall be provided along the outer edge of the parking facility pavement, except where the pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.
- (h) **Separation from On-Site Buildings.** Parking areas must be separated from the front and side exterior walls of on-site buildings by walkways a minimum of four feet in width. Commercial buildings with 25,000 square feet or more of gross floor area must be separated from on-site parking on all sides by a walkway a minimum of five feet in width as well as by a planter area at least three feet in width. These requirements do not apply to parking areas containing five or fewer spaces.

FIGURE 9-406.080 (H): SEPARATION FROM ON-SITE BUILDING



- (i) **Surfacing.** Except as provided below, all permanent parking lots, including internal circulation and loading areas, in all zones shall be surfaced and permanently maintained with asphalt concrete or Portland cement concrete to provide a durable, dust free surface. Ingress and egress areas that connect to a paved road or highway shall also be surfaced and permanently maintained with asphalt concrete or Portland cement concrete or with pervious pavements, sand-set pavers, and supported turf systems. A combination of surfaces may be used; for example, two track driveways of concrete strips with pervious areas between the strips and on the edges. Bumper guards and/or wheel stops shall be provided when necessary to protect adjacent structures or properties.
 - (1) **Exemptions.** The following uses have specific provisions for surfacing requirements in the sections cited:
 - (A) Truck parking pursuant to Section 9-203.020(b)(2); and
 - (B) Produce stands and Agricultural Stores pursuant to Section 9-409.360.
- (j) **Heat Island Reduction.** A heat island is the increase in ambient temperature that occurs over a large, paved area compared to the surrounding areas. In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years. To the extent maximizing the shading effect causes the trees to be placed in different locations than would be otherwise be required, the placement required by this section controls.
- (k) **Vertical Clearance.** All covered parking shall have a minimum vertical clearance of seven feet six inches except for spaces in parking lifts; the minimum vertical

clearance for parking for Disabled Persons shall be as required by the California Building Code, Division 11, Site Accessibility,

- (l) **Landscaping and Screening.** All open parking areas shall be landscaped and/or screened according to the standards set forth in Chapter 9-402.
- (1) **Landscape Area Required.** A minimum of 10 percent of the interior of any parking lot area shall be landscaped.
 - (2) **Minimum Planter Dimension.** No landscape planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, or four feet in any horizontal dimension, excluding curbing.
 - (3) **Layout.** Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:
 - (A) Landscaped planting strips at least five feet wide between rows of parking stalls;
 - (B) Landscaped planting strips between parking areas and adjacent buildings or along internal walkways;
 - (C) Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and
 - (D) On-site landscaping at the parking lot perimeter.
 - (4) **Required Landscaped Islands.** A landscaped island at least five feet in all interior dimensions and containing at least one 15-gallon-size tree shall be provided at each end of each interior row of parking stalls and between every six consecutive parking stalls.
 - (5) **Landscaped Buffer for Open Parking Adjacent to Right-of-Way.** A landscaped area at least 10 feet wide shall be provided between any surface parking area and any property line adjacent to a public street unless a different dimension is specified in the base zone standards applicable to a site.
 - (6) **Landscaped Buffer for Open Parking Abutting Interior Lot Line.** A landscaped area at least three feet wide shall be provided between any surface parking area and any adjacent lot for the length of the parking area.
 - (7) **Landscaped Buffer for Parking Garages.** A parking garage that does not incorporate ground-floor nonresidential or residential use or is not otherwise screened or concealed at street frontages on the ground level, must provide a landscaped area at least 10 feet wide between the parking garage and public street.

- (8) **Parking Garage Rooftop Planting.** Uncovered parking on the top level of a parking structure shall have rooftop planters with a minimum dimension of 24 inches around the entire perimeter of the top floor.
- (9) **Trees.**
- (A) *Number Required.* One for each five parking spaces.
 - (B) *Distribution.* Trees shall be distributed relatively evenly throughout the parking area.
 - (C) *Species.* Tree species shall be selected from a list maintained by the Zoning Administrator.
 - (D) *Size.* All trees shall be a minimum 15-gallon size with a one-inch diameter at 48 inches above natural grade.
 - (E) *Minimum Planter Size.* Any planting area for a tree must have a minimum interior horizontal dimension of five feet. Additional space may be required for some tree species.
- (m) **Lighting.** All off-street parking areas within Commercial and Industrial zones and for projects where the parking area is used at night, shall be provided with exterior lighting that meets the following minimum standards:
- (1) The equivalent of one foot candle of illumination shall be provided throughout the parking area.
 - (2) All lighting shall be on a time clock or photo-sensor system so as to be turned off during daylight hours and during any hours when the parking area is not in use. This requirement does not apply to security lighting.
 - (3) All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted, except onto public roads, provided, however, that such light shall not cause a hazard to motorists.
- (n) **Access.** Access to parking areas shall be provided as follows:
- (1) Access driveways shall have a width of no less than 25 feet for two-way aisles and 16 feet for one-way aisles, except that in no case shall driveways designated as emergency access for fire districts be less than 20 feet wide.
 - (2) The parking area shall be designed so that a vehicle will not have to enter a public road to move from one location to another location within the parking area.
 - (3) Vehicular access to arterial streets and highways will be permitted only in accordance with driveway locations and access design to be approved by the Director of Public Works. Access to State Routes requires written approval by Caltrans.

- (4) All access from a public street or alley must be designed so that motor vehicles leaving the parking area will enter the street traveling in a forward direction. This requirement does not apply to single-family subdivisions or multiple-family residential properties serving four units or less, unless on a minor arterial or street of a higher classification.
- (o) **Electric Vehicle Charging Stations.** In parking facilities containing 20 or more spaces serving Multi-Unit Residential and Hotels and Motels, at least three percent of parking spaces shall be electric vehicle (EV) charging stations. Such spaces may be counted towards the parking requirements of this Chapter.
 - (1) *Size.* Electric vehicle charging stations shall be the same size as other spaces, and electric vehicle charging equipment shall not reduce the size of the space.
 - (2) *Signage.* Each electrical vehicle charging station shall be clearly marked with a sign reading "Electrical Vehicle Charging Station" and the associated California Vehicle Code restrictions, and only a vehicle that is connected for electric charging shall be allowed to park in the stalls or spaces so designated.
 - (3) *Equipment.* Electrical vehicle charging stations shall be equipped with electrical outlets, and may also be equipped with card readers, controls, connector devices and other equipment, as necessary for public use.

9-406.070 ALTERNATIVE COMPLIANCE WITH PARKING REQUIREMENTS

- (a) **Alternative Parking Plan.** Where an applicant can demonstrate to the satisfaction of the Zoning Administrator that variations in the standards or dimensions otherwise required by this Chapter are warranted for uses with unique needs, such as schools, or in order to achieve the project's design objectives, an alternative parking area design and loading plan may be allowed with approval of an Administrative Use Permit. To grant such a permit, the Zoning Administrator must make the following findings in addition to the findings otherwise required:
 - (1) That the applicant has demonstrated that the alternative plan is a superior solution and the requested modifications in the design standards of this Chapter are warranted; and
 - (2) That the alternative parking arrangement will be in place at all times during operation of the uses to be served by the parking.
 - (3) The Zoning Administrator may refer a request for approval of an alternative parking plan to the Planning Commission, which may approve a Conditional Use Permit for such a plan.
- (b) **On-Street Parking.** Consistently available on-street parking may be counted towards all or a portion of the parking spaces required of each land use and activity proposed in a development application on a one to one basis. To qualify for on-street parking credits, the project applicant must fund completion of an on-street

parking inventory and occupancy study or refer the Zoning Administrator to such a study completed by another project applicant within the preceding two years that provides evidence of the number of on-street parking spaces that are vacant or unoccupied during the hour of combined peak demand for the uses proposed on site, on each block face within two blocks of the project site address. For any one project, a maximum of 50 percent of the total on-street parking supply on the block faces located within a one block walk of the project site, including curbside parking on the project frontage(s), may be counted towards satisfaction of the project's minimum parking requirement.

- (c) **Off-Site Parking.** Required off-street parking spaces may be located on lot separate from the lot on which the principal use is located, subject to the following standards:
 - (1) Newly constructed off-site parking may not be located in a zone in which the principal use served by the parking is prohibited. Off-site parking may be provided within an existing off-street parking facility in any zone, provided that a parking study is conducted and approved by the Zoning Administrator establishing the number of parking spaces in the existing facility that are typically unoccupied even during periods of peak parking demand for the uses to which the parking is accessory.
 - (2) Unless a shuttle service is provided, the off-site parking shall be within 1,500 feet walking distance of the use served.
- (d) **Valet Parking.** Valet parking may be permitted as a means of satisfying all or a portion of the off-street parking requirement. Valet parking may be used to accommodate more parking spaces on the site of the principal use served by the parking than could be accommodated in conformance with the parking standards of this Chapter. It may also be used to provide off-site parking. No valet parking shall cause interference with the public use of rights-of-way or imperil public safety.

9-406.080 TRUCK PARKING AND LOADING

Parking and loading space for trucks shall be provided as set forth in this Section.

- (a) **Commercial Uses.** For commercial uses, one loading space shall be provided for every use with 3,000 square feet of gross floor area or more.
- (b) **Industrial Uses.** For industrial uses, spaces shall be provided as follows:
 - (1) One loading space shall be required for each use having 3,000 to 20,000 square feet of gross floor area;
 - (2) For each 20,000 square feet of gross floor area, or major fraction thereof, over 20,000 square feet of gross floor area, one loading space shall be required.
- (c) **Truck Terminals Uses.**
 - (1) One loading space shall be required for each bay;

- (2) Aisles between truck parking areas shall be a minimum of 55 feet wide;
 - (3) No parking shall be permitted in the driveways, parking aisles, or maneuvering areas;
 - (4) Any truck terminal in operation during nighttime hours shall have 25-foot light standards whose lights are hooded and directed downward so as not to disturb adjoining properties or roads.
 - (5) Any entrance or exit to a truck terminal shall have acceleration and deceleration lanes, the criteria for which are to be determined by the traffic study and recognized engineering standards, or other traffic control devices determined to be necessary by the Department of Public Works.
 - (6) No vehicle shall be required to obstruct or back onto a public roadway in order to access the terminal.
 - (7) Driveway width at the front lot line shall be 40 feet maximum. The design of driveway shall be such as to allow trucks to enter and exit property without entering into opposing lane of traffic.
 - (8) Access gates shall be recessed 65 feet from the property line.
- (d) **Truck Docks, Loading, and Service Areas.** Truck docks, loading areas, and service areas must be screened so as not to be visible from public streets. Drop-off areas may be located at the primary building entry.
- (e) **Required Setbacks and Screening.**
- (1) A minimum 10-foot wide setback shall be maintained along all interior lot lines. If a residence is located on an adjacent parcel within 100 feet of a truck parking site, the setback distance shall be increased to 20 feet.
 - (2) A minimum six to eight foot tall fence for screening shall be installed along a property line where truck or trailer parking is located. Screening may consist of a masonry wall or any solid fencing approved by the Zoning Administrator.
- (f) **Access Improvements in a Public Right-of-Way.** An encroachment permit shall be required for all work within a County, City, or Caltrans road right of way. Prior to issuance of any grading or building permit, the driveway approach shall be improved in accordance with the requirements of the County, City or Caltrans standards.
- (g) **Design Standards.** Design of required spaces, driveways and maneuvering areas shall be as follows:
- (1) Spaces shall be a minimum 25 feet in length and 15 feet in width and shall have minimum height clearance of 14 feet.

- (2) Spaces shall be provided and maintained on the same lot as the commercial or industrial use they serve.
- (3) Spaces shall not interfere with vehicular circulation or parking or with pedestrian circulation.
- (4) On-site driveways and maneuvering areas may be used in lieu of one of the off-street loading spaces required by this Section as long as maneuvering areas for delivery vehicles are provided.
- (5) All maneuvering areas shall be surfaced with all- weather material as defined and approved by the San Joaquin County Fire Chief's Association. Storage areas for trucks and trailers may be surfaced with gravel or higher classification of surfacing.
- (6) The first 20 feet of any driveway and major circulation drive lanes shall be surfaced with pavement or Portland cement concrete to ensure public roadways will be free from debris.

9-406.090 BICYCLE PARKING

In all Multi-Unit residential projects with 20 or more units and commercial and industrial projects with 20 or more required parking spaces, bicycle parking is required. The minimum number of short-term and long-term bicycle parking spaces required and related facilities that must be provided are listed for specific land use groupings in Table 9-406.090. For land uses not listed in the table, one short-term bicycle parking space and one long-term bicycle parking space shall be provided for every 20 vehicle parking spaces provided on-site. Dimensional standards for Class I and Class 2 spaces are provided in subsection (b) following the table.

TABLE 9-406.090: BICYCLE PARKING STANDARDS				
<i>Land Use</i>	<i>Short-Term Parking; Class 2 Space</i>	<i>Long-Term Parking; Class I Space</i>	<i>Showers</i>	<i>Personal Lockers</i>
Office and Research & Development	The greater of 1 per 10,000 sq. ft or 4	The greater of 1 per 2,000 sq ft. or 4	1 unisex per 40,000 sq. ft plus 1 for each additional 20,000 sq ft.	Provided for at least 75% of the long-term bicycle parking spaces provided
Convenience Markets: Retail Sales; Business Services; Finance, Insurance and Real Estate Services; Personal Services	The greater of 1 per 5,000 sq. ft or 2	The greater of 1 per 5,000 sq. ft or 2	1 unisex required per 20 full time employee equivalents (FTE) as estimated by City upon development application. Uses with less than 5,000 sq. ft. or fewer than 20 FTE, as determined by the County are exempt.	Provided for at least 75% of long-term bicycle parking spaces provided. Uses with less than 5,000 sq. ft. or fewer than 20 FTE, as determined by the County are exempt.
Eating & Drinking Establishments	The greater of 1 per 750 sq. ft. or 2	The greater of 1 per 7,500 sq. ft. or 2		

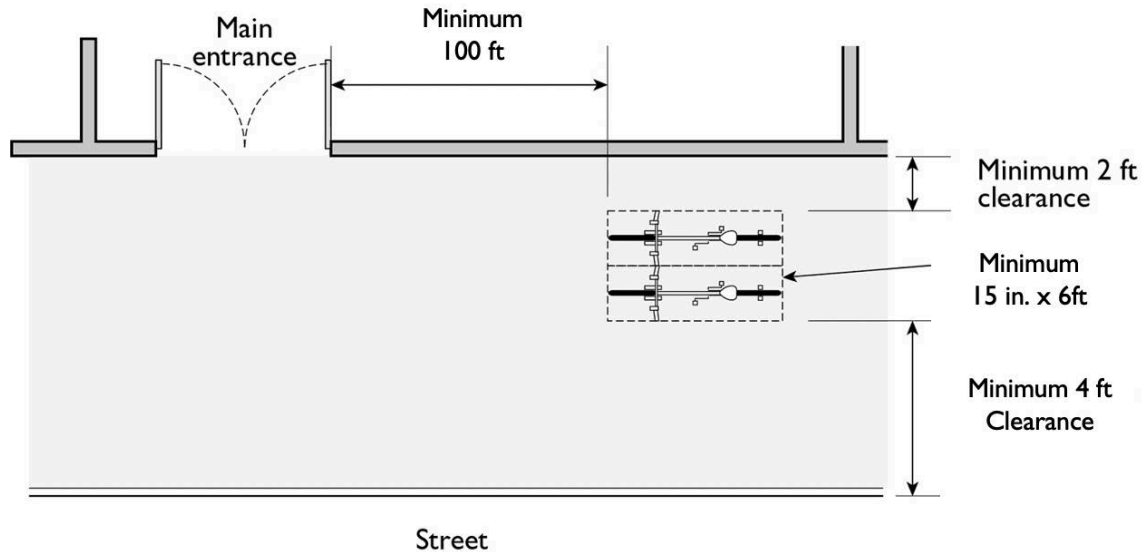
TABLE 9-406.090: BICYCLE PARKING STANDARDS				
<i>Land Use</i>	<i>Short-Term Parking; Class 2 Space</i>	<i>Long-Term Parking; Class 1 Space</i>	<i>Showers</i>	<i>Personal Lockers</i>
Residential Multi-Unit Dwellings; Live-Work Units	1 plus 1 for every 20 units	1 per unit	n/a	n/a
Community Assembly; Cultural Facility; Social Service Center	The greater of 1 per 2,500 sq. ft. or 2	The greater of 1 per 5,000 sq. ft. or 2		
Schools	2 Class 2 short-term bicycle parking spaces per classroom or 6 percent of the student capacity plus staff, whichever is greater.			
Mixed-Use	The sum of the requirements for individual uses.			

(a) **Standards for All Bicycle Parking.**

- (1) **Class 1 Long-Term Bicycle Parking Spaces.** Class 1 spaces shall be located where there is direct access for bicycles without requiring use of stairs. The location of such spaces shall allow bicycles users to ride to the entrance of the space or the entrance of the lobby leading to the space. Use of elevators to access Class 1 spaces is permitted. In residential buildings, Class 1 space shall not be provided within dwelling units, on balconies, or in required outdoor living area. More specifically, Class 1 bicycle parking shall be located:
 - (A) On the ground floor within 100 feet of a major entrance to the lobby. In this location, there shall be either: (i) convenient access to and from the street to the bicycle parking space and another entrance from the bicycle parking space to the lobby area, or (ii) a minimum five-foot wide hallway or lobby space that leads to the bicycle parking entrance, where direct access to bicycle parking space from the street does not exist. Such access route may include up to two limited constriction points, such as doorways, provided that these constrictions are no narrower than three feet wide and extend for no more than one foot of distance.
 - (B) In a structured parking facility, on the first level of automobile parking either above or below grade, near elevators or other pedestrian entrances to the facility.
- (2) **Class 2 Short-Term Bicycle Parking Spaces.** Class 2 spaces shall be located near all main pedestrian entries to the use to which they are accessory, whenever possible. With Zoning Administrator approval, Class 2 bicycle parking may be on a sidewalk or in place of an on-street auto parking space within 100 feet of a main entry to the building. If sufficient Class 2 bicycle parking already exists in a public right-of-way immediately fronting a project site, and such

spaces are not satisfying bicycle parking requirements for another use, this parking shall be deemed to meet the Class 2 requirement for that project.

FIGURE 9-406.080 (B)(2): SHORT-TERM BICYCLE PARKING



(3)

(4) **Design and Installation.**

- (A) A bicycle parking space shall be in a paved, level, drained, lighted area consisting of either:
- (i) One side of a securely fixed rack element that supports the bicycle upright by its frame, prevents the bicycle from tipping over, and allows the frame and at least one wheel to be locked to the rack element with one lock; or
 - (ii) For Class 1 long-term parking only, a bicycle locker constructed of theft-resistant material with a lockable door that opens to the full width and height of the locker. Bicycle lockers shall be weather-proof if exposed to the elements; or
 - (iii) For Class 1 long-term bicycle parking only, wall-mounted racks or wall- or ceiling-mounted hooks so that bicycles may be hung vertically.
- (B) Each bicycle parking space shall be no less than 15 inches wide, by six feet deep, with an overhead clearance of no less than seven feet. This can be satisfied by placing racks, each of which supports two bicycles, 30 inches apart.

- (C) Each row of bicycle parking spaces shall be served by an aisle no less than four feet wide. Rack elements must be placed two feet from walls, fences or curbs.
- (D) Required bicycle parking may not be tandem; parking or removing a bicycle shall not require moving another parked bicycle.
- (E) Bicycle rack elements shall be fixed, securely anchored to the ground or to a structure by means that resist tampering or removal. Bicycle locker edges shall be secured with no exposed fittings or connectors.
- (F) The Zoning Administrator may specify preferred installation methods, such as, but not limited to, embedded mounting in poured-in-place concrete, recessed bolt heads or grouted-in anchoring.

(5) **Location.**

- (A) Direct access from the bicycle parking to the public right-of-way shall be provided by means of access ramps, if necessary, and pedestrian access from the bicycle parking area to the building entrance also shall be provided.
- (B) Where bicycle parking is not directly visible and obvious from the right-of-way, signs must be provided, except that directions to long-term bicycle parking may be posted or distributed by the building management, as appropriate.
- (C) The Zoning Administrator may require a barrier or curb between bicycle and automobile parking areas on constrained sites to protect bicycles from damage by moving.
- (D) Bicycle parking may be provided inside a building provided it is easily accessible from a building entrance and a bicyclist does not have to use stairs to reach it.
- (E) The placement of bicycle parking, bicycle rack elements and bicycle lockers shall not interfere with pedestrian circulation.

- (b) **Removal of Abandoned Bicycles.** Property owners shall remove abandoned bicycles from short-term and long-term parking associated with their property on a quarterly basis after posting a notice of removal warning on such bicycles for one month. This requirement shall not preclude provision of seasonal bicycle storage.

9-406.100 OFF-STREET LOADING SPACES

- (a) **Number of Spaces Required.**

- (1) **None Required.** No off-street loading spaces are required for uses for which the estimated parking demand in Table 9-406.040 is “none.” In addition, no off-street loading spaces are required for Single Unit Dwellings or Duplexes.
- (2) **Requirement “To Be Determined.”** The off-street loading requirement for uses for which the estimated parking demand is “To be determined” (“TBD”) shall be determined in the same manner in which the estimated parking demand is determined.
- (3) **All Other Uses.** The off-street loading requirement for all other uses shall be as set forth in Table 9-406.100.

TABLE 9-406.100: OFF-STREET LOADING REQUIREMENTS		
<i>Use Type</i>	<i>Number of Spaces</i>	<i>Size (See (B) below)</i>
Residential Use Types		
<i>Multi-Unit</i>		
Less than 50 units	none	
50 to 149 units	1	small
150 to 300 units	2	small
Each additional 300 units or fraction of one-half or more thereof	1	medium
Commercial and Institutional Use Types		
<i>Offices – All</i>		
Less than 25,000 gross square feet	none	
25,000 to less than 100,000 gross square feet	1	medium
100,000 to less than 200,000 gross square feet	2	medium
Each additional 100,000 gross square feet or fraction of one-half or more thereof	1	large
<i>All Other</i>		
Less than 10,000 gross square feet	none	
10,000 to less than 20,000 gross square feet	1	medium
20,000 to less than 40,000 gross square feet	2	medium
40,000 to less than 80,000 gross square feet	2	large
Each additional 40,000 gross square feet or fraction of one-half or more thereof	1	large
Industrial Use Types		
<i>Research and Development</i>		
Less than 25,000 gross square feet	none	
25,000 to less than 100,000 gross square feet	1	medium

TABLE 9-406.100: OFF-STREET LOADING REQUIREMENTS		
<i>Use Type</i>	<i>Number of Spaces</i>	<i>Size (See (B) below)</i>
100,000 to less than 200,000 gross square feet	2	medium
Each additional 100,000 gross square feet or fraction of one-half or more thereof	1	large
All Other		
Less than 10,000 gross square feet	none	
10,000 to less than 25,000 gross square feet	1	medium
25,000 to less than 50,000 gross square feet	1	large
50,000 to less than 100,000 gross square feet	2	large
100,000 to less than 200,000 gross square feet	3	large
Each additional 100,000 gross square feet or fraction of one-half or more thereof	1	large

- (b) **Size of Spaces.** The size of each type of loading space shall be as follows:
- (1) **Small.** Small loading spaces shall have a width of no less than 10 feet, a length of no less than 25 feet, and a vertical clearance of no less than eight feet
 - (2) **Medium.** Medium loading spaces shall have a width of no less than 12 feet, a length of no less than 35 feet, and a vertical clearance of no less than 14 feet.
 - (3) **Large.** Large loading spaces shall have a width of no less than 12 feet, a length of no less than 50 feet, and a vertical clearance of no less than 14 feet.
- (c) **Modifications.** In approving a project, the Zoning Administrator or the Planning Commission, as the case may be, may modify the number and size of loading spaces required because of the nature of the use or the design of the project.
- (d) **Maneuvering Areas.** All off-street loading spaces shall be designed and located so that there is sufficient off-street maneuvering area to accommodate vehicles using the loading spaces. Maneuvering areas shall be designed to accommodate the largest vehicle intended to use the loading spaces and shall not be encumbered by parking stalls or physical obstructions.
- (e) **Surface and Maintenance.** Loading spaces and the maneuvering areas and driveways serving them shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, properly graded for drainage, and maintained in good condition.
- (f) **Location.** Loading spaces shall be located on the same lot on which the use for which they are required is located, except that, upon the granting of a Conditional Use Permit, loading spaces may be provided in a common loading area serving multiple

adjacent uses and located on an adjacent lot within 300 feet of the lot on which the use requiring the loading spaces is located. To grant such a permit, the Planning Commission shall make the following findings in addition to the findings otherwise required:

- (1) That the common loading area results in a more efficient design than individual loading areas serving each use separately;
 - (2) That the total number of loading spaces provided in the common loading area is no less than the number of loading spaces that would be required if the uses served were located in a single facility; and
 - (3) That the common loading area will be in place at all times during operation of the principal uses to be served by the loading spaces.
- (g) **Access to Tenant Spaces Served by Loading Spaces.** Buildings served by loading spaces shall be designed such that there is a direct interior path of travel between the loading spaces and each tenant space served by the loading spaces is of sufficient width and height to accommodate all material to be loaded and unloaded.
- (h) **Availability and Utilization of Loading Spaces.** All loading spaces shall be made readily available to pick-up and delivery vehicles during all hours when pick-ups and deliveries are allowed. Owners of property containing such loading spaces shall be responsible for advising drivers of pick-up and delivery vehicles of the location and hours of such loading spaces, shall require drivers to use such loading spaces, and shall not allow pick-up and delivery vehicles to be loaded in the public right-of-way.
- (i) **Landscaping and Screening.** All loading spaces and the maneuvering areas and driveways serving them shall be landscaped and/or screened as required for parking areas by this Chapter.
- (j) **Lighting.** All exterior loading spaces and the maneuvering areas and driveways serving them shall be provided with lighting meeting the minimums established for parking areas.

9-406.110 MODIFICATION OF REQUIREMENTS

The requirements of this Chapter may be modified by the Zoning Administrator in cases in which, due to the unusual nature of the proposed use(s) or the site plan submitted, the requirements set forth in this Chapter are judged insufficient or excessive. In making the decision, the Zoning Administrator may consider transit access, carpooling programs, and significant use of pedestrian and bicycle access. Decisions of the Zoning Administrator pursuant to this Section may be appealed to the Planning Commission under Chapter 9-802, Common Procedures.

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Chapter 9-407 Performance Standards

Sections:

9-407.010	Purpose and Applicability
9-407.020	Air Quality
9-407.030	Electrical Disturbance
9-407.040	Heat, Humidity, and Cold
9-407.050	Odor
9-407.060	Vibration
9-407.070	Evaluation of Proposed Projects

9-407.010 PURPOSE AND APPLICABILITY

- (a) **Purpose.** The purpose of this Chapter is to establish performance standards to mitigate dangerous or objectionable environmental impacts of commercial and industrial uses, pursuant to the health and safety policies of the General Plan.
- (b) **Applicability.** These performance standards shall apply to all commercial and industrial uses in the County, except as otherwise provided herein.

9-407.020 AIR QUALITY

All emissions of air pollutants shall be subject to the rules and regulations of the San Joaquin Valley Unified Air Pollution Control District.

9-407.030 ELECTRICAL DISTURBANCES

- (a) Uses involving electromagnetic forces shall not cause electrical disturbances which adversely affect individuals or the operation of any equipment beyond any lot line of the lot containing such uses.
- (b) The disclosure of potential health effects associated with electromagnetic fields and PCB-contaminated electrical equipment shall be required for residential development projects.

9-407.040 HEAT, HUMIDITY, AND COLD

Heat, humidity, or cold emanating from any use shall not be discernible at any lot line of the lot containing such use.

9-407.050 ODOR

All uses shall be so operated as not to cause odors that are perceptible and offensive to the average person at any residential lot line. Safeguard systems shall be provided to control odors.

9-407.060 VIBRATION

- (a) **Perceptible Displacement.** No use shall cause any perceptible displacement at any lot line abutting any zone except within an I-G zone.
- (b) **Displacement Within the General Industrial Zone.** Vibration displacement along any lot line within an I-G Zone shall not exceed the levels set forth in Table 9-405.060. Vibration displacement shall be measured by a seismograph or other instrument capable of measuring and recording displacement and frequency, particle velocity, or acceleration. Readings shall be made at points of maximum vibration along any lot line within an I-G Zone.
- (c) **Exceptions.** The limits of this Section shall not apply to the construction or demolition of structures or infrastructure or to vibration caused by motor vehicles or trains.

TABLE 9-407.060 – MAXIMUM DISPLACEMENT LEVELS AT ANY LOT LINE IN I-G ZONE		
<i>Frequency (cycles per second)</i>	<i>Steady State (inches)</i>	<i>Impact (inches)</i>
10 and below	.0010	.0020
10-20	.0008	.0016
20-30	.0007	.0014
30-40	.0003	.0006
40-50	.0002	.0004
50-60	.0001	.0002
60 and over	.0001	.0002

9-407.070 EVALUATION OF PROPOSED PROJECTS

The Zoning Administrator may require applicants for industrial or commercial projects requiring discretionary approval to submit such evidence as is necessary to determine whether the project will comply with the performance standards of this Chapter. Failure to submit the information requested within a specified time period shall render the application incomplete. Required information may include, but is not limited to, the following:

- (a) **Construction Plans.** Plans of construction and development, including proposed grading, use of heavy equipment and pile drivers;
- (b) **Production Plans.** A description of the machinery, processes, or products to be used or produced on the premises;
- (c) **Emission Levels.** Measurement of the expected amount or rate of air pollutants and emissions of any dangerous or objectionable elements into the air from the premises; and
- (d) **Emission Mitigation.** Specifications for the mechanisms and techniques used or proposed to be used in restricting the air pollutants and emission of any dangerous or objectionable elements from the premises.

Chapter 9-408 Signs

Sections:

9-200.010	Purpose
9-408.020	Applicability
9-408.030	Rules for Measurement
9-408.040	Prohibited Signs
9-408.050	Exempt Signs
9-408.060	Sign Design Principles
9-408.070	General Standards
9-408.080	Sign Standards by Zone
9-408.090	Readerboard and Electronic Message Center Signs
9-408.100	Temporary Signs
9-408.110	Historic Signs
9-408.120	Closed Business Signs
9-408.130	Off-Premises Signs
9-408.160	Permits Required
9-408.180	Master Sign Program

9-408.010 PURPOSE

The purpose of this Chapter is to regulate signs as an information system for residents, visitors, and businesses, while also protecting and enhancing the aesthetic character and values of the County, its highway corridors, its residential neighborhoods, its urban and rural communities, its commercial/industrial areas, and its agricultural areas. This Chapter sets forth regulations that recognize and balance the importance of business activity to the economic vitality of the County, the protection of the public health, safety, and welfare, the value of the visual environment, and recognition of the constitutional right to free speech. The specific objectives of these regulations are to:

- (a) Implement the General Plan and adopted Specific Plans;
- (b) Reflect and support a desirable visual quality of future development throughout the County;
- (c) Attract and direct people to various activities and places in the County;
- (d) Promote and maintain strong commercial and industrial centers and corridors by regulating the size, location, design, and illumination of signs and by not allowing signs that are incompatible in design and detract from the aesthetics of the centers and corridors;
- (e) Protect the character of residential neighborhoods and support property values by not allowing signs that are grossly incompatible with their surroundings;
- (f) Allow for the exercise of free speech by residents and businesses;

- (g) Promote public safety by ensuring that signs are not constructed, located, erected, or maintained in a hazardous manner and do not distract motorists and other users of streets and highways; and
- (h) Restrict signs that may create visual clutter or be a nuisance.

9-408.020 APPLICABILITY

This Chapter regulates all signs that are located outside of buildings on private property and non-exempt signs in the public right-of-way. This Chapter applies in all zones within unincorporated areas of the County and in all areas subject to Specific Plans or Special Purpose Plans, except as specifically superseded by regulations adopted for individual Specific Plans and Special Purpose Plans.

- (a) **Signs Must Comply with this Chapter.** In all zones, only such signs that are specifically permitted by this Chapter may be placed, erected, maintained, displayed, or used. The placement, erection, maintenance, display, or use of all other signs is prohibited.
- (b) **Discretionary Review Required.** Unless exempt from the requirements of this Division, the design and placement of any permanent sign erected for a non-residential use is subject to discretionary review pursuant to this Chapter.

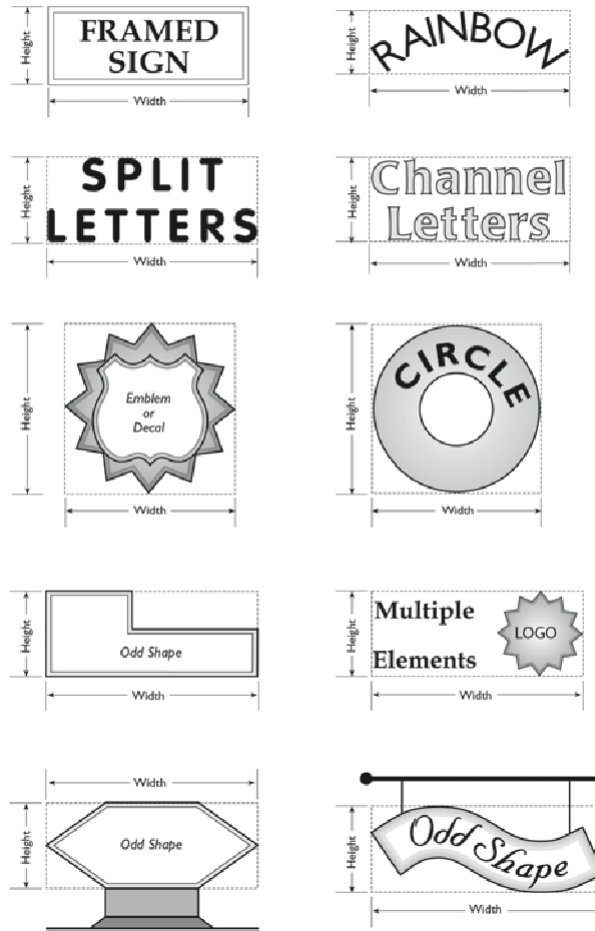
9-408.030 RULES FOR MEASUREMENT

(a) Computation of Sign Area.

- (1) **Surface Area.** The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter enclosing the sign face but not including any supporting framework or bracing that is clearly incidental to the display itself.
 - (A) Supporting structures, such as sign bases and columns, are not included in sign area so long as they do not contain any lettering or graphics, excluding addresses or required tags. The calculation of sign area for various types of single-faced signs is illustrated in Figure 9-408.030(a)(1).

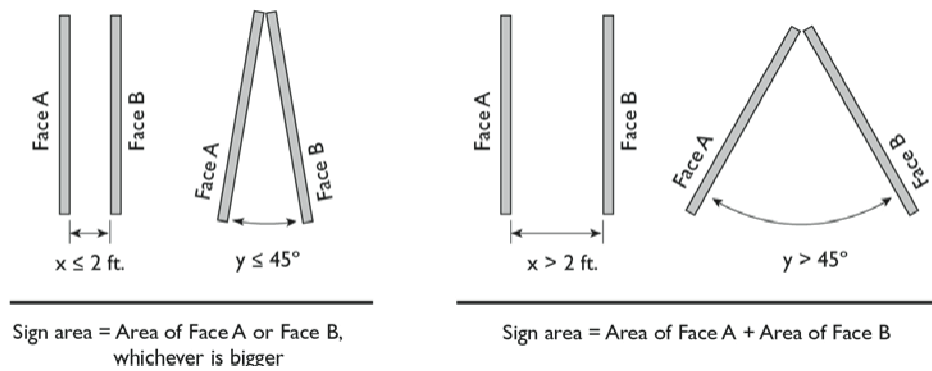
FIGURE 9-408.030(A)(1): CALCULATION OF SINGLE-FACED SIGN AREA

Sign Area = Height x Width



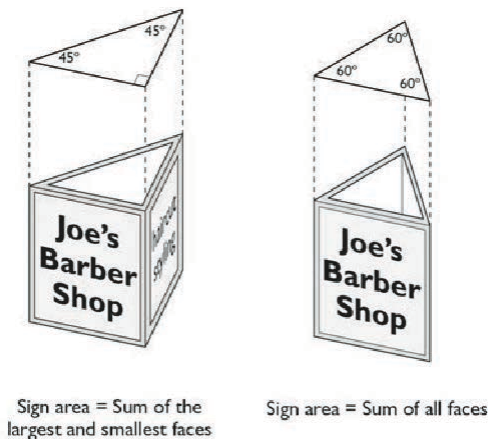
- (2) **Awning Sign.** In calculating the sign area of awning signs, only the sign face on the awning will be counted.
- (3) **Multi-section Sign.** If the sign consists of more than one section or module, the sign area of each section or module shall be included in the computation of the total sign area.
- (4) **Double-Faced Sign.** The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign as long as the distance between the backs of such signs does not exceed two feet. Where two faces of a double-faced sign are located more than two feet or 45 degrees from one another, both sign faces will be counted toward sign area. See Figure 9-408.030 (a)(4).

FIGURE 9-408.030(A)(4): CALCULATION OF DOUBLE-FACED SIGN AREA



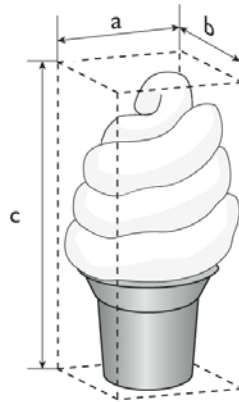
- (5) **Multi-faced Sign.** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) must be summed to determine sign area. In all other situations, the sign surface area of a multi-faced or three-dimensional sign shall be computed by including the total of all sign faces that can be seen at any one time by one person from one vantage point. See Figure 9-408.030(a)(5).

FIGURE 9-408.030(A)(5): CALCULATION OF MULTI-FACED SIGN AREA



- (6) **Three-Dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), may have a sign area that is the sum of two adjacent sides of the smallest cube that will encompass the sign. See Figure 9-408.030(a)(6).

FIGURE 9-408.030(A)(6): CALCULATION OF THREE-DIMENSIONAL SIGN AREA



Sign area = $2(a+b) \times c$

- (b) **Calculation of Lot Frontage.** If a lot fronts on two streets, both frontages may be used for calculating the allowable sign area. On lots with three or more frontages on a public street, the length of only two contiguous sides shall be added together to determine allowable sign area. See Figure 9-408.030(b).

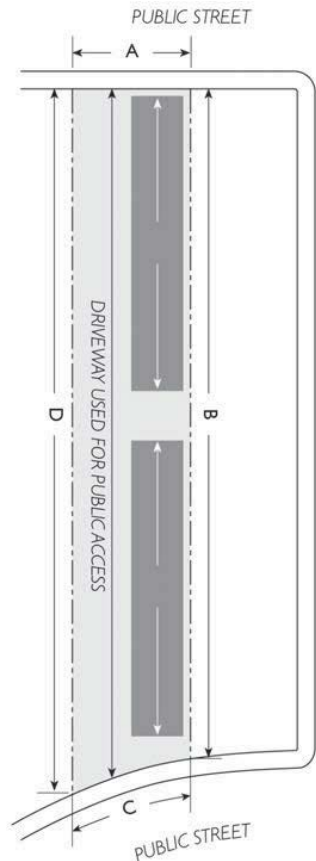
FIGURE 9-408.030(B): SITES WITH MULTIPLE FRONTAGES



Lot Frontage for Determining Allowable Sign Area = $x + y$

- (c) **Calculation of Building Frontage.** Building frontage is the building facade facing a public street. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage. See Figure 9-408.030(c).

FIGURE 9-408.030(C): CALCULATION OF AGGREGATE SIGN AREA FOR MULTI-OCCUPANCY COMMERCIAL SITES WITH LIMITED FRONTAGE



Where a multi-occupancy commercial site has public street frontage of 20 percent or less the perimeter measurement of the site, or

$$\text{where } (A+C) < 20\% \times (A+B+C+D)$$

the maximum allowable sign area for the site is one square foot of sign area per one lineal foot of public street frontage, plus one lineal foot of exterior building walls facing driveways or parking lots used for public access, or:

$$\text{Total Sign Area (sq. ft.)} = I \times (A+C+E+F)$$

- (d) **Measuring Distances.** When measuring a required distance, such as the minimum distance of a sign from a lot line or a structure, the measurement is made at the shortest distance between the two objects. Distances are measured horizontally; they are not measured by following topography or slope. Measurements involving a structure are made to the closest support element of the structure.
- (e) **Measuring Sign Height.** The height of sign is the vertical distance measured from finished grade directly beneath the sign to the highest point at the top of the sign, including any structural or architectural components of the sign.
- (f) **Measuring Sign Clearance.** Sign clearance is measured as the vertical distance between the finished grade and the lowest point of the sign, including any framework or other embellishments.

9-408.040 PROHIBITED SIGNS

- (a) **Search Lights and Klieg Lights.** Search lights and Klieg lights (carbon arc lamps) when used as attention-attracting devices for commercial uses. They may be allowed with a special events permit.
- (b) **Signs in the Public Right-of-Way without an Encroachment Permit.** Any sign, other than government signs, placed in the public right-of-way, unless it has been authorized by an encroachment permit issued by the Department of Public Works.
- (c) **Signs on Doors, Windows, or Fire Escapes.** Signs located on any building door, window, or fire escape that will prevent free ingress or egress. No sign shall be attached to any standpipe or fire escape, except those required by County regulations.
- (d) **Signs that Create a Traffic Hazard or Affect Pedestrian Safety.** Signs located in such a manner as to constitute a safety hazard or to impede the public use of the public right of way. These signs include but are not limited to:
 - (1) Signs located in such a manner as to constitute a traffic hazard or obstruct the view of traffic or any authorized traffic sign or signal device;
 - (2) Signs that may create confusion with any authorized traffic sign, signal, or traffic control device because their color, design, illumination, location or wording, or use of any phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers in their use of roads or conflicts with any traffic control sign or device;
 - (3) Signs within five feet of a fire hydrant, street sign, or traffic signal; and
 - (4) Signs erected at or near the intersections of public and/or private rights-of-way in such a manner as to create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
- (e) **Signs that Produce Noise or Emissions.** Signs that produce visible smoke, vapor, particles, odor, noise, or sounds that can be heard at the property line, excluding voice units for servicing customers from their vehicles, provided these units comply with the standards for noise established in this Title.

9-408.050 EXEMPT SIGNS

The following signs are exempt from the requirements of this Division. These signs are not to be included in the determination of the allowable number, type, or area of signs as specified in this Chapter.

- (a) **Address Signs.** Address signs that are required by and conform to the County Code.

- (b) **Barber Poles.** Barber poles, not exceeding 18 inches in height and containing no lettering.
- (c) **Change of Business Signs.** A temporary attachment or covering over a permitted sign indicating a change of ownership or activity may be displayed for no longer than 60 days following the change of ownership or activity for which the sign is intended.
- (d) **Commemorative Signs.** Commemorative signs attached to or cut into the surfaces of buildings that do not exceed three square feet in area and:
 - (1) Indicate names of buildings and/or dates of building erection; or
 - (2) Indicate the site of a historical event, the residence or workplace of a historical figure, or a building that has architectural or historical character recognized by the County, State, or federal government.
- (e) **Commercial Displays on Vehicles.** Commercial displays on vehicles so long as the display does not use special illumination.
- (f) **Construction Signs.** A sign related to construction, construction financing, or landscape work may be placed on a site where construction or landscaping is taking place, subject to the following standards.
 - (1) **Maximum Sign Area.** Construction signs shall be no more than:
 - (A) Four square feet in Agricultural and Residential zone; and
 - (B) 32 square feet in all other zones.
 - (2) **Duration.** Construction signs may be installed up to 60 days before commencing construction and landscape work and must be removed at the time that construction and landscape work is completed.
- (g) **Crop Identification, 4-H, and Right to Farm Signs.** Crop identification, 4-H, and right to farm signs shall not exceed six feet in height. The maximum sign area is 16 square feet on parcels less than five acres and 24 square feet on parcels five acres or more.
- (h) **Decorations.** Holiday, religious, and cultural observance decorations on private property, including lights associated with a decoration.
- (i) **Flags.** Freestanding flagpoles that meet the following standards:
 - (1) **Maximum pole height:** 30 feet or the distance from the base of the pole to the closest lot line plus two feet, whichever is less, unless greater height is specifically approved by the Zoning Administrator.

- (2) **Pennants, banners, strings of ornamental fringes, and streamers:** Pennants, banners, strings of ornamental fringes, and streamers are not included in this exemption; they are regulated as Temporary Signs.
- (j) **Garage Sale Signs.** One sign not exceeding two square feet may be posted on the property where the sale is being held during the duration of the sale only.
- (k) **Gasoline Sales Signs.** Freestanding signs, not exceeding 150 square feet, may be erected on the site of a service station to advertise the price of gasoline.
- (l) **Government Signs.** Official notices issued by the County or a court, city, other public agency, or a special district or posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; bus stop signs erected by a public transit agency; or other signs required or authorized by law. This exemption also covers signs and banners for special events sponsored by the County, which may be displayed in public rights of way.
- (m) **Incidental Business Sign.** A small sign or decal on a building that indicates incidental business information about the conduct of the business, such as credit cards accepted, trading stamps offered, trade affiliations, and similar matters.
- (n) **Informational Signs.** Non-commercial informational signs located wholly on private property, not exceeding two square feet, erected for the convenience of the public, such as signs identifying restrooms, public telephones, walkways, and similar features or facilities.
- (o) **Manufacturers Marks.** Marks on building materials, consumer products, or industrial products, which are integral to the product and identify the maker, seller, provider, or product and which customarily remain on the product after the sale.
- (p) **Menu Display Boards.** Menu displays that are mounted on a wall or window near the main entrance of an establishment serving food.
- (q) **Time and Temperature Devices.** Time and temperature devices, not taller in height than permitted signs or larger than 12 square feet, located wholly on private property and bearing no other message.
- (r) **Warning or No Trespassing Signs.** Signs no larger than two square feet that warn people about hazards or state that no trespassing is allowed on a property.
- (s) **Window Signs.** Window signs in non-residential zones.

9-408.060 SIGN DESIGN PRINCIPLES

The following sign design principles shall be used as criteria for review and approval of signs and Master Sign Programs.

- (a) **Architectural Compatibility.** A sign, including its supporting structure, if any, should be designed as an integral design element of a building's architecture and be architecturally compatible with the building to which the sign is to be attached. Common indicators of compatibility include:
 - (1) Quality sign design and construction;
 - (2) Proportional size and scale; and
 - (3) Use of materials, shapes, and colors that complement the building's architectural style and the surrounding environment.
- (b) **Legibility.** The size and proportion of the elements of the sign's message, including logos, letters, icons, and other graphic images, should be selected based on the average distance and average travel speed of the viewer.
 - (1) Sign messages oriented towards pedestrians are typically smaller than those oriented towards automobile drivers;
 - (2) Colors chosen for sign text and graphics should have sufficient contrast with the sign background in order to be read easily;
 - (3) Symbols and logos can be used in place of words; and
 - (4) Substantial contrast can be provided between the color and materials of the background and the letters or symbols to make the sign easier to read.
- (c) **Visibility.** A sign should be conspicuous and readily distinguishable from its surroundings, so a viewer can easily see the information it communicates.

9-408.070 GENERAL STANDARDS

Unless otherwise specified in this Chapter, the following standards apply to all signs.

- (a) **Maximum Sign Area.** The maximum allowable sign area on a lot for all permanent signs, including building-mounted signs and freestanding signs, exclusive of the area of exempt signs and temporary signs, is based on the zone in which the sign is located and the type of sign to be installed. The signs allowed and the dimensional standards for individual sign types are established in subsequent sections of this Chapter.
 - (1) **Agricultural Zones:** 50 square feet for agricultural use types, 100 square feet for subdivisions and development projects; and up to six 25-square foot signs for produce stands.
 - (2) **Residential Zones:** Three square feet for a single-family or two-family dwelling plus:

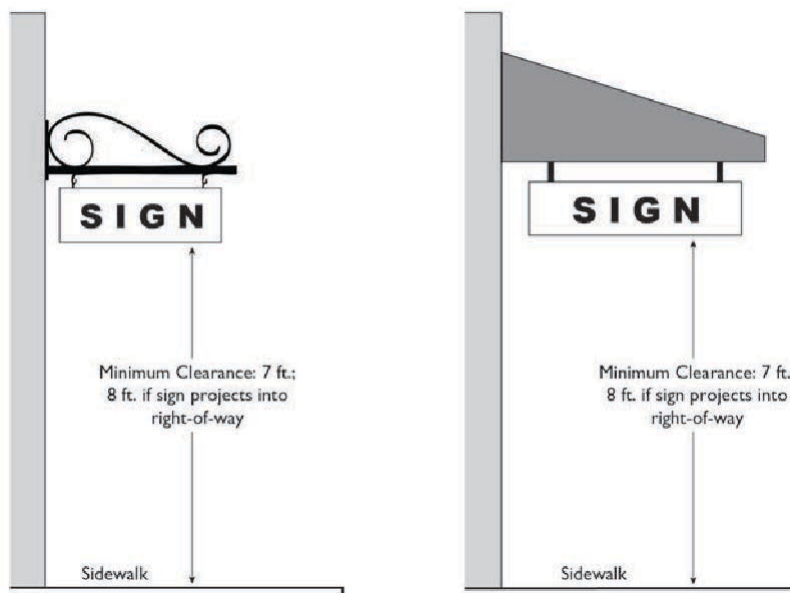
- (A) 50 square feet for each entrance into a subdivision; 50 square feet for freestanding signs in multi-family projects;
 - (B) 20 square feet for attached building signs for each structure containing 10 or more units;
 - (C) One four square foot home occupation sign for a single-family or two-family dwelling; and
 - (D) 0.5 square foot per linear foot of building frontage, up to 32 square feet, for all other permitted non-residential uses.
- (3) **Commercial Zones:** Two square foot of sign area per linear foot of building frontage per frontage up to a maximum of 150 square feet for building-mounted signs, except in the C-O zone and C-R zone where only one square foot of sign area per linear foot of building frontage per frontage is allowed.
- (4) **Industrial Zones:** One square foot of sign area per linear foot of building frontage per frontage.
- (5) **Other Zones:** 0.5 square foot of sign area per linear foot of non-residential building frontage per frontage.
- (6) **Mixed Use Development.** In any zone where both residential and non-residential uses are allowed, the sign-related rights and responsibilities applicable to any particular use shall be determined as follows:
- (A) Residential uses shall be treated as if they were located where that type of use would be allowed as a matter of right or a discretionary permitting process; and
 - (B) Nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or a discretionary permitting process.
- (b) **Changeable Copy and Changes to Sign Copy.** Unless otherwise specified by this Chapter, all permitted signs may use manual or automatic changeable copy. No discretionary review is required for a change in sign copy.
- (c) **Clearance for Vehicles and Pedestrians. Signs** shall maintain a minimum of 14 feet clearance over any vehicular use area and eight feet clearance over any pedestrian use area.
- (d) **Electrical Systems to be Concealed.** External conduits, boxes, and other connections related to the function of a sign and associated lighting shall not be exposed. A switch disconnecting each circuit shall be placed in plain sight and near the inspection opening.

- (e) **Illumination.** Signs may be illuminated, subject to the standards of Chapter 9-403, Lighting and Illumination, and the following requirements:
 - (1) **Shielding Required.** External light sources must be directed, shielded, and filtered to limit direct illumination of any object other than the sign.
 - (2) **Energy Conservation.** Light sources shall be hard-wired fluorescent or compact florescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps are prohibited, except when used in signs of historic character as part of the architectural design.
 - (3) **Light Sources Adjacent to Residential Zones.** Illuminated signs located adjacent to any residential zones shall be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance for residential or mixed-use buildings in a direct line of sight to the sign.
- (f) **Maintenance.** All signs, including exempt signs, shall be properly maintained.
 - (1) Signs shall be kept free of rust, corrosion, peeling paint, cracks, fading, and other surface deterioration;
 - (2) Illuminated signs shall function as designed and permitted;
 - (3) Exposed surfaces shall be clean and painted, when required; and
 - (4) All defective parts shall be replaced.
- (g) **Materials.** Signs shall be made of sturdy, durable materials.
 - (1) Paper, cardboard, or other material subject to rapid deterioration can only be used for temporary signs.
 - (2) Fabric signs are restricted to awnings, canopies, flags, and temporary signs.
- (h) **Message Neutrality.** This Chapter regulates signs in a manner that is content neutral as to noncommercial messages that are protected by the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
- (i) **Message Substitution.** A noncommercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, and any noncommercial message may be substituted, in whole or in part, for any other noncommercial message.
 - (1) **No Additional Approval.** Such substitution of message may be made without any additional approvals. This provision prevents any inadvertent favoring of permitted commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message.

- (2) **Limitations.** This message substitution provision does not:
- (A) Create a right to increase the total amount of signage on a parcel, lot, or land use;
 - (B) Affect the requirement that a sign structure or mounting device be properly permitted;
 - (C) Allow a change in the physical structure of a sign or its mounting device; or
 - (D) Authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a noncommercial message.
- (j) **Minimum Clearance from Utilities.** Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment, or lines, underground facilities, and conduits.
- (k) **Mounting Required.** All permanent signs shall be firmly anchored and comply with all requirements for construction specified in the California Building Code adopted by the County.
- (l) **Multiple Tenants in a Development.** Where there are multiple tenants in a development, the use of different colors and logos is allowed for tenant signs.
- (m) **Nonconforming Signs.** Signs that do not conform to this Chapter upon its adoption or amendment may continue to be used and need not be modified to conform to the standards of this Chapter, except as required for safety, maintenance, and repair.
- (1) If any such sign is relocated, or requires a repair that changes the size or construction of such a sign, the sign shall be brought into conformance with the standards of this Chapter;
 - (2) If any such sign is removed by any means, including an act of God, any replacement shall conform with the standards of this Chapter; and
 - (3) Repairs, copy substitution or replacement, and maintenance that do not change the location or size of a nonconforming sign may be made without bringing the sign into conformance with the standards of this Chapter.
- (n) **Obstruction of Drivers' Visibility.** No sign shall be located so that it substantially interferes with the view motorists need to proceed safely through intersections or to enter onto or exit from public streets, private roads, or driveways.
- (o) **Permitted Sign Locations.**

- (1) **Building-Mounted Signs.** Signs may be located on a building wall, canopy fascia, mansard roof, or roof and face a parking lot, mall, street, driveway, alley, or freeway.
- (2) **Under Canopy and Shingle Signs.** All under canopy and shingle signs shall be suspended from the underside of a pedestrian canopy or awning directly adjacent to the business identified on the sign or a support attached to and projecting from the building wall.
 - (A) Such signs shall be oriented perpendicular to the adjacent wall of the business being identified and shall be attached with rigid supports.
 - (B) A minimum clearance of seven feet shall be maintained between the grade level below the sign and the lowermost portion of the sign except when the sign is projecting over a public right-of-way, in that case the minimum clearance shall be eight feet.

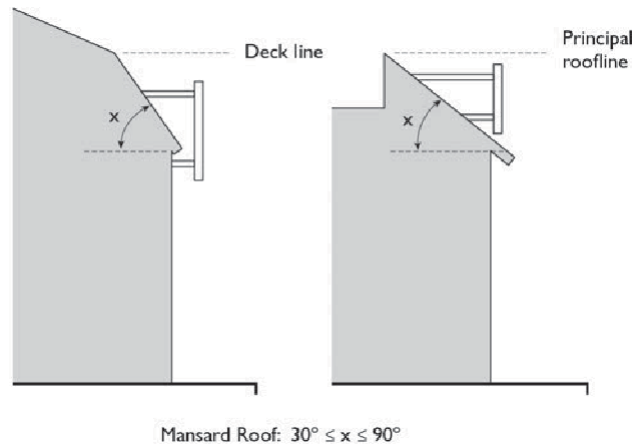
FIGURE 9-408.070 (O)(2): UNDER CANOPY AND SHINGLE SIGNS



- (3) **Freestanding Pylon and Monument Signs.** All freestanding pylon and monument signs shall be located on the lot or parcel on which the use or occupancy identified is located, except in a commercial, office or industrial complex where such a sign may be located on any lot or parcel in the complex where the use or occupancy identified is located.
- (4) **Sign Projection from a Building Face.** Building signs shall not project more than 12 inches from the building façade on which they are placed with the following exceptions:

- (A) Signs placed on a mansard roof may project such a distance from the face of the roof as necessary for the sign face to be perpendicular to the floor of the building.

FIGURE 9-408.070.3 (O)(4)(A): MANSARD ROOF SIGN



- (B) In C-N and C-L zones, a maximum 16 square foot, double-faced sign, oriented perpendicular to the building wall is permitted in lieu of an under-canopy sign. Such a perpendicular sign shall not project more than 30 inches from the face of the building wall on which it is placed, shall be attached with rigid supports in a manner acceptable to the Building Division, and shall maintain a minimum clearance of eight feet between the grade level below the sign and the lowermost portion of the sign.
- (C) A marquee sign or three-dimensional sign that complies with the applicable requirements of this Chapter.
- (5) **Projection of Permanent Signs over Public Rights-of-Way.** All signs that project over or into the public right-of-way require an encroachment permit.
- (p) **Setbacks.** All portions of a sign shall be setback a minimum of five feet from existing and future right-of-way lines and shall not block pedestrian or vehicle rights-of-way or obstruct drivers' visibility.

9-408.080 SIGN STANDARDS BY ZONE

- (a) **Signs Allowed in All Zones.** The following signs are allowed in all zones. No fee, permit, or application is required to erect or maintain them.
- (1) Temporary signs. Temporary signs, provided that:

- (A) The total area for all temporary signs displayed simultaneously shall be limited to two double-faced signs not to exceed 12 square feet on each face per lot or lot equivalent; and
 - (B) No temporary sign shall remain on display for more than 180 days.
- (b) **Signs Allowed in All Residential Zones.**
- (1) **Signs Allowed by Right.**
 - (A) Permanent wall signs on single-unit and two-unit buildings (duplexes), provided that:
 - (i) The total area of all wall signs shall not exceed three square foot per building (two square feet for each residence in a two-unit building) plus a four-square foot home occupation sign; and
 - (ii) No wall sign shall project more than six inches from the building wall.
 - (B) On any developed residential lot, permanent, non-illuminated freestanding signs, provided that:
 - (i) The total area of all such signs shall not exceed one and one-half square feet per lot or per unit, whichever is greater; and
 - (ii) No sign shall exceed four feet in height.
 - (C) At the entrance of any multi-tenant building, one permanent, non-illuminated wall sign not exceeding 20 square feet in area and not projecting more than six inches from the building wall.
 - (2) Signs Allowed with a Building Permit. The following signs may be erected, maintained and/or displayed in Residential zones with a building permit: awning signs, blade signs, freestanding signs, marquee signs, projecting signs, wall signs, and roof signs, provided the total area of all wall signs on a site does not exceed the aggregate limits set in Section 9-408.070 (a), Maximum Sign Area. Dimensional standards for these signs are in Tables 9-408-080.4 (c) (1) to (c)(6) on the following pages.
- (c) **Signs Allowed in Commercial and Industrial Zones.** The following signs may be erected, maintained and/or displayed in Commercial and Industrial zones with a building permit: awning signs, blade signs, freestanding signs, marquee signs, projecting signs, wall signs, and roof signs, provided the total area of all wall signs on a site does not exceed the aggregate limits set in Section 9-408.070 (a), Maximum Sign Area. Dimensional standards for these signs are in Tables 9-408-080.4 (c) (1) to (c)(6) on the following pages. The numbers shown in circles in the diagrams refer to the dimensions or other locational requirements that are listed in the table below the diagram.

TABLE 9-408.080.4 (c)(1): AWNING SIGN; PROJECTING SIGN				
				Districts Allowed
				C-L C-N C-C C-O C-G C-FS C-RS C-X
Dimension			Location and other requirements	
Area (sloping plane)	Maximum 50% coverage	1	Clearance above public sidewalks or walkways	Minimum 8 ft. 4
Area (valence)	Maximum 50% coverage	2		
Area (projecting)	Maximum 1 sq. ft. per linear ft. of building frontage	3		

TABLE 9-408.080 (c)(2): BLADE SIGN				
				Districts Allowed
				C-L C-N C-C C-O C-G C-FS C-RS C-X
Dimension			Location and other requirements	
Area	Maximum 12 sq. ft.	1	Clearance above public sidewalk or walkway	Minimum 8 ft. 3
Projection	Maximum 5 ft.	2		


TABLE 9-408.080 (c)(3): FREESTANDING SIGN			
		Districts Allowed	
		C-L C-N C-C C-O C-G C-FS C-RS C-X C-R	
Dimension			
Area	Maximum 140 sq. ft.	① Height	Maximum 8 ft. for monument or pylon sign; maximum 25 ft. for pole signs in C-N, C-L, C-O, and C-X zones and 45 ft. in other commercial zones. ②

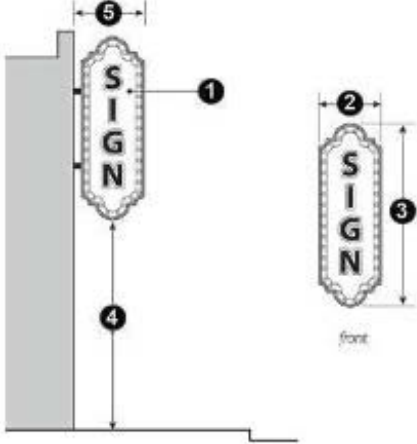
TABLE 9-408.080 (c)(4): MARQUEE SIGN			
		Districts Allowed	
		C-N C-C C-G C-FS C-R C-X	
Dimension		Location and other requirements	
Area	Maximum 6 sq. ft.	① Clearance above sidewalk or walkway	Minimum 9 ft. ④
Width	Maximum 2 ft.	② Projection	Maximum 2 ft. ⑤
Height	Maximum 4 ft. The height of the marquee structure shall not extend above the parapet or the eave of a pitched roof on the building	③	

TABLE 9-408.080 (c)(5): WALL SIGN					
			Districts Allowed		
			C-L C-N C-C C-O C-G C-FS C-RS C-X C-R	I-W I-P I-L I-G I-T	
Dimension			Location and other requirements		
Area	Maximum 1 sq. ft. for each linear foot of building frontage	①	Clearance, if projecting above a public sidewalk	Minimum 8 ft.	③
Height	Maximum 8 ft.	②	Projection	Maximum: 1 ft.	④

TABLE 9-408.080 (c)(6): ROOF SIGN					
			Districts Allowed		
			C-N C-C C-G C-FS C-RS C-X		
Dimension			Location and other requirements		
Area	Maximum: 0.5 sq. ft. for each foot of building frontage up to 40 sq. ft	①	Length	Maximum 80% if building frontage	③
Height of Sign Face	Maximum 4 ft.	②	Relation to Roof Height	The height of a roof sign shall not extend above the height of the roof ridgeline	④

(d) **Signs Allowed in Agricultural Zones.**

(1) **Signs for Agricultural Use Types.**

- (A) *Freestanding Signs*: one per parcel; poles signs shall not to exceed 48 square feet in area and eight feet in height, and monument signs shall not exceed 60 square feet in area and eight feet in height.
- (B) *Building-Mounted Signs*: not to exceed 120 square feet in area. Building-mounted signs shall not project above the roof ridge line.

(2) **Signs for Subdivisions and Development Projects.**

- (A) *Freestanding Signs*: one per street frontage; poles signs shall not to exceed 48 square feet in area and 16 feet in height, and monument signs shall not exceed 60 square feet in area and six feet in height. They shall be placed no closer than 75 feet from any other freestanding sign.
- (B) *Building-Mounted Signs*: one per parcel, not to exceed 48 square feet in area. Building-mounted signs shall not project above the roof ridge line.

(3) **Signs for Produce Stands.**

- (A) *Maximum Number*: 6 for either freestanding or attached.
- (B) *Maximum Size*: 24 square feet per sign face.
- (C) *Maximum Height*: 15 feet for freestanding signs; 20 feet for attached signs.
- (D) *Location*: four of the allowable signs may be up to 1,000 feet off-site.
- (E) *Materials and Illumination*. Signs shall be constructed of wood, metal or other permanent materials; temporary materials are prohibited and shall not be illuminated. Building-mounted signs shall not project above the roof ridge line.

(e) **Signs Allowed in All Other Zones.**

(1) **Permanent, Freestanding Signs.**

- (A) The total sign area for all freestanding signs shall not exceed 32 square feet per lot equivalent; and
- (B) No individual freestanding sign shall exceed 6 feet in height.
- (C) The base or supporting members of each freestanding sign shall be located in a planted landscaped area. The landscaped area shall be differentiated from adjoining paved areas by a six-inch wide border

which is at least four inches above the ground level. All planted landscaped areas shall be irrigated and maintained on a regular basis.

- (2) **Building-Mounted Signs.** For each building, one wall sign, provided the total area of all wall signs on a site does not exceed the aggregate limits set in Section 9-408.070 (a) after accounting for the area of freestanding signs.

9-408.090 READERBOARD AND ELECTRONIC MESSAGE CENTER SIGNS

- (a) **Readerboard Signs.** Readerboard signs with manually or electronically changeable copy may be displayed in lieu of building-mounted or freestanding signs, subject to the following requirements.
 - (1) **Residential Zones.** Signs located in a residential zone or readily visible from a residential property shall not be changed more than twice during any 24-hour period. They shall not be located on sites with single-unit, two-unit, or multi-unit dwellings.
 - (2) **Elementary, Middle and High Schools.** Elementary, middle and high schools shall be permitted one freestanding or one building-mounted readerboard if facing a public street. Additional readerboards are allowed if they are not facing a public frontage or street. Each readerboard shall not exceed 80 square feet in area and eight feet in height.
 - (3) **Other Public Assemblies and Religious Assemblies Not for Entertainment.** Other public assemblies and religious assemblies that are not engaged in commercial entertainment shall be permitted one freestanding readerboard or one building-mounted readerboard as follows:
 - (A) *Sites One Acre in Size or Less.* One readerboard in a monument sign up to 16 square feet in area and 6 feet in height or one readerboard in a building-mounted sign up to 24 square feet in area.
 - (B) *Sites Greater Than One Acre in Size.* One readerboard in a monument sign up to 24 square feet in area and six feet in height or one readerboard in a building-mounted sign up to 24 square feet in area.
 - (C) *Time Limits.* The copy shall not be changed more than once during any 24-hour period.
 - (4) **Other Public Assemblies Within a Commercial or Non-Residential Complex.** Other public assemblies located within an office, commercial or industrial complex shall be allowed one readerboard sign serving that particular use in lieu of the permitted monument sign for the multi-tenant office, commercial, or industrial complex.

- (5) **Other Public Entertainment Venues.** Public entertainment venues shall be permitted one freestanding readerboard or one building-mounted readerboard sign per use, as follows:
 - (A) *Sites Less than Fifteen Acres.* One maximum 40 square foot, six-foot-high freestanding readerboard sign, or one building-mounted readerboard sign shall be permitted, located on the frontage occupied by the use. The maximum sign area is 1½ square feet for each foot of the building frontage, not to exceed 100 square feet.
 - (B) *Sites Fifteen or More Acres.* One maximum 65 square foot, 15-foot-high freestanding readerboard on premises sign, or one building mounted readerboard sign shall be permitted, located on the frontage occupied by the use. The maximum sign area is 1½ square feet for each foot of the primary building frontage, not to exceed 100 square feet. On a corner building, only one readerboard sign is allowed.
- (b) **Electronic Message Center Sign.** Electronic Message Center signs (EMC) are permitted in commercial complexes 10 acres or larger, subject to the following requirements:
 - (1) EMC are only permitted on sites with highway or freeway frontage.
 - (2) No EMC shall face a residential zone or use.
 - (3) The maximum allowable sign area is 720 square feet.
 - (4) The maximum height is 50 feet.
 - (5) No EMC shall be located within 2,500 feet of another EMC with at least 200 square feet of digital display area.
 - (6) No EMC shall be located within 500 feet of the boundary of an Agricultural or Residential zone.
 - (7) 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.
 - (8) All EMC displays shall be equipped with a sensor or other device that automatically determines ambient illumination and is programmed to dim automatically according to ambient light conditions or can be adjusted to comply with the following illumination requirements in sub-section 6 of this section.

- (9) The County shall be provided with access to a portion of the digital display time to allow for messages of community interest, including public safety messages, such as Amber alerts and other emergency management information.

9-408.100 TEMPORARY SIGNS

(a) General Requirements.

- (1) **General.** Each property or establishment in non-residential zones shall be allowed sign copy area for temporary signs, in addition to allowed permanent signage as specified in this Chapter. No permit shall be required for temporary signs.
- (2) **Sign Area and Dimensions.** Temporary signage must comply with the following limits unless specifically modified by subsequent standards for specific types of temporary signs in subsequent paragraphs of this section in which case the more specific provisions apply:
 - (A) One sign or banner, not exceeding 60 square feet, is allowed for a period not exceeding 120 consecutive days to announce a newly opened or reopened establishment at the site where the banner is to be displayed and potentially display information about promotional events, discounts, or special services associated with the opening. The banner must be stretched and secured flat against the building surface and not extend higher than the building eave or the building parapet wall.
 - (B) Temporary window signs that do not exceed a combined area of 20 percent of the total window area, whichever is less, are allowed for a period not exceeding 60 consecutive days. Such signs may be painted directly onto the window in water-soluble paints or constructed of paper, wood, fabric, plastic, vinyl, or similar materials and securely adhered to the window.
- (3) **Illumination.** Temporary signs cannot be illuminated, either internally or externally.
- (4) **Limits.** Temporary signage must comply with the sign area limits and maximum number of allowed temporary signs for each of the categories of temporary signage specified in this section.
- (5) **Prohibited Materials.** Temporary signs shall not be made of standard paper or other materials subject to rapid deterioration.

- (b) **Banners and Pennants.** Banner signs and pennants, including similar devices such as strings of ornamental fringes or streamers, are allowed for establishments within non-residential zones, subject to the following standards:
- (1) **Maximum Sign Area.** The total aggregate sign area for banners or pennants shall not exceed 32 square feet for each lot, or business location where more than one business is located on a single lot.
 - (A) Where a lot or business location has a street frontage exceeding 75 lineal feet, the aggregate sign area for banners, feather banners, or pennants shall be 32 square feet for each 75-foot segment of street frontage.
 - (2) **Maximum Height.** Banners and pennants shall not extend above the roofline or the parapet of the wall to which they are attached. The maximum height of freestanding feather banners is 10 feet above the ground.
 - (3) **Allowable Locations.** Banners are only allowed on sites where permanent signs are allowed.
 - (4) **Duration.** No banner or pennant shall be displayed for more than 90 days, and a period of 30 days must lapse before displaying another banner or pennant. On a calendar year basis, banners and pennants shall not be displayed for more than four 60-day periods.
- (c) **Portable Signs.** Portable signs are allowed subject to the following standards.
- (1) **Relation to Associated Business.** Portable signs shall be placed on private property on the same lot as the establishment that qualifies for such sign. The sign also may be located up to 500 feet away from the business if the sign owner receives written authorization from the property owner where the portable sign is placed.
 - (2) **Maximum Sign Area.** Each business establishment shall not have portable signs with more than an aggregate sign area of 16 square feet.
 - (3) **Maximum Size and Sign Area.** All portable signs, except A-Frame signs, shall not exceed eight feet in height above ground level, nor have a maximum sign area greater than eight square feet. A-Frame signs, when placed in an open position, must not exceed a height of 42 inches above the ground level to the top of the sign nor have a maximum sign area greater than 6 square feet.
 - (4) **Prohibited Locations.** Portable signs shall not be located:
 - (A) In any public right-of-way.
 - (B) In parking lot driving lanes, aisles, or stalls;

- (C) On multi-use trails or sidewalks if they would block a four-foot-wide pedestrian clear zone;
 - (D) At any location where they would block pedestrian access;
 - (E) Within 100 feet on either side, or in front of a freestanding sign;
 - (F) Within 20 feet from any other portable sign; and
 - (G) Within 30 feet from a shopping center access drive or street intersection.
- (5) **Duration.** Portable signs, except A-Frame signs, may be displayed for a maximum of 180 days. The sign must then be removed for 30 days before it can be displayed again on the site.
- (d) **Real Estate Signs.** On-premises signs conveying information about the sale, rental, or lease of the lot, dwelling, or premises must comply with the following standards. Signs for residential subdivisions are subject to the requirements of subsection (f) below.
- (1) **General.** Any property owner or their agent may display or have displayed on the lot, dwelling, or premises, or on real property owned by another with that person's consent, a sign that advertises the dwelling or property for sale, rent, or lease provided said sign(s) meet the requirements of this subsection.
 - (2) **Maximum Number.** 2 per property.
 - (3) **Maximum Sign Area.**
 - (A) *Residential Zones.* 8 square feet.
 - (B) *Non-Residential Zones.* 32 square feet, except in the Agricultural zones where only 16 square feet are allowed.
 - (4) **Location and Required Setback.** Real estate signs are only allowed on private property and must be setback at least 18 inches from the sidewalk or the curb of an adjacent street and at least 5 feet from all intersections and crosswalks.
 - (5) **Identification Required.** Every person who places or maintains a real estate sign shall have their name (or company name) and contact information affixed to the sign.
 - (6) **Illumination.** Real estate signs, including directional and open house signs, shall not be illuminated.

(e) **Residential Subdivision Signs.** Signage for residential subdivisions shall meet the following standards:

(1) **General Requirements.**

- (A) *Subdivision Defined for Purposes of this Section.* For purposes of this section, a residential subdivision is defined as a housing project within a recorded tract with 10 or more parcels being offered for sale with existing new units or units to be constructed by the developer of the residential subdivision.
- (B) *Subdivision Sign Program.* A Subdivision Sign Program permit shall be issued on a per residential subdivision basis for all temporary subdivision signs attributable to a particular residential subdivision. The Sign Program shall specify the type, location, and duration of the signage.
- (C) *Owners Consent.* Written evidence of the property owner's consent must be presented with an application for Subdivision Sign Program for temporary subdivision signs that are not located on the applicant's property.

(2) **Off-site Temporary Directional Subdivision Signs.**

- (A) *Maximum Number.* A total of six off-site temporary subdivision signs are allowed for each residential subdivision.
- (B) *Maximum Size, Configuration, and Spacing.* Off-site temporary subdivision signs shall not to exceed 32 square feet in size and eight feet in height.
 - (i) Signs may be single - or double-faced or V-shaped if the angle between the two faces does not exceed 45 degrees.
 - (ii) A minimum distance of 75 feet shall be maintained between a directional subdivision sign and any other sign and 300 feet from another off-site directional sign.
- (C) *Regional Directional Signs.*
 - (i) Regional directional subdivision signs shall be limited to 14 feet in height and may contain four sections each up to 32 square feet in area for a total maximum sign area of 128 square feet.
 - (ii) Double-faced signs shall have panels no further apart than 24 inches.
 - (iii) Each panel counts as an off-site sign for a single subdivision for purposes of determining compliance with the total number of off-site signs allowed.

- (D) *Location.* Signs shall be located on private, non-residentially zoned parcels, or on private, residential zoned parcels that are part of an undeveloped residential subdivision and that are unoccupied, vacant, and otherwise free from any structures or buildings.
 - (E) *Illumination.* Offsite temporary subdivision signs shall not be illuminated, either externally or internally.
 - (F) *Materials.* Signs shall not be made or constructed from cloth, bunting, plastic, paper or similar material.
 - (G) *A-Frame Signs.* Portable offsite temporary subdivision signs in an A-frame configuration, with a size not to exceed 12 square feet per face or four feet in height also are permitted for residential subdivision.
 - (i) A-frame signs shall be located on private, non-residential property or on public property behind any existing sidewalks, and in such a manner so as to not to create a safety hazard by obstructing the clear view of, or otherwise hinder or impede, pedestrian and vehicular traffic.
 - (ii) A-frame signs shall only be displayed during the operating hours for the residential subdivision sales office and shall be located no further than 1,500 feet from the residential subdivision entry.
- (3) **On-site Temporary Subdivision Signs.**
- (A) *Maximum Number.* A minimum of two or one sign per every 300 lineal feet that the subdivision perimeter fronts upon a public street.
 - (B) *Location.* The signs shall be no closer than 300 feet from each other.
 - (C) *Illumination.* On-site temporary subdivision signs shall be non-illuminated, either externally or internally.
 - (D) *Materials and Size Limits.* On-site temporary subdivision signs shall not be made or constructed from cloth, bunting, plastic, paper or similar material, and shall have dimensions which shall not exceed four feet by eight feet per sign and 32 square feet per sign face, or a height of eight feet, or if located behind an exterior wall of a residential subdivision, at a height not to exceed 12 feet.
 - (E) *Duration.* The temporary subdivision signs may be erected and maintained within a subdivision until all parcels within the subdivision are sold.

- (F) *Additional Temporary Signage Allowed.* Additional signs, banners, readerboards, pedestrian oriented signs, and flags with or without an advertising message may be maintained within the boundaries of a residential subdivision, provided that they do not create a safety hazard by obstructing the clear view of pedestrian and vehicular traffic within the residential subdivision.
- (f) **Special Event Signs.** A temporary sign related to civic, social, or other special events of limited duration, such as special evening or weekend events, fairs, and other similar temporary events, may be placed on the event site, subject to the following standards:
- (1) **Maximum Number.** 2 per street frontage.
 - (2) **Maximum Sign Area.** 48 square feet per side.
 - (3) **Maximum Height.** 8 feet.
 - (4) **Required Setback.** If freestanding, 5 feet from the property line.
 - (5) **Duration.** Special event signs shall be installed no earlier than 90 days prior to the event with which they are associated and removed within 10 working days of completion of the event.
 - (6) **Posting.** Special event signs may be posted on poles, stakes, and fences upon approval by the Zoning Administrator.
- (g) **Vehicle Dealerships.** Flags, banners, and pennants are permitted on vehicle dealership sites, subject to the following standards:
- (1) **Maximum Number.** Dealership sites are allowed no more than one flag, banner or pennant per 60 feet of street frontage.
 - (2) **Maximum Size and Height.** Flags, banners, and pennants may be affixed to flag poles or on-site light standards if they do not exceed 24 square feet in area and are not more than 20 feet above the ground.
 - (3) **Duration.** Flags, banners, and pennants may be displayed for a maximum of 90 days, and a period of 30 days must lapse before displaying another flag/banner.

9-408.110 HISTORIC SIGNS

- (a) **Designation; Findings Required.** The Director may designate a historic sign following notice to the sign owner upon finding that the sign is 50 or more years old and has significance to the County because it is associated with a significant historical event or is associated with a historic business.
- (b) **Allowances for Historic Signs.**

- (1) **Structural Improvements.** Historic signs may have structural improvements completed in order to extend the life of the sign provided these improvements do not increase the original sign area or the original height of the sign.
- (2) **Damage Repairs.** If the sign is damaged, it may be repaired and replaced with the original sign area and original height, even if the sign does not conform to the standards of this Chapter.

9-408.120 CLOSED BUSINESS SIGNS

- (a) **Purpose.** Commercial signs shall be removed within 90 days after a business has closed or vacated a building to minimize adverse visual impacts on the County's commercial and industrial districts and provide up to date information to residents.
- (b) **Applicability.** A closed business sign is any sign located outside of a building that advertises or identifies a use, activity, business, service, or product no longer offered or conducted in a building and that continues to be displayed more than 30 days after the business has vacated the building or more than 30 days after the use, activity, business, service, or product has ceased to be offered or conducted in the building.
- (c) **Removal or Covering Required.** All closed business signs shall be removed or completely obscured from public view.
 - (1) A sign is "completely obscured from public view" when it has been completely covered with a solid material, such as plywood or lumber, that is securely fastened to the sign or its supporting structure and painted to match the color of the building in which or on which the sign is located.
 - (2) Plastic or fiber sheets shall not constitute a solid material that adequately obscures a closed business sign.

9-408.130 OFF-PREMISES SIGNS

Except as otherwise specified in this Section, all new or replacement off-premises outdoor advertising signs ("billboards") within be 660 feet of an Interstate freeway or State highway and all off-premises signs shall comply with the following regulations.

- (a) **General Requirements.** The following standards apply unless more restrictive standards are set for specific types of off-premises signs.
 - (1) An off-premises sign shall not exceed 672 square feet in area, including border and trim, per sign face.
 - (2) The sign shall not exceed 48 feet in length.

- (3) The sign shall be above grade by not more than:
 - (A) 75 feet in any industrial zone; and
 - (B) 45 feet in all other zones.
 - (4) The space between off-premises signs and any on-site freestanding sign shall be at least 1,000 feet.
- (b) **Off-Premises Directional Signs for Wineries and Wine Cellars.** Off-premises directional signs for wineries and wine cellars are permitted in the C-C, C-G, C-FS, C-RS, I-L, I-G, I-W, I-T, AG, AL, and AU zones, subject to the following standards
- (1) A maximum of one off-premises directional sign shall be permitted per parcel;
 - (2) The space between off-premises directional signs shall be at least 1,000 feet on either side of the same street; and
 - (3) Off-premises directional signs shall not exceed 15 feet in height.
- (c) **Digital Billboards.** Digital billboards are subject to general standards in paragraph (a) and the following additional standards:
- (1) Digital billboards are only permitted on sites with highway and freeway frontage and must be at least 2,500 feet from any other digital billboard and 500 feet from an Agricultural or Residential zone.
 - (2) The County shall be provided with access to a portion of total available display time to allow for message of community interest or for displaying public safety information, such as Amber alerts or emergency management information.
 - (3) All electronic message displays shall be equipped with a sensor or other device that automatically determines ambient illumination and is programmed to automatically dim according to ambient light conditions or can be adjusted to comply with the following illumination requirements in sub-section 2 above.
- (d) **Gateway Signs.** A gateway sign may be located along any arterial, highway or freeway at a key entrance to an urban or rural community to advertise the businesses or services available within the community, subject to the following standards:
- (1) **Sign type.** Gateway signs may be either a monument or pylon sign.
 - (2) **Maximum size:** 400 square feet.
 - (3) **Maximum height:** 30 feet.

- (4) **Community identification.** The identity of the community for which the sign is intended shall be shown by a logo, architecture, or iconic signage, as appropriate.
- (e) **Relocation and Removal of Existing Billboards.**
- (1) **Relocation of Existing Billboards.** Existing billboards may be relocated with concurrent approval of a billboard relocation agreement by the Board of Supervisors consistent with the California Business and Professions Code Section 5412 and other applicable State law.
 - (2) **Removal of Existing Billboards when New Billboards are Proposed.** For any new billboard sign, the applicant must propose, as part of the building permit application, the removal of at least one square foot of legally existing billboard display surface for each square foot of new display surface proposed. The billboard sign area proposed to be removed may be along any arterial, highway, or freeway within the unincorporated County jurisdiction. If the applicant is not the owner of the existing billboard display space that is proposed to be removed, a written agreement between the applicant and the owner of the existing billboard space that will be removed shall be submitted with the application. This agreement shall confirm the location, size, and timing of the existing billboard display space to be removed; it is subject to review and approval by County Counsel.

9-408.140 BUILDING PERMIT REQUIRED

- (a) **General Requirements.**
- (1) A building permit is required to erect, construct, install, structurally alter, or relocate any non-exempt sign unless the sign is explicitly allowed without a building permit.
 - (2) Signs that project over or extend into a public right of way or sidewalk more than 8 inches also require an encroachment permit issued by the County.
- (b) **Applications.** To be considered complete, an application for a building permit for a sign shall include:
- (1) A completed building permit for a sign application form.
 - (2) The required fee.
 - (3) A letter or other written evidence of the property owner or business owners to have the proposed sign(s) displayed on the property owned.
 - (4) A site plan and/or building elevation plans drawn to scale and dimension showing the following (as applicable):

- (A) Existing structures; lot frontage and building frontage (dimensioned);
 - (B) Driveways and public rights-of-way;
 - (C) Existing and proposed signs; and
 - (D) Vision clearance; vertical clearance over public rights-of-way.
- (5) A proposed sign plan drawn to scale and dimension showing the following (as applicable):
- (A) Sign height, width, area, and thickness;
 - (B) Color of lettering and background;
 - (C) Type of illumination; and
 - (D) Materials.
- (c) **Permits for Multiple Temporary Signs.** Any person seeking to place temporary signs on two or more sites or to distribute 25 or more temporary signs at one time must provide:
- (1) The name and address of the person(s) responsible for erecting or distributing, maintaining, and removing the multiple temporary signs;
 - (2) A description of the method of installation and support for each sign (if signs are to be freestanding and supported by a method other than wire no greater than 3 millimeters in diameter, the applicant must include a scaled drawing of the supporting structure);
 - (3) Confirmation that the placement of signs shall not harm landscape plantings or structures;
 - (4) A copy, drawing, or photograph of the proposed temporary sign; and
 - (5) The fee specified in the master fee schedule adopted by the Board of Supervisors.
 - (6) The Director shall assign an identification number (ID#) to the sign plan, and such number shall be referred to in the permit;
 - (7) A prototype of the sign.
 - (8) All temporary signs and structures are to be removed within 90 days from the date the permit is issued.
- (d) **Review Required for Certain Temporary Signs.** No temporary sign shall be posted in a County right-of-way, landscaped area, park, or any road median before the Director of the Public Works has confirmed in writing that the proposed posting will

not interfere with the ordinary use and enjoyment of the area, underground irrigation or utilities, or line of sight for motor vehicle, bicycle, and pedestrian traffic. The Director of the Public Works may require the sign permittee to call for a marking confirmation of utilities prior to posting.

9-408.150 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 development project with the overall design of the development to achieve a more unified appearance. A Master Sign Programs may also allow for minor variations in dimensional standards and other limitations of this Section, provided the Master Sign Program achieves a result that is superior to what would otherwise be allowed.
- (b) **Applicability and Approval Required.**
- (1) **Master Sign Program – When Required.** A Master Sign Program approved by the Director is required for:
 - (A) New or remodeled non-residential projects on sites of two acres or more
 - (B) Shopping centers; and
 - (C) Any development in a Planned Development Zone.
 - (2) **Optional Sign Program – When Allowed.** A Master Sign Program may be substituted for specific sign designs and sign programs for individual buildings if requested by an applicant and approved by the Director.
- (c) **Required Submittals.** Applications for a Master Sign Program must include the following plans and text:
- (1) A site plan showing the location of buildings, parking lots, driveways, and landscaped areas;
 - (2) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed, if proposed;
 - (3) An accurate indication on the site plan of the proposed location of each proposed sign and existing sign which is to remain;
 - (4) Color schemes, lettering and graphic style (if tenants are not known, generic styles may be presented);
 - (5) Lighting and sign construction materials; and

- (6) Sign dimensions (if tenants are not known, generic dimensions may be presented);
 - (7) A written program of standards for all sign types to be distributed to future tenants, including color, size, illumination, construction details, and sign placement; and
 - (8) A list of exceptions to the sign standards that would otherwise apply.
- (d) **Findings Required.** The Director will only approve a Master Sign Program if the following findings are made:
- (1) That the proposed signs are in harmony and visually related to:
 - (A) *Other Signs in the Project.* Harmony and visual relation to other signs may be accomplished by incorporating common design elements such as materials, letter style, colors, illumination, sign type or sign shape.
 - (B) *The Buildings They Identify.* This may be accomplished by utilizing materials, colors or design motifs included in the building being identified.
 - (C) *The Surrounding Development.* Approval of a planned sign program must not adversely affect surrounding land uses and adjacent business or obscure adjacent conforming signs.
 - (2) That the proposed signs are appropriate for the size and character of the development and signs in the vicinity.
 - (3) That the proposed signs will comply with all the provision of this Division, except with regard to the specific exceptions requested and approved, which may include the number, height, size and location of individual signs, but not the total allowable sign area on a site.
- (e) **Conditions.** Reasonable conditions of approval may be imposed by the Director to achieve the purposes of this Section and ensure compatibility with adjacent land uses and signage.
- (f) **Post-Approval Procedures.** After approval of a Master Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with such Program, and such Program may be enforced in the same way as any provision in this Section.
- (1) **Lease Agreements.** The Master Sign Program and all conditions of approval shall be attached to the lease agreements for all leasable space within a project.

- (2) **Individual Signs.** Any sign that conforms to an approved Master Sign Program may be approved by the Director; however, approval of a Master Sign Program does not waive the permit requirements for individual signs.
- (3) **Amendments.** The Director may approve amendments to a Master Sign Program that are in substantial conformance with the original approval and do not change dimensional requirements for allowable signs by more than 25 percent. All other amendments, including amendments to conditions of approval, shall be processed as a new application.

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Chapter 9-409 Standards for Specific Uses and Activities

Sections:

9-409.010	Purpose
9-409.020	Accessory Dwelling Units; Junior Accessory Dwelling Units
9-409.030	Accessory Short-Term Rentals ("Home-shares")
9-409.040	Accessory Uses
9-409.050	Adult Businesses
9-409.060	Alcoholic Beverage Sales
9-409.070	Animal Keeping and Raising
9-409.080	Assembly
9-409.090	Automobile Sales and Services
9-409.100	Bed and Breakfast Lodging
9-409.110	Bioenergy Production Facilities
9-409.120	Breweries
9-409.130	Cinema and Theater
9-409.140	Commercial Cannabis
9-409.150	Convenience Store
9-409.160	Cottage Food Operations
9-409.170	Day Care Centers
9-409.180	Drive-In and Drive-Through Facilities
9-409.190	Emergency Shelters
9-409.200	Entertainment
9-409.210	Explosives Handling
9-409.220	Family Day Care, Large
9-409.230	Farm Employee Housing
9-409.240	Fireworks
9-409.250	Group Residential
9-409.260	Hazardous Waste Facilities
9-409.270	Home Occupations
9-409.280	Hospitals and Clinics
9-409.290	Live-Work Units
9-409.300	Mobile Food Truck
9-409.310	Mobile Home Parks
9-409.320	Nurseries and Landscaping Services
9-409.330	Outdoor Dining and Seating
9-409.340	Outdoor Sales
9-409.350	Personal Services
9-409.360	Produce Stands and Agricultural Stores
9-409.370	Recycling Facilities

9-409.380	Residential Care, General
9-409.390	Schools
9-409.400	Service Stations
9-409.410	Single Room Occupancy Housing
9-409.420	Solar Energy Facilities
9-409.430	Temporary Uses
9-409.440	Veterans Supportive Housing
9-409.450	Wind Energy Systems

9-409.010 PURPOSE

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all zones. These provisions are intended to minimize the impacts of these uses and activities on surrounding properties and the County at large and to protect the health, safety, and welfare of their occupants and of the public.

9-409.020 ACCESSORY DWELLING UNITS; JUNIOR ACCESSORY DWELLING UNITS

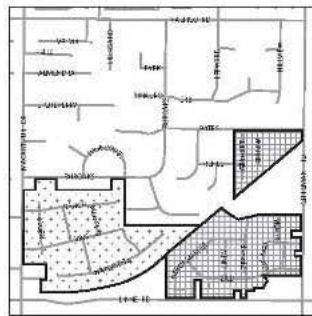
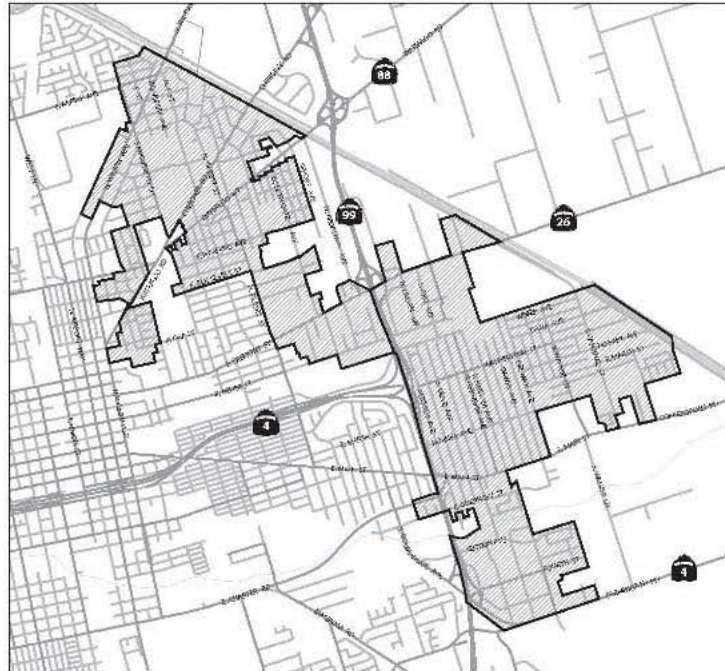
Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Intent.** This section provides a method for increasing affordable housing opportunities by providing options for new ADUs and JADUs, consistent with state law.
- (b) **Where Allowed; General Requirements and Restrictions.** One ADU and one JADU may be constructed on a lot in any zone which allows a single-family dwelling as a permitted use. Multiple converted or detached ADUs may be constructed on a lot with an existing multi-family use, where consistent with Government Code Section 65852.2(e)(1)(C) and (D).
- (c) **Types of Units Allowed.** The types of units allowed include an attached ADU, detached ADU, converted ADU, interior ADUs, or JADUs.
- (d) **Relation to Primary Dwelling Unit.** The ADU shall be clearly subordinate to the primary dwelling unit on the lot with regard to size, location and appearance.
- (e) **Relation to General Plan and Zoning Density Limits.** An ADU that conforms to the standards of this section shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use that is consistent with the General Plan and zoning designations for the lot. The ADU shall not be considered in the application of any County ordinance, policy, or program to limit residential growth except where water or sewer system capacity constraints have been identified by the Department of Public Works.

- (f) **Permanent Address.** The property owner shall obtain an approved permanent address for an ADU and JADU from the Community Development Department.
- (g) **Availability of Water and Sewer Service.** Prior to issuance of a building permit for an ADU, the property owner must provide information that adequate water and wastewater disposal service is available, either from a service provider or from a well and on-site septic system.
 - (1) *Areas Served by Public Utilities.* The County has identified certain areas, shown in Figure 9-407.020 (g) (1) where there are capacity constraints in the local sewer collection system. In these areas, a determination of adequate water and sewer collection for the proposed ADU by the Department of Public Works is required.
 - (2) *Areas Served by Private Services.* An ADU to be served by an on-site well system is subject to the provisions of Chapter 9-601, and an ADU to be served by a private on-site wastewater disposal system is subject to the provisions of Chapter 9-605.

FIGURE 9-408.0202(G)(I) WATER AND SEWER SYSTEM CONSTRAINTS

Figure 9-408.0202(g)(1) Water and Sewer System Constraints



Areas of Potential Water Distribution and Sewer Collection Capacity Constraints

-  System 4
-  County Service Area 44 (CSA 44) Zone E
-  County Service Area 44 (CSA 44) Zone G



Larger-scale maps are available for review at the San Joaquin County Department of Public Works

(3)

- (h) **Fees.** The property owner of an ADU or JADU shall be subject to the payment of all sewer, water, and other applicable fees, except as specifically provided in Government Code Section 65852.2 and 65852.22. No impact fee shall be charged for development of an ADU less than 750 square feet in size. In this context, the term "impact fee" does not include any connection fee or capacity charge established by the County or other local agency, special district, or water corporation.
- (i) **ADUs Subject to Flood Hazards.** All ADUs located in a floodplain designated pursuant to Chapter 9-702, Flood Hazards, shall comply with the provisions of that Chapter.
- (j) **Restrictions.** All ADUs and JADUs are subject to the following restrictions:
 - (1) The development and use of the ADU or JADU shall only be valid and permitted based on the terms established in this section.
 - (2) Prior to issuance of a building permit for an ADU, the property owner shall sign an application confirming to the Community Development Department that the project meets the following requirements:
 - (A) The ADU shall not be sold separately from the primary residence;
 - (B) The ADU is restricted to the maximum size approved by an ADU Permit;
 - (C) The property owner and all successors in interest in the property shall respond to the County's periodic surveys of owners of ADU for reporting purposes to the State Department of Housing and Community Development; and
 - (D) If the ADU is rented, it shall not be rented for a period of less than 30 consecutive days.
 - (3) Prior to issuance of a building permit for a JADU, the property owner shall record a deed restriction with the County Recorder's Office and provide a copy of the deed restriction to the Community Development Department, including the following restrictive covenants:
 - (A) The JADU shall not be sold separately from the primary residence;
 - (B) The JADU is restricted to the maximum size allowed by this section or as approved by a building permit for the JADU;
 - (C) The property owner and all successors in interest in the property shall respond to the County's periodic surveys of owners of JADUs for reporting purposes to the State Department of Housing and Community Development; and

- (D) If the JADU is rented, it shall not be rented for a period of less than 30 consecutive days.

(k) **Permits Required**

- (1) *Building Permits.* Applicants for ADUs and JADUs must submit a building permit application and an ADU application to the Community Development Department to ensure that the standards of this section are met. The Department shall not issue a building permit without an approved ADU/JADU application. The County shall not final building permits for an ADU or JADU before it final building permits for the primary dwelling.
- (2) *Other Required Approvals.* Projects are also subject to applicable permit requirements and approvals, including but not limited to building permits, grading permits, encroachment permits, home occupation permits, flood variances, if required, sanitation permits, well permits, and other construction-related permits and approvals.

- (l) **ADU Permit Applications.** Requests for approvals of ADUs and JADUs may be initiated by the property owner or the property owner's authorized agent by submitting a building permit application and an ADU/JADU application to the Community Development Department. Applications must be complete and confirm that the proposed ADU/JADU complies with all of the requirements in this section. No public hearing is required. A fee, as specified by resolution of the Board of Supervisors, shall be required. All of the following minimum requirements shall be met when filing a building application and an ADU/JADU application:

- (1) *Existing Residence.* There shall be no more than one existing single-family dwelling on the property.
- (2) *Owner Occupancy – JADUs Only.* The owner of the property shall occupy either the existing single-family dwelling or the proposed JADU for a period exceeding 90 days per year.
- (3) *Number of Units.* There shall be no more than one ADU and one JADU per lot.

- (m) **Permit Review Procedure.** ADU permit applications shall be reviewed ministerially by the Zoning Administrator pursuant to the procedures in Chapter 9-803, Zoning Compliance Review.

- (1) The Zoning Administrator shall act on an ADU/JADU application within 60 calendar days from the date the County receives a complete application provided there is an existing single-family or multifamily dwelling on the lot.
- (2) If the building permit application to create an ADU or JADU is submitted with a building permit application to create a new single-family dwelling on the

lot, the County may delay acting on the permit application for the ADU until it acts on the building permit application to create the new single-family dwelling. The ADU/JADU application shall still be considered ministerially without discretionary review or a public hearing.

- (3) If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay through a tolling agreement.
- (4) If the local agency has not acted upon the complete application within 60 days, the application shall be deemed approved.

(n) **Building Plans.**

- (1) An ADU shall include provisions for living, eating, cooking and sleeping, including a closet or other reasonable storage.
- (2) All exterior lighting, including landscape lighting, shall be shielded or directed so that it does not create glare off-site or illuminate the primary dwelling or adjacent property.
- (3) An ADU shall have separate exterior access.

(o) **Development Standards for ADUs.**

- (1) *Maximum Size of Unit.* There is no limitation on the maximum floor area of an ADU based on square footage, but other standards (e.g., height and setbacks) may limit the ultimate size of the unit.
- (2) *Height.* An attached ADU or detached ADU shall not exceed the maximum heights established for ADUs for the zone where the unit is located.
- (3) *Location.* Detached ADUs shall be separated from the primary dwelling and any accessory structures on the lot by the minimum required by the California Building Code as adopted by the County.
- (4) *Setbacks.* No setback shall be required for an interior ADU or converted ADU, and a setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed.

- (p) **Off-Street Parking.** Off-street parking shall be provided as required by Chapter 9-406. The minimum parking requirement for an ADU shall be one parking space. This space may be provided as tandem parking on an existing driveway or in a setback area. No parking shall be required for a JADU, and no additional parking shall be required if the ADU is located: (1) within one-half mile of public transit; (2) in an historic district designated by the County; (3) in part of an existing primary residence or an existing accessory structure; (4) in an area requiring on-street

parking permits but they are not offered to the occupant of the accessory dwelling unit; or (5) within one block of a car-share pick up/drop-off location. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the off-street parking provided by the garage, carport or covered parking structure does not have to be replaced.

- (q) **Common Driveway.** Except in Agricultural zones, R-R zones, and where direct access will be provided from a different street than for the primary dwelling, the ADU shall be accessed by a common driveway serving both the ADU and the existing or proposed single-family residence and having a single access point or by a circular driveway with two access points.
- (r) **Sewer and Water.**
 - (1) Both the proposed ADU and the existing single-family dwelling shall have provisions for water and wastewater disposal in accordance with Chapters 9-602 and 9-604, respectively.
 - (2) In the R-R and Agricultural zones, the proposed ADU may be served by a private on-site wastewater disposal system, subject to the provisions of Chapter 9-605, provided the existing single-family dwelling is also served by a private on-site wastewater disposal system. A mandatory connection to a public wastewater disposal system is not required for an ADU if the Department of Environmental Health determines that there is a suitable area on the lot for a septic tank. Otherwise, the proposed ADU shall be served by a public wastewater disposal system.
 - (3) In the R-R and Agricultural zones, the proposed ADU may be served by an on-site well system, subject to the provisions of Chapter 9-601, provided that the existing single-family dwelling is also served by an on-site well system. Otherwise, the proposed ADU shall be served by a public water system.
- (s) **Other Codes.** The ADU shall conform with all the requirements of the Department of Environmental Health that are applicable to residential units in the zone in which the property is located. All ADUs must satisfy building, fire, and safety standards, such as fire lane widths, minimum fire flows, and emergency egress, as established through State of California's Fire and Building Codes and as amended by the County.
- (t) **Requirements for Manufactured Homes.** If the ADU is a manufactured home, it shall be installed on a permanent foundation, and the following additional requirements shall apply:

- (1) No permanent room additions shall be allowed, but patio covers constructed of the same materials as the manufactured home shall be permitted; and
 - (2) Skirting constructed of the same materials as the manufactured home shall be installed.
- (u) **Supplemental Standards for Attached ADUs.**
- (1) An attached ADU must share at least one common wall or roofline with the living area of the principal dwelling.
 - (2) An attached ADU shall have a separate entrance, located on the side or the rear of the ADU; provided, however, that in no event shall any external stairwell be placed within the side yard setback.
- (v) **Supplemental Standards for Detached ADUs.**
- (1) The distance between the principal dwelling and a detached ADU must be the minimum distance required by the California Building Code.
 - (2) A detached accessory structure legally in existence prior to the effective date of this Section and located outside of the front yard setback, may be converted into an accessory dwelling unit, regardless of any existing nonconformity as to side setback, rear setback, or height if:
 - (A) The existing structure is not modified or added to in any way that increases the level of nonconformity with all applicable regulations in Title 9; and
 - (B) The minimum parking requirements are met on site.
- (w) **JADUs.**
- (1) *Size of Unit.* JADUs shall not exceed 500 square feet of floor space. An efficiency unit (a single room that includes sleeping and kitchen function) shall not contain less than 150 square feet of floor space, exclusive of a bathroom.
 - (2) *Building Plans.*
 - (A) A JADU must be contained entirely within the existing walls of a single-family dwelling and include conversion of an existing bedroom or other space within the dwelling to habitable space.
 - (B) A separate exterior entry shall be provided to serve a JADU.

- (C) The JADU shall include an efficiency kitchen with a sink, a cooking appliance and refrigeration facilities, a food preparation counter, and storage cabinets.
- (D) Access to a bathroom is required, which may be part of the JADU or located in the existing primary dwelling. If provided as part of the primary dwelling, the JADU shall have direct access to the main living area of the primary dwelling so as not to need to go outside to access bathroom.

(3) *Off-street Parking.* No additional parking is required for a JADU.

9-409.030 ACCESSORY SHORT-TERM RENTALS (“HOME-SHARES”)

Accessory Short-Term Rentals must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Where Allowed.** Accessory short-term rentals of one or more bedrooms in a dwelling unit or the complete dwelling unit are allowed in Residential, Commercial, and Agricultural Zones, subject to the standards of this Section and applicable license requirements of the County Code, provided they do not detract from neighborhood character, and the primary use of the dwelling remains residential.
- (b) **Business License Required.** A valid business license is required to conduct a home-share business and to do short-term rentals as allowed under this Section, and the applicable transient occupancy tax, as established by the Board of Supervisors, must be paid by the guest when paying the rental. The collected transient occupancy tax must then be remitted to the County within 30 days of receipt.
- (c) **Emergency Exits.** A host must provide guests with information related to emergency exits if the unit is part of a multi-unit complex of more than one story.
- (d) **Habitable Space Required.** A home-share may only offer space for short-term rentals that qualifies as habitable space, as defined by the California Building Code. This means that a host may not rent space in an accessory structure, such as a storage shed or a garage, as a “home-share” space.
- (e) **Hired Services.** Hired services for normal maintenance, repair, and care of the residence or the site, such as yard maintenance and house cleaning, are allowed.
- (f) **No Limitation on Number of Short-term Rentals.** There are no limitations on the annual number of rentals permitted by this Section, provided all of standards of this Title are met and the applicable transient occupancy tax is paid.
- (g) **Permit Number in All Advertising.** In any advertisement of the short-term rental or home-share service, a host must include the Business License number issued by the County.

- (h) **Resident Occupancy Required.** A resident must occupy the dwelling unit for at least 200 days during each calendar year, and at least one of the unit's primary residents, acting as the host must be on-site, meaning the host is living in one of the bedrooms in the primary structure or in an accessory dwelling unit on the site.

9-409.040 ACCESSORY USES

An accessory use must be incidental, related, appropriate, and clearly subordinate to the principal use of the building or site to which it relates and is subject to the same regulations, development standards, and permitting requirements as the principal use. For example, if the principal use requires a Conditional Use Permit, then the accessory use also requires a Conditional Use Permit unless a specific exemption from such a permit requirement is provided in the 200 Series for accessory uses meeting certain size standards. All accessory uses not subject to discretionary review require a Zoning Clearance. Accessory Dwelling Units and Junior Accessory Dwelling Units are regulated by Section 9-409.020; the provisions of this Section do not apply to these uses. Certain accessory uses also are subject to specific land use regulations in the 200 Series.

9-409.050 ADULT BUSINESSES

Adult Businesses must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **General Provisions.** Because certain types of Adult Businesses possess certain characteristics that are found objectionable, when concentrated, and can have a deleterious effect upon adjacent areas, locating them in the vicinity of facilities frequented by minors increases the likelihood that minors will be exposed to materials intended for adults. In addition, many persons are offended by the public display of certain sexual material. Therefore, special regulation of such uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood or have an adverse effect on minors.
- (b) **Applicability.** The uses subject to these regulations include, without limitation:
- (1) Adult bookstores, adult novelty stores, or adult video stores;
 - (2) Adult live entertainment theaters;
 - (3) Adult motion picture or video arcades; and
 - (4) Adult motion picture theaters.
 - (5) **Exceptions.** An "Adult Business" does not include the practice of massage bodywork in compliance with Title 7, Chapter 6 of the County Code or

persons depicting "specified anatomical areas" in a modeling class that is operated:

- (A) By a college, junior college, or university supported entirely or partly by public revenue; or
- (B) By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by public revenue; or
- (C) In a structure operated either as a profit or nonprofit facility:
 - (i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class.

(c) **Development Standards.**

- (1) **Specific Location.** Adult Businesses must be located the following minimum distances:
 - (A) From any Residential Zone: 300 feet.
 - (B) *From any cultural, educational, or religious institution and public parks, including, without limitation, public or private schools, nursery schools, childcare facilities, day care centers, religious or cultural institutions, hospitals and clinics, parks, and other areas where large numbers of minors regularly congregate: 1,000 feet.*
 - (C) From another Adult Business: 1,000 feet.
- (2) **Hours of Operation.** Hours of operation are limited to the time period between 8 a.m. and 10 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and from 8 a.m. to 11 p.m. on Friday and Saturday.
- (3) **Display.** No Adult Business may display or exhibit any material in a manner that exposes to the public view, photographs or illustrations of specified sexual activities or naked adults in poses which emphasize or direct the viewer's attention to the subject's genitals. Adult news racks are also subject to this limitation.
- (4) **Security Program.** An on-site security program must be prepared and implemented as follows:

- (A) *Exterior Lighting.* All off-street parking areas and building entries serving an Adult Business must be illuminated during all hours of operation with a lighting system that provides a minimum horizontal illumination of one foot-candle of light on the parking surface and/or walkway.
- (B) *Interior Lighting.* All interior portions of the Adult Business, except those devoted to mini-motion or motion pictures, must be illuminated during all hours of operation with a lighting system that provides a minimum horizontal illumination of not less than two foot-candles of light on the floor surface.
- (C) *Security Guards.* Security guards for Adult Businesses may be required if it is determined by the Sheriff that their presence is necessary in order to prevent any unlawful conduct from occurring on the premises.

(d) **Site Conditions.**

- (1) **Façade.** For existing buildings, pictures of the building(s) where the Adult Business is proposed to be located must be provided to the County upon submittal of a conditional use permit application. The exterior of the building(s) may be required to be repainted and repaired.
- (2) **Landscaping.** The site must comply with all landscaping requirements of Chapter 9-402, Landscaping, in effect at the time of application.
- (3) **Litter.** The exterior of an Adult Business, including all signs and accessory buildings and structures, must be maintained free of litter and graffiti at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. The owner or operator also must remove graffiti within 72 hours. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.

9-409.060 ALCOHOLIC BEVERAGE SALES

Retail establishments that sell alcoholic beverages, including stores for Off-Premises Liquor Sales, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Applicability.** These standards apply only to alcohol sales for off-site consumption and do not apply to eating and drinking establishments.
- (b) **Conditional Use Permit Required.** Alcoholic beverage sales shall be allowed only in certain Commercial zones, as established in the 200 Series, Base Zones, with a Conditional Use Permit.

- (c) **Conditions of Approval.** Businesses that engage in retail alcoholic beverage sales shall be subject to inspection by County staff at any time if the Sheriff, or his or her designee, finds that criminal or nuisance activities may be occurring on or near the premises.
- (d) **Inspections.** To ensure compliance with this section and conditions of approval of the use permit, all businesses that engage in retail alcoholic beverage sales shall be subject to inspection once every three calendar years. The business owner shall be invoiced for the costs of the inspection and any necessary re-inspection and enforcement costs in accordance with the County's fee schedule.
- (e) **Cups.** In off-sale alcohol outlets, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.
- (f) **Documents to be Available On-site.** A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license must be required to be kept on the premises and presented to any law enforcement officer or authorized County official upon request.
- (g) **Drug Paraphernalia.** An Off-Premises Liquor Sales use is prohibited from selling drug paraphernalia products as defined in Health and Safety Code Sections 11014.5 and 11364.5.
- (h) **Lighting.** All off-street parking areas and building entries serving an Off-Premises Liquor Sales use must be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway.
- (i) **Litter.** The site must be always maintained free of litter and graffiti. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. One permanent, non-flammable trash receptacle shall be installed near the entrance/exit of the building.
- (j) **Security Cameras.** At least two 24-hour time-lapse security cameras are required to be installed and properly maintained on the exterior of the building at locations approved by the Sheriff. All criminal and suspicious activities recorded on this surveillance equipment must be reported to the Sheriff.
- (k) **Signs.** The following signs must be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:
 - (1) "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age";
 - (2) "No Loitering or Public Drinking"; and

(3) "It is illegal to possess an open container of alcohol in the vicinity of this establishment".

(l) **Standards and Procedures for Existing Alcoholic Beverage Retail Establishments ("Deemed Approved" Activities).** All on-sale and off-sale alcoholic beverage retail establishments that have been legally existing and operating with all required licenses and without a Conditional Use Permit prior to the adoption of this Section shall be permitted to operate at their present location as a "deemed approved" activity, provided that such establishments shall not be permitted to operate without a Conditional Use Permit if any of the following occur:

(1) The establishment changes its type of retail on-sale or off-sale liquor license granted by the California Department of Alcoholic Beverage Control (i.e., beer and wine to distilled liquor);

(2) The business operation of the establishment is abandoned, suspended or discontinued (including the case where retail liquor license for such operation is suspended) for a period of 120 days; provided that, this provision shall not apply when the business operation is suspended or discontinued because the building or structure in which the establishment is operating is:

(A) Destroyed or damaged due to causes beyond the owner of the establishment's control (i.e., fire, flood, act of God, etc.) and which prevents the establishment from operating; or

(B) Being remodeled, enlarged or improved which prevents the establishment from operating, provided that building and other appropriate County permits have been obtained within 120 days after the business operation is discontinued. In the event that such permits expire or are revoked, then such establishment shall be required to obtain a conditional use permit in order to continue or reestablish its operation.

(3) The retail liquor license is transferred to another location within the County or the establishment, either in whole or in part, is moved or relocated to another location within the County.

9-409.070 ANIMAL KEEPING AND RAISING

Animal Keeping and Raising establishments must be located, developed, and operated in compliance with Table 9-409.070 and the following standards, where allowed by the 200 Series, Base Zones.

(a) **Household Pets.** The keeping of up to 10 small domestic household pets, including up to three cats, three dogs, chickens, and birds for noncommercial purposes, is

permitted in Single-Unit Dwellings. For dwelling units in multi-unit residential structures and for mobile homes in mobile home parks, the total number of dogs, cats and other household pets combined shall not exceed three. The decision as to whether a specific animal is a household pet under this Title shall be made by the Zoning Administrator.

(b) **Other Animals.** The following general standards shall apply to the keeping and raising of animals:

- (1) **Containment.** Animals must be effectively contained on the site and not be allowed to run free on any lot in a separate ownership or in a public right-of-way.
- (2) **Maintenance.** All animal enclosures, including but not limited to pens, cages, and feed areas, shall be maintained free from litter, garbage, and excessive accumulation of manure, so as to discourage the proliferation of flies, other disease vectors, and offensive odors. Premises shall be maintained in a neat and sanitary manner.
- (3) **Number of Animals Permitted.** Excluding pets, the combined total number of animals permitted by this Chapter shall not exceed the number specified by Table 9-409.070.
- (4) **Odor and Vector Control.** Animal structures, including pens, coops, cages, and feed areas, must be maintained free from litter, garbage, and the accumulation of manure so as to discourage the proliferation of flies, other disease vectors and offensive odors. Manure must not be allowed to accumulate within setback areas.
- (5) **Offspring.** Unless otherwise specified, the offspring of animals are allowed and shall not be counted until they are of weanable or self-sufficient age. Dogs and cats shall be counted at four months of age. Swine shall be counted at eight weeks of age.
- (6) **Prohibited Animals.** No predatory wild animals, roosters, endangered animals, or protected animals may be kept in any zone.
- (7) **Slaughtering of Animals Prohibited.** No slaughter of animals is allowed in Residential Zones.
- (8) **Swine.** Swine shall not be fed market refuse, garbage, or offal.

TABLE 9-409.070 - ANIMAL STANDARDS			
<i>Use Type, Animal or Use</i>	<i>Parcel Size</i>	<i>Number of Animals Permitted Per Parcel</i>	<i>Enclosure/Distance Requirements</i>
Animal Feeding and Sales			
Feedlot	Less than 5 acres	None	

TABLE 9-409.070 - ANIMAL STANDARDS			
<i>Use Type, Animal or Use</i>	<i>Parcel Size</i>	<i>Number of Animals Permitted Per Parcel</i>	<i>Enclosure/Distance Separation Requirements</i>
	5 acres and over	As specified by an Administrative Use Permit	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	1 acre or more	12 swine per acre, including not more than 2 of 8 months of age or older; limit of 30 swine per parcel, including not more than 6 of 8 months of age or older	
Animal Raising: Exotic Animals			
Exotic Animals	As allowed for the zone.	As specified by an Administrative Use Permit	Except for movement on and off the property, animals shall not be kept or maintained in coops, pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
Animal Raising: General			
Aviary, apiary, worm farms	Less than 1 acre	None	Animals shall not be kept or maintained closer than 40 feet from any rear or side property lines.
	1 acre and over	No limit	
Chickens, ducks, geese, turkeys, or similar fowl; rabbits or other animals of similar size at maturity.	Less than 1/3 acre	None	Except for movement on and off the property, animals shall not be kept or maintained in coops, pens, corrals, barns, or similar structures closer than 40 feet from any rear or side property line.
	1/3 acre to less than 1½ acres	Not more than 15 of any combination of animals, of which not more than 1 may be a rooster	
	1½ acres to less than 3 acres	Not more than 25 of any combination of animals, of which not more than 2 may be roosters	
	3 acres and over	Not more than 35 of any combination of animals, of which not more than 3 may be roosters	
Cattle, horses, and other ruminants; sheep, goats, and similar livestock, except swine.	Less than 5 acres	1 animal for the first acre; 1 additional animal for each 10,000 square feet over 1 acre	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	5 acres to less than 10 acres	Up to 4 animals of any combination per acre	
	10 acres and over	No limit	
Swine	1 acre or more	Up to 5 swine	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	1 acre or more	Up to 5 swine	
Animal Raising: Family Food Production			
Chickens, ducks, geese, turkeys, or similar fowl; rabbits or other animals of similar size at maturity.	Less than 1/3 acre	None	Except for movement on and off the property, animals shall not be kept or maintained in coops, pens, corals, barns, or similar structures closer than 40 feet from any rear or side property line.
	1/3 acre to less than 1½ acres	Not more than 15 of any combination of animals, of which no more than 1 may be a rooster	
	1½ acres to less than 3 acres	Not more than 25 of any combination of animals, of which no more than 2 may be roosters	

TABLE 9-409.070 - ANIMAL STANDARDS			
<i>Use Type, Animal or Use</i>	<i>Parcel Size</i>	<i>Number of Animals Permitted Per Parcel</i>	<i>Enclosure/Distance Requirements Separation</i>
	3 acres and over	Not more than 35 of any combination of animals, of which no more than 3 may be roosters	
Cattle and other ruminants except horses and other equine; sheep, goats, and similar livestock, except swine.	Less than 1 acre	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corals, barns, or similar structures closer than 40 feet from any rear or side property line.
	1 acre and over	1 animal plus 1 additional animal for each 10,000 square feet over 1 acre; maximum of 5 animals per parcel	
Animal Raising: Hogs			
Hog farm	Less than 1 acre	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	1 acre and over	As specified by an Administrative Use Permit	
Animal Raising: Small Animals			
Fish or frog farm	Less than 1 acre	None	The toe of the slope of the pond shall be maintained a distance of 10 feet from the nearest property line or such greater distance as the Director deems necessary.
	1 acre and over	No limit	
Poultry ranch, excluding ostriches and other ratites	Less than 10 acres	None	Animals shall be kept or maintained a minimum distance of 100 feet from the nearest property line.
	10 acres and over	No limit	
Poultry ranch, for ostriches and other ratites	Less than 2 acres	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, closer than 40 feet from any rear or side property line.
	2 acres and over	As specified by an Administrative Use Permit	
Animal Specialty Services: Kennels; Kennels, Small Breeding			
Kennels of any size	As allowed by zoning district	As specified by an Administrative Use Permit	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
Dairies			
Cow or goat dairy	Less than 20 acres	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	20 acres and over	As specified by an Administrative Use Permit	

9-409.080 ASSEMBLY

Assembly facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Maximum Site Area.**
 - (1) *In Non-Residential Zones:* None.
 - (2) *In Residential Zones:* Two acres in the R-L Zone; none in other zones.
- (b) **Setback from Residential Zone or Use.** A minimum setback from interior and rear lot lines of 20 feet must be provided adjacent to any Residential Zone.
- (c) **Outdoor Activity Area.** An outdoor area used for recreation, meetings, services or other activities involving groups of persons must be at least 50 feet from any Residential Zone boundary or residential use. Organized outdoor activities shall be limited to the hours of 8:00 a.m. to 8:00 p.m. or sunset, whichever comes first, on weekdays and 9:00 a.m. to 8:00 p.m. or sunset, whichever comes first, on weekends.
- (d) **Hours of Operation.** Permitted hours of operation are between 8:00 a.m. and 9:00 p.m., seven days a week. Additional hours may be allowed with a Conditional Use Permit.
- (e) **Permitted Accessory Use.** An accessory use may include administrative offices, kitchen facilities, multi-purpose rooms, storage, and other uses that are accessory to the facilities for public or private meetings. Places of worship may provide religious instruction as an accessory use; however, when a full school curriculum is offered, the school use will be separately classified as a School and subject to review as such, and when day care activities are provided, they are subject to review and require an Administrative Use Permit.

9-409.090 AUTOMOBILE SALES AND SERVICES

Automobile sales and leasing facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Location.** Automobile/Vehicle Sales and Leasing are permitted on a site with at least one frontage on an arterial street.
- (b) **Landscaping and Screening.** In addition to complying with the landscaping standards in Chapter 9-402, Landscaping, additional screening and landscaping may be required where necessary to screen adjacent Residential Zones; see Section 9-400.060, Fencing and Screening.
- (c) **Loading and Unloading.** If the lot abuts a Residential Zone, the loading and unloading shall be located at least 20 feet from an adjacent lot. All loading and unloading must occur during weekday business hours.
- (d) **Storage.** Vehicles being worked on or awaiting service or pick up must be stored overnight within an enclosed building or in a parking lot that is adequately screened, with an earthen berm, screen wall or a building, and not visible from

an adjacent street. Screen walls must be located on lot lines with the exception of yards along streets, where the screen wall must be located outside of required setbacks. Unattended vehicles shall not be parked or stored on the sidewalk adjoining the property, or on the street. Screen walls are not required when the site is located in an Industrial Zone that abuts a non-arterial street.

- (e) **Work Areas.** All work must be conducted within an enclosed building, except pumping motor vehicle fluids, checking and supplementing fluids, and mechanical inspection and adjustments not involving any disassembly.
- (f) **Equipment and Product Storage.** Exterior storage, including tires, must not be visible from arterial streets or a Residential Zone.
- (g) **Noise.** All body and fender work or similar noise-generating activity must be enclosed in a masonry or similar building with sound-attenuating measures incorporated into the building design and construction. Bay openings must be oriented to minimize the effects of sound emanating from the auto repair building towards residential uses, outdoor restaurant seating, and outdoor reception areas. Compressors must be located within separately enclosed sound-attenuated rooms.
- (h) **Spray/Paint Booth.** Spray booth stacks must be screened from arterial streets and must be separated a minimum of 500 feet from Residential Zones and Public Parks. The Planning Commission may reduce this separation to no less than 250 feet if a human health risk assessment, prepared by a qualified professional, demonstrates to the satisfaction of the Commission that levels of spray booth chemicals present in the ambient air at adjacent properties will be below applicable thresholds of concern for human health.
- (i) **Washing Facilities.** A recycled water system is required. Washing facilities are limited to 7 a.m. to 11 p.m., seven days a week. When abutting a Residential zone, the hours of operation are limited to 8 a.m. to 7 p.m., seven days a week.
- (j) **Litter.** The site must be maintained free of litter at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises.
- (k) **Adequate Queuing Areas.** Vehicle queuing area shall be provided to ensure that there is no interference with vehicle access and on-site circulation and with circulation on adjacent public streets. Vehicle queuing areas must be approved by the Department of Public Works.

9-409.100 BED AND BREAKFAST LODGING

Bed and breakfast establishments shall be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Type of Residence.** Bed and breakfast establishments must be located, developed and operated within a Single-Unit Dwelling.
- (b) **Number of Rooms.** No more than two rooms shall be rented unless the right to rent additional rooms is granted by an administrative use permit.
- (c) **Appearance.** The exterior appearance of a structure housing a bed and breakfast establishment shall not be altered from its original single-unit character.
- (d) **Limitation on Services Provided.** Meals and rental of bedrooms shall be limited to registered guests. Separate or additional kitchens for guests are prohibited.
- (e) **When located in the Primary Zone of the Delta.** Any lodging or visitor-service facility located in the Primary Zone of the Delta is required to provide and maintain public access facilities, if required by the Delta Conservation and Development Commission, unless such access would adversely affect natural resources or natural processes.

9-409.110 BIOMASS CONVERSION FACILITIES

Biomass conversion facilities ("bioenergy facilities") must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Accessory Bioenergy Production.** Bioenergy facilities serving up to 125 percent of the on-site energy demand for an agricultural or industrial use are permitted as an accessory use when feedstocks are produced on site, or the feedstocks are the by-product of on-site agricultural processing.
 - (1) Where feedstocks are imported from another site or where biofuels are exported off site, a Conditional Use Permit shall be required.
 - (2) Oversized accessory bioenergy systems located on or within existing structures or existing developed areas are not subject to the 125 percent threshold when producing electricity for a utility but shall be limited to the existing developed area of the site, as determined by the Zoning Administrator.
- (b) **Setbacks.** Bioenergy facilities shall comply with all setbacks of the zone where they are located, except that on sites adjacent to a Residential Zone, bioenergy production facilities shall be setback at least 200 feet from the Residential Zone boundaries.
- (c) **Storage.** The bioenergy facility shall include sufficient on-site storage for both raw materials and fuel production. On-site storage shall also be provided for all additional by-products resulting from bioenergy production unless those additional products are used on site for crop production or livestock consumption.

- (d) **Regulatory Compliance.** The operator of the biofuel facility shall provide the Zoning Administrator with proof that all necessary approvals have been obtained from State and Federal agencies involved in permitting any of the following aspects of biofuel production:
- (1) Air pollution emissions;
 - (2) Transportation of biofuel, or additional products resulting from biofuel production;
 - (3) Use or reuse of additional products resulting from biofuel production; and
 - (4) Storage of raw materials, fuel, and additional products used in, or resulting from, biofuel production.

9-409.120 BREWERIES

Industrial and commercial establishments that manufacture and sell beer and similar beverages, including production breweries, brew-on-premises breweries, and micro-breweries, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Accessory Retail Sales.** Breweries that sell alcoholic beverages for off-site consumption must conform to the regulations in Section 9-409.060, Alcoholic Beverage Sales.
- (1) Accessory retail sales within Industrial Zones are not allowed.
 - (2) In all other zones where breweries are allowed, the gross floor area devoted to accessory retail sales shall not exceed 10 percent of the total floor area, and the sales are limited to beverages manufactured on-site.
- (b) **On-site Sales or Tasting.** On-site sale or tasting, for a fee or no fee, of alcoholic beverages is allowed as an accessory use with an Administrative Use Permit and a license from the California Department of Alcoholic Beverage Control, if required. Only the beverages manufactured on-site shall be offered for sale or tasting, and the total floor area for on-site sales and tasting shall not exceed 10 percent of the gross floor area of the brewery. Beer brewed by a customer in a brew-on-premises brewery shall not be sold and must be used by the customer for personal or family use.

9-409.130 CINEMA AND THEATER

Cinema and Theater uses must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Entrance.** Lobby entrance areas should be designed so as to minimize obstruction of sidewalks during operation hours.

- (b) **Lighting.** Lighting shall be designed and installed to prevent light and glare on adjoining properties in compliance with the requirements of Chapter 9-403, Lighting and Illumination..

9-409.140 COMMERCIAL CANNABIS²

This Section establishes regulations that allow for commercial cannabis businesses, which are licensed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act, and Title 4, Public Safety, Division 10, Cannabis, Chapter 1, Commercial Cannabis Business, and have a commercial cannabis development agreement for the licensed activities adopted pursuant to Chapter 9-814, Development Agreements, of this Title. This Section ensures that the land use regulations and development standards in this Title are consistent with Title 4 licensing, monitoring, and enforcement regarding commercial cannabis businesses to protect and promote public health and safety of the population in the County.

- (a) **Applicability.** The provisions of this Section shall apply whenever:
 - (1) An applicant has an approved commercial cannabis development agreement;
 - (2) A Conditional Use Permit application is submitted for any form of Commercial Cannabis use; and/or;
 - (3) A Planned Development application is submitted for a Cannabis Business Park in a PD Zone.
- (b) **Cannabis Cultivation.** Commercial cannabis cultivation is allowed, subject to the following development standards:
 - (1) **License.** An approved annual County Commercial Cannabis Cultivator License and Business License shall be obtained from the County pursuant to Title 4 prior to beginning any commercial operation allowed pursuant to a Cultivator License. These licenses shall remain current in order to operate a Cannabis Cultivation operation.
 - (2) **Permits.** Commercial cannabis cultivation allowed pursuant to a Cultivator License shall be subject to the following permitting requirements:

² Additional text amendments being reviewed separately will be incorporated into the final hearing draft of the updated Development Title.

- (A) Cultivation may be permitted in the AG (General Agriculture), I-G (General Industrial), I-L (Limited Industrial) and I-P (Industrial Park) Zones with a Conditional Use Permit application and a Special Purpose Plan.
 - (B) Cultivation may be permitted in a PD (Planned Development) Zone with a Conditional Use Permit for a PD Plan application for a Cannabis Business Park.
- (3) **Locational Criteria.** The following locational criteria shall apply to commercial cannabis cultivation allowed pursuant to a Cultivator License:
- (A) Cultivation and ancillary activities shall only be permitted within an enclosed structure; and
 - (B) The entrance to the cultivation site shall be no more than 2,000 feet from a major intersection or arterial road. An entrance may be located more than 2,000 feet from a major intersection or arterial road, measured from the ultimate right-of-way, if all of the following are found to be true:
 - (i) There is sufficient ease of access from the proposed site to an arterial road;
 - (ii) There is sufficient access for emergency vehicles; and
 - (iii) The Cultivator License holder demonstrates that the site may be secured to the satisfaction of the County.
- (4) **Public Services.** All commercial cannabis cultivation shall be served by a public wastewater disposal system, public water system, public stormwater drainage system and provide sanitary disposal of process water, except that cannabis cultivation may be permitted in an approved Cannabis Business Park in a PD Zone to use an on-site wastewater disposal system, on-site water system, and private stormwater drainage system and sanitary disposal of process water with an approved Conditional Use Permit, when these service arrangements are shown to be protective of public health and safety and the environment.
- (c) **Cannabis Distribution.** Cannabis distribution shall be subject to the following development standards:
- (1) **License.** An approved Commercial Cannabis Distributor License shall be obtained from the County pursuant to Title 4, Public Safety, prior to beginning distribution. This license shall remain current in order to operate a Cannabis Distribution operation.

- (2) **Permits.** Cannabis distribution operations shall be subject to the following permitting requirements:
 - (A) Cannabis distribution may be permitted in the AG (General Agriculture), I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park) and I-W (Warehouse) Zones with a Conditional Use Permit application and a Special Purpose Plan.
 - (B) For any cannabis distribution operation on a parcel zoned AG (General Agriculture), a Distributor License and Cultivator License shall be required pursuant to Title 4, Public Safety, for the same lot.
 - (C) Cannabis distribution may be permitted in the AG (General Agriculture), I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park) and I-W (Warehouse) Zones with an Administrative Use Permit in an approved Cannabis Business Park.
 - (D) Cannabis distribution shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department, and the Fire Department, as well as State and Federal Regulations.
- (d) **Cannabis Manufacturing.** Cannabis manufacturing shall be subject to the following development standards:
 - (1) **License.** An approved Commercial Cannabis Manufacturer License shall be obtained from the County pursuant to Title 4, Public Safety, prior to beginning distribution. This license shall remain current in order to operate a Cannabis Manufacturing operation.
 - (2) **Permits.** Cannabis manufacturing operations shall be subject to the following permitting requirements:
 - (A) Cannabis manufacturing may be permitted in the AG (General Agriculture), I-G (General Industrial), I-L (Limited Industrial) and I-P (Industrial Park) Zones with a Conditional Use Permit application and a Special Purpose Plan.
 - (i) For any cannabis manufacturing operation on a parcel zoned AG (General Agriculture), a Manufacturer License and Cultivator License shall be required pursuant to Title 4, Public Safety, for the same lot.
 - (B) Cannabis manufacturing may be permitted in the AG (General Agriculture), I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial

Park) Zones with an Administrative Use Permit in an approved Cannabis Business Park.

(e) **Cannabis Non-storefront Retail Sales.** Non-storefront retail sales of cannabis shall be subject to the following development standards:

(1) **License.** An approved Commercial Cannabis Retailer License shall be obtained from the County pursuant to Title 4, Public Safety, prior to beginning cannabis non-storefront retail sales. This license shall remain current in order to operate a Cannabis No-storefront Retail Sales operation.

(2) **Permits.** Cannabis retail sales operations shall be subject to the following permitting requirements:

(A) Cannabis non-storefront retail sales may be permitted in the C-C (Community Commercial) and C-G (General Commercial) Zones with an approved Conditional Use Permit and an approved Special Purpose Plan.

(B) Cannabis non-storefront retail sales may be permitted in I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park) and I-W (Warehouse) Zones with a Conditional Use Permit in a Cannabis Business Park.

(C) Cannabis retail sales operating Non-Storefront Delivery may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park) and I-W (Warehouse) Zones with a Conditional Use Permit and an approved Special Purpose Plan.

(D) Cannabis retail sales operating Non-Storefront Delivery may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park) and I-W (Warehouse) Zones with an Administrative Use Permit in an approved Cannabis Business Park.

(f) **Cannabis Laboratory Testing.** Cannabis laboratory testing shall be subject to the following development standards:

(1) **License.** An approved Commercial Cannabis Testing Laboratory License shall be obtained from the County pursuant to Title 4, Public Safety, prior to beginning cannabis laboratory testing operation. This license shall remain current in order to operate a Cannabis Laboratory Testing operation.

(2) **Permits.** Cannabis laboratory testing shall be subject to the following permitting requirements:

(A) Cannabis laboratory testing may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park), I-W (Warehouse),

and all commercial zones, excluding the C-FS (Commercial Freeway Services) and C-X (Commercial Crossroads) Zones, with a Conditional Use Permit and an approved Special Purpose Plan.

- (B) Cannabis laboratory testing may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park), I-W (Warehouse) and all commercial zones, excluding the C-FS (Commercial Freeway Services) and C-X (Commercial Crossroads) Zones, within an Administrative Use Permit in an approved Cannabis Business Park.

(g) **Regulations and Standards Applicable to All Commercial Cannabis Activities.**

- (1) **Commercial Cannabis Development Agreement.** An approved Commercial Cannabis Development Agreement shall be obtained pursuant to Title 4, Public Safety, prior to beginning any commercial operation allowed pursuant to a Commercial Cannabis License.
- (2) **Compliance with County, State and Federal Regulations.** All commercial cannabis activity shall comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department, and the Fire Department and with all applicable State and Federal Regulations.
- (3) **Events.** All events related to cannabis cultivation, manufacturing and distribution, including but not limited to Outdoor Special Events and Indoor Special Events, shall be prohibited.
- (4) **Fencing.** The fencing requirements shall be determined by the zone in which the cannabis activity is located pursuant to Section 9-400.060, Fencing and Screening.
- (5) **Fire District.** The premises must be located within a San Joaquin County Fire District.
- (6) **Landscaping.** The landscaping requirements shall be determined by the zone in which the cannabis activity is located pursuant to Chapter 9-402, Landscaping.
 - (A) No product or signs inside the premises shall be viewable by the public from outside the premises.
 - (B) Off-premises signs shall be prohibited by licensee or third party.
- (7) **Parking.** The parking requirements shall be determined pursuant to Chapter 9-406, Parking and Loading.

- (8) **Public Services.** Sites located in an I-G (General Industrial), I-L (Limited Industrial), or I-P (Industrial Park) Zone and in all Commercial Zones, excluding the C-FS (Commercial Freeway Services) and C-X (Commercial Crossroads) Zones, shall be served by a public wastewater disposal system, public water system, public stormwater drainage system and provide sanitary disposal of process water. Cannabis cultivation, manufacturing, and laboratory testing may be permitted with a conditional use permit to use an on-site wastewater disposal system, on-site water system, and private stormwater drainage system and provide sanitary disposal of process water, when shown to the satisfaction of the Environmental Health Department that this arrangement would be protective of public health and safety and the environment.
- (9) **Screening.** The screening requirements shall be determined by the zone in which the cannabis activity is located pursuant to Section 9-400.060, Fencing and Screening.
- (10) **Signs.** The sign requirements shall be determined by the zone in which the cannabis activity is located, pursuant to Chapters 9-410, Signs.

9-409.150 CONVENIENCE STORES

Convenience Stores must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Administrative Use Permit.** An Administrative Use Permit is required for any convenience market of more than 2,500 square feet in floor area.
- (b) **Maximum Size.** 10,000 square feet.
- (c) **Setbacks.** A minimum interior setback of 20 feet must be provided adjacent to any Residential Zone.
- (d) **Hours of Operation.** Permitted hours of operation are between 7:00 a.m. and 11:00 p.m., seven days a week, unless longer hours are allowed with a Conditional Use Permit.
- (e) **Lighting.** Lighting shall be designed and installed to prevent light and glare on adjoining properties in compliance with the requirements of Chapter 9-403, Lighting and Illumination.
- (f) **Litter.** The site must be maintained free of litter and graffiti at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. One permanent, non-flammable trash receptacle shall be installed near the entrance/exit of the building.

9-409.160 COTTAGE FOOD OPERATIONS

Cottage Food Operations must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Where Allowed.** A Cottage Food Operation is permitted in a Single Unit Dwelling with approval of a business license.
- (b) **Maximum Number of Employees.** No more than one employee or independent contractor shall be permitted to work on-site in addition to the family member or household member of the cottage food operator.
- (c) **No Signage Allowed.** No sign or other advertisement identifying the Cottage Food Operation is allowed on premises or the lot where the cottage food operation located.
- (d) **Registration Required.** The Cottage Food Operation shall be registered with the Environmental Health Department in accord with Section 114365 of the California Health and Safety Code.
- (e) **Direct Sales Only.** Only direct sales of food products for off-site sales or consumption are permitted. No on-site food service is allowed.
- (f) **Plan of Operation.** Cottage Food Operations must have a plan of operation, including but not limited to, food production and safety, hours of operation, litter control, and noise attenuation, which must be submitted with the application for an Administrative Use Permit.
- (g) **Building and Fire Safety Regulations.** Evidence of compliance with all Building and Fire Safety regulations and with California Health and Safety Code requirements and any other measures necessary and appropriate to ensure compatibility of the proposed use with the surrounding area is required as part of the Administrative Use Permit application.

9-409.170 DAY CARE CENTERS

Day Care Centers must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Fencing.** All outdoor recreation areas shall be enclosed by walls or fences not less than six feet in height. If existing fencing is less than six feet in height, the Zoning Administrator may approve such alternative fencing if, upon review of adjacent uses, supervision ratios, and facility floor plans, it is determined that the existing fence height will not be detrimental to the health, safety, or welfare of facility users.
- (b) **Garages.** Garages cannot be converted for use as a Day Care Center unless:

- (1) Alternative on-site parking is available to meet minimum off-street parking requirements; and
 - (2) The garage is improved to meet building and fire code regulations as a habitable space for the proposed occupancy classification.
- (c) **Outdoor Activities.** Outdoor activities shall not be permitted before 7:00 a.m. or after 8:00 p.m.
- (d) **Outdoor Recreation Area.** The minimum amount of outdoor recreation area shall be 35 square feet for children under two years of age and 75 square feet for children two years of age or older.
- (1) Areas that must be excluded in calculating outdoor recreation area include side yards less than ten feet in width and areas containing swimming pools, spas, or other water bodies.
 - (2) Neighborhood greenbelt and park space may be used to satisfy the outdoor recreation area requirement if these areas are within a one quarter mile walk, are appropriate for recreation, and proper insurance coverage has been obtained for using them.
- (e) **Passenger Loading.** A passenger loading plan shall be required for all Day Care Centers, subject to the approval of the Zoning Administrator. All loading facilities shall be located off-street and within the site; however, the Zoning Administrator may authorize up to one required on-street passenger loading space along a frontage curb for certain designated times.
- (f) **Public Service Access.** The applicant has developed and will implement a public service access plan providing or arranging for transportation, as necessary, for group care residents or children. The plan shall specifically describe the means by which residents will gain access to bus and other public transportation routes, shopping locations, medical, dental, or other health care facilities, and government offices.
- (g) **Maintenance.** The applicant must provide adequate exterior maintenance to the facility and surrounding yard and setback areas. This shall include a plan demonstrating provisions for regular yard and landscape irrigation and maintenance and other items of routine maintenance.

9-409.180 DRIVE-IN AND DRIVE-THROUGH FACILITIES

Drive-in and drive-through facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Circulation.** Drive-through facilities must provide safe, unimpeded movement of vehicles at street access points, in travel aisles, and parking areas. A site plan

showing directional movements for interior traffic circulation must be provided for review by the Department of Public Works.

- (b) **Landscaping and Screening.** In addition to complying with the landscaping standards in Chapter 9-402, Landscaping, additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent Residential districts.
- (c) **Lighting.** Lighting shall be designed and installed to prevent light and glare on adjoining properties in compliance with the requirements of Chapter 9-403, Lighting and Illumination.
- (d) **Pedestrian Walkways.** Vehicle aisles must not intersect with interior pedestrian walkways unless no alternative exists. In such cases, pedestrian walkways must have clear visibility, emphasized by enhanced paving or markings.
- (e) **Screening.** Each drive-through aisle must be screened with a combination of decorative walls and landscape to prevent headlight glare and direct visibility of vehicles from adjacent streets.
- (f) **Site Design.**
 - (1) Drive-through elements must be placed to the side or rear of the building. Drive-through windows must be oriented away from the street frontage and provide adequate screening measures through landscaping and design to minimize visibility of the drive-through.
 - (2) The design of freestanding drive-through facilities must be compatible with the principal building, in terms of building color, materials, and form.
- (g) **Stacking.** Vehicular stacking areas must be provided to ensure that the vehicle queue will not interfere with public rights-of-way, private streets, or with on- or off-site parking and circulation.
- (h) **Trash and Waste.**
 - (1) Garbage and trash containers shall be provided in locations suitably enclosed and screened so as not to be visible from a public right-of-way.
 - (2) A waste receptacle shall be placed near the entry way to the drive-in or drive-through facility.
 - (3) The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 100 feet of the premises. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.

9-409.190 EMERGENCY SHELTERS

Emergency Shelters must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Basic Facility Requirements.** Each Emergency Shelter shall include, at a minimum:
- (1) A client waiting and intake area shall be provided as interior space and contain a minimum of 10 square feet per bed provided at the facility, and a minimum size of 100 square feet of floor area
 - (2) A courtyard or other on-site area for outdoor client congregation, so that clients waiting for services are not required to use the public sidewalk for queuing;
 - (3) Donation/collection bins and areas screened from public view and open to the public between the hours of 9:00 a.m. to 6:00 p.m. A sign stating hours of operation shall be placed in a clear, visible location and shall be no larger than 15 square feet.
 - (4) Exterior lighting at all building entrances and outdoor activity areas activated between sunset and sunrise of each day for security purposes.
 - (5) On-site management during hours of operation when clients are present, and an area for the manager near the entry to the facility;
 - (6) Off-street parking at a ratio of one space for every 10 beds plus one space for the manager of the facility;
 - (7) Storage facilities for personal belongings.
 - (8) Telephone for use by clients;
- (b) **Common Facilities.** The Emergency Shelter may provide one or more of the following specific facilities and services:
- (1) Childcare facilities;
 - (2) Commercial kitchen facilities operated in compliance with Health and Safety Code Section 113700, et seq.;
 - (3) Dining area;
 - (4) Laundry;
 - (5) Recreation room; and
 - (6) Support services (e.g., training, counseling).

- (c) **Maximum Number of Beds.** No more than 10 beds shall be provided in any single Emergency Shelter located in a Residential Zone, and no more than 100 beds shall be provided in any single Emergency Shelter located within a Commercial or Public Facilities Zone, except:
 - (1) In response to a disaster; or
 - (2) As authorized by a Conditional Use Permit.
- (d) **Outdoor Food Distribution.** Outdoor charitable food distribution shall be conducted entirely on private property in a covered area during times that are approved by the city and shall not block accessible pathways. Hours of operation shall be the same as the hours of operation for Social Services Centers and Government Offices in the zoning district where the shelter is located unless the Director determines that extending the hours will not interfere with or adversely affect surrounding uses based on the circumstances of the application.
- (e) **Parking.** At least one vehicle parking space for every 10 beds, one bicycle space for every five beds, and one additional parking space for every 10 beds. The Zoning Administrator may reduce this parking requirement upon finding that the actual parking demand will be less than the standard assumes.
- (f) **Proximity to Other Shelters, Parks, Schools, and Recreational Facilities.**
 - (1) **Minimum distance from another Emergency Shelter:** 500 feet;
 - (2) Minimum distance from a public park, public or private K-12 school, and a public recreational facility serving persons under the age of 18: 750 feet.
- (g) **Signs.** No signs shall be placed on the site identifying its use as a shelter for the homeless.
- (h) **Management Plan.** The applicant or operator shall submit a Management and Operations Plan for the Emergency Shelter for review and approval by the Zoning Administrator prior to approval of a business license. The Plan shall include, but not be limited to, the following:
 - (1) Security;
 - (2) Staff training;
 - (3) Neighborhood relations;
 - (4) Pet policy;
 - (5) Client intake process;
 - (6) List of services provided;

- (7) Facility maintenance;
- (8) Solid waste control;
- (9) Amenities, such as hours of operation, cooking/dining facilities, laundry facilities and activity policies; and
- (10) Anti-discrimination policies.

9-409.200 ENTERTAINMENT

Entertainment establishments and entertainment associated with Eating and Drinking Establishments and Commercial Recreation and Entertainment must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Permits Required.** All non-exempt types of live entertainment, where allowed by the 200 Series, Base Zones, require an Administrative Use Permit or a Temporary Use Permit issued pursuant to Chapter 9-804, Use Permits, in addition to any other permits or licenses required by the County Code.
- (b) **Conditions of Approval.** In issuing an Administrative Use Permit or a Temporary Use Permit, the Zoning Administrator may impose reasonable conditions relating to:
 - (1) The days, hours and location of operation and the number of persons allowed on the premises;
 - (2) Restrictions designed to prevent minors from obtaining alcohol, such as separate entrances, exits, and restroom facilities on the premises;
 - (3) Whether security guards are required, and if so, how many;
 - (4) Specific measures the applicant must undertake to control the conduct of patrons so as to prevent or minimize disorderly conduct within the establishment;
 - (5) Specific measures the applicant must undertake to remove trash attributable to the establishment or its patrons in and around the establishment;
 - (6) Specific measures the applicant must undertake to prevent the entertainment and its patrons from disturbing the peace and quiet of the surrounding neighborhood;
 - (7) Specific measures the applicant must undertake to prevent its patrons from engaging in disorderly conduct in the surrounding neighborhood; and

- (8) Whether the Sheriff must receive advance notice of the date of a particular event if that event is not held as part of the regularly scheduled events of the business.
- (c) **Display of Permit.** The Administrative Use Permit shall be displayed at all times in a conspicuous place in the entertainment establishment for which it was issued and shall be immediately produced upon the request of any law enforcement or code enforcement officer.
- (d) **Exemptions.** The following types of entertainment and events are exempt from the Administrative Use Permit required by this section, but a Temporary Use Permit may still be required under Section 9-409.420, Temporary Uses, for certain types of entertainment and special events that are of limited duration. This exemption does not relieve any entertainment establishment from complying with all other applicable regulations in the County Code, including requirements related to noise levels and nuisances.
 - (1) Entertainment sponsored by any County agency, boards of education, or any other political subdivision of the State of California;
 - (2) Entertainment sponsored by any nonprofit public benefit organization sponsoring youth activities. If the event is a dance, the following requirements must be met to qualify for an exemption:
 - (A) No person 18 years of age or older may be admitted as a guest, unless such person is sponsoring the event, or is a family member of a student or the sponsor;
 - (B) No alcoholic beverages may be served, consumed or permitted on the premises;
 - (C) Chaperones are present, comprising two adults, 25 years of age or older, for every 100 guests; and
 - (D) The event must finish by 12:00 a.m. and the premises and adjoining parking lots must be promptly vacated by all the guests.
 - (3) Entertainment lawfully conducted at any County park, building or recreational facility on property owned and controlled by a public agency;
 - (4) Entertainment limited to the use of a radio, recorded music or speech not provided by a D.J., juke box, television, video games, video programs, in an establishment that does not permit dancing;
 - (5) Entertainment provided for invited guests at a private event such as a wedding reception, banquet, or celebration where there is no admission charge;

- (6) Entertainment conducted in connection within a theme park;
 - (7) Entertainment conducted or sponsored by any religious organization, club, organization, society or association, that is exempt from taxation pursuant to Internal Revenue Code Section 501(c)(3), when all proceeds, if any, arising from such entertainment are used exclusively for the benevolent purposes of such religious organization, club, society or association;
 - (8) Entertainment consisting of ambient or incidental music provided for guests or patrons by musicians such as a piano player, harpist, strolling violinist, mariachi band, guitarist or band. If there is an admission charge required to observe or attend such entertainment, the music will not be considered ambient or incidental;
 - (9) Entertainment provided by mechanical or electronic amusement devices in an arcade;
 - (10) Bingo regulated under Title 6, Division 2, Chapter 5, Bingo Games;
 - (11) Book readings, book signings, poetry recitations, and any other similar entertainment consisting of the spoken word, including plays;
 - (12) Dance lessons, theatrical and performing arts lessons and student recitals;
 - (13) Fitness services provided by an athletic club or fitness center;
 - (14) Fund-raisers for a political cause;
 - (15) Parades and street performers such as musicians, singers or mimes;
 - (16) Performances by the students at educational institutions where such performances are part of an educational or instructional curriculum or program; and
 - (17) Theaters and cinemas not providing live entertainment.
- (e) **Hours of Operation.** All entertainment establishments shall be closed, and all patrons shall vacate the premises between 2:00 a.m. and 6:00 a.m. However, as part of a New Year celebration, entertainment establishments may remain open until 3:00 a.m. on January 1st.
- (1) No outdoor entertainment is allowed between 10:00 p.m. and 6:00 a.m. Sunday through Thursday, and 11:00 p.m. and 6:00 a.m. Friday and Saturday, except that as part of a New Year celebration, outdoor entertainment establishments may remain open until 1:00 a.m. on January 1st.
 - (2) A responsible person must be present in the entertainment establishment during all hours that it is open.

- (f) **Attire.** In any establishment where the sale of alcoholic beverages is lawfully permitted, it is unlawful to allow any person to remain on the premises while such person is unclothed, or in such attire, costume, clothing, or semi-transparent covering as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, buttocks, vulva or genitals.
- (g) **No Admittance of Intoxicated Persons.** All entertainment establishments shall make reasonable efforts to prevent the admittance of any obviously intoxicated person. For purposes of this subsection, a person is obviously intoxicated when he or she exhibits readily apparent outward manifestations of drug or alcohol intoxication, including but not limited to, inability to walk or stand in a normal manner, bloodshot or glassy eyes, flushed face, incoherent or slurred speech, alcoholic breath, belligerence or other loud or boisterous conduct, extreme agitation or nervousness or mental confusion.
- (h) **No Disorderly Conduct.** All entertainment establishments shall make reasonable efforts to prevent the admittance of any person whose conduct is disorderly, as described in Penal Code Sections 415, Fighting, Loud Noise, Offensive Words in Public Places, or 647, Disorderly Conduct.
- (i) **Noise Abatement.** No loudspeakers or sound equipment shall be used for the amplification of sound to a level audible beyond the walls of an entertainment establishment. Outdoor events shall comply with the performance standards for noise in Chapter 9-404, Noise.
- (j) **Orderly Dispersal Required,** Each Responsible Person at an entertainment establishment shall use reasonable efforts to cause the orderly dispersal of patrons from the vicinity of the establishment at closing time.
- (k) **Outdoor Dining and Seating.** All outdoor dining and seating shall comply with the requirements of Section 9-409.330, Outdoor Dining and Seating.

9-409.210 EXPLOSIVES HANDLING

Explosives Handling may be allowed with a Conditional Use Permit, provided all of the following findings are made in addition to the required findings in Section 9-804.050, Required Findings:

- (a) The proposed site for the use is located one-half mile or more from any residence or residentially zoned area on soils not classified as "prime," of "statewide significance," or "unique" by the United States Department of Agriculture Soil Conservation Service;
- (b) The proposed site for the use will be located in areas within one-quarter mile of an existing Explosives Handling use; and

- (c) Explosive Handling at this location will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or be injurious to property, agricultural operations, or improvements in the vicinity.

9-409.220 FAMILY DAY CARE, LARGE

Large Family Day Care Homes must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Administrative Use Permit Required.** The operator of the Large Family Day Care Home must obtain an Administrative Use Permit and secure all necessary licenses, certificates, and environmental health permits, as required. All permits (or copies of them) must be available for inspection on-site during all hours of operation.
- (b) **Licensing.** Large Family Day Care Homes shall be licensed or certified by the State of California and shall be operated according to all applicable state and local regulations.
- (c) **Maximum Number of Children.** No more than 14 children, including children under the age of 10 who reside at the home, shall be cared for at a Large Family Day Care Home.
- (d) **Operator Residency.** The operator of a Large Family Day Care Home must be a full-time resident of the dwelling unit in which the facility is located.
- (e) **Outdoor Space.** A minimum of 50 square feet of outdoor recreational space must be provided for each child over two years old. Swimming pools and adjacent pool decking shall not count towards meeting this space. The outdoor area cannot be located in any required front or street side yard, nor can it be shared with other property owners.
- (f) **Passenger Loading.** Curbside loading is presumed adequate for drop-off and pick-up of children; however, where the Zoning Administrator determines that curbside loading is not adequate, a passenger loading plan and two off-street parking spaces available for use during the hours of operation of the large family day care home shall be required.
- (g) **Screening.** A periphery fence or wall, constructed of wood or masonry, must be provided to screen and secure outdoor areas. Barbed wire is prohibited.
- (h) **Swimming Pool or Spa.** If the property contains a swimming pool or spa, the spa or swimming pool shall meet all current requirements of this Title for fencing, gate latches, and alarms.

9-409.230 FARM EMPLOYEE HOUSING

Farm Employee Housing must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Eligible Facilities.** Farm Employee Housing may consist of a variety of living quarters, dwelling units, group housing, tents, bunkhouses, recreational vehicles, mobile homes, or other housing designed and maintained for use by eligible farm employees for temporary or seasonal residency or permanent residency. Farm Employee Housing also means the same as “labor camp.” Farm Employee Housing does not include a hotel, motel, inn, tourist hotel, Multi-Unit Dwelling, or Single-Unit Dwelling where the housing is offered and rented to nonagricultural employees on the same terms as to farm employees, the owner of the housing is not an agricultural employer, or the housing is classified as “employee community housing” under State Housing Law.
- (b) **Streamlined Review – When Only a Zoning Clearance is Required.** Farm Employee Housing, consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household on a site in an Agricultural Zone, is a permitted agricultural use and only requires a Zoning Clearance to confirm that the standards of this Section and other applicable requirements of this Title are met. Housing exceeding these limits requires approval of a Conditional Use Permit.
- (c) **Limits on Location.** No Farm Employee Housing shall be allowed in the following locations:
 - (1) On wetlands identified in the General Plan;
 - (2) Within a high fire hazard severity zone, as defined by the California Department of Forestry and Fire Protection;
 - (3) On a hazardous waste site;
 - (4) Within a delineated earthquake fault zone, as determined by the State Geologist and shown in the General Plan;
 - (5) On land subject to a habitat conservation plan; and
 - (6) On land where the groundwater is within five feet of the soil surface where onsite wastewater disposal would serve six or more family units.
- (d) **Limits on Fees.** No taxes or permit fees that are not normally required for other agricultural activities in Agricultural Zones can be required of a developer of Farm Employee Housing.
- (e) **Maximum Height.** 25 feet.
- (f) **Minimum Sleeping Area – Group Quarters.** In group quarters, the minimum floor area available for sleeping purposes shall be 50 square feet per occupant.
- (g) **Off-Street Parking.** Off-street parking shall be provided as required by Chapter 9-406, Parking and Loading. The minimum parking requirement for farm worker

housing shall be one parking space per unit or one space per three beds for group quarters.

- (h) **Setbacks.** All Farm Employee Housing shall be a minimum of 75 feet from any barn, pen, or other structure that houses livestock or poultry and a minimum of 50 feet from any other agricultural use.
- (i) **Water and Wastewater Disposal.** All Farm Employee Housing shall have water service and wastewater disposal and facilities provided in accordance with Chapters 9-602, Water Systems, and 9-604, Wastewater Treatment and Disposal, respectively.
 - (1) **On-Site Wastewater Disposal System.** In Agricultural Zones, Farm Employee Housing may be served by a private on-site wastewater disposal system, subject to the provisions of Chapters 9-603, Water Quality and Chapter 9-605, Private On-Site Wastewater Disposal, provided existing uses on the site are also served by a private on-site wastewater disposal system. A mandatory connection to a public wastewater disposal system is not required for farm worker housing if the Environmental Health Division determines that there is a suitable area on the site for a septic tank. Otherwise, the proposed farm worker housing shall be served by a public wastewater disposal system.
 - (2) **On-Site Well System.** In Agricultural Zones, Farm Employee Housing may be served by an on-site well system, subject to the provisions of Chapter 9-601, Water Well and Well Drilling, provided that the existing uses on the site also are served by an on-site well system. Otherwise, the proposed Farm Employee Housing shall be served by a public water system.
- (j) **Minimum Period of Occupancy.** The owner of Farm Employee Housing approved under this section must agree to maintain this housing for a minimum period of 10 years after issuance of a final building permit. Failing to do so would allow the County to recover any taxes, fees, assessments, or charges that were waived for the farm worker housing.
- (k) **Other Codes.** Farm Employee Housing shall conform with all the requirements of the Environmental Health Division that are applicable to agricultural uses in Agricultural Zone in which the property is located. All Farm Employee Housing must satisfy building, fire, and safety standards, such as fire lane widths, minimum fire flows, and emergency egress, as established through State of California's Fire and Building Codes and as amended by the County.

9-409.240 FIREWORKS

Public display of fireworks must be located and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Permits Required.** A Temporary Use Permit issued by the Zoning Administrator shall be required for all public displays of fireworks. An approved Operational Fire permit shall be submitted with every Temporary Use Permit application.
- (b) **Timing of Application.** An application for the public display of fireworks must be submitted at least four weeks before the proposed date of the display, and the Temporary Use Permit must be approved a minimum of two weeks prior to the proposed public display of fireworks.
- (c) **Notice Required.** The Zoning Administrator shall notify all property owners of land adjacent to the site approved for the public display of fireworks least one week prior to the date of the public display of the details of the public display of fireworks, including the date and time of the event and the length of time for the fireworks display.

9-409.250 GROUP RESIDENTIAL

Group Residential facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Minimum Lot Area.** When located in a Residential Zone, the minimum lot area is 10,000 square feet.
- (b) **Fencing.** All outdoor recreation areas shall be enclosed by walls or fences not less than six feet in height. Should existing fencing be less than six feet in height, the Zoning Administrator may approve such alternative fencing if, upon review of adjacent uses, supervision ratios, and facility floor plans, it is determined that the existing fence height will not be detrimental to the health, safety, or welfare of facility users.
- (c) **Kitchen Facilities.** Private living quarters may have efficiency kitchen facilities.
- (d) **Laundry Facilities.** Laundry facilities must be provided on-site.
- (e) **Outdoor Activities.** Outdoor activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.
- (f) **Outdoor Recreation Area.** The minimum area for outdoor recreation shall be 20 square feet for each person who resides in the facility. Spaces that must be excluded in calculating the size of outdoor recreation areas include side yards less than 10 feet in width and areas containing swimming pools, spas, or other water bodies. Neighborhood greenbelt and park space may be used to satisfy the outdoor recreation area requirement if these areas are within a one-quarter mile walk if they are appropriate for recreation and proper insurance coverage has been obtained for using them.

- (g) **Security.** Parking garages, surface parking, and private and common areas located outside the building must be designed to protect the security of residents, guests, and employees by controlling access to the facilities by other persons.

9-409.260 HAZARDOUS WASTE FACILITIES

Hazardous Waste facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Compliance with State Codes Required.** All applicants for hazardous waste facility projects listed in the County's Hazardous Waste Management Plan shall comply with the procedures set forth in Public Resources Code Sections 21000-21177 and Government Code Section 65920 et seq. or any successor statutes in addition to the requirements for Conditional Use Permits.
- (b) **Specified Hazardous Waste Facilities.** All applications for specified hazardous waste facility projects must follow the procedures set forth in Health and Safety Code Sections 25199 et seq. or any successor statute, Public Resources Code Sections 21000 – 21177, and Government Code Section 65920 et seq. or any successor statutes.
- (c) **Standards and Locational Criteria.** All specified hazardous waste facility projects in the County shall comply with the siting criteria set forth in the County's Hazardous Waste Management Plan and the following criteria:
 - (1) **Capability of Emergency Services.** All facilities shall be located in areas where the Fire Departments is able to respond immediately to hazardous material accidents, where mutual aid and immediate aid agreements are well established and where demonstrated emergency response times are the same or better than those recommended by the National Fire Prevention Association. In addition, hazardous material accident response services at the facility may be required based on the type of wastes handled or the location of the facility.
 - (2) **Depth to Groundwater.** Residuals repositories and facilities with subsurface storage and/or treatment are prohibited in areas where the highest anticipated elevation of underlying groundwater is five feet or less from the lowest subsurface point of the facility. At all facilities, the foundation of all containment structures at the facility must be capable of withstanding hydraulic pressure gradients to prevent failure due to settlement, compression, or uplift as certified by a California-registered civil engineering geologist.
 - (3) **Existing Groundwater Quality.** Residuals repositories are allowed only where the uppermost water-bearing zone or aquifer is presently mineralized (by natural or human induced conditions) to the extent that it could not

reasonably be considered for beneficial use. All other facilities located in areas where existing groundwater quality meets the regional water quality objectives for beneficial use shall provide increased spill containment and inspection measures.

- (4) **Groundwater Monitoring.** Residuals repositories and facilities with subsurface storage and/or treatment must develop a program that successfully satisfies the Regional Water Quality Control Board permit requirements for groundwater monitoring. Facilities that handle liquids should be located where groundwater flow is in one direction with no vertical interformational transfer of water.
- (5) **Discharge of Treated Effluent.** Facilities generating wastewater shall be located in areas with adequate sewer capacity to accommodate the expected wastewater discharge. If sewers are not available, the site should be evaluated for ease of connecting to a sewer or for the feasibility of discharge directly into a stream or the ocean. All facilities should comply with State and federal permitting requirements.
- (6) **Flood Hazard Areas.** Residuals repositories are prohibited in areas subject to inundation by floods with a 100-year return frequency and shall not be located in areas subject to flash floods and debris flows. All other facilities shall be located outside floodplains or areas subject to flash floods and debris flows unless they are designed, constructed, operated, and maintained to prevent migration of hazardous wastes in the event of inundation.
- (7) **Major Aquifer Recharge Area.** Residuals repositories are prohibited within any area known to be, or suspected of, supplying principal recharge to a regional aquifer. Facilities with subsurface storage or treatment must be located at least one-half mile away from all potential drinking water sources. All other facilities located in areas known to be, or suspected of, providing recharge to an existing water supply well shall provide for increased spill containment and inspection measures.
- (8) **Proximity to Active or Potentially Active Faults.** All facilities are required to have a minimum 200-foot setback from a known active earthquake fault.
- (9) **Proximity to Areas of Waste Generation.** Subject to other standards and criteria in this section, all facilities shall be located in areas best suited for providing services to any hazardous waste generators in the County. Facilities that will primarily serve generators from outside the County must demonstrate why the facility cannot be located closer to the points of hazardous waste generation they serve.

- (10) **Proximity to Populations.** Residuals repositories shall be a minimum distance of 2,000 ft. from any residence.
 - (11) **Soil Permeability.** Soil permeability requirements for disposal and subsurface treatment and storage facilities shall conform to those required by the State Water Resources Control Board. All other above-ground facilities shall have engineered structural design features common to other types of industrial facilities. These features shall include spill containment and monitoring devices. All other facilities may be located in areas where surficial materials are principally highly permeable if adequate spill containment and inspection measures are employed.
 - (12) **Subsidence/Liquefaction.** Residuals repositories are prohibited from locating in areas of potential rapid geologic change. All other facilities shall avoid locating in areas of potential rapid geologic change unless containment structures are designed, constructed, and maintained to preclude failure as a result of such changes.
- (d) **Conditions of Approval.** The following conditions shall apply to all proposed facilities with an approved Conditional Use Permit:
- (1) **Fire and Building Codes.** All storage or use of hazardous materials must be approved by the Fire Prevention Bureau and the local Fire Chief and be in conformance with all applicable fire and building codes.
 - (2) **Safety and Security.** The operator shall provide a 24-hour surveillance system that continuously monitors and controls entry onto the facility. Perimeter fencing shall be constructed, and security measures taken to prevent climbing and scaling of fences. Masonry walls shall be used when the facility is adjacent to non-industrial uses. The Zoning Administrator shall determine compliance with this standard.
 - (3) **Monitoring.**
 - (A) Upon reasonable notice, and for the purpose of ensuring compliance with all standards, conditions, and other requirements that the County is authorized to enforce, County officials may enter the premises on which a hazardous waste facility permit has been granted.
 - (B) The owner or operator of a facility shall report quarterly to the Zoning Administrator the amount, type and disposition of all wastes processed by the facility. The report shall include copies of all manifests showing the delivery and types of hazardous wastes, a map showing the exact location (coordinates and elevation), and the quantities and types of materials placed in repositories, stored, or disposed of onsite.

- (C) The owner or operator of a hazardous waste facility shall immediately send copies of all complaints regarding facility operations and copies of all inspection reports made by other local, state or federal agencies to the Zoning Administrator.

9-409.270 HOME OCCUPATIONS

Home occupations must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Applicability.** The standards of this Section apply to any occupation conducted in a dwelling unit, garage, or accessory building in a Residential or Agricultural Zone that is incidental to the principal residential use.
- (b) **Exterior Residential Appearance.** The exterior residential appearance of the unit within which the home occupation is conducted must be maintained. No exterior indication of a home occupation is permitted. There shall be no visible signs or window displays, except as required by law or allowed by Chapter 9-406, Signs.
- (c) **No On-Site Retail Sales.** There shall be no sale or display of a commodity on the premises of a home occupation. This prohibition does not apply to food products from cottage food operations meeting the requirements of the California Department of Public Health.
- (d) **Nuisances Prohibited.** A home occupation must be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of wireless telecommunications, interference with radio or television reception, or other hazard or nuisance is perceptible on adjacent lots or in neighboring units in a multiple-unit building.
- (e) **Number of Employees.** No more than one person other than the resident(s) of the dwelling shall be employed on-site or report to work at the site of the home occupation. This prohibition also applies to independent contractors who work on-site; the home occupation may have off-site employees, contractors, and partners, provided they do not report to work at the property.
- (f) **Outdoor Equipment.** No outdoor storage or display of vehicles, equipment, materials or supplies related to the home occupation shall be permitted, with a single exception: one business vehicle, up to two-ton capacity, with signage and used for the home occupation is permitted.
- (g) **On-Site Client Contact.** Customer and client visits are permitted, provided the home occupation does not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

- (h) **Permitted Home Occupations.** Permitted home occupations include a broad range of uses that are relatively benign and have minimal impact on adjoining uses, pedestrian and vehicular traffic and public services and facilities. Examples of such occupations are architectural, engineering, landscape architectural, and interior design services, art restoration, consulting and data processing, digital research, direct sales distribution (but no on-site retail sales), dressmaking, sewing and tailoring; flower arranging, insurance sales and services, jewelry making, real estate sales and services, secretarial and word processing, social media, telephone answering, writing, and computer programming.
- (i) **Prohibited Occupations and Activities.** The following are expressly prohibited as home occupations: ambulance or hearse service; ammunition reloading; any business distributing, transporting, or delivering commercial cannabis or commercial cannabis products; bed and breakfast lodging; ceramics using a kiln of six cubic feet or more in size; health salon, gym, dance or exercise studio; household appliance repair or reconditioning; mobile oil changing; mortician; medical, dental or veterinary office; private club; repair, storage or reconditioning of boats, cars, trucks and recreational vehicles; restaurants; retail sales except artist's, artisan's and photographer's original work; truck towing; veterinary uses; and welding.
- (j) **Restricted Home Occupations.** The following home occupations are permitted, subject to the limitations listed.
 - (1) **Contractors,** provided there is no on-site storage of heavy vehicles, construction materials, and equipment not normally associated with a single family residential use.
 - (2) **Cottage food operations,** provided the requirements of Section 9-409.160, Cottage Food Operation, are met.
 - (3) **Dog and cat breeding,** provided the number of adult dogs and cats does not exceed four.
 - (4) **Electronic, mechanical or garden equipment repair,** provided there is no individual customer pickup or delivery at the site. All testing shall be performed within an enclosed building.
 - (5) **Furniture repair and restoration,** provided there is no individual customer pickup or delivery at the site.
 - (6) **Gardening and landscape maintenance,** provided there is no on-site storage of fertilizers, pesticides, plants, soils, and heavy equipment.
 - (7) **Mail order businesses,** provided there are no direct on-site sales to customers.

- (8) **Manufacturing of custom items, clothing.** Handicrafts, toys, or similar products, using light duty equipment normally found in a residence.
 - (9) **Private lessons and individual instruction** in academic subjects, athletics, the arts, crafts, dance, or similar disciplines, provided that only one student is present for instruction or practice at any time.
 - (10) **Shoe repair**, provided there are no more than eight customer visits per day to drop off or pick up such items and no sales of any kind are permitted.
 - (11) **Taxicab, limousine, and on-demand transportation service**, provided that no vehicle parked at or near the residence used for the home occupation shall be on-call and available for service or dispatched from the residence by radio, telephone or the internet. An Administrative Use Permit shall be required to have more than one vehicle associated with this service parked at or near the residence where this home occupation is located.
- (k) **Storage.** There shall be no outdoor storage of materials or equipment; no storage of toxic or hazardous materials, including ammunition and gunpowder, except for those amounts which would normally be permitted by the California Building Code or specifically approved as to type by the Zoning Administrator; nor shall merchandise be visible from outside the home.
- (l) **Use of Commercial Vehicles.** The home occupation may involve the use of a commercial vehicle, not to exceed 11,000 pounds gross vehicle weight rating, as defined in the California Vehicle Code. The following types of vehicles shall be stored off-site and are expressly prohibited on the site of a home occupation:
- (1) Limousines or taxicabs;
 - (2) Dump trucks;
 - (3) Tow trucks;
 - (4) Pick-up trucks with the bed converted into a hauling compartment designed to hold materials and equipment that exceed the height of the existing sides of the truck; construction vehicles (e.g., front-end loaders, backhoes);
 - (5) Tractors and trailers (e.g., construction trailers, chipper trailers, and semi-trailers); and
 - (6) Construction equipment (e.g., cement mixers, chippers).

9-409.280 HOSPITALS AND CLINICS

Hospitals and clinics must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Location.** Hospitals are only allowed on sites with at least one frontage on an arterial street.
- (b) **Emergency Service Entrance.** An off-street short-term parking and loading zone is required with adequate queue space for emergency vehicles.

9-409.290 LIVE-WORK UNITS

Live-Work Units must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Establishment.** Live-Work Units may be established through new construction or through the conversion of existing multi-family residential, commercial, and industrial buildings.
- (b) **Allowable Uses.** Work activities in Live-Work Units are limited to uses that are permitted outright or with a Zoning Clearance or allowed with an Administrative Use Permit or Conditional Use Permit in the zones in which the Live-Work Units are located. Live-Work Units are not permitted to contain only "work" or commercial uses. On-site storage and sale of materials and merchandise is allowed within enclosed structures; outside storage is prohibited.
- (c) **Development Standards.** Live-work buildings shall comply with the following standards.
 - (1) The minimum size of an individual live-work unit shall be 500 square feet.
 - (2) The workspace must meet the requirements of the California Building Code for the type of activity/use being undertaken. Similarly, the area defined as the living space must comply with the Building Code requirements for habitable space and meet, at a minimum, the Building Code standards for an efficiency unit.
 - (3) The reuse of existing commercial or industrial buildings for live-work occupancy shall be subject to alternative building standards, as adopted by the County, for the conversion of existing buildings, or portions thereof, from commercial or industrial uses to joint living and work quarters. These alternative standards are intended to provide a reasonable level of safety to the building occupants and are in conformance with the provisions of California Health and Safety Code Section 17958.11
- (d) **Sale or Rental of Portions of Two-Level Units Prohibited.** No portion of a two-level Live-Work Unit may be separately rented or sold as a commercial space for a

person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

9-409.300 MOBILE FOOD TRUCK

Mobile Food Trucks must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Permits Required.** In addition to an Administrative Use Permit, the operator of a Mobile Food Truck shall submit proof of compliance with the following requirements to the Zoning Administrator:
- (1) **Business License.** Every operator of a Mobile Food Truck shall obtain a County business license prior to operation.
 - (2) **Display of Permits.** All permits and licenses shall be displayed at the place of business at all times.
 - (3) **County Health Department.** If food and/or beverages are being sold, a valid permit from the Environmental Health Department is required for the commissary as well as for the Mobile Food Truck.
 - (4) **State-Certified Vehicle.** The operator of the Mobile Food Truck shall provide proof that the vehicle is State-certified for operation as a mobile food preparation truck, including compliance with plumbing and electrical standards.
 - (5) **Vehicle Insurance and Registration.** Proof of current insurance and registration of the vehicle must be present with the Administrative Use Permit application.
- (b) **Site Criteria/Operational Characteristics.** The following criteria shall apply to the siting and operational characteristics of Mobile Food Trucks:
- (1) **Where Allowed.** Mobile Food Trucks shall be allowed only in Commercial and Industrial Zones and in the Airport Mixed Use Zone (AP-X).
 - (2) **Adequate Parking Required.** A Mobile Food Truck located on the premises of an already established business shall be allowed to operate their business on that location only if it can be shown that there is adequate parking for both the established business and for customers of the outdoor vendor business.
 - (3) **Overnight Parking.** The off-site location where the Mobile Food Truck is to be stored overnight must be identified in the application for an Administrative Use Permit. Mobile Food Trucks shall not be parked in Residential Zones.

- (4) **Site Cleanup.** The operator of the truck shall be responsible for cleaning up the site and adjacent surrounding area of the trash and debris generated by the business during and at the end of each business day. Wash down of the Mobile Food Truck shall be only permitted at an approved facility that will capture the wastewater in an approved sanitary sewer.
 - (5) **Locational Limits.** The Mobile Food Truck shall not be located within a 12-foot radius of the outer edge of any entranceway to any building or facility used by the public or where space for pedestrian passage will be reduced to less than six feet.
- (c) **Permit Time Limits.** An Administrative Use Permit for a Mobile Food Truck shall be granted only for a maximum of two years. It may be renewed.

9-409.310 MOBILE HOME PARKS

Mobile Home Parks must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Maximum Density.** The maximum density is 10 mobile home units per net acre unless a lower General Plan density limit is set for the Residential Zone where the park is located.
- (b) **Minimum Mobile Home Site Dimensions.**
 - (1) **Minimum area:** 2,500 square feet.
 - (2) Minimum width: 40 feet
 - (3) Minimum Service Road Frontage: 25 feet.
- (c) **Access and Circulation.**
 - (1) **Entrance Roads.** Roads that serve entrances to Mobile Home Parks shall provide two-way access and be located no less than 150 feet from a public street. The minimum number of entrances and exits for Mobile Home Parks shall be determined by the Zoning Administrator.
 - (2) **Internal Roads.**
 - (A) All Mobile Home Parks shall be served by at least one interior road of continuous two-way circulation.
 - (B) No road that does not provide for continuous circulation shall exceed 600 feet in length. Dead-end roads shall have cul-de-sacs of no less than 50 feet in radius.
 - (3) **Minimum Road Widths.**
 - (A) 24 feet for roads on which parking is prohibited;

- (B) 32 feet for roads on which parking is allowed on one side only; and
 - (C) 40 feet for roads on which parking is permitted on both sides.
- (d) **Walkways and Bikeways.** All Mobile Home Parks shall provide internal walkways that connect each mobile home site and provide access to all common areas and a public street
- (1) **Driveway Crossings.** Driveway crossings shall be held to a minimum on walkways, shall be located and designed to provide safety and shall be appropriately marked and otherwise safeguarded.
 - (2) **Walkways Used by Children.** Walkways to be used by children as routes to school, bus stops, or other destinations shall be located and safeguarded to minimize contacts with automobile traffic.
 - (3) **Bikeways.** Bikeways shall be incorporated into the walkway system if there are more than 200 spaces proposed.
 - (4) **Combined with Easements.** Walkways and bikeways may be combined with other easements and used by emergency, maintenance, or service vehicles.
- (e) **Required Parking.**
- (1) **On-site Parking for Residents.** One parking space at each mobile home site.
 - (2) **Guest Parking.** One space for every two units, located within 350 feet of the mobile home site.
- (f) **Screening.** A six-foot high masonry wall shall be provided along the perimeter on the rear and interior side property lines. All common storage areas and common areas for garbage or rubbish shall be screened from mobile home park residents by a screen not less than seven feet in height, and equipment screening shall be provided, as required by Section 9-400.090, Screening of Equipment.
- (g) **Landscaping.** In addition to the requirements of Chapter 9-402, Landscaping, a 10-foot-wide landscaped strip shall be provided along the perimeter of the Mobile Home Parks abutting roads. All areas not used for buildings, mobile homes, parking, driveways, walkways, recreational facilities, or other permanent facilities shall be landscaped.
- (h) **Outdoor Recreation Area.** All Mobile Home Parks with more than 10 mobile home sites shall provide outdoor recreation and open space areas as follows:
- (1) **Minimum Size.** Required recreation and open space areas shall contain a minimum of 5,000 square feet plus 100 square feet for each home site over 50. These areas shall be centrally located, free of traffic hazards, accessible to all park residents, and available on a year-round basis

- (2) **Limits on Paving.** Not more than 30 percent of outdoor recreation area shall be paved; the balance shall be planted or have pervious surfaces for active use.
- (i) **Common Storage Area.** A minimum of 50 square feet for each mobile home site shall be provided as common storage areas for use by residents of the Mobile Home Parks for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles.
- (j) **Water and Sewer.** Each Mobile Home Parks shall have water and wastewater disposal facilities as required by Chapters 9-601, Water Well and Well Drilling, 9-602, Water Systems, and 9-604, Wastewater Treatment and Disposal, respectively.

9-409.320 NURSERIES AND LANDSCAPING SERVICES

Nurseries and Landscaping Services must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Products for Sale.** Products offered for sale are limited to nursery stock and related materials incidental to the planting, care, and maintenance of plants, including fertilizer, pesticides, seeds, and planting containers, and exclude general building materials and hardware, tools other than for soil preparation and general landscaping.
- (b) **Enclosures.** All storage, display, and sale of products other than nursery stock must be conducted within a completely enclosed building or within an area enclosed by a solid wall or fence and gate between five and six feet in height.

9-409.330 OUTDOOR DINING AND SEATING

Outdoor Dining and Seating facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Applicability.** The standards of this Section apply to Outdoor Dining and Seating located on private property and to Outdoor Dining and Seating in the public right-of-way.
- (b) **Accessory Use.** Outdoor Dining and Seating must be conducted as an accessory use to an Eating and Drinking Establishment located on the same lot or an adjacent lot.
- (c) **Enclosure.** Awnings or umbrellas may be used but must be adequately secured and/or retractable.
- (d) **Encroachment Permits – When Required.** An encroachment permit issued by the Director of Public Works shall be required of any Outdoor Dining and Seating proposed within public rights-of-way.

- (e) **Furnishing and Fixtures.** Furnishing may consist only of movable tables, chairs, and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the principal building.
- (f) **Hours of Operation.** The hours of operation are limited to the hours of operation of the associated eating and drinking establishment.
- (g) **Litter Removal.** Outdoor Dining and Seating areas must always remain clear of litter.
- (h) **Location.** Outdoor Dining and Seating areas may be located within off-street parking spaces or elsewhere on the site or adjacent sidewalks. They shall not impede or be within the required clear paths of travel on sidewalks (a minimum four-foot- wide travel path).
- (i) **Maximum Area.** The total area of Outdoor Dining and Seating shall not exceed the area for indoor eating.
- (j) **Noise Controls.** All forms of speaker amplification associated with Outdoor Dining and Seating are prohibited.
- (k) **Parking.** Where an Outdoor Dining and Seating area occupies less than 200 square feet, no additional parking spaces for the associated eating and drinking establishment is required. Otherwise, parking must be provided according to Chapter 9-404, Parking and Loading.
- (l) **Pedestrian Space.** Tables and chairs must be placed in a way that allows for an unobstructed pedestrian walkway with a minimum width of four feet. At least 25 percent of the seating must be accessible to persons using wheelchairs.
- (m) **Signs.** No signs are permitted within public; rights of way except as required for public health and safety reasons. See Chapter 9-408 for detailed requirements.
- (n) **Special Events and Outdoor Entertainment.** A Temporary Use Permit or Administrative Use Permit is required for special events and outdoor entertainment.

9-409.340 OUTDOOR SALES

Outdoor Sales must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Permanent Outdoor Display and Sales.** The permanent outdoor display and sale of merchandise associated with a retail business, except for Automobile Sales, which is subject to Section 9-409.080, Automobile Sales and Services, requires a Zoning Clearance, and must comply with the following standards:

- (1) **Relationship to Main Use.** The outdoor display and sales area must be directly related to a retail sales business occupying a primary structure on the subject parcel.
 - (2) **Display Locations.**
 - (A) Outdoor sales and display located in the public-right-of-way requires an encroachment permit issued by the Public Works Department.
 - (B) The displayed merchandise must not disrupt the vehicle and pedestrian circulation on the site, obstruct driver visibility or otherwise create hazards for vehicles or pedestrians, or use or block a required parking space.
 - (C) A four-foot-wide pedestrian pathway to the main entrance of the use must be maintained and not blocked by merchandise. If there is more than a four-foot-wide pathway provided, merchandise may be displayed in an area outside of the required four feet.
 - (3) **Allowable Merchandise.** Only merchandise generally sold at the business is permitted to be displayed outdoors.
 - (4) **Hours of Operation.** The outdoor sales and display area shall only be open during the business hours of the establishment with which it is associated.
 - (5) **Prohibitions.** No part of the display shall consist of moving parts, flashing lights, or other elements that could pose a traffic safety distraction.
 - (6) **Refuse/Litter.** The operator is responsible for collecting trash due to outdoor sales.
- (b) **Seasonal and Temporary Sales.** For seasonal and temporary sales, such as holiday tree and pumpkin lots, refer to Section 9-409.430, Temporary Uses.

9-409.350 PERSONAL SERVICES

Personal Services must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Hours of Operation.** Hours of operation are limited to 7:00 a.m. to 9:00 p.m., seven days a week unless otherwise specified.
- (b) **Massage Bodywork Establishments.** Massage bodywork establishments, including massage establishments conducted as Accessory Uses, are subject to the requirements listed in this section.
 - (1) **Permits Required.** An Administrative Use Permit and a massage bodywork establishment permit issued pursuant to Title 7, Business Regulations, Chapter

6, Massage/Bodywork Establishments and Massage/Bodywork Technicians, of the County Code are required.

(2) **Facility Requirements.** Every massage bodywork establishment shall meet the following requirements:

- (A) Minimum lighting shall be provided in accordance with the National Electrical Code, and, in addition, at least one light of not less than forty watts shall be provided in each room or enclosure where massage services are performed on patrons.
- (B) Minimum ventilation shall be provided in accordance with the Building Code.
- (C) Hot and cold running water shall always be provided.
- (D) Closed cabinets shall be provided for storage of clean linens.
- (E) Adequate dressing, locker and toilet facilities shall be provided for patrons.
- (F) A minimum of one sink shall always be provided. The sink shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each sink.

(c) **Tattoo Parlor.**

- (1) **Registration Required.** Any person who is engaged in the business of tattooing must provide evidence of registration with the County Department of Environmental Health.
- (2) **No Persons under 18.** A sign must be posted on the door or in view of the entrance, stating that no person under the age of 18 is allowed on site, unless accompanied by a parent or legal guardian.

9-409.360 PRODUCE STANDS AND AGRICULTURAL STORES

Produce Stands and Agricultural Stores must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

(a) **Applicability.** The provisions of this Section shall apply whenever:

- (1) A new building or structure is constructed for use as a Produce Stand or Agricultural Store;

- (2) An existing building, including a legal nonconforming structure is enlarged for use as a Produce Stand or Agricultural Store; or
 - (3) The use of the site or the use of the building is changed to accommodate a Produce Stand or Agricultural Store.
- (b) **Produce Standards.** Produce Stands shall be subject to the following development standards:
- (1) **Area.** The maximum area to be used for a Produce Stand is 700 square feet.
 - (2) **Landscaping.** No landscaping improvements shall be required.
 - (3) **Length of Operation.** Produce Stands shall be temporary. Temporary means any activity, structure, tent or canopy that is used for a period of not more than 180 days within a 12-month period on a single property.
 - (4) **Location and Number.** One Produce Stand shall be permitted per parcel in Agricultural Zones.
 - (5) **Other Permits.** Produce Stands shall comply with all regulations administered by the Building Department and the Fire Department. Produce Stands shall not be required to obtain a permit to operate from the Environmental Health Division. A Business License shall not be required for a Produce Stands when the farmer sells her/his own produce pursuant to Title 7, Section 7-1002(b). No other entitlements from the Community Development Department are needed. Produce Stands shall not be subject to the Public Works Department Traffic Impact Mitigation fee.
 - (6) **Parking.** An earthen or gravel parking area capable of accommodating a minimum of two vehicles shall be required for Produce Stands. Ingress and egress directly onto a State Route shall be prohibited unless it is the only access to the site or unless an access agreement has been obtained from Caltrans. See Chapter 9-404, Parking and Loading, for additional requirements.
 - (7) **Retail Sales Activities.** Only the sale of produce, cut flowers, and/or shell eggs grown or raised in San Joaquin County is permitted. All other types of merchandising is prohibited.
 - (8) **Signs.** See Chapter 9-408, Signs.
 - (9) **Structures.** Tables and/or membrane structures, such as tents and canopies, are permitted. All tables and membrane structures must be removed when operations cease for the year. Only a permanent built structure of less than 120 square feet is permitted. Such structures shall remain vacant for six months of the year unless an Administrative Use Permit allows the stand to be

open for a longer time period each year. All built structures will require a Building permit.

- (c) **Small Agricultural Stores.** Small Agricultural Store operations require a Zoning Clearance and shall be subject to the following development standards:
- (1) **Allowable Retail Sales.** The sale of agricultural products, sundries, prepackaged food and bottled or canned beverages is allowed only in conjunction with the sale of produce, and/or shell eggs. The sale of cut flowers shall be permitted only within the retail sales area.
 - (2) **Cold Storage.** Cold storage trailers are permitted as an accessory structure to agricultural operations in the Agricultural Zones. Cold storage boxes with glass panels that are used for display shall be included as part of the 150 square foot floor area allowed for retail sales.
 - (3) **Conversion of Produce Stands to Small Agricultural Stores.** A Produce Stand existing on or before May 25, 2000, which is housed in a structure that exceeds 1,500 square feet and that conformed to the Development Title requirements at the time it was established may continue to use the existing building only when:
 - (A) The Produce Stand owner or operator has obtained a Business License amendment; and
 - (B) The Produce Stand owner or operator has obtained an Administrative Use Permit for a Small Agricultural Store.
 - (4) **Landscaping.** See Chapter 9-402, Landscaping, and the Base Zone requirements.
 - (5) **Location and Number.** One Small Agricultural Store shall be permitted per parcel in the Agricultural and Commercial Zones and in the Warehouse (I-W), Limited Industrial (I-L) and Truck Terminal (I-T) Zones.
 - (6) **Maximum Floor Area for Retail Sales.** 150 square feet.
 - (7) **Maximum Structure Size.** 1,500 square feet.
 - (8) **Other Permits.** Small Agricultural Store shall comply with all regulations administered by the Building Department, Public Works Department, and the Fire Department. Small Agricultural Stores shall be required to obtain an annual permit to operate from the Environmental Health Division, including a plan review for all proposed or remodeled food facilities. The sale of any food items except owner grown produce and shell eggs triggers this requirement. Small Agricultural Stores shall also be required to obtain a Business License.

- (9) **Parking.** The parking surfacing requirement for Small Agricultural Store shall be chip seal. Ingress and egress directly onto a State Route shall be prohibited unless it is the only access to the site or an access agreement has been obtained from Caltrans. See Chapter 9-404, Parking and Loading, for additional requirements.
 - (10) **Signs.** See Chapter 9-408, Signs.
- (d) **Large Agricultural Stores.** Large Agricultural Store operations require an Administrative Use Permit and shall be subject to the following development standards:
- (1) **Allowable Retail Sales.** The sale of agricultural products, sundries, prepackaged food, bottled or canned beverages and freshly prepared food and beverages is allowed only in conjunction with the sale of produce, and/or shell eggs. The sale of cut flowers shall be permitted only within the retail sales area.
 - (2) **Cold Storage.** Cold storage trailers are permitted outright as an accessory structure to agricultural operations in the Agricultural Zones. Cold storage boxes with glass panels that are used for display shall be included as part of the 500 square foot floor area allowed for retail sales.
 - (3) **Landscaping.** See Chapter 9-402, Landscaping, and the Base Zone requirements.
 - (4) **Location and Number.** One Large Agricultural Store shall be permitted per parcel in the Agricultural and Commercial Zones and in the Warehouse (I-W), Limited Industrial (I-L) and Truck Terminal (I-T) Zones.
 - (5) **Maximum Floor Area for Retail Sales.** 500 square feet
 - (6) **Maximum Structure Size.** 1,500 square feet.
 - (7) **Other Permits.** Large Agricultural Store shall comply with all regulations administered by the Building Department, Public Works Department, and the Fire Department. Large Agricultural Store shall be required to obtain an annual permit to operate from the Environmental Health Division, including approval for all proposed or remodeled food facilities if they sell any food items except owner grown produce and shell eggs. Large Agricultural Store shall also be required to obtain a Business License.
 - (8) **Parking.** The parking surfacing requirement for Large Agricultural Store shall be chip seal. Ingress and egress directly onto a State Route shall be prohibited unless it is the only access to the site or unless an access agreement has been obtained from Caltrans. See Chapter 9-404, Parking and Loading, for additional requirements.

- (9) **Signs.** See Chapter 9-408, Signs.

9-409.370 RECYCLING FACILITIES

Recycling facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

(a) **Reverse Vending Machines.**

- (1) **Accessory Use.** Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.
- (2) **Identification.** Machines must be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
- (3) **Hours of Operation.** No restrictions.
- (4) **Lighting.** Machines shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
- (5) **Location.** Machines must be located adjacent or as near as feasibly possible, to the entrance of the commercial host use and must not obstruct pedestrian or vehicular circulation. Machines can be located against a wall but not in parking areas.
- (6) **Trash Receptacle.** Machines must provide a minimum 40-gallon garbage can for non-recyclable materials located adjacent to the reverse vending machine.

(b) **Recycling Collection Facilities.**

- (1) **Containers.** Recycling collection facilities shall use containers that are constructed and maintained with durable waterproof and rust-proof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule. Containers for the 24-hour donation of materials shall be at least 30 feet from any Residential Zone unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.
- (2) **Equipment.** No power-driven processing equipment may be used, except for reverse vending machines.

- (3) **Identification.** Containers must be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator, and the hours of operation.
 - (4) **Location.** Recycling collection facilities shall not be located in Residential Zones. Recycling collection facilities located within 75 feet of a Residential Zone or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.
 - (5) **Parking.** No additional parking spaces are required for customers of a small collection facility located at the established parking lot of a host use. One space must be provided for the attendant. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
 - (6) **Setback.** Facilities must not be located within a required setback.
 - (7) **Signs.** The maximum sign area is limited to 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container.
 - (8) **Site Maintenance.** Recycling facility sites must be maintained clean, sanitary, and free of litter and any other undesirable materials.
 - (9) **Size.** Recycling collection facilities must not exceed a building site footprint of 350 square feet.
 - (10) **Use.** Collection Facilities shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with approval of the local Fire Chief and in accord with all federal, State, and County regulations.
- (c) **Recycling Processing Facility.**
- (1) **Identification.** Containers shall be clearly marked to identify the type of material that may be deposited, the name and number of the facility operator, and the hours of operation; facility shall display a notice stating that no material shall be left outside the recycling containers.
 - (2) **Landscaping.** Landscaping and irrigation plans shall be approved by the Zoning Administrator.
 - (3) **Location.** Facilities must be at least 100 feet from a Residential Zone. If the facility is located within 500 feet of a Residential Zone, it shall operate only between 9:00 a.m. and 7:00 p.m.

- (4) **Maintenance.** The site shall be maintained free of litter and any other undesirable materials and shall be cleaned of loose debris on a daily basis and will be secured from unauthorized entry with state and local regulations.
 - (5) **Nuisance.** No dust, fumes, smoke, vibration, or odor above ambient level shall be generated that adversely affects the health, peace, or safety of people residing or working on the premises or in the vicinity.
 - (6) **Operations.** The facility must be administered by on-site personnel during the hours the facility is open.
 - (7) **Outdoor Storage.** Exterior storage of material must conform to applicable requirements.
 - (8) **Parking.** One parking space shall be provided for each commercial vehicle operated by the processing center.
 - (9) **Site Design.** Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the Planning Commission determines that allowing overflow traffic will not adversely affect surrounding businesses and public safety.
 - (10) **Screening.** The facility must be screened from public rights-of-way. Power-driven processing shall be permitted, provided all noise level requirements are met.
 - (11) **Use.** Used motor oil may be accepted with approval of the local Fire Chief.
- (d) **Composting and Waste Disposal Facilities.**
- (1) **Covering or Wetting to Prevent Dust.** The owner, proprietor, or caretaker of any composting facility or solid waste landfill must use a tarp to cover the facility or wet it down with water or chemical stabilizers at intervals sufficiently frequent to prevent dust.
 - (2) **Maintenance—Pest Infestation Prohibited.** Waste disposal facilities must be maintained in such a manner that vermin and pest infestation cannot take place.
- (e) **Conversion Technology Facilities and Transformation (Waste-to-Energy) Facilities.**
- (1) **Adjacency.** Conversion technology facilities and transformation (waste-to-energy) facilities must be located next to existing solid waste facilities unless

an applicant can demonstrate that a location adjacent to existing solid waste facilities is not feasible.

- (2) **Location.** Facilities must not be located within 250 feet of a Residential Zone.
- (3) **Permits Required.** The permittee shall submit evidence of the following permits and approvals or proof of an exemption:
 - (A) A Spill Prevention, Control and Countermeasure Plan approved by the U.S. Environmental Protection Agency;
 - (B) Permits to construct and to operate from the San Joaquin Valley Air Quality Management District (Valley Air), or documentation that the facility is exempt from Valley Air's permitting requirements;
 - (C) An industrial discharge permit from the County, or documentation that the facility is exempt from the County's wastewater permitting requirement;
 - (D) A permit from the State or local Fire Chief for the storage and use of combustible liquids;
 - (E) Permits for all storage tanks (above ground and underground) from the State or local Fire Chief;
 - (F) A solid waste permit from the Environmental Health Department, if applicable;
 - (G) A Hazardous Materials Safety Permit from the U.S. Department of Transportation or California Department of Transportation if the permittee will be transporting hazardous materials over State highways; and
 - (H) A seller's permit from the California Board of Equalization.
- (4) **Standards.**
 - (A) The permittee shall follow the most up-to-date version of Biodiesel Handling and Use Guide prepared by the U.S. Department of Energy National Renewable Energy Laboratory.
 - (B) The permittee shall comply with the California Regional Water Quality Control Boards' C.3 Stormwater Control Management requirements.

9-409.380 RESIDENTIAL CARE, GENERAL

All Residential Care Facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Applicability.** The requirements of this Section apply to all Residential Care Facilities serving seven or more persons in any zone where such facilities are allowed, including the following facilities as defined in the California Health and Safety Code, as it may be amended, and Chapter 9-901, Use Type Classifications:
- (1) A Residential Care Facility, as defined at Health and Safety Code Section 1568.01, as a residential care facility for persons with chronic, life-threatening illnesses who are 18 years of age or older, or are emancipated minors, and for family units.
 - (2) A Residential Care Facility for the elderly, as defined at Health and Safety Code Section 1569.2, as a housing arrangement chosen voluntarily by persons 60 years of age or over (or their authorized representative) where varying levels and intensities of care and supervision, protective supervision, or personal care are provided based on their varying needs.
 - (3) An alcoholism or drug abuse recovery or treatment facility, as defined at Health and Safety Code Section 11834.02, to provide residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.
 - (4) A hospice facility as defined at Health and Safety Code Section 1339.40, to provide care for persons experience the last phases of life due to a terminal disease.
 - (5) **Exempt Facilities.** Residential Care Facilities for six or fewer residents shall be treated as a residential use and subject only to the same requirements as any permitted residential use of the same housing type in the zone in which they are located.
- (b) **Common Open Space.** At least 20 square feet of common open space must be provided for each person who resides in the facility.
- (c) **Landscaping.** Landscaping shall be provided in compliance with the requirements of Chapter 9-402, Landscaping.
- (d) **Location.** Minimum distance from any other Residential Care Facility: 300 feet as specified by State Health and Safety Code Section 1267.9 (b).
- (e) **Parking.** Parking shall be provided in compliance with the requirements of Chapter 9-406, Parking and Loading.

9-409.390 SCHOOLS

Non-exempt Schools, meaning private and charter schools, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Accessory Uses.** Accessory uses customarily found in conjunction with Schools, including dormitories, gymnasiums, stadiums, performing arts facilities, and auditoriums, are permitted with an Administrative Use Permit or a Conditional Use Permit, as required for the principal use, provided such accessory uses are located on the same lot or a contiguous lot adjoining the school.
- (b) **Locational Standards.**
 - (1) **When Near a Railroad Track Easement.** If the proposed site is within 1,500 feet of a railroad track easement, a safety study must be submitted with the use permit application, prepared by a California-licensed traffic engineer trained in assessing the frequency, speed, and schedule of railroad traffic and pedestrian and vehicle safeguards at railroad crossings. In addition to the safety analysis, reasonable and feasible mitigation measures to address existing or potential safety issues must be identified, which shall be incorporated into conditions of approval, as appropriate.
 - (2) **When Near an Above-Ground Fuel Storage Tank or Pipeline.** If the proposed site is within 1,500 feet of an above-ground fuel storage tank or high-pressure oil or gas pipeline, or within 2,000 feet of a hazardous waste disposal site, a hazards risk assessment must be submitted with the use permit application, and recommendations of that assessment shall be incorporated into conditions of approval, as appropriate.
 - (3) **When Submission of Studies Can be Waived.** The Zoning Administrator may waive submission of the studies required above if a safety or hazards risk assessment has been previously prepared for the site and submitted to the County or another permitting agency and the applicant agrees to the recommendations and mitigation measures of such an assessment.
- (c) **Parking Required.** As prescribed by Chapter 9-406, Parking and Loading.
- (d) **Permit Required.**
 - (1) **Schools in an Existing Building and Small Additions.** An Administrative Use Permit is required if a new School will be located in an existing building, and any new space added to the building will not exceed 20 percent of existing floor area, excluding space in portable classrooms.

- (2) **New Schools and Large Additions.** A Conditional Use Permit is required for all new construction of Schools and for additions to existing building that exceed 20 percent of existing floor area.
 - (3) **Findings Required.** To grant the Use Permit, the Zoning Administrator or the Planning Commission, as the case may be, must determine, based on the information presented by the applicant and the standards of this Section, that the School location is appropriate for the use, and that adjacent uses will not be adversely affected; that adequate access, student drop-off areas and required off-street parking is provided; and that outdoor play areas are appropriately-sized, furnished with facilities and equipment, safe, and secure.
- (e) **School-Specific Site Plan Required.** The applicant shall provide a school-specific site plan with the Use Permit application that includes all of the following information:
- (1) The proposed enrollment and student capacity;
 - (2) The number and size of all classrooms;
 - (3) The size and location of all indoor and outdoor areas for physical education;
 - (4) The pedestrian and traffic circulation systems proposed for the site, including student drop-off areas;
 - (5) The proposed parking, both on-site and off-site; and
 - (6) A development phasing schedule if the School will be developed in phases.
- (f) **Site Standards.**
- (1) **Access.** The site shall be easily accessible from arterial or collector streets and shall allow minimum peripheral visibility from planned driveways and drop-off areas.
 - (2) **Drop-off Areas.** Parent drop-off areas, bus loading areas if provided, and on-site parking shall be separated from walkways to allow students to enter and exit the school grounds safely.
 - (3) **Play Areas.** Adequate outdoor or indoor play areas shall be provided to meet the needs for the planned enrollment. The minimum standard is 50 square feet of active play area per student. The Zoning Administrator or the Planning Commission, whichever has permit approval authority, may reduce this requirement upon finding that: (1) public parks are within one-quarter mile of the school and a joint-use agreement with the County has been executed; or (2) the scheduling of physical education (e.g., staggered

recess times) permits more efficient use of on-site facilities with less active play area. All outdoor play facilities that border a street or parking area shall be enclosed by a minimum six-foot high fence or wall.

- (4) **Delivery and Service Areas.** Delivery and service areas shall be located to provide vehicular access that does not jeopardize the safety of students and staff. Delivery/utility vehicles must have direct access from the street to the delivery area without crossing over playground or field areas or interfering with bus or parent loading unless a fence or other barrier protects students from large vehicle traffic on playgrounds.

9-409.400 SERVICE STATIONS

Service Stations must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

(a) **Site Design.**

- (1) **Access.** There must be no more than two vehicular access points to/from a single public street. However, fleet fuel stations in Industrial Zones may provide additional access points.
- (2) **Air and Water Stations.** Air and water stations must be identified on plans and cannot be located within required setback areas.
- (3) **Illumination.** Any area lighting, including illuminated signs, shall be installed in such a manner so as not to distract passing traffic, or to produce any glare or excessive illumination on adjacent lots.
- (4) **Landscape Plan.** A landscape plan shall be submitted at the time of application. In addition to the specific standards established below, landscape plans shall comply with the provisions of Chapter 9-402, Landscaping.
 - (A) At least a five-foot planting strip located inside of and parallel to the street frontage or frontages (except for necessary driveways) and in other locations as may be designated by the Zoning Administrator.
 - (B) The location and type of watering system which meets the approval of the Zoning Administrator shall service all landscaped areas.
 - (C) The landscape plan shall specify the size, number, location and type (genus, species or variety) of plant materials to be planted.
- (5) **Maintenance.** The applicant shall submit a written statement to the effect that landscaping, watering systems and fencing shall be maintained to standards acceptable to the Zoning Administrator.

- (6) **Pump Islands.** Pump islands must be located a minimum of 15 feet from any lot line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.
- (7) **Tanks and Utility Boxes.** Propane tanks, vapor-recovery systems, air compressors, utility boxes, garbage, recycling containers/enclosures, and other similar mechanical equipment must be screened from public view.
- (8) **Trash Storage.** An outdoor refuse or storage area shall be provided on the site and shall be enclosed by a six-foot-high solid wall that complement the design and appearance of other fences and walls on the site. No used or discarded automotive parts of equipment or permanently disabled, junked, wrecked, or damaged vehicles shall be located outside the buildings, except within this enclosed refuse or storage area.

9-409.410 SINGLE ROOM OCCUPANCY HOUSING

Single Room Occupancy (SRO) Housing, also called residential hotels, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Bathrooms.** An SRO living unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility must have at least a toilet and sink; a full facility must have a toilet, sink, and bathtub or shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities must be provided that meet the standards of the Building Code for congregate residences with at least one full bathroom per floor.
- (b) **Closet.** Each unit must have a separate closet.
- (c) **Common Area.** Four square feet per SRO living unit of common area must be provided, excluding janitorial storage, laundry facilities, and common hallways. At least 200 square feet of common area must be on the ground floor near the entry to the SRO Housing to serve as a central focus for tenant social interaction and meetings.
- (d) **Cooking Facilities.** Cooking facilities must be provided either in individual SRO units or in a community kitchen. Where cooking is in individual units, each unit must have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or a properly engineered cook top unit pursuant to Building Code requirements; at minimum a small refrigerator; and cabinets for storage.
- (e) **Entrances.** All units in SRO Housing must be independently accessible from a single main entry, excluding emergency and other service support exits.

- (f) **Facility Management.** An SRO facility with 10 or more units must provide full-time on-site management. A facility with fewer than 10 units must provide a management office on-site.
- (g) **Management Plan.** A management plan must be submitted with the Conditional Use Permit application for an SRO Housing project for review and approval by the Planning Commission. At minimum, the management plan must include the following:
 - (1) **Security/Safety.** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
 - (2) **Management Policies.** Management policies, including desk service, visitation rights, occupancy restrictions, and use of cooking appliances;
 - (3) **Rental Procedures.** Rental procedures, including any tenancy requirement (e.g., a weekly or monthly basis); and
 - (4) **Maintenance.** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.
- (h) **Maximum Number of Units.** If an SRO Housing project contains a common kitchen that serves all residents, the maximum allowable number of individual units shall be 20 percent above the maximum number otherwise allowed by the base density applicable to residential development in the zone where the SRO Housing project is located.
- (i) **Maximum Occupancy.** Each SRO living unit must be designed to accommodate a maximum of two persons.
- (j) **Minimum Width, Minimum Size, and Maximum Size.** An SRO unit comprised of one room, not including a bathroom, must not be less than 12 feet in width and include at least 180 square feet of habitable space. The maximum size is 350 square feet of habitable space per unit.

9-409.420 SOLAR ENERGY SYSTEMS

Solar Energy Systems must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Small-scale Solar Energy Systems.**
 - (1) **Exemptions - Allowed by Right.** Small residential rooftop energy systems, as defined and regulated by Government Code Section 65850.5, are allowed as accessory uses by right; only a building permit is required. See Section 9-400.100,

- (2) **Permit Requirements.** Non-exempt Small-scale Solar Energy Systems, either ground-mounted or structure-mounted, require an Administrative Use Permit if any modification to the development standards of this section is requested; otherwise, only a Zoning Clearance is needed. However, if there are any modifications that substantially increase the physical size or height, then an Administrative Use Permit is required, and a Conditional Use Permit is required to convert a Small-scale Solar Energy System to a Utility-scale Solar Energy System.
 - (3) **Maximum Height.** The combined height of a structure and structure-mounted Small-Scale Solar Energy System shall not exceed the height limit of the zone by more than five feet, and the height of a ground-mounted solar array shall not exceed 15 feet.
 - (4) **Maximum Lot Coverage.** The maximum lot coverage for solar arrays and any accessory structures shall be 25 percent of the lot or parcel of land or 2.5 acres, whichever is lesser.
 - (5) **Farmland Protection.** In Agricultural Zones, an accessory renewable energy system shall be sited to minimize any loss of Prime Agricultural Land. If the system is located on a site under a California Land Conservation Act (Williamson Act) contract, the system must serve an agricultural or compatible use, which may include a Single Unit Dwelling and an Accessory Dwelling Unit.
- (b) **Utility-scale Solar Energy Systems.**
- (1) **Construction Measures to Minimize Air Quality Impacts.** During site preparation, grading and construction, the operator of the Utility-Scale Solar Energy System must implement best management practices-to minimize dust and wind erosion, including, regularly watering roads and construction staging areas as necessary. Paved roads shall be swept as needed to remove any soil that has been carried onto them from the project site.
 - (2) **Decommissioning Plan and Guarantees.** Prior to issuance of a Grading Permit or Building Permit, a Decommissioning Plan and proposed financial guarantees shall be submitted to the Director of Public Works for approval, and the Director's approval is required as a condition of issuance of a Grading or Building Permit.
 - (3) **Erosion and Sediment Control.** The operator of the system must have a storm-water management permit-and an erosion and sediment control plan approved by the Director of Public Works prior to beginning grading or construction. The plan must include best management practices for erosion control during and after construction and permanent drainage and erosion

control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off into waterways.

- (4) **Environmental Protection.** The Utility-Scale Solar Energy Systems shall be sited to avoid or minimize impacts to habitat of special status species, critical habitat areas, and resource conservation areas identified in the General Plan. No net loss of riparian or wetland habitat shall be allowed.
- (5) **Farmland Protection.** In Agricultural Zones, Utility-Scale Solar Energy Systems shall be sited to minimize any loss of Prime Agricultural Land. If the system is located on a site under a California Land Conservation Act (Williamson Act) contract, the system must be listed as an agricultural or compatible use and allowed by the type of contract. The total site area for a Utility-Scale Solar Energy Systems and other compatible uses shall not be greater than 15 percent of the parcel or 5 acres, whichever is less, unless the Board of Supervisors approves a larger site area upon finding that such a site will not adversely affect agricultural production on the parcel where the facility is to be located.
- (6) **Fencing.** Fencing shall be required around the perimeter of a ground-mounted Utility-Scale Solar Energy System. The fencing may be located within a required setback area, provided it is setback at least 15 feet from a front or street side lot line.
- (7) **Fire Protection.** The operator of the system must implement a Fire Prevention Plan for construction and ongoing operations approved by the County Fire Marshall and local fire protection district. The plan shall include but is not limited to: emergency vehicle access and turn-around at the facility site(s), vegetation management, and fire break maintenance around all structures.
- (8) **Glare.** All Utility-Scale Solar Energy Systems shall be designed and located in such a way to minimize reflective glare toward any habitable structure on adjacent properties as well as adjacent street rights-of-way.
- (9) **Grading and Access.** Utility-Scale Solar Energy Systems shall be sited to maintain natural grades and shall use existing roads for access to the extent feasible. Grading and/or construction of new permanent roads shall be allowed only where necessary for maintenance and emergency access.
- (10) **Landscape Buffer.** A 10-foot-wide landscape buffer shall be maintained along any facility fencing and between such fencing and the public right-of-way and adjacent residential and agricultural uses.
- (11) **Maximum Height.** The combined height of a structure and structure-mounted Utility-Scale Solar Energy System shall not exceed the height limit of

the zone where it is located by more than five feet, and the height of a ground-mounted solar array shall not exceed 25 feet.

- (12) **Property Line Setbacks.** The required setbacks from lot lines for ground-mounted systems shall be 30 feet in Agricultural zones and as established by the base zone for all non-agricultural zones.
- (13) **Rooftop Setbacks.** The required setbacks from the perimeter of a roof for structure-mounted systems shall be three feet on residential buildings and four feet on non-residential or mixed use buildings.
- (14) **Siting and Design.** The siting and design of the proposed facility will be either:
 - (A) Unobtrusive and not detract from the natural features, open space and visual qualities of the area as viewed from urban and rural communities, rural residential uses, and major roadways and highways; or
 - (B) Located in such proximity to already disturbed lands, such as electrical substations, surface mining operations, landfills, wastewater treatment facilities, that it will not further detract from the natural features, open space and visual qualities of the area as viewed from urban and rural communities, rural residential uses, and major roadways and highways
- (15) **Transmission Lines.** On-site and off-site transmission lines shall be placed underground except where above-ground crossings are otherwise required, such as for a waterway. An encroachment permit shall be required for transmission lines within the public right-of-way.

(c) **Notices.**

- (1) At least one notice shall be posted with the following information:
 - (A) Maximum power output (kw), rated voltage (volts) and current;
 - (B) Normal and emergency shutdown procedures; and
 - (C) Emergency telephone numbers.
- (2) No advertising sign or logo can be placed or painted on any Solar Energy System or tower except for manufacturers' decals.

9-409.430 TEMPORARY USES

This Section establishes standards for Temporary Uses, such as seasonal sales, special events, and construction-related activities, that are intended to be of limited duration of time and will not permanently alter the character or physical features of the site where they occur.

- (a) **Exempt Temporary Uses.** The following minor and limited duration Temporary Uses are exempt from the requirement for a Temporary Use Permit. Other permits, such as Building Permits, may be required if a structure is constructed.
- (1) **Car Washes – Privately Operated.** Car washes conducted by a qualifying sponsoring organization on non-residential properties are allowed. Temporary car washes shall not occur on a site more than four times per calendar year and may not operate for a continuous period of more than 12 hours.
 - (2) **Emergency Facilities.** Emergency public health and safety needs/land use activities.
 - (3) **Garage/Yard Sales.** Garage/yard sales of personal property conducted by a resident of the premises may be conducted in accordance with the following standards. A nonprofit organization or association of persons also may conduct a garage/yard sale at the residence of one or more of its members pursuant to all of the requirements of this section.
 - (A) No more than two garage/yard sales shall be conducted on a site per quarter, for a maximum of three consecutive days each.
 - (B) Garage/yard sales shall not be held for more than two consecutive weekends. Each weekend that sales are conducted constitutes a single sale event.
 - (C) Signs may be displayed 24 hours before and during the hours the garage/yard sale is actively being conducted and shall be removed at the completion of the sale.
 - (D) The conduct of general retail sales or commercial activities in Residential Zones, except as is otherwise expressly authorized under this Title, is prohibited.
- (b) **Temporary Use Permits - When Required.** The following uses may be permitted pursuant to Chapter 9-804, Use Permits, subject to the following standards.
- (1) **Commercial Filming.** The temporary use of a site for the filming of commercials, movies, videos, provided the Zoning Administrator finds the approval would not result in a frequency of uses likely to create incompatibility between the temporary filming activity and the surrounding neighborhood.
 - (2) **On-site and Off-site Construction Yards.** On-site and off-site contractors' construction yards, including temporary trailers and storage of equipment and temporary batch plans, may be permitted in conjunction with an approved construction project. The construction yard shall be removed

immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction, whichever occurs first.

- (3) **Real Estate Sales.** On-site real estate sales from a manufactured or mobile unit office for the temporary marketing, sales, or rental of residential, commercial, or industrial development.
- (4) **Seasonal Sales.** The annual sales of holiday related items, such as Christmas trees, pumpkins and similar items, may be permitted in accordance with the following standards:
 - (A) *Time Period.* Seasonal sales associated with holidays are allowed up to a month preceding and one week following the holiday. Christmas tree sales are allowed from Thanksgiving Day through December 31st.
 - (B) *Goods, Signs and Temporary Structures.* All items for sale, as well as signs and temporary structures, shall be removed within 10 days after the end of sales, and the appearance of the site shall be returned to its original state.
- (5) **Special Events and Sales.** Short term indoor and outdoor special events, outdoor sales, and displays that do not exceed three consecutive days, may be permitted in accordance with the following standards:
 - (A) *Location.* Events are limited to non-residential districts.
 - (B) *Time Limit.* When located adjacent to a Residential Zone, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m., seven days a week unless longer hours are approved for a specific event.
 - (C) *Events with Entertainment.* See Section 9-409.200, Entertainment, for standards that apply to entertainment.
- (6) **Temporary Outdoor Sales.** Temporary outdoor sales—including, but not limited to, grand opening events, and other special sales events—may be permitted in accordance with the following standards:
 - (A) Temporary outdoor sales shall be part of an existing business on the same site.
 - (B) Outdoor display and sales areas must be located on a paved or concrete area on the same lot as the structure(s) containing the business with which the temporary sale is associated.
 - (C) Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian

walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

- (7) **Temporary Structure.** A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved for a maximum of two years as an accessory use or as the first phase of a development project, in a Non-Residential Zone. A one-year extension may be granted.
- (8) **Temporary Work Trailer.**
 - (A) A trailer may be used as a temporary work site for employees of a business and for farmworkers:
 - (i) During construction of a subdivision or other development project when a valid Building Permit is in force; or
 - (ii) During a specific time when additional farmworkers are needed for crop production, such as clearing fields and planting or harvesting; or
 - (iii) Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
 - (B) A permit for temporary work trailers may be granted for up to 12 months.
- (9) **Similar Temporary Uses.** Similar temporary uses which, in the opinion of the Zoning Administrator, are compatible with the zone and surrounding land uses and are necessary because of unusual or unique circumstances beyond the control of the applicant.

9-409.440 VETERANS SUPPORTIVE HOUSING

Veterans supportive housing must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Administrative Permits Required.**
 - (1) A Zoning Clearance shall be required for projects where the total number of cumulative units for veterans supportive housing is equal to or less than 49.
 - (2) An Administrative Use Permit shall be required for projects where the total number of cumulative units for veterans supportive housing is equal to or greater than 50.
- (b) **Allowable Locations.** The site of the proposed housing must be:

- (1) Within one-half mile of a State or Federal Interstate on parcels with primary frontage on a Minor Arterial or higher classification roadway; and
 - (2) Within one-quarter mile of a County-owned hospital.
- (c) **Development Standards.**
- (1) The proposed housing shall comply with multi-unit residential project landscaping requirements contained in Chapter 9-402, Landscaping, and parking landscaping requirements contained in Chapter 9-406, Parking and Loading.
 - (2) Signs shall comply with the regulations for multi-family residential projects contained in Chapter 9-408, Signs.
 - (3) Veterans supportive housing shall be served by public water, sewer, and storm drainage.
 - (4) If during construction, including any grading activity associated with the construction, subsurface cultural resources are uncovered anywhere within the project site, work shall be immediately halted in the vicinity of the finding and a qualified cultural resources specialist consulted for an on-site evaluation.
- (d) **Artifacts Discovered.** If artifacts or evidence of materials, such as bone, shell, or nonnative stone are uncovered during construction activities, work shall immediately be halted in the vicinity of the finding and a qualified archaeologist consulted for an on-site evaluation. Said evaluation may entail an archaeological test excavation and/or mitigative data recovery.

9-409.450 WIND ENERGY SYSTEMS

Wind Energy Systems must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (a) **Applicability.** This Section applies to Wind Energy Systems that are used for electrical energy generation only, including Small-scale Wind Energy Systems and Utility-scale Wind Energy Systems.
- (b) **Permit Requirements.**
 - (1) Utility-Scale Wind Energy Systems are permitted in zones where they are an allowable use, subject to a Conditional Use Permit.
 - (2) Small-Scale Wind Energy Systems are permitted in zones where they are an allowable use, subject to an Administrative Use Permit and the following limitations

- (A) No more than three tower-mounted small wind turbines with a cumulate rated capacity of 50 kW are allowed as accessory uses on a lot; and
 - (B) Small-Scale Wind Energy Systems must be designed to generate energy to be used or stored primarily for on-site use.
 - (C) Up to two additional small wind turbines may be allowed if they are mounted on an existing permitted structure, provided the cumulative capacity of all wind turbines on the site does not exceed 50 kW.
- (c) **Development Standards.** The development standards in Table 9-409.450 apply to all Wind Energy Systems, including those that only require an Administrative Use Permit.

TABLE 9-409.450: WIND ENERGY SYSTEM DEVELOPMENT STANDARDS				
<i>Rated Microturbine Capacity</i>	<i>Minimum Lot Size</i>	<i>Minimum Setbacks – Freestanding Systems</i>	<i>Maximum Height¹</i>	<i>Minimum Separation Distance from other Wind Energy System</i>
Up to 2 kW	Subject to applicable Zone Standards			Manufacturer's Recommendations
2 – 50 kW	1 acre	Greater of tower height or the applicable Zone standards	80 feet ²	300 feet
Over 50 kW	5 acres	1.1 times the tower height and 3 times the tower height from a Residential zone boundary	300 ³	300 feet
1. The height from base grade to the top of the system, including the uppermost extension of any horizontal axis blades. 2. Up to 85 feet is allowed on parcels over two acres in size. 3. Or as established by the Conditional Use Permit and any applicable FAA regulations.				

- (d) **Additional Standards.**
- (1) **Color.** Structural components, including, without limitation, towers, blades, and fencing must be of a non-reflective, unobtrusive color. Off-white, white, light silver, tan, gray, and sand are permitted colors
 - (2) **Environmental Protection.** Wind Energy Systems shall be sited to avoid or minimize impacts to habitat of special status species, critical habitat areas, and resource conservation areas identified in the General Plan. No net loss of riparian or wetland habitat shall be allowed.

- (3) **Exterior Lighting.** Exterior lighting on any structure associated with a Wind Energy System is prohibited, except for where specifically required by the Federal Aviation Administration.
 - (4) **Guy Wires.** The use of guy wires is prohibited; wind turbine towers shall be self-supporting.
 - (5) **Minimum Blade Height – Horizontal Axis.** To prevent harmful wind turbulence from existing structures, the lowest extension of any horizontal axis blade must be at least 30 feet above the highest structure or tree within a 250-foot radius. Modification of this standard may be allowed when the applicant demonstrates that a lower height will not jeopardize the safety of the system.
 - (6) **Prohibited Locations.** No part of a Wind Energy System shall be located within or over drainage, utility, or other established easements, on or over property lines, or within 300 feet of a Public Park or Wildlife Preserve.
 - (7) **Separation Distance – Vertical Axis.** Vertical axis systems must be placed at a distance of at least 10 rotor diameters from any structure or tree. A modification may be granted by the Zoning Administrator or Planning Commission for good cause shown, however, in no case can the turbine be located closer than three blade diameters to any occupied structure.
 - (8) **Tower Access.** Towers must either:
 - (A) Have tower-climbing apparatus located no closer than 12 feet from the ground;
 - (B) Have a locked anti-climb device installed on the tower;
 - (C) Be completely enclosed by a locked, protective fence at least six feet high; or
 - (D) Have a tower-access limitation program approved by the review authority.
 - (9) **Tower Base.** The area within 10 feet of the tower base shall be kept clear and covered with gravel, mulch, or similar material to prevent growth of vegetation.
- (e) **Minimum Performance Standards.**
- (1) **Electromagnetic Interference.** The Wind Energy System must be designed, installed, and operated so that no disrupting electromagnetic interference is caused. If disruptive interference from the facility is identified, it must be promptly rectified.

- (2) **Maintenance.** Maintenance and inspection records shall be maintained on the site and shall be made available for inspection by the building official on request.
- (3) **Noise.** All Wind Energy Systems are subject to the noise standards of Chapter 9-405, Performance Standards. In addition, noise shall not exceed 60 dBA for any single event as measured at the closest neighboring residential use, except during short-term events, such as utility outages and severe windstorms.
 - (A) The Zoning Administrator may request noise studies including modelling to demonstrate that the maximum exterior noise levels around Single-Unit Dwellings within one mile of the site of a Utility-Scale Wind Energy System will not exceed 45 dBA during the night and 50 dBA during the day.
 - (B) For small-scale Wind Energy System, the maximum permissible noise level is 55 dBA at a lot line abutting a Residential Zone boundary and 60 dBA at another other e lot line.
 - (C) A post-construction noise monitoring study shall be conducted six months after the facility becomes operational and submitted to the Zoning Administrator for approval. If the facility is found to be noncompliant with these noise standards and the standards in Chapter 9-404, Noise, it must be rectified to meet the standards or shut down immediately.
- (4) **Rotor Safety.** Each Wind Energy System must be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor.
- (f) **Decommissioning Plan and Guarantees.** Prior to issuance of a grading permit or building permit for utility-scale systems, a decommissioning plan and proposed financial guarantees shall be submitted to the Director of Public Works for approval, and the Director's approval is required as a condition of issuance of a grading or building permit.
- (g) **Notices.**
 - (1) At least one notice shall be posted with the following information:
 - (A) Maximum power output (kw), rated voltage (volts) and current;
 - (B) Normal and emergency shutdown procedures;

- (C) The maximum wind speed of the wind turbine in automatic, unattended operation can sustain without damage to structural components or loss of the ability to function normally; and
 - (D) Emergency telephone numbers.
- (2) No advertising sign or logo can be placed or painted on any Wind Energy System, except for manufacturers' decals.
- (h) **Utility Notification and Undergrounding.** For interconnected systems, no wind turbine can be installed until evidence has been given to the Zoning Administrator that the electric utility service provider has been notified and has indicated that the proposed interconnection is acceptable. On-site electrical wires associated with the system must be installed underground, except for "tie-ins" to the electric utility service provider and its transmission poles, towers, and lines.
- (i) **Wind Energy Systems for Common Use.** Contiguous property owners may construct a Wind Energy System for use in common. In such cases, the Planning Commission may permit a Wind Energy System machine to have a diameter blade configuration greater than 23 feet.

San Joaquin Development Title Update

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Chapter 9-410 Wineries and Related Facilities

Sections:

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9-410.020	Applicability
9-410.030	Permits Required
9-410.040	Large Wineries
9-410.050	Medium Wineries
9-410.060	Small Wineries
9-410.070	Wine Cellars, On-Site
9-410.080	Wine Cellars, Off-Site
9-410.090	Existing Wineries and Wine Cellars
9-410.100	Marketing Events at Wineries And Off-Site Wine Cellars

9-410.010 PURPOSE

The purpose of this Chapter is to establish regulations that will acknowledge the distinctive pairing of wine grape growing, wine making, and tourism in the County and provide for agricultural tourism and marketing activities while also ensuring that agricultural resources remain vital. These regulations are intended to ensure that winery and wine cellar marketing events focusing on wine are accessory and subordinate to the primary agricultural use. Because it is of great importance to protect the long-term quality and uniqueness of grapes grown in the County, wine tasting rooms shall only showcase wines that are produced with grapes that are grown in the County. These regulations are designed to help the wine industry thrive by allowing a variety of events and a variety of facility sizes, while simultaneously restricting on-going uses that would be incompatible with the ambiance of an agricultural area dedicated to the production of wine.

9-410.020 APPLICABILITY

The provisions of this Chapter apply whenever:

- (a) A new winery building, wine cellar, or accessory structure is constructed;
- (b) An existing building, including a legal nonconforming structure is enlarged for use as a winery, wine cellar or related accessory uses; or
- (c) The use of the site or the use of the building is changed to a winery, wine cellar of accessory use related to a winery or wine cellar.

For purposes of this chapter, a winery includes facilities for: crushing, fermenting, bottling, blending, and aging and may include facilities for shipping, receiving, tasting room(s), laboratory equipment, maintenance facilities, conference room space, sales, and administrative offices.

9-410.030 PERMITS REQUIRED

All wineries and off-site wine cellars shall obtain business license and use permits as required by the 200 Series, Base Zones, for the zone in which the winery or off-site wine cellar is located. Wineries also shall comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department, and the Fire Department, as well as federal and State regulations.

9-410.040 LARGE WINERIES

Large Wineries shall be subject to the following use regulations and development standards:

- (a) **Permitted Uses and Structures.** Operational uses and production facilities that are permitted in connection with a Conditional Use Permit for a Large Winery include, but are not necessarily limited to, the following:
- (1) Crushing or pressing of grapes outside or within a structure;
 - (2) Fermenting wine;
 - (3) Aging wine;
 - (4) On-site above-ground disposal and treatment of winery waste process water;
 - (5) Processing and blending wine;
 - (6) Bottling and labeling of wine;
 - (7) Storage of wine in vats, barrels, bottles or cases;
 - (8) Wine caves and on-site wine cellars;
 - (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
 - (10) Shipping, receiving and distribution of wine;
 - (11) Refrigeration systems containing acutely hazardous materials;
 - (12) Electrical substations for the transformation of utility-supplied transmission or distribution voltage to secondary voltage for on-site use;
 - (13) Disposal of grape byproduct solely produced by the permitted winery.
 - (14) On-site wastewater treatment systems;
 - (15) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;

- (16) Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
 - (17) Truck scales and a truck inspection station.
- (b) **Accessory Uses and Structures.** Accessory uses and structures permitted with a Conditional Use Permit for a Large Winery include, but are not necessarily limited to the following:
- (1) **Wine Tasting Rooms.** More than one tasting room is allowed on the Large Winery premises if permitted on the ABC Winegrowers License, but the maximum cumulative square footage of the wine tasting room structure(s), or an area designated for wine tasting within a multipurpose building, shall not exceed 30 percent of the area designated for production facilities. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.
 - (2) **Retail Sales.** A maximum of 500 square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include prepackaged foods, non-alcoholic beverages, crafts, and merchandise. The sale and display of the on-site winery's wine is not limited to the 500 square foot floor area allowed for the retail sales area.
 - (3) **Outdoor eating areas** shall be ancillary to a wine tasting room;
 - (4) **Display of art** and historical items that reflect the history of the wine industry; and
 - (5) **Child day care centers** are limited to caring for the children of winery employees.
- (c) **Production Capacity.** A Large Winery shall have a minimum production capacity of more than 555.1 tons of grapes or approximately 100,000 gallons of wine per year. One case of wine is equivalent to 2.377 gallons of wine, and one ton of grapes yields approximately 180 gallons of wine.
- (d) **Minimum Site Size.** A Large Winery shall be located on a site that is at least 10 acres in size in an Agricultural Zone. Large wineries located on parcels in Non-Agricultural Zones and large wineries established in Agricultural Zones prior to September 22, 2016 are not subject to this minimum site size requirement. Smaller category wineries and off-site wine cellars established prior to September 22, 2016 may be exempt from the minimum site size and may propose to expand to a large winery with a Conditional Use Permit application.

- (e) **Setbacks.** The following minimum yard setback requirements shall apply for Large Wineries developed in Agricultural Zones. Wineries established prior to September 22, 2016 that expand to a Large Winery with a Conditional Use Permit are exempt from these setback requirements, provided all new construction or use of existing buildings, permanent parking areas, and outdoor eating/entertaining areas associated with the winery do not decrease the existing setback of the buildings, permanent parking areas and outdoor eating/entertaining areas.
- (1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed Large Winery shall be set back a minimum of 200 feet from any highway, public road or private road, measured from the nearest property line to the road. Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum driveway width for traffic circulation required by this Chapter is provided.
 - (2) For Large Wineries located adjacent to a lot with a residence, the following standards shall apply:
 - (A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed Large Winery shall be set back a minimum of 300 feet from the lot line nearest to the adjacent parcel with the existing residence.
 - (B) If the neighboring residence is more than 200 feet from the lot line adjacent to the winery's parcel, then the minimum setback may be reduced to 100 feet.
 - (3) For Large Wineries located in Agricultural Zones adjacent to a lot without a residence, the required minimum setbacks shall be determined by the zone in which the winery is located.
 - (4) For Large Wineries located in Non-Agricultural Zones, the required minimum setbacks shall be determined by the zone in which the winery is located.
- (f) **Height, Fencing, Landscaping, Screening, and Setbacks and Signs.** The standards of the zone where the winery is located apply, as well as the additional requirements in Chapter 9-400, General Site Regulations, Chapter 9-402, Landscaping, and Chapter 9-410, Signs.
- (g) **Parking.** The parking surfacing requirements for Large Wineries shall be asphalt concrete or Portland cement concrete. The minimum number of required permanent parking spaces for large wineries shall be determined pursuant to Chapter 9-406, Parking and Loading.

- (h) **Noise.** Amplified sound is permitted at indoor activities and events. Outdoor amplified sound may be conditionally permitted for Large Wineries subject to regulations contained in Chapter 9-404, Noise.

9-410.050 MEDIUM WINERIES

Medium Wineries shall be subject to the following development standards:

- (a) **Permitted Uses and Structures.** Operational uses and production facilities in connection with a use permit for a Medium Winery include, but are not necessarily limited to, the following:
- (1) Crushing or pressing of grapes outside or within a structure;
 - (2) Fermenting wine;
 - (3) Aging wine;
 - (4) On-site above-ground disposal and treatment of winery process water;
 - (5) Processing and blending wine;
 - (6) Bottling and labeling of wine;
 - (7) Storage of wine in vats, barrels, bottles or cases;
 - (8) Wine caves and on-site wine cellars;
 - (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
 - (10) Shipping, receiving and distribution of wine;
 - (11) Refrigeration systems containing acutely hazardous materials;
 - (12) Electrical substations for the transformation of utility-supplied transmission or distribution voltage to secondary voltage for on-site use;
 - (13) Disposal of grape byproduct solely produced by the permitted winery.
 - (14) On-site wastewater treatment systems;
 - (15) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;
 - (16) Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
 - (17) Truck scales and a truck inspection station.

- (b) **Accessory Uses and Structures.** Accessory uses and structures in connection with a use permit for a Medium Winery include, but are not necessarily limited to the following:
- (1) **Wine Tasting Rooms.** More than one tasting room is allowed on the Medium Winery premises if permitted by the ABC Winegrowers License, but the maximum cumulative square footage of the wine tasting room structure(s), or an area designated for wine tasting within a multipurpose building, shall not exceed 30 percent of the area designated for production facilities. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the on-site winery.
 - (2) **Retail Sales.** A maximum of 500 square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include prepackaged foods, non-alcoholic beverages, crafts, and merchandise. The sale and display of the on-site winery's wine is not limited to the 500 square foot floor area allowed for the retail sales area.
 - (3) **Outdoor eating areas** shall be ancillary to a wine tasting room;
 - (4) **Display of art** and historical items that reflect the history of the wine industry; and
 - (5) **Child day care centers** are limited to caring for the children of winery employees
- (c) **Production Capacity.** A Medium Winery shall have a minimum production capacity of 201 tons of grapes or approximately 36,000 gallons of wine and a maximum production capacity of 555 tons of grapes or approximately 99,999 gallons of wine per year. One case of wine is equivalent to 2.377 gallons of wine and one ton of grapes yields approximately 180 gallons of wine.
- (d) **Minimum Site Size.** A Medium Winery shall be located on a site with a minimum size of 10 gross acres in the Agricultural Zone. Medium Wineries located on sites in non-agricultural zones and Medium Wineries established in Agricultural Zones prior to September 22, 2016 are not subject to this minimum site size requirement. Smaller category wineries and off-site wine cellars established prior to September 22, 2016 may be exempt from the minimum site size when they propose to expand to a medium winery with a Conditional Use Permit application.
- (e) **Setbacks.** The following minimum yard setback requirements shall apply for Medium Wineries developed in Agricultural Zones. Wineries established prior to September 22, 2016 that expand to a medium winery with a Conditional Use Permit are exempt from these setback requirements provided all new construction or use of existing buildings, permanent parking areas and outdoor eating/

entertaining areas associated with the winery do not decrease the existing setback of the buildings, permanent parking areas and outdoor eating/entertaining areas.

- (1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed medium winery shall be set back a minimum of 200 feet from any highway, public or private road, measured from the nearest property line to the road. Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum drive width required for traffic circulation is provided.
 - (2) For Medium Wineries located adjacent to a parcel with a residence, the following standards shall apply:
 - (A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed medium winery shall be setback a minimum of 300 feet from the lot line nearest to the adjacent parcel with the existing residence.
 - (B) If the neighboring residence is more than 200 feet from the lot line adjacent to the winery's parcel, then the minimum setback may be reduced to 100 feet.
 - (3) For Medium Wineries located adjacent to a parcel without a residence, the required minimum yard setbacks in Agricultural Zones shall be determined by the zone in which the winery is located.
 - (4) The setback requirements for Medium Wineries in Non-Agricultural Zones shall be determined by the zone in which the winery is located and are exempt from the requirements outlined above in Subsections (1), (2), and (3) above.
- (f) **Height, Fencing, Landscaping, Screening, and Setbacks and Signs.** The standards of the zone where the winery is located apply, as well as the additional requirements in Chapter 9-400, General Site Regulations, Chapter 9-402, Landscaping, and Chapter 9-410, Signs.
- (g) **Parking.** The parking surfacing requirements for Medium Wineries shall be asphalt concrete or Portland cement concrete. The minimum number of required permanent parking spaces shall be determined pursuant to Chapter 9-406, Parking and Loading.
- (h) **Noise.** Amplified sound is permitted at indoor activities and events. Outdoor amplified sound may be conditionally permitted for large wineries subject to regulations contained in Chapter 9-404, Noise.

9-410.060 SMALL WINERIES

Small Wineries shall be subject to the following use regulations and development standards:

- (a) **Permitted Uses and Structures.** Operational uses and production facilities in connection with a Use Permit for a small winery include, but are not necessarily limited to, the following:
- (1) Crushing or pressing of grapes outside or within a structure;
 - (2) Fermenting wine;
 - (3) Aging wine;
 - (4) On-site above-ground disposal and treatment of winery process water;
 - (5) Processing and blending wine;
 - (6) Bottling and labeling of wine;
 - (7) Storage of wine in vats, barrels, bottles or cases;
 - (8) Wine caves and on-site wine cellars;
 - (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
 - (10) Shipping, receiving, and distribution of wine;
 - (11) Refrigeration systems containing acutely hazardous materials;
 - (12) Disposal of grape byproduct solely produced by the permitted winery.
 - (13) On-site wastewater treatment systems;
 - (14) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;
 - (15) Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
 - (16) Truck scales and a truck inspection station.
- (b) **Accessory Uses and Structures.** Accessory uses and structures in connection with a Use Permit for a Small Winery include, but are not necessarily limited to the following:
- (1) **Wine Tasting Rooms.** More than one tasting room is allowed on the Small Winery premises if permitted by the ABC Winegrowers License, but the

maximum size of a standalone cumulative square footage of the wine tasting room structure(s), or an area designated for wine tasting within a multipurpose building at an on-site wine cellar, shall not exceed 30 percent of the area designated for production facilities or 2,000 square feet, whichever is greater. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.

- (2) **Retail Sales.** A maximum of 500 square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include prepackage foods, non-alcoholic beverages, crafts and merchandise. The sale and display of the on-site winery's wine is not limited to the 500 square foot floor area allowed for the retail sales area.
 - (3) **Outdoor eating areas** shall be ancillary to a wine tasting room;
 - (4) **Display of art** and historical items that reflect the history of the wine industry; and
 - (5) **Child day care centers** are limited to caring for the children of winery employees.
- (c) **Production Capacity.** A Small Winery shall have a minimum production capacity of more than 1.1 tons of grapes or approximately 201 gallons of wine and a maximum production capacity of 200 tons of grapes or approximately 36,000 gallons of wine per year. One case of wine is equivalent to 2.377 gallons of wine, and one ton of grapes yields approximately 180 gallons of wine.
- (d) **Minimum Site Size.** A Small Winery shall be located on a parcel with a minimum size of five acres in the Agricultural Zone. Small Wineries located on parcels in Non-Agricultural Zones and small wineries established in Agricultural Zones prior to September 22, 2016 are not subject to this minimum site size. Small Wineries established prior to September 22, 2016 also are exempt from the minimum site size when they propose to expand to a higher category of winery with a Conditional Use Permit application.
- (e) **Setbacks.** The following minimum yard setback requirements shall apply for Small Wineries developed in Agricultural Zones. Wineries established prior to September 22, 2016 that expand to a Small Winery with a Conditional Use Permit are exempted from these setback requirements provided all new construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the winery do not decrease the existing setback of the buildings, permanent parking areas and outdoor eating/entertaining areas.

- (1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed winery shall be set back a minimum of 200 feet from any highway, public or private road, measured from the nearest property line to the road. Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum driveway width required for traffic circulation required is provided.
 - (2) For Small Wineries located adjacent to a parcel with a residence, the following standards shall apply:
 - (A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed small winery shall be set back a minimum of 300 feet from the property line nearest to the adjacent parcel with the existing residence.
 - (B) If the neighboring residence is more than 200 feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to 100 feet.
 - (3) For small wineries located adjacent to a parcel without a residence, the required minimum yard setbacks for Small Wineries in Agricultural Zones shall be determined by the zone in which the small winery is located.
 - (4) The setback requirements for Small Wineries in Non-Agricultural Zones shall be determined by the zone in which the small winery is located and are exempt from the requirements outlined above in Subsections (1), (2.), and (3).
- (f) **Height, Fencing, Landscaping, Screening, and Setbacks and Signs.** The standards of the zone where the winery is located apply, as well as the additional requirements in Chapter 9-400, General Site Regulations, Chapter 9-402, Landscaping, and Chapter 9-410, Signs.
- (g) **Parking.** The parking surfacing requirements for large wineries shall be asphalt concrete or Portland cement concrete. The minimum number of required permanent parking spaces for large wineries shall be determined pursuant to Chapter 9-406, Parking and Loading.
- (h) **Noise.** Amplified sound is permitted at indoor activities and events. Outdoor amplified sound may be conditionally permitted for large wineries, subject to regulations contained in Chapter 9-404, Noise.

9-410.070 WINE CELLARS, ON-SITE.

On-site wine cellars shall be regarded as an accessory use that is part of the winery operation and are subject to the development standards that apply to the winery.

9-410.080 WINE CELLARS, OFF-SITE.

Off-site wine cellars shall be regarded as a primary use and are subject to the following development standards:

- (a) **Permitted Uses and Structures.** Operational uses and production facilities in connection with a discretionary land use permit for an off-site wine cellar include the following:
 - (1) Aging wine;
 - (2) Bottling and labeling of wine;
 - (3) Storage of wine in barrels or cases of bottles;
 - (4) Wine caves;
 - (5) Administrative offices; and
 - (6) Shipping, receiving, and distribution of wine.
- (b) **Accessory Uses and Structures.** Accessory uses and structures permitted in connection with an off-site wine cellar include the following:
 - (1) **Wine Tasting Rooms.** More than one tasting room is allowed on the off-site wine cellar premises. Only wine produced or bottled by the associated winery may be served at the offsite wine cellar tasting room(s).
 - (A) *Maximum Size of New Structures.* The maximum cumulative square footage permitted for a free-standing wine tasting room structure that is separate from the building where the wine is stored and for areas designated for wine tasting within a multipurpose building is 2,000 square feet.
 - (B) *Maximum Size of Existing Buildings.* An existing multipurpose wine cellar building that is larger than 2,000 square feet may be used, provided that a Conditional Use Permit is obtained and no more than 2,000 square feet of building space is used for wine tasting.
 - (C) *Maximum Size of the Retail Sales Area.* The retail sales area within the free-standing wine tasting room or the area designated for wine tasting within a multipurpose building shall not exceed 500 square feet.
 - (2) **Retail Sales.** Retail sales may include prepackaged foods, non-alcoholic beverages, crafts, and merchandise. The sale and display of the off-site wine cellar's wine is not limited to the 500 square foot floor area allowed for the retail sales area.

- (3) **Outdoor eating areas** ancillary to a wine tasting room.
- (4) **Display of art** and historical items that reflect the history of the wine industry.
- (c) **Storage Capacity.** An off-site wine cellar shall have a minimum storage capacity of 380 cases of wine or approximately 900 gallons of wine and a maximum storage capacity of 5,000 cases of wine or approximately 11,885 gallons.
- (d) **Minimum Site Size.** The minimum site size for an off-site wine cellar is five acres in Agricultural Zones. Off-site wine cellars located in Non-Agricultural Zones and off-site wine cellars established in Agricultural Zones prior to September 22, 2016 are not subject to this minimum size requirement.
- (e) **Setbacks.** The following minimum yard setback requirements shall apply for off-site wine cellars developed in Agricultural Zones. Off-site wine cellars established prior to September 22, 2016 that expand to a higher classification of winery with an approved Use Permit are exempt from the following setback requirements provided all new construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar do not decrease the existing setback of the buildings, permanent parking areas and outdoor eating/entertaining areas.
 - (1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar shall be set back a minimum of 200 feet from any highway, public road or private road, measured from the nearest property line to the road. Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum driveway width requirement for traffic circulation is provided.
 - (2) For off-site wine cellars located adjacent to a parcel with a residence, the following standards shall apply:
 - (A) All new construction, use of existing buildings, proposed permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar shall be set back a minimum of 300 feet from the property line nearest to the adjacent parcel with the existing residence.
 - (B) If the neighboring residence is located more than 200 feet from the property line adjacent to the off-site wine cellars parcel, then the setback may be reduced to 100 feet.
 - (3) For off-site wine cellars located adjacent to a parcel without a residence, the required minimum yard setbacks for off-site wine cellars in Agricultural Zones shall be determined by the zone in which the off-site wine cellar is located.

- (4) For off-site wine cellars in Non-Agricultural Zones, the setback requirements shall be determined by the zone in which the off-site wine cellar is located and are exempt from the requirements outlined above in Subsections (1), (2), and (3).
- (f) **Height, Fencing, Landscaping, Screening, and Setbacks and Signs.** The standards of the zone where the winery is located apply, as well as the additional requirements in Chapter 9-400, General Site Regulations, Chapter 9-402, Landscaping, and Chapter 9-410, Signs.
- (g) **Parking.** The parking surfacing requirements for large wineries shall be asphalt concrete or Portland cement concrete. The minimum number of required permanent parking spaces for large wineries shall be determined pursuant to Chapter 9-406, Parking and Loading.
- (h) **Noise.** Amplified sound is permitted at indoor marketing activities and events. Outdoor amplified sound may be conditionally permitted for off-site wine cellars subject to regulations contained in Chapter 9-404, Noise.

9-410.090 EXISTING WINERIES AND WINE CELLARS

Existing permitted wineries and wine cellars established prior to the adoption of the ordinance codified in this Chapter will continue to be governed by the conditions of approval from their original permit, with the exception of applicable operational standards for events contained in Section 9-410.100, Winery and Off-Site Wine Cellar Permitted Events.

9-410.100 MARKETING EVENTS AT WINERIES AND OFF-SITE WINE CELLARS

Notwithstanding any other provision of this Chapter, all new wineries and off-site wine cellars and existing wineries and off-site wine cellars are subject to the following requirements when requesting to add Marketing Events or to modify an existing Marketing Event approval in order to have Large-scale and/or Small-scale Accessory Winery Events, Wine Release Events, and/or to participate in Industry Wide Events:

- (a) **Required Permits.** Permits are required as follows:
 - (1) For any new winery or off-site wine cellar that proposes Marketing Events or Large-scale Accessory Winery Events, a Conditional Use Permit shall be required.
 - (2) For any existing winery or off-site wine cellar that proposes to add Marketing Events or Large-scale Accessory Winery Events, or for any existing winery or off-site wine cellar that proposes to increase the permitted number of Marketing Events, increase the permitted number of attendees at Marketing Events or Large-scale Accessory Winery Events, and/or to permit outdoor

amplified sound at Marketing Events, Large-scale Accessory Winery Events, Wine Release Events and/or Industry Events, an existing Use Permit may be modified pursuant to Section 9-804.070, Decisions, Appeals, Expiration, Extensions, Modifications, and Revocations; approved plans may be modified pursuant to Section 9-802.120, Modification of Approved Plans.

- (3) For any existing winery or off-site wine cellar with no previously approved Marketing Events that proposes to add Small-scale Accessory Winery Events or Wine Release Events, an Administrative Use Permit shall be required.
- (4) For any winery or off-site wine cellar that has been previously approved for Marketing Events; attendance at Small-scale Accessory Winery and Wine Release Events shall be limited to the following:
 - (A) The maximum number of attendees at Small-scale Accessory Winery Events shall be 80, provided there is adequate on-site parking for attendees.
 - (B) The maximum number of attendees at a Large-scale Winery Event and Wine Release Events shall be 300 at any given time, provided there is adequate on-site parking for attendees.
- (b) **Product Availability.** A sufficient amount of wine shall be produced by the winery or off-site wine cellar and be available prior to commencing Marketing Events, Industry Events, Wine Release Events and Large-scale or Small-scale Accessory Winery Events.
- (c) **Marketing Calendar.** A Marketing Calendar shall be filed with the Community Development Department and updated as required for any winery or off-site wine cellar with approved Marketing Events, Large-scale or Small-scale Accessory Winery Events, Wine Release Events and/or who will participate in Industry Events and shall comply with the following:
 - (1) Marketing Events, Large-scale and Small-scale Accessory Winery Events, Wine Release Events and/or Industry Wide Events shall be reported to the Zoning Administrator in writing a minimum of five days prior to each event.
 - (2) A copy of the Marketing Calendar shall be kept on the winery or off-site wine cellar premises at all times. The Marketing Plan shall be made available to the Zoning Administrator for review upon request.
- (d) **Maximum Number of Marketing Events.** The maximum number of permitted annual Marketing Events is subject to the following based on the Wineries and Off-Site Wine Cellar use classification. Industry Events, Wine Release Events and Large-scale and Small-scale Accessory Winery Events shall not be included in the maximum number of permitted Marketing Events.

- (1) **Wine Cellar, Off-Site** shall be limited to a maximum of 10 Marketing Events per calendar year;
 - (2) **Winery, Small** shall be limited to a maximum of 12 Marketing Events per calendar year;
 - (3) **Winery, Medium** shall be limited to a maximum of 15 Marketing Events per calendar year;
 - (4) **Winery, Large** shall be limited to a maximum of 20 Marketing Events per calendar year.
- (e) **Maximum Attendance.** The number of attendees permitted per Marketing Event for Wineries and off-site wine cellars are subject to the following size restrictions with an approved Use Permit:
- (1) **Wine Cellar, Off-Site and Winery, Small.** Off-site wine cellars and small wineries located on parcels between a minimum of 5.0-9.99 gross acres in size shall have a maximum of 150 attendees. Parcels with a minimum of 10.0 gross acres in size shall have a maximum of 300 attendees.
 - (2) **Winery, Medium and Large.** Medium and large wineries located on parcels with a minimum of 10.0 gross acres in size shall have a maximum of 300 attendees.
- (f) **Outdoor Amplified Sound.** Outdoor amplified sound may be permitted with a Temporary Use Permit at Marketing Events, Large-scale Accessory Winery Events, Wine Release Events and Industry Events subject to the following standards:
- (1) **For Marketing Events, Wine Release Events and Industry Events,** outdoor amplified sound shall be permitted between the hours of 10:00 a.m. and 10:00 p.m.
 - (2) **For Large-scale Accessory Winery Events,** outdoor amplified sound shall be permitted between the hours of 10:00 a.m. and 9:00 p.m., Sunday through Thursday and between the hours of 10:00 a.m. and 10:00 p.m. on Friday and Saturday.
 - (3) **A Noise Study** shall be required prior to permitting outdoor amplified sound to ensure compliance with the Noise Standards specified in Chapter 9-404, Noise.
 - (4) **Indoor amplified sound** may be permitted at approved Marketing Events, Large-scale and Small-scale Accessory Winery Events, Wine Release Events and Industry Events, in compliance with the Noise Standards specified in Chapter 9-404, Noise.

- (5) **Outdoor amplified sound** shall be prohibited at all small-scale Accessory Winery Events.
- (g) **Wine Served.** Only wine produced or bottled by the permitted on-site winery or off-site wine cellar shall be permitted at Marketing Events, Wine Release Events, Large-scale or Small-scale Accessory Winery Events and/or Industry Events. Beer may be sold and served in addition to wine at Marketing Events. The sale and serving of beer shall be prohibited at Large-scale and Small-scale Accessory Winery Events, Wine Release Events or Industry Events. Additional outside alcoholic beverages are prohibited. Non-alcoholic beverages may be served at Marketing Events, Wine Release Events, Large-scale Accessory Winery Events, Small-scale Accessory Winery Events and/or Industry Events, and may be sold within the designated retail sales area.
- (h) **Parking Requirements.** The following parking requirements shall apply to wineries and off-site wine cellars with Marketing Events, Industry Events, Wine Release Events and/or Large-scale and Small-scale Accessory Winery Events.
 - (1) A minimum of one parking space shall be provided for every two event attendees. Overflow parking areas utilized for Marketing Events, Small-scale Accessory Winery Events, Wine Release Events and Industry Events parking may be permitted using alternative surfacing materials as allowed by Chapter 9-406, Parking and Loading.
 - (2) All wineries and off-site wine cellars shall be required to utilize one or more parking attendants during all permitted events when the facility's permanent parking spaces reach capacity or when the public roadway starts to be impacted.
- (i) **Commercial Kitchen.** Commercial kitchens shall be permitted as an accessory use to winery and off-site wine cellar use types in conjunction with approved Marketing Events, Industry Events, Wine Release Events, Large-scale Accessory Winery Events, or Small-scale Accessory Winery Events. Commercial kitchens shall not be used for restaurant purposes.
- (j) **End of Event.** Marketing Events, Industry Events, Wine Release Events and Large-scale Accessory Winery Events and Small-scale Accessory Winery Events shall end by 10:00 p.m.
- (k) **Event Signs.** In addition to signage criteria specified in Chapter 9-410, Signs, the following shall apply to any signs used by a winery or an off-site wine cellar during Marketing Events, Industry Events, Wine Release Events, Large-scale Accessory Winery Events or Small-scale Accessory Winery Events:
 - (1) All signs shall be placed outside County/public rights-of-way; unless approved by the Public Works Department.

- (2) Signs shall not be placed on existing signs and/or poles, or on utility poles or cabinets located within the County/public rights-of-way; unless approved by the Public Works Department.
 - (3) Signs shall not be placed in such a way that interferes or obscures traffic signs.
- (l) **Applicability.** Notwithstanding any other provisions of this Title, the following operational standards of this section apply to existing wineries and off-site wine cellars with previously approved Marketing Events, Large-scale Accessory Winery Events and Small-scale Accessory Winery Events, Wine Release Events and/or participation in Industry Wide Events:
- (1) Product Availability;
 - (2) Marketing Calendar;
 - (3) Outdoor Amplified Sound
 - (4) Wine Served;
 - (5) Parking;
 - (6) Commercial Kitchens;
 - (7) End of Event; and
 - (8) Event Signs.

San Joaquin Development Title Update

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Chapter 9-411 Wireless Telecommunication Facilities

Sections:

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9-411.010 PURPOSE

The purpose of this Chapter is to establish reasonable regulations, to the extent permitted under California and federal law, for the installation, operation, collocation, modification, maintenance and removal of wireless communication facilities in a manner that promotes and protects public health, safety and welfare, and balances the benefits that flow from robust and ubiquitous wireless services with the local values and aesthetic character of the County, its neighborhoods, commercial and industrial areas, agricultural lands, historic resources, and other districts. It establishes a streamlined approval process for eligible facilities, consistent with California and federal law.

- (a) **Limitations.** This Chapter is not intended to, and shall not be interpreted or applied to:
- (1) Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
 - (2) Unreasonably discriminate among providers of functionally equivalent personal wireless services;
 - (3) Regulate the installation, operation, collocation, modification, maintenance or removal of personal wireless services based on environmental effects from radio frequency emissions to the extent such emissions comply with all applicable Federal Communications Commission (FCC) regulations;

- (4) Create barriers that prohibit or effectively prohibit any telecommunications service provider's ability to provide any interstate or intrastate telecommunications service;
- (5) Prohibit or effectively prohibit any collocation or modification that the County may not deny under applicable California or federal law; or
- (6) Preempt any applicable California or federal laws, regulations or other mandatory rules.

9-411.020 APPLICABILITY

This Chapter applies to all wireless communication facilities that require the granting of commercial licenses from the Federal Communications Commission (FCC) and/or the California Public Utilities Commission as follows:

- (a) **Applicable Facilities.** This Chapter applies to all applications to install, construct, collocate, modify or otherwise alter wireless communication facilities (WCFs) in the County of San Joaquin.
- (b) **Exempted Facilities.** This Chapter does not apply to:
 - (1) Amateur radio antennas;
 - (2) Over-the-air-reception devices (OTARD antennas);
 - (3) Wireless antennas and related equipment installed completely indoors and intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system);
 - (4) Antennas and related equipment owned and operated by California Public Utilities Commission (CPUC)-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities covered under CPUC General Order 131-D, as may be amended or superseded; and
 - (5) County-owned and operated facilities for public purposes.
- (c) **Special Provisions for "Eligibility Facility Requests" under Federal Law (Section 6409 Approvals).** Any application submitted with a written request for approval pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act, Pub. L. No. 112-96, 126 Stat. 156 (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)) shall be reviewed and ministerially-approved under the provisions for Type 1 WCF Permits and exempt from the development standards in this Chapter in Section 9-411.050.

9-411.030 REQUIRED PERMITS AND APPROVALS

The types of permits required for wireless communications facilities are listed below. The Zoning Administrator shall review all permit applications and determine completeness pursuant to Chapter 9-802, Common Procedures.

- (a) **Type 1 WCF Permit.** A Type 1 WCF Permit is required and shall be granted ministerially by the Zoning Administrator for any application for collocation of new transmission equipment and/or modification of an existing WCF when such collocation or modification will not result in a substantial change in the physical dimensions of a tower or base station. A Type 1 WCF Permit shall be used for small cell wireless communication facilities under the Federal Communications Commission orders and declaratory rulings unless specific circumstances require a Type 2 or Type 3 permit. A Type 1 WCF permit application is reviewed and the approval is granted only in response to an "eligible facilities request" submitted to pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act, Pub. L. No. 112-96, 126 Stat. 156 (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)).
- (b) **Type 2 WCF Permit.** A Type 2 WCF permit is required and shall be granted ministerially by the Zoning Administrator for a collocation facility to be installed on an existing collocation-eligible facility that was subject a discretionary permit, and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the existing collocation-eligible facility, and the mitigation measures specified in the environmental impact report negative declaration, or mitigated declaration are incorporated in to the proposed project. This collocation facility may involve a substantial change to the existing facility. A Type 2 WCF Permit is reviewed and approved pursuant to Section 65850.6 of the California Government Code. A Type 2 WCF Permit application may be deemed approved by the Director pursuant to Section 65964.1 of the Government Code if all of the requirements of subsection (a) of that section are met.
- (c) **Type 3 WCF Permit.** A Type 3 WCF Permit is a discretionary permit, subject to the Planning Commission's review and approval, that is required for any new facilities and major collocations or modifications to existing facilities, including:
 - (1) All wireless communications facilities involving the use of County rights-of-way or existing improvements or utilities located on, in, under, of above County rights-of-way that are not eligible for a Type 1 or Type 2 WCF Permit;
 - (2) Any wireless facility that requires a limited exception pursuant to Section 9-1065.10; and
 - (3) All other wireless facilities that do not meet the criteria for a Type 1 or Type 2 WCF Permit.

- (d) **Other Regulatory Permits or Approvals.** In addition to any use permit or approval required under this Chapter, the applicant must obtain all other required prior permits and other regulatory approvals from other County departments, and state and federal agencies.
- (e) **Time Limits.** The time limits for review and approval of WCF permits are set by federal Law; contrary to State law, under federal law they are known as shot clocks and begin on the date the application is filed. Type 1 WCF permits must be approved within 60 days; Type 2 and 3 WCF permits dealing with major co-location must be approved within 90 days, and other WCF permits for new construction must be approved within 150 days. These time limits may be adjusted for any tolling due to the County's requests for additional information or as mutually agreed by the County and the applicant.

9-411.040 APPLICATIONS

- (a) **Application Required; Review Process.** The County shall not grant any application for any permit under this Chapter except upon a duly filed application consistent with the provisions of Chapter 9-802, Common Procedures, this Section and any written rules or permit requirements the Zoning Administrator may publish. In the event that any conflict arises between the requirements in Chapter 9-802 and this Section, the requirements in this Section shall govern.
- (b) **Application Content.** The Board of Supervisors authorizes the Zoning Administrator to develop and publish permit application forms, checklists, informational handouts and other related materials for this Chapter. Without further authorization from the Board, the Zoning Administrator may from time-to-time update and alter the permit application forms, checklists, informational handouts and other related materials as the Zoning Administrator deems necessary or appropriate to respond to regulatory, technological or other changes related to this Chapter. The materials required under this section are the minimum requirements for any WCF Permit.
 - (1) **Application Fee.** Applicants must tender to the County the fee required in the County's Fee Schedule maintained by the Community Development Department. In the event that the County's Fee Schedule does not contain a specific fee for wireless permit applications, the highest fee applicable to conditional use permits will be required.
 - (2) **Owner's Authorization.** Applicants must submit evidence sufficient to show that either (1) the applicant owns the project site or (2) the applicant has obtained the owner's authorization to file the application.
 - (3) **Regulatory Authorization.** To the extent that the applicant claims any regulatory authorization or other right to use the public rights-of-way, the

applicant must provide a true and correct copy of the certificate, license, notice to proceed or other regulatory authorization that supports the applicant's claim.

- (4) **Project Plans.** A fully dimensioned site plan and elevation drawings prepared and sealed by a California-licensed engineer must be submitted, showing any existing wireless facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements and the legal boundaries of the leased or owned area surrounding the proposed facility and any associated access or utility easements. For Type 1 WCF Permit applications, the plans only must document with dimensional annotations that no substantial change is proposed.
- (5) **Site Photographs and Photo Simulations – Required Only for Type 2 and 3 Permits.** Photographs and photo simulations that show the proposed facility in context of the site from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that shows the photo location of each view angle.
- (6) **Radio Frequency (RF) Exposure Compliance Report.** An RF exposure compliance report prepared and certified by an RF engineer acceptable to the County must be submitted that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radiated power (ERP) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site. The County may retain the services of a communications consultant to review this report; see Section 9-411.080, Use of Specialists. The applicant shall be responsible for the costs of such services.
- (7) **Project Purpose Statement.** For Type 1 WCF Permits, the application shall include all the information required for an “eligible facilities request.” For Type 2 and Type 3 WCF Permits, a written statement shall be submitted that includes: (a) a description of the technical objectives to be achieved; (b) an annotated topographical map that identifies the targeted service area to be benefitted; (c) the estimated number of potentially affected users in the

targeted service area; and (d) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites.

- (8) **Alternative Sites Analysis – Required Only for Type 2 and 3 Permits.** The applicant must list all existing structures considered as alternatives to the proposed location, together with a general description of the site design considered at each location. The applicant must also provide a written explanation for why the alternatives considered were unacceptable or infeasible, unavailable or not as consistent with the development standards, preferred locations, and preferred structure types in this Chapter as the proposed location and design. This explanation must include a meaningful comparative analysis and such technical information and other factual justification as are necessary to document the reasons presented. If an existing facility is listed among the alternatives, the applicant must specifically address why the modification of such wireless communication facility is not a viable option.

(c) **Submittal and Review Procedures.**

- (1) **Pre-application Conferences.** Prior to an application submittal, applicants may or, in the case of a Type 1 WCF Permit, must schedule, pay the applicable fee, and attend a pre-application conference with County staff to discuss the proposed facilities. Such pre-application conferences are intended to streamline the application review procedures for various WCF Permit types and determine whether the applicant may qualify for ministerial approval pursuant to Section 6409(a); potential concealment issues (if applicable); coordination with other County departments responsible for application review; and application completeness issues.
- (A) Applicants may, but shall not be required to, bring any particular materials to a pre-application conference. County staff will endeavor to provide applicants with an appointment within approximately five business days after receipt of a written or email request for a pre-application conference.
- (B) For any applicant that schedules, attends and fully participates in a pre-application conference, the Zoning Administrator may grant a written exemption from a specific application requirement or requirements when the applicant shows that the information requested is duplicative of information contained in other materials to be

submitted with the application or otherwise unnecessary for the County's review under the facts and circumstances in that particular case. Any such written waiver shall be limited to the project discussed at the pre-application conference and shall not extend to any other projects.

- (2) **Submittal Appointments.** Applicants must submit an application at a pre-scheduled appointment. Applicants may generally submit only one application per appointment but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. County staff will endeavor to provide applicants with an appointment within five business days after staff receives a written or email request for an appointment. The Zoning Administrator will begin to review the application once it is duly filed and the required fee paid.
- (3) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, an application will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the County within 90 calendar days after the County deems the application incomplete in a written notice to the applicant. The Zoning Administrator may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

9-411.050 DEVELOPMENT STANDARDS

- (a) **General Development Standards.** All new wireless facilities and collocations or modifications not subject to a Section 6409 Request and qualifying for a Type 1 WCF permit must conform to all the standards in this section.
 - (1) **Concealment.** Wireless facilities must incorporate concealment measures sufficient to render the facility either camouflaged or stealth, as appropriate for the proposed location and design. All facilities must be designed to visually blend into the surrounding area in a manner compatible with the uses germane to the underlying zoning district and consistent with the existing uses in the immediate vicinity of the project site.
 - (2) **Future Collocations.** All wireless facilities must be designed and sited in a manner that contemplates future collocations and will allow additional equipment to be integrated into the proposed facility with no or negligible visible changes to its outward appearance to the greatest extent feasible.

- (3) **Noise.** A wireless facility and all equipment associated with a wireless facility must not generate noise that exceeds the applicable noise level standards established in Chapter 9-404 that apply in the zone where the wireless facility is located. The Approval Authority, meaning the Zoning Administrator or the Planning Commission as the case may be, may require the applicant to install noise attenuating or baffling materials and/or other measures, including but not limited to walls or landscape features, as the Approval Authority deems necessary or appropriate to ensure compliance with the applicable noise level standards.
- (4) **Lights.** Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and fully-shielded lights such that the light source is not directly visible from any adjacent residential land uses and conforms to the limits on light and glare set in Chapter 9-403. The Approval Authority may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need. All aircraft warning lighting must use lighting enclosures that avoid illumination impacts on residential land uses to the maximum extent feasible.
- (5) **Signs.** No facility may display any signage or advertisements unless expressly allowed by the Zoning Administrator in a written approval, recommended under FCC regulations or required by law or a permit condition. Every facility shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number and a local or toll-free telephone number to contact the facility owner's operations center.
- (6) **Fences, Enclosures and Security.** Any fencing or enclosures proposed in connection with a wireless facility must be designed to blend with the natural and/or man-made surroundings. The Approval Authority may require additional landscape features to screen fences. No barbed wire, razor ribbon, electrified fences or any similar measures shall be allowed to secure a wireless facility, unless the applicant demonstrates to the satisfaction of the Approval Authority that the need for such measures significantly outweighs the potential danger to the public. For proposed towers without any surrounding fence or enclosure, the applicant must incorporate anti-climbing measures, such as a ladder guard or removable ladder rungs, to prevent unauthorized access, vandalism and other attractive nuisances.
- (7) **Landscape Features.** Landscaping may be required to be installed and maintained by Applicant to screen facilities from adjacent properties or public view or to provide a backdrop to camouflage the facilities. All proposed landscaping is subject to Approval Authority review and approval and must meet the standards of Chapter 9-1020.

- (8) **Utilities.** All cables and connectors for telephone, primary electric and other similar utility services must be routed underground to the extent feasible in conduits large enough to accommodate future collocated facilities. The Approval Authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.

(b) **Building-Mounted Facilities.**

- (1) **Preferred Concealment Techniques.** To the extent feasible, new non-tower facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level are preferred. Examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials. Alternatively, when integration with existing building features is not feasible, the applicant may propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions. Examples include, but are not limited to, cupolas, steeples, chimneys, and water tanks.
- (2) **Facade-mounted Equipment.** All facade-mounted equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The Approval Authority may not approve "pop-out" screen boxes unless the design is architecturally consistent with the original building or support structure. Except in industrial zones, the Approval Authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade.
- (3) **Rooftop-mounted Equipment.** All rooftop-mounted equipment must be screened from public view with concealment measures that match the underlying structure in proportion, quality, architectural style, and finish. The Approval Authority may approve unscreened rooftop equipment only when it expressly finds that such equipment is effectively concealed due to its low height and/or setback from the roofline.
- (4) **Ground-mounted Equipment.** Outdoor ground-mounted equipment associated with building-mounted facilities must be avoided whenever feasible. In publicly visible or accessible locations, applicants must conceal outdoor ground-mounted equipment with opaque fences or landscape features that mimic the adjacent structure(s) such as dumpster corrals and other accessory structures.

- (5) **Height.** Wireless communications facilities shall not exceed the applicable height limit for the zone where they are located, provided, however that in commercial and industrial zones, and in areas with an M-X, P-F, A-G, A-L, and A-U zone designation, wireless telecommunication antennas may project up to 10 feet above the maximum allowable height of the structure, or up to 10 feet above the roof line of the building plus an additional one foot for each two feet of horizontal distance the antenna is set back from the top of the nearest exterior wall of the building, provided all of the following requirements are satisfied:
- (A) The applicant has shown that the subject antenna is not sufficient for wireless telecommunication in its intended coverage area if it is mounted at or below the height of the structure or the roof line of the building;
 - (B) The antenna and supporting equipment to be mounted or located above the height of the structure or the roof line of the building shall be painted or otherwise treated to match the exterior of the structure or building, or when feasible hidden behind existing or added screening which is architecturally compatible with said structure or building; and
 - (C) The existing structure or building is not an historic resource.
 - (D) Excluding wireless telecommunication antennas and supporting equipment located on structures and buildings on publicly owned or controlled property, wireless telecommunication antennas and supporting equipment, which are screened from public view with concealment measures, may project up to five feet above the height of the structure or the roof line of the building in residential zones.
- (c) **Freestanding Towers.** Construction of new freestanding support structures for antennas and supporting equipment for wireless telecommunication, including the replacement of existing freestanding support structures for wireless telecommunication that does not qualify for a Type 1 WCF Permit, shall be subject to the following development standards:
- (1) **Overall Height and Required Setbacks.** Freestanding towers and associated antennas shall be setback from the property line a distance that is at least equal to the maximum height of the tower and associated antennas.
 - (2) **Tower-Mounted Equipment.** All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its visual profile. Applicants must mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors and utility demarcation boxes) directly behind the antennas to

the maximum extent feasible. All tower-mounted equipment, cables and hardware must be painted with flat colors.

- (3) **Ground-Mounted Equipment.** All ground-mounted equipment must be concealed within an existing or new structure, opaque fences or other enclosures subject to the Approval Authority's approval. The Approval Authority may require, as a condition of approval, design and/or landscape features in addition to other concealment when necessary to blend the equipment or enclosure into the surrounding environment.
- (4) **Faux Tree Standards.** The Approval Authority may approve a new freestanding wireless facility camouflaged as a faux tree only when it blends with the mature, natural trees in proximity to the proposed project site. The Approval Authority may require the applicant to plant and maintain new, natural trees around the project site when necessary or appropriate to adequately conceal the proposed faux-tree wireless facility.
- (5) **In Agricultural Zones.** New freestanding support structures and associated antennas shall not significantly displace or impair agricultural operations, if any, on the subject parcel project site or surrounding parcels.

(d) **Facilities in the Public Rights-of-Way.**

- (1) **General Prohibition.** Facilities in the public rights-of-way shall not unreasonably subject the public use for any purpose, including expressive or aesthetic purposes, to inconvenience, discomfort, trouble, annoyance, hindrance, impediment or obstruction.
- (2) **Encroachment Permit Required.** Facilities in the County's rights-of-way shall obtain an encroachment permit prior to commencing work, including construction, installation, and operation.
- (3) **Lease Agreement Required.** Facilities proposed for installation upon vertical infrastructure owned by the County shall be subject to the execution of a master lease agreement between the County and the wireless carrier. See Section 9-411.060, Leases.
- (4) **Concealment.** All facilities in the rights-of-way must be concealed to the extent feasible with design elements and techniques that blend with the underlying support structure, surrounding environment and adjacent uses.
- (5) **Undergrounded Equipment.** To conceal the non-antenna equipment, applicants for a proposed facility within any area in which the existing utilities are primarily located underground shall place underground all non-antenna equipment other than any required electric meter or disconnect switch. In all other areas, applicants shall install all non-antenna equipment

underground to the extent feasible. Additional expense to install and maintain an underground equipment enclosure does not exempt an applicant from this requirement, except where the applicant demonstrates by clear and convincing evidence that this requirement will effectively prohibit the provision of personal wireless services.

- (6) **Ground-Mounted Equipment.** To the extent that the equipment cannot be placed underground as required, applicants must install ground-mounted equipment in the location so that it does not obstruct pedestrian or vehicular traffic. The County may require landscaping as a condition of approval to conceal ground-mounted equipment.
- (7) **Pole-Mounted Equipment.** All pole-mounted equipment must be installed as close to the pole as technically and legally feasible to minimize impacts to the visual profile. All required or permitted signage in the rights-of-way must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.
- (8) **Support Structures.** If an applicant proposes a new facility in public rights-of-way, then the applicant must use existing above-ground structures, such as streetlights or traffic signals. If no such existing above-ground structures exist or are otherwise not available to the applicant, then the Approval Authority may require the applicant to install a decorative or integrated pole specifically designed to conceal wireless transmission equipment. All support structures in public rights-of-way require an encroachment permit issued by the Department of Public Works.
- (9) **Utility Lines.** When the point of contact is not on the pole itself, service lines must be undergrounded, whenever feasible, to avoid additional overhead lines. The Approval Authority shall not approve new overhead service lines merely because compliance with the undergrounding requirements would increase the project cost. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external box or shelter ("doghouse").
- (10) **Electric Meter.** Multiple operators on a shared pole must share a single electric meter. Site operators must use the smallest and least intrusive electric meter available. In the event that a smaller or less intrusive meter becomes available after the site operator installs its equipment, the site operator must remove the current meter and install the new one within a reasonable time. The County expects site operators to use flat-rate electric service when it would eliminate the need for a meter. The electric meter or its case must be

painted to match the pole unless painting is expressly not permitted by the electric service provider.

- (11) **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables must not be spooled, coiled or otherwise stored on the pole whether in a cabinet or not.
- (12) **Finishes.** No above-ground or pole-mounted equipment in the rights-of-way may be finished with reflective materials unless approved by the Approval Authority.

9-411.060 LEASES

- (a) **Authority.** The Board of Supervisors may, in its sole discretion, approve facilities leases for the location of wireless communications facilities upon County property. County staff is authorized and directed to develop application requirements, lease criteria consistent with each department's policies and County procedures, and master lease agreements for Board approval.
- (b) **Procedure.** Any wireless communications carrier or provider that desires to solicit the County's approval of a facilities lease pursuant to this Chapter shall file a lease application with the County department responsible for the property sought to be leased concurrently with its WCF Permit application.
- (c) **Review Process.** The County shall review and take action on applications for facilities leases within the time periods established for action on WCF permits after receiving a complete application for such a lease. The applicable department director shall review the lease application and, if the application is complete and meets the lease criteria and the requirements of this Chapter and is consistent with a Model Master Lease Agreement, if one has been approved by the Board, shall negotiate a proposed facilities lease agreement with the applicant. The proposed facility lease shall be submitted to the Board of Supervisors for its review and approval or disapproval.
- (d) **Facilities Lease Agreement.** No facilities lease shall be deemed to have been authorized hereunder until the applicant and the County have executed a written facilities lease agreement setting forth the particular terms and provisions under which the lessee has been granted the right to occupy and use the County property. A Model Master Lease Agreement may be approved by the Board to streamline the review and approval process.
- (e) **Nonexclusive Lease.** No facilities lease granted under this Chapter shall confer any exclusive right, privilege, license or franchise to occupy or use County property for the provision of wireless communications services or any other purposes.

- (f) **Rights Granted.** No facilities lease authorized under this Chapter shall convey any right, title or interest in County property, but shall be deemed authorization only to use and occupy such County property for the limited purposes and term stated in the facilities lease agreement. No facilities lease shall take effect or otherwise authorize use of such County property until all necessary WCF and other County permits and/or approvals have been obtained. No facilities lease shall be construed as a warranty of title.
- (g) **Compensation to County.** Each wireless communications facilities lease granted under this Chapter is subject to the County's right, which is expressly reserved, to fix fair and reasonable compensation to be paid the County based on the fair market value of the rights granted to the lessee.
- (h) **Expansion, Modification or Relocation.** Except as may be provided by an existing facilities lease agreement, a new facilities lease application and agreement shall be required of any telecommunications provider or carrier that desires to expand, modify, or relocate its telecommunications facilities or other equipment located upon County property.

9-411.070 COLLOCATION/SITING ON PUBLICLY OWNED/ CONTROLLED PROPERTY; PREFERRED LOCATIONS AND PREFERRED SUPPORT STRUCTURES

Preferred locations and preferred support structures are as follows. Unless shown not to be feasible by the applicant or considered not to be desirable by the Review Authority, a new wireless communication facility shall collocate on an existing wireless communication facility or, if an existing wireless communication facility is not present within the coverage area of the proposed facility, on an existing structure or building on publicly-owned or controlled property.

- (a) **Preferred Locations.** All applicants must, to the extent feasible, propose new facilities in locations according to the following preferences, ordered from most preferred to least preferred:
 - (1) County-owned parcels in any zone;
 - (2) P-F zone;
 - (3) I-W, I-P, I-L, I-G and I-T zones;
 - (4) A-G, A-L, and A-U zones;
 - (5) C-G, C-O, C-FS, C-RS, and C-X zoning districts;
 - (6) C-N, C-C, and M-X zones;
 - (7) R-R, R-VL, R-L, R-M, R-MH, and R-H zones.

- (b) **Preferred Support Structures.** In addition to the preferred locations described above, the County also expresses its preference for certain support structures within those zones as follows, ordered from most preferred to least preferred:
- (1) Collocations with existing building-mounted wireless facilities;
 - (2) Collocations with existing wireless facilities on towers;
 - (3) Installations on existing buildings or rooftops;
 - (4) Installations on existing wireless towers;
 - (5) Installations on existing electric transmission towers; and
 - (6) New freestanding wireless towers.

Note: As a hypothetical example, and not a limitation, in an industrial zone where an applicant could achieve its technical objective equally well with antennas mounted on either an electric transmission tower (that does not currently support any wireless facilities) or a new freestanding wireless tower, the applicant must mount the antennas on the electric transmission tower in accord with the County's preferences stated above.

9-411.080 USE OF SPECIALISTS

The Zoning Administrator may retain the services of a communications consultant in order to understand, analyze, and evaluate the request for a proposed wireless telecommunication facility. The consultant shall be approved by the Zoning Administrator. The applicant shall be responsible for the cost of the consultant's services.

- (a) **Scope of Services.** The Zoning Administrator may request independent consultant review on any issue that involves specialized or expert knowledge in connection with the permit application. Such issues may include, but are not limited to:
- (1) Permit application completeness or accuracy;
 - (2) Planned compliance with applicable radio frequency (RF) exposure standards;
 - (3) Whether and where a significant gap exists or may exist, and whether such a gap relates to service coverage or service capacity;
 - (4) Whether technically feasible and potentially available alternative locations and designs exist; and
 - (5) The applicability, reliability and sufficiency of analyses or methodologies used by the applicant to reach conclusions about any issue within this scope.

- (b) **Notice to the Applicant.** The Zoning Administrator shall send written notice to the applicant when it elects to retain an independent consultant and summarize the costs of such services and the amount of the required deposit. The applicant shall have two business days to agree to accept these services and pay a deposit for the required costs or withdraw the application without any liability for any costs or expenses in connection with the independent consultant's review.
- (c) **Authorization of Services.** The consultant's work shall be authorized only when the required deposit has been received by the County.

9-411.090 NOTICE; DECISIONS; APPEALS

- (a) **Public Notice.**
 - (1) **Public Hearings.** Public notice and public hearings are required for only for applications for Type 3 WCF permits. The procedures shall be as specified in Chapter 9-802.
 - (2) **Deemed-Approved Notice.** No more than 30 days before the review period ends (60 days for Type 1 WCF Permits, 90 days for Type 2 Permits, and 150 days for all other applications), the applicant must provide written notice to all persons entitled to notice in accordance with Chapter 9-802.
 - (A) *Required Disclosure.* The notice must contain the following statement: "California Government Code section 65964.1 may deem the application approved in 30 days unless the County approves or disapproves the application, or the County and applicant reach a mutual tolling agreement."
 - (B) *Notice to the County.* In addition to all persons entitled to notice in accordance with Chapter 9-802, the applicant must deliver written notice to the Zoning Administrator, which contains the same statement required in subsection (a)(2)(i), above, and a mailing list for the required public notices to be sent out under this subsection (a)(2)(i). The applicant may tender such notice in person or by certified United States mail.
- (b) **Required Findings.** The Approval Authority may approve or conditionally approve an application for a WCF Permit only when the Approval Authority makes the findings required for each permit type.
 - (1) **Type 1 WCF Permit.** The Zoning Administrator shall grant a Type 1 WCF upon finding that the applicant proposes an eligible facility request that:
 - (A) Involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and

- (B) Does not substantially change the physical dimensions of the existing wireless tower or base station. Small cell wireless communications facilities are deemed to qualify under this criterion.
 - (C) The Zoning Administrator's decision on a Type 1 WCF Permit is a ministerial action; it is final and not appealable.
- (2) **Type 2 WCF Permit.** The Zoning Administrator shall grant a Type 2 WCF Permit upon finding that:
- (A) A discretionary use permit was issued for the existing collocation-eligible facility;
 - (B) Environmental review was conducted pursuant to the California Environmental Quality Act and County requirements for any existing collocation-eligible facility, and the collocation of the proposed facility with an existing collocation facility will not require a subsequent or supplemental environmental impact report;
 - (C) The proposed facility will incorporate required mitigation measures, if applicable, based on the environmental document that was certified for the existing collocation facility; and
 - (D) The application has provided acceptable financing assurances for the proposed project that are consistent with the provisions of Section 65964 of the Government Code. These may include an escrow deposit for removal of a wireless telecommunications facility or any component thereof. A performance bond or other surety or another form of security may be required, with the amount of the bond or other security related to the cost of removal. In approving the amount of the security, the Zoning Administrator shall consider information provided by the applicant regarding the cost of removal.
 - (E) The Zoning Administrator's decision on Type 2 WCF Permit is a ministerial action; it is final and not appealable.
- (3) **Type 3 WCF Permit.** The Planning Commission shall approve or conditionally approve a Type 3 WCF Permit after a duly-noted public hearing, upon finding that:
- (A) The project complies with all applicable development standards in this chapter;
 - (B) The applicant has provided a meaningful comparative analysis that demonstrates all alternative designs and locations identified in the

application review process are either technically infeasible or not potentially available; and

- (C) All necessary and reasonable conditions of approval will be imposed to ensure land use compatibility and compliance with the standards of this Chapter.
 - (D) The Commission's decision on a Type 3 WCF Permit is a discretionary action; it is appealable to the Board of Supervisors (see subsection (f) below).
- (c) **Authority to Deny – Type 1 WCF Permits.** Notwithstanding any other provisions in this Chapter, and consistent with all applicable federal and State laws and regulations, the Zoning Administrator may deny any Type 1 WCF Permit application submitted for approval pursuant to Section 6409(a) and Type 2 WCF Permits submitted for approval under Government Code Section 65850.6 when upon findings that the proposed project:
- (1) Does not satisfy the criteria for approval;
 - (2) Violates any legally enforceable standard or permit condition reasonably related to public health and safety then in effect; or
 - (3) Involves the replacement of the entire support structure.
- (d) **Conditional Approvals for Type 3 WCF Permits.** The Planning Commission may impose reasonable conditions on Type 3 WCF Permits that are related and proportionate to the proposed facility as the Planning Commission deems necessary or appropriate to promote and ensure conformance with the General Plan, any applicable specific plan and the provisions in this Chapter. These would be in addition to the Standard Conditions of Approval in Section 9-411.100.
- (e) **Notice of Decision.** Within five days after the Approval Authority acts on a WCF Permit application, the Approval Authority shall provide written notice to the applicant stating the action taken. A denial notice must contain the reasons for the denial and, for Type 1 WCF Permits, state that the application will be automatically denied on the 60th day after the application was filed unless the applicant withdraws the application.
- (f) **Appeals – Type 3 WCF Permits.** Any person or entity may appeal a final decision by the Planning Commission on a Type 3 WCF Permit in accordance with Section 9-215.120. The appeal must state in plain terms the grounds for reversal and the facts that support those grounds.

9-411.100 STANDARD CONDITIONS OF APPROVAL

All applications for a WCF Permit shall be subject to the standard conditions of approval provided in this section. The Approval Authority may add, remove or modify any conditions of approval as necessary or appropriate to protect and promote the public health, safety and welfare.

- (a) **Permit Duration.** The permit will automatically expire 10 years from the issuance date, except when Government Code section 65964(b), as may be amended, authorizes the County to issue a permit with a shorter term.
- (b) **Permit Renewal.** Any application to renew this permit must be tendered to the County between 365 days and 180 days prior to its expiration, and must be accompanied by all required application materials, fees, and deposits required for a new application as then in effect. The County shall review an application for permit renewal in accordance with the standards for new facilities as then in effect. The Zoning Administrator may, but is not obligated to, grant a written temporary extension on the permit term to allow sufficient time to review a timely submitted permit renewal application.
- (c) **Build-out Period.** Any permit approved under this Chapter or by operation of law shall automatically expire 18 months from the approval date if the applicant fails to commence construction within that 18-month time period; provided, however, that the Zoning Administrator may renew any such permit for up to one additional year if the Zoning Administrator receives a written request from the permittee within 30 days prior to the expiration date. Such a decision would be at the Zoning Administrator's sole discretion.
- (d) **Compliance with Laws.** The applicant shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinance or other rules.
- (e) **Permittee's Contact Information.** The applicant shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one specific person. All such contact information for responsible parties shall be provided to the Zoning Administrator within one business day after the applicant receives a written request from the Zoning Administrator.
- (f) **Cooperation with Access and Inspections.** The County or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The County reserves the right to enter or direct its designee to enter the facility to support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.

- (g) **Maintenance.** The site and the facility, including but not limited to all landscaping, fencing and related transmission equipment, must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.
- (h) **Concealment Elements.** The applicant acknowledges and agrees that each and every aspect and/or element of the wireless facility, including without limitation its coloring, finishes, placement, orientation and proportionality with the structures in the immediate vicinity, that, by its sense and context, aids, contributes or otherwise furthers the concealment of the facility, in whole or in part, shall be deemed to be a concealment element of the support structure.
- (i) **Graffiti Abatement.** Permittee shall promptly remove any graffiti on the wireless facility at permittee's sole cost and expense, and in no instance more than 48 hours from the time of notification by the County or after discovery by the permittee.
- (j) **Backup Generator Use.** The applicant shall not use any backup or standby power generator except (1) when necessary due to a primary power source failure or (2) for routine maintenance/cycling. Backup generators are subject to the noise standards in Chapter 9-404.
- (k) **Adverse Impacts.** Permittee shall take all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.
- (l) **Building Permit Application Plans.** The permittee must incorporate into building plans and submit with any application to the Building Department, three copies of each of the following: (1) the WCF Permit associated with the facility, including without limitation all findings and conditions of approval; and (2) for Type 3 WCF Permits the photo simulations associated with the approved project. The Building Official is not authorized to waive any of these specific submittal requirements irrespective of any exception authority granted by the Code.
- (m) **As-Built Plans.** The applicant shall submit to the Building Official an as-built set of plans and photographs depicting the entire WCF, as modified, including all transmission equipment and all utilities, within 90 days after completion of construction. The plan submitted for the building permit may be used if the contractor certifies to the Building Official that no modifications to these plans were made during construction and the Building Official verifies this statement.
- (n) **Record Retention.** The permittee shall retain full and complete copies of all as-built plans and permits and other regulatory approvals issued in connection with the facility, which includes without limitation all conditions of approval, approved plans and specifications, resolutions and other documentation associated with the permit or regulatory approval. In the event that neither the County nor the

permittee can locate any as-built plan, permit or other regulatory approval that would have been required for the equipment deployed or installed in connection with the facility, the permittee acknowledges that the County will presume that any such equipment was deployed or installed without proper review and approval.

9-411.110 LIMITED EXCEPTIONS; VARIANCES

(a) **Limited Exceptions for Personal Wireless Service Facilities.** The Board of Supervisors recognizes that federal law prohibits a permit denial when it would effectively prohibit the provision of personal wireless services and the applicant proposes the least intrusive means to provide such services. With this in mind, the Board finds that, due to wide variation among wireless facilities, technical service objectives and changed circumstances over time, a limited exemption for WCF permit application in which strict compliance with this Chapter would effectively prohibit personal wireless services serves the public interest. The Board further finds that circumstances in which an effective prohibition may occur are extremely difficult to discern, and that specified findings to guide the analysis promote clarity and the County's legitimate interest in well-planned wireless facilities deployment that will provide economic benefits to the County. Therefore, in the event that any applicant asserts that strict compliance with any provision in this Chapter, as applied to a specific proposed personal wireless services facility, would effectively prohibit the provision of personal wireless services, the Board of Supervisors authorizes the Planning Commission to grant a limited, one-time exemption from strict compliance subject to the following requirements. The Zoning Administrator may secure the services of a communications consultant pursuant to Section 9-411.080 to provide information that may be needed to make the required findings below.

- (1) **Required Findings.** The Planning Commission shall not grant any limited, one-time exemption unless the applicant demonstrates with clear and convincing evidence all the following findings:
 - (A) The proposed wireless facility qualifies as a "personal wireless services facility" as defined in 47 U.S. Code § 332(c)(7)(C)(ii);
 - (B) The applicant has provided the County with a clearly defined technical service objective and a clearly defined potential site search area;
 - (C) The applicant has provided the County with a meaningful comparative analysis that includes the factual reasons why an alternative location(s) or design(s) suggested by the County or otherwise identified in the administrative record, including but not limited to potential alternatives

identified at any public meeting or hearing, are not technically feasible or potentially available; and

(D) The applicant has provided the County with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviation is the least noncompliant location and design necessary to reasonably achieve the applicant's reasonable technical service objectives.

(2) **Scope of Exemption.** The Planning Commission shall limit its exemption to the extent to which the applicant demonstrates such exemption is necessary to reasonably achieve its reasonable technical service objectives. The Planning Commission may adopt conditions of approval as reasonably necessary to promote the purposes in this Chapter and protect the public health, safety and welfare.

(b) **Variances.** All other requests to relieve or waive any provision under this Chapter for any non-personal wireless services facility are subject to the variance procedures in Chapter 9-805.

9-411.120 PERMIT REVOCATION

Any permit issued under this Chapter, including any permit deemed granted or deemed approved by operation of law, may be revoked in accordance with the provisions in Section 9-802.130.

9-411.130 REMOVAL OF FACILITIES

Freestanding structures, antennas, and supporting equipment associated with wireless communication shall be removed by the provider of such facilities and the site restored to its preconstruction state if the facilities have not been operational or used for a period of six consecutive months. Removal and site restoration shall be completed within 90 days of the end of the six-month period. To guarantee removal of unused or abandoned facilities, the Review Authority may require the applicant to post a bond or other suitable security instrument.

9-411.140 EXEMPTION

This Chapter shall not be applicable to public entities that provide emergency communication services for the Sheriff's Office or the Office of Emergency Services, in order to provide coordination with cities, counties, and State agencies.

Series 500: Subdivision Regulations

Chapter 9-500 Subdivision Regulations: Intent and Organization

Sections:

9-500.010	Title, Citation, Authority and Incorporation by Reference
9-500.020	Purpose
9-500.030	Statement of Policy
9-500.040	Applicability; Compliance Required

9-500.010 TITLE, CITATION, AUTHORITY AND INCORPORATION BY REFERENCE

The 500 Series shall be known and cited as the "Subdivision Ordinance of San Joaquin County," the "Subdivision Ordinance," or the "Subdivision Regulations." The Subdivision Map Act (Title 7, Division 2, of the California Government Code, as amended) is hereby adopted by reference and made a part of this Ordinance as though it was fully set forth herein. The provisions of this Ordinance are supplemental to the Subdivision Map Act.

9-500.020 PURPOSE

The purpose of the Subdivision Regulations is to regulate and control the division of land within San Joaquin County. These provisions implement and supplement the requirements of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all maps provided for by the Subdivision Map Act and the procedure to be followed in securing the official approval of the Zoning Administrator, Planning Commission, Director of Public Works, County Surveyor, and Board of Supervisors regarding the maps.

To accomplish this purpose, these regulations are determined to be necessary for the preservation of the public health, safety and general welfare, to promote orderly growth and development and to promote open space, conservation, protection and proper use of land, and to ensure provision for adequate traffic circulation, utilities and services. It is also the purpose of this Ordinance to ensure that the design and improvement of subdivisions is consistent with and promotes the goals and policies of the General Plan and any applicable Specific Plan, pre-existing Special Purpose Plan, or Master Plan. More specifically, these regulations are intended to:

- (a) Establish reasonable standards of design and reasonable procedures for subdivision and re-subdivision for the orderly layout and use of land; and
- (b) Ensure proper legal descriptions and documentation of subdivided land.

9-500.030 STATEMENT OF POLICY

It is the policy of San Joaquin County that:

- (a) **County Control.** The subdivision and subsequent development of land shall conform to the General Plan, any applicable Special Purpose Plan, Specific Plan or Master Plan, and the other relevant provisions of this Title;
- (b) **Safety of Development.** All subdivided land should be of such character that it can be used safely for building purposes by future holders of title without unreasonable danger to health, or peril from fire, flooding, or other menace; and
- (c) **Facilities and Services.** Provision shall be made for drainage, sewerage disposal, water, schools, parks, recreation, streets, roads, highways, street lighting, bike paths, pedestrian connections, and other public facilities and services.

9-500.040 APPLICABILITY; COMPLIANCE REQUIRED

The regulations set forth in this Series shall apply to all parts of subdivisions within the County and to the preparation of subdivision maps and to other maps provided for in the Subdivision Map Act. All subdivisions and parts of subdivisions lying within the County shall be made, and all subdivision maps shall be prepared and presented for approval, as provided for and required by this Series.

No land shall be used, nor any building be constructed, on any lot or parcel not in conformance with this Division. No permit for the construction of a building or the use of land shall be issued on a parcel of land that does not comply with the provisions of the General Plan, any applicable Special Purpose Plan, Specific Plan, this Division, and the Subdivision Map Act. At the time of issuance of a permit, the applicant shall submit evidence that the parcel of land complies with this Division and the mandatory provisions of the current Subdivision Map Act, and a certification shall be required from Environmental Health Department as to the adequacy of the parcel to meet sanitary requirements, if necessary.

This Series shall not apply to, affect, or modify any subdivision or part of a subdivision, lawfully created and recorded prior to the effective date of the Ordinance codified in this Series, or to any approval or conditions of approval of any map approved prior to the effective date of this Series. This Series is also inapplicable to actions that the Subdivision Map Act specifically excludes from its provisions including, but not limited to, the following:

- (a) **Financing or Leasing of Buildings.** The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks.
- (b) **Other Leases.** Mineral, oil, or gas leases.

- (c) **Cemeteries.** Land dedicated for cemetery purposes under the California Health and Safety Code.
- (d) **Secondary Residences.** The construction, financing, or leasing of secondary residences and accessory dwelling units on a residential lot.

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Chapter 9-501 Administration & Common Procedures

Sections:

9-501.010	Responsibilities
9-501.020	Initiation Procedures
9-501.030	Maps Required
9-501.040	Urban Lot Splits
9-501.040	Parcel Map – Waiver of Requirement
9-501.050	Review and Approval Procedures
9-501.060	Required Findings
9-501.070	Conditions of Approval
9-501.080	Coordination with Zoning Approval
9-501.090	Notification Procedures for Public Hearings
9-501.100	Exceptions
9-501.110	Appeals
9-501.120	Fees and Deposits

9-501.010 RESPONSIBILITIES

- (a) **Board of Supervisors.** The Board of Supervisors shall have final jurisdiction in the approval of Final Maps and subdivision improvement agreements and the acceptance by the County of lands and/or improvements as may be proposed for dedication to the County for Major Subdivisions. The Board shall act as the final appeal board for hearing appeals of the approval, conditional approval or denial of tentative subdivision maps for Major Subdivisions.
- (b) **County Counsel.** The County Counsel shall be responsible for approving as to form all subdivision Public Improvement Agreements and improvement securities.
- (c) **County Surveyor.** The County Surveyor shall be responsible for technical review of Final Maps, Parcel Maps and reversions to acreage, issuing certificates of correction for maps, certificates of compliance, and Parcel Map waivers, and ensuring conformance with the Subdivision Map Act.
- (d) **Director of Community Development.** The Director of Community Development or his/her designee shall be responsible for:
- (1) Establishing procedures for the review and approval of subdivision applications, lot line adjustments, and mergers; and
 - (2) Overseeing work of the Zoning Administrator and ensuring coordination of subdivision approvals with zoning approvals.
- (e) **Director of Public Works.** The Director of Public Works or his/her designee shall be responsible for:
- (1) Establishing design and construction details, standards, and specifications;

- (2) Processing of Final Maps, certificates of compliances, Parcel Map waivers, reversion to acreage maps, and amended maps;
 - (3) Determining for the Director's areas of responsibility if proposed subdivision improvements comply with the provisions of this Series and the Subdivision Map Act and for reporting the findings together with any recommendations for approval or conditional approval of the Tentative Map for Major Subdivisions and Minor Subdivisions to the Zoning Administrator.
 - (4) Processing and approval of subdivision improvement plans;
 - (5) Inspecting and approving subdivision improvements.
 - (6) Accepting dedications and improvements for subdivisions and offsite dedications lying outside a subdivision boundary that require a separate grant deed.
 - (7) Collecting all required deposits and fees for applications for which the Director is responsible.
- (f) **Zoning Administrator.** The Zoning Administrator shall be responsible for the processing of Tentative Maps and tentative Parcel Maps, lot line adjustments, and mergers and for the collection of application fees. The Zoning Administrator also shall be responsible for investigating proposed subdivisions for conformity to the General Plan, Specific Plans, pre-existing Special Purpose Plans, Master Plans, and the Development Title.
- (g) **Planning Commission.** The Planning Commission shall be the body responsible for approving, conditionally approving, or denying Tentative Maps for Major Subdivisions and hearing appeals of Final Maps and Parcel Maps.

9-501.020 INITIATION PROCEDURES

- (a) **Initial Application.** Prior to or accompanying the submittal of a preliminary plan, the subdivider must complete an application on a form supplied by the Planning Division. This form must officially identify the subdivider as that person or entity responsible for the requirements set forth in the Subdivision Regulations.
- (b) **Preliminary Plan and Accompanying Data.** The subdivider or the subdivider's representative must submit to the Planning Division a preliminary plan of the proposed subdivision, which may be in rough sketch form, together with general information of existing conditions of the site and the proposed development, including the following information:
- (1) **Intended Land Use**, such as residential, commercial, industrial or other purposes;
 - (2) **Location Map** showing the relationship of the proposed subdivision to existing community facilities, existing water and sewer disposal services, storm drainage, flood zones, water channels and waterways, and other developments that serve or influence it;

- (3) **Sketch Plan**, which may be a freehand pencil sketch made directly on a print of a topographic survey, and must delineate in simple form the proposed layout of streets, lots and other features in relationship to existing conditions;
 - (4) **Map Details** including the development name, if any, and location; main traffic arteries; proposed bicycle and pedestrian circulation; shopping centers; schools; parks and playgrounds; other community features such as hospitals; existing topography and unusual features of terrain such as tree masses and watercourses on and adjacent to the proposed subdivision; existing gas and electrical infrastructure; water systems, water wells, storm drains, existing street lighting, drainage channels, scale; north arrow; date; perimeter boundary line of proposed subdivision; existing public utility facilities and easements therefor; sanitary sewer facilities and railroads, if any; and
 - (5) **Photographs**, such as site photographs to supplement the sketch plan (not mandatory).
- (c) **Optional Subdivision Conference.** After the submittal of the preliminary plan and accompanying data, and prior to the submittal of a Tentative Map or tentative Parcel Map, the subdivider or his or her representative may submit a request for a Subdivision Conference accompanied by the required fee. At the Subdivision Conference, the subdivider will be advised if areas for park, playground, schools, fire stations, libraries, bicycle paths, and other public and semipublic uses are required, and suitable locations may be suggested for them. The subdivider or the subdivider's representatives will be fully informed of applicable General Plan and Special Purpose Plan, Specific Plan or Master Plan policies and any other adopted policies, standards and regulations affecting development in the area.
- (d) **Written Copy of Comments and Recommendations Provided.** A written copy of the comments and recommendations resulting from the Subdivision Conference shall be furnished to the subdivider.

9-501.030 MAPS REQUIRED

The provisions for when Tentative Maps, Tentative Parcel Maps, Final Maps, and Parcel Maps are required are as follows:

- (a) **Tentative Map and Final Map.** A Tentative Map and Final Map are required for all divisions of land creating five or more parcels, five or more condominiums as defined by the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where any one of the following occurs:
 - (1) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications are required by the legislative body;

- (2) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway;
 - (3) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or
 - (4) Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.
- (b) **Tentative Parcel Map and Parcel Map.** A Tentative Parcel Map and Parcel Map are required for all divisions of land into four or fewer parcels, and for those divisions of land described above in paragraphs (a)(1)-(4).
- (c) **Exceptions.** A Tentative Parcel Map and Parcel Map shall not be required for the following divisions of land:
- (1) Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the Public Utilities Code, which are created by short-term leases terminable by either party on not more than 30 days' notice in writing; or
 - (2) Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a Parcel Map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license.
- (d) **Vesting Tentative Map Alternative.** Whenever a provision of the Subdivision Map Act or this Ordinance requires the filing of a Tentative Map, a Vesting Tentative Map may be filed instead in accordance with the provisions of this Series.

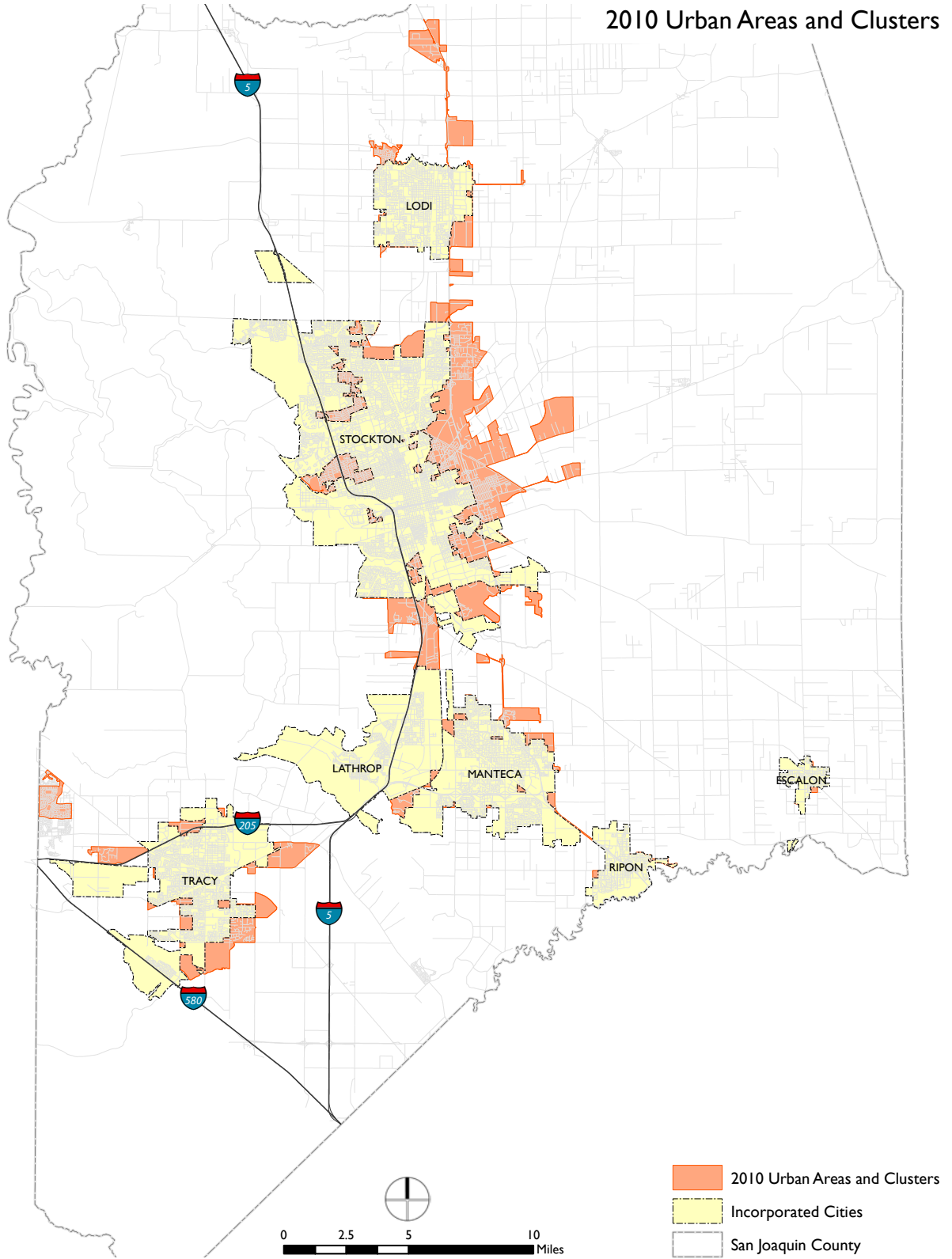
9-501.040 URBAN LOT SPLITS

Notwithstanding any other provision of this Title, the Zoning Administrator shall ministerially approve a parcel map for an urban lot split under the authority of Government Code Section 66452.6 using the approval procedures for minor subdivisions only upon determining that the parcel map for the urban lot split meets all the following requirements:

- (a) **General Requirements.** The parcel map subdivides an existing parcel, which was not created by a prior urban lot split, to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
- (1) Both newly created parcels are no smaller than 1,200 square feet.
 - (2) The parcel being subdivided meets all the following requirements:
 - (A) The parcel is located within a single-family residential zone.

- (B) The parcel subject to the proposed urban lot split is located within an urbanized area or urban cluster, as designated by the United States Census Bureau and shown in Figure 9-501.040.
- (3) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Government Code Section 65913.4.
- (4) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:
 - (A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - (B) Housing that is subject to any form of rent control or
 - (C) Housing that has been occupied by a tenant in the last three years.
- (5) The parcel is not located within a historic district created under Chapter 9-70-5, Historic Districts and Landmarks, or included in the State Historic Resources Inventory.
- (6) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

FIGURE 9-501.040 2010 URBAN AREAS AND CLUSTERS



- (b) **The Ministerial Approval Process.** The Zoning Administrator shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act, except as otherwise expressly provided in this section, and no dedications of rights-of-way or the construction of offsite improvements shall be required as a condition of approval, nor can the correction of existing zoning nonconformities be required.
- (1) The Zoning Administrator may deny an urban lot split upon finding that: 1) the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment that cannot be feasibly mitigated or avoided.
 - (2) The Zoning Administrator shall not deny an application solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.
- (c) **Allowable Conditions of Approval.** The Zoning Administrator may impose any of the following conditions of approval to ensure that a parcel map for an urban lot split complies with the General Plan and this Title.
- (1) Easements required for the provision of public services and facilities.
 - (2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.
 - (3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:
 - (A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop; or
 - (B) There is a car share vehicle located within one block of the parcel.
 - (4) Only residential uses are allowed.
 - (5) A signed affidavit must be provided prior to issuance of a building permit for a housing development on urban lot split lots stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
 - (A) This requirement does not apply to an applicant that is a community land trust or is a qualified nonprofit corporation as described in Section 214.15 of the Revenue and Taxation Code.
 - (6) Rental of any housing unit on an urban lot split lot shall be for a term longer than 30 days.
- (d) **No Accessory Units are Allowed.** Under Government Code Section 66452.6, the County is not required to permit more than two units on a parcel created through an urban lot split. This means that Accessory Dwelling Units and Junior Accessory Dwelling Units shall not be permitted on urban lot split lots.

9-501.050 PARCEL MAP – WAIVER OF REQUIREMENT

- (a) **Applicability.** In the following cases, the subdivider or his or her representative may submit an "application for waiver of Parcel Map" to the Zoning Administrator:
 - (1) A division of real property or interests therein created by probate, eminent domain procedures, partition, or other civil judgments or decrees;
 - (2) A division of land where each parcel created has gross area of not less than 40 acres or is not less than a quarter of a quarter section; or
 - (3) A division of property resulting from the conveyance of land, or interest therein, to a public agency for a public purpose, such as school sites, public building sites, or rights-of-way for streets, sewers, utilities, drainage, etc.
- (b) **Procedure.** This waiver shall only be granted after approval by the County Surveyor upon a finding that the proposed division of land complies with the requirements of this Ordinance or the Subdivision Map Act as to area, improvement and design, floodwater drainage control, appropriate improved public roads, wastewater disposal facilities, water supply availability, environmental protection, and other requirements of this Subdivision Ordinance, and upon a finding that the Subdivision Map Act does not prohibit such a waiver.
- (c) **Tentative Parcel Map Required.** Where the requirement for a Parcel Map is waived, a Tentative Parcel Map shall be required.

9-501.060 REVIEW AND APPROVAL PROCEDURES

- (a) **Review Tracks.** The County has two tracks for the review and approval of subdivision applications: one for Major Subdivisions and another for Minor Subdivisions
- (b) **Types of Subdivisions.**
 - (1) **Major Subdivision.** A Major Subdivision is a subdivision of land creating five or more lots, five or more condominiums, or a community apartment project containing five or more units, unless otherwise excepted in the definition of a Minor Subdivision.
 - (2) **Minor Subdivision.** A Minor Subdivision is a subdivision of land where:
 - (A) The land before division contains less than five acres, each lot created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body; or
 - (B) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a County maintained road, street, or highway; or
 - (C) The land consists of a parcel or parcels of land which have approved access to a public road, street, or highway and which compose part

of a tract of land zoned for industrial or commercial development and which have the approval of the governing body as to street alignments and widths; or

- (D) The subdivision would create four lots or less, or condominiums or community apartments containing four units or less; or
- (E) Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter-section.

(c) **Review Procedure.**

- (1) **Major Subdivisions.** Major Subdivisions are reviewed and approved by the Planning Commission after a duly-noticed public hearing. Appeals of the Commission's actions are to the Board of Supervisors.
- (2) **Minor Subdivisions.** Minor Subdivisions are reviewed and approved by the Zoning Administrator. No public hearing is required. Appeals of the Zoning Administrator's actions are to the Planning Commission.
- (3) **Timing.**
 - (A) *Action with No EIR.* If an Environmental Impact Report is not required, the final action on the application shall be rendered within 50 days after it is accepted as complete unless specific technical studies have been requested that will take more time.
 - (B) *Action with EIR.* If an Environmental Impact Report is required, the final action shall be rendered within 45 days after certification of the Environmental Impact Report unless the applicant and the Zoning Administrator mutually agree on a time extension.
 - (C) *Appeals.* Appeals of any decision shall be heard by the appeal body within 30 days, or any mutually agreed upon extension thereof, after the date of filing the appeal. A final decision shall be rendered within ten days, or any authorized extension thereof, after the conclusion of the hearing.

9-501.070 REQUIRED FINDINGS

A Tentative or Vesting Tentative Map or Parcel Map shall not be approved unless the decision-making body makes all of the following findings:

- (a) **Consistency.** The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable Specific Plan, pre-existing Special Purpose Plan, or Master Plan, the Development Title, and other applicable provisions of the County Code.
- (b) **Physically Suitable.** The site is physically suitable for the type of development and the proposed density of the development.

- (c) **No Environmental Damage.** The proposed subdivision, together with the provisions for its design and improvement, are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, unless an Environmental Impact Report (EIR) was prepared and a finding was made that specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible, pursuant to Section 21081(a)(3) of the Public Resources Code.
- (d) **No Public Health Problems.** The proposed subdivision, together with the provisions for its design and improvement, is not likely to cause serious public health problems.
- (e) **No Conflict with Easements.** The proposed subdivision, together with the provisions for its design and improvement, will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The County may approve a map if it finds that alternate easements for access or for use will be provided and that these easements will be substantially equivalent to ones previously acquired by the public.
- (f) **Availability of Water and Wastewater Disposal Service.** Water and wastewater disposal services will be available and sufficient to serve a proposed subdivision. If the subdivision has more than 500 dwelling units, this finding must be in accordance with Section 66473.7 of the Subdivision Map Act.
- (g) **Dedications.** Any land or improvement to be dedicated to the County or other public agency is consistent with the General Plan, any applicable Specific Plan, pre-existing Special Purpose Plan, or Master Plan, and any other applicable plan adopted by the County.
- (h) **Energy.** The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

9-501.080 CONDITIONS OF APPROVAL

In approving a Tentative Map or a Tentative Parcel Map, the decision-maker may impose reasonable conditions of approval necessary to ensure that the subdivision will comply with the General Plan, any applicable Specific Plan, Special Purpose Plan, or Master Plan, and this Title.

9-501.090 COORDINATION WITH ZONING APPROVAL

Subdivision review may be carried out concurrently with the review of any applications for zoning approval, including a Zoning Clearance, an Administrative Use Permit, and a Conditional Use Permit.

9-501.100 NOTIFICATION PROCEDURES FOR PUBLIC HEARINGS

Notification for public hearings shall be provided according to the provisions for notification of public hearings in Chapter 9-802, Common Procedures.

9-501.110 EXCEPTIONS

Following a public hearing, the Zoning Administrator or the Planning Commission, whoever has approval authority, may authorize exceptions to any of the requirements and regulations set forth in this Series. A request for an exception shall be made by the subdivider and filed with the application for a Tentative or Parcel Map. In order to approve an exception, the Zoning Administrator or the Commission shall make all of the following findings:

- (a) There are special circumstances or conditions affecting the property that make it impractical to conform to all of the provisions prescribed by this Series provided, however, that no exceptions may be granted to any requirements imposed by the Subdivision Map Act or any other applicable provision of State law;
- (b) The exception is necessary to preserve the subdivider's vested property rights pursuant to the Government Code provisions for a Vesting Tentative Map;
- (c) Granting the exception will not be detrimental to the public welfare or other property in the area where the subject property is located; and
- (d) Granting the exception will be consistent with the General Plan and any applicable Specific Plan or Master Plan.

9-501.120 APPEALS

Decisions that are subject to appeal under the Subdivision Map Act or this Series shall be filed and processed in accordance with to the procedures for appeals provided in Chapter 9-802 and the procedures provided below.

- (a) **Appeals to the Planning Commission.** A decision by the Zoning Administrator, the Director of Community Development, or the Director of Public Works may be appealed to the Planning Commission within 10 days of the issuance of the Notice of Action by filing a written appeal with the Planning Division. The appeal shall identify the decision being appealed, clearly and concisely state the reason for the appeal, and be accompanied by the fee specified in the County's Fee Schedule.
- (b) **Appeals to the Board of Supervisors.** A decision by the Planning Commission may be appealed to the Board of Supervisors within 10 days of the issuance of the Notice of Action by filing a written appeal with the Clerk of the Board. The appeal shall identify the decision being appealed, clearly and concisely state the reason for the appeal, and be accompanied by the fee specified in the County's Fee Schedule.
- (c) **Procedures.** The Director shall schedule the appeal for consideration by the authorized hearing body within a reasonable time after the date the appeal was filed and shall provide written notice to the appellant, the subdivider, and all other parties known to have interest in the matter as required by this Development Title

and the Subdivision Map Act. The hearing body may sustain, modify, or reject the decision that is the subject of the appeal.

- (d) **Appeal Stays All Proceedings.** The timely filing of an appeal shall stay all proceedings in the matter appealed.

9-501.130 FEES AND DEPOSITS

All persons submitting maps and other documents required by the Subdivision Regulations shall pay all fees and/or deposits as provided by the County's Fee Schedule.

Fees shall be established by the County pursuant to Section 66451.2 of the Subdivision Map Act and the Mitigation Fee Act (Sections 66000 to 66025 of the Government Code).

Chapter 9-502 General Requirements

Sections:

9-502.010	Purpose
9-502.020	Required Mapping
9-502.030	Lot Corners and Monuments
9-502.040	Lot Requirements
9-502.050	Soils Reports
9-502.060	Geotechnical Reports
9-502.070	Surface and Subsurface Contamination Report
9-502.080	Energy Conservation and Solar Access

9-502.010 PURPOSE

This Chapter sets forth general requirements for mapping, monuments, and reports that apply throughout Series 500, Subdivision Regulations.

9-502.020 REQUIRED MAPPING

All subdivisions shall be filed as either a Final Map or Parcel Map unless this requirement has been waived under Section 9-501.040. All major subdivisions shall be filed for recordation as a Final Map; all minor subdivisions shall be filed as a Parcel Map or a Final Map.

9-502.030 LOT CORNERS AND MONUMENTS

- (a) **Lot Corners.** All lot corners shall be marked with iron pipe not less than three-quarters of an inch inside diameter and 24 inches long or marked by other monuments or reference crosses as approved by the County Surveyor.
- (b) **Centerline Monuments.** Centerline monuments shall be located as set forth in this section.
 - (1) **Location of Monuments.** Road, street, alley, and way centerline monuments shall be set to mark the intersections of streets, intersections of streets with alleys or ways, intersections of alleys with alleys or ways, or at the intersection of any street, alley, or way with a tract boundary. Street centerline monuments shall also be set to mark the beginning and end of curves or the points of intersection of tangents thereof. Such centerline monuments shall be not less than a three-quarter inch diameter iron pin, at least 30 inches long, and set in the subgrade. A monument box and cover in conformance with the County's Improvement Standards shall be set above the monument, with the top of the box flush with the finished grade.
 - (2) **Alternative Locations.** In the event that, due to the construction of subdivision improvements or the location of trees or other physical features, the monuments specified above cannot be located at the points specified, a reference monument or monuments shall be set subject to the approval of the County Surveyor. Notes as to the location of said monument or

monuments with reference to the referenced point shall be furnished to the County Surveyor.

- (c) **Section & Quarter-Section Corner Monuments.** Whenever a section corner or quarter-section corner is to be used as a controlling element of a field survey, the engineer or surveyor responsible for the survey shall construct, reconstruct, or rehabilitate the monument of such corner, and accessories to such corner, so that the same shall be left by him in such physical condition that it remains as permanent a monument as is reasonably possible and so that the same may be reasonably expected to be located with facility at all times in the future. Such monuments shall be not less than a three-quarter inch diameter iron pin, 30 inches long, or other monuments as approved by the County Surveyor.
- (d) **Monument Identification and Inspection.** All monuments shall be permanently marked or tagged with the registration or license number of the engineer or surveyor under whose supervision the survey was made, and All monuments shall be subject to inspection and approval by the County Surveyor.

9-502.040 LOT REQUIREMENTS

Lots shall comply with the following requirements:

- (a) **Areas and Widths of Lots.** The area and width of lots or parcels in a subdivision map shall conform to the zone in which the property is located;
- (b) **Relation of Depth to Width.** The depth to width ratio of a lot in a subdivision shall conform to the zone in which the lot is situated when new lots are created by subdivision, except where physical conditions make such limitation of depth to width ratio impractical or the width of the lot is 330 feet or greater;
- (c) **Division of Jurisdiction.** No lot or parcel shall be permitted to be divided by a city or County boundary line;
- (d) **Angle of Lot Side Line.** Lot or parcel side lines shall be approximately normal to the street right-of-way lines; and
- (e) **Exception.** This Section shall not apply to:
 - (1) Any lot or parcel which the subdivider offers to dedicate to the County, or any public agency or district and the offer has been accepted, and
 - (2) Any subdivision map that redesigns an existing subdivision in which the density of lots is not increased.

9-502.050 SOILS REPORTS

Soils reports shall be provided as follows.

- (a) **Major Subdivision.** A preliminary soils report, prepared by a California-registered civil engineer, engineering geologist, or geotechnical engineer and based upon

adequate test borings, shall be submitted to the Building Official for every major subdivision at the time of Tentative Map submittal.

- (b) **Waiver of Report.** A preliminary soils report may be waived if the Building Official finds that, due to the knowledge the County possesses relative to the quality of the soils in this subdivision, no preliminary analysis is necessary.
- (c) **Soils Investigation.** If the required preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the subdivider shall provide for and submit the findings of a soil investigation of each lot in the subdivision. The soil investigation shall be prepared by a California-registered civil engineer and shall recommend corrective action likely to prevent structural damage to each dwelling to be constructed. Prior to issuance of the building permit, any recommended action approved by the Building Official shall be incorporated into the construction plans for each dwelling.

9-502.060 GEOTECHNICAL REPORTS

Geotechnical reports shall be provided to address geologic hazards as required by this Section.

- (a) **Major Subdivision.** A preliminary geotechnical report, prepared by a California-registered geotechnical engineer or California-registered geologist and based upon adequate test borings, shall be submitted to the Building Official for every major subdivision at the time of Tentative Map submittal. The preliminary geotechnical report shall include estimates of expected peak ground accelerations during maximum credible earthquake potentially affecting the site.
- (b) **Waiver of Report.** A preliminary geotechnical report may be waived if the Building Official finds that, due to the knowledge the County possesses relative to the quality of the soils in this subdivision, no preliminary analysis is necessary.
- (c) **Geotechnical Investigation.** If the required preliminary geotechnical report indicates the presence of geologic hazards (such as slope instability, subsidence, adverse soil conditions, seismic hazards) which, if not corrected, would lead to structural defects, the subdivider shall provide for and submit the findings of a geotechnical investigation for each lot in the subdivision. The geotechnical investigation shall be prepared by a California-registered geotechnical engineer or State-registered geologist and shall recommend corrective action likely to prevent structural damage to each dwelling to be constructed. Prior to issuance of the building permit, any recommended action approved by the Building Official shall be incorporated into site preparation and construction of each dwelling.

9-502.070 SURFACE AND SUBSURFACE CONTAMINATION REPORT

- (a) **Report.** A surface and subsurface contamination report shall be required at the time of the Tentative Map submittal. The surface and subsurface contamination report shall be prepared by a qualified environmental professional and shall identify any potential source of surface or subsurface contamination caused by past or current land uses. The report shall include evaluation of nonpoint source of hazardous materials, including agricultural chemical residues, as well as potential point sources, such as fuel storage tanks, septic systems, or chemical storage areas.
- (b) **Waiver of Report.** The surface and subsurface contamination report may be waived if the Environmental Health Department finds that, due to the knowledge the County possesses relative to the possible contamination of the soils in this subdivision, no preliminary analysis is necessary.
- (c) **Corrective Action.** If the report indicates there are surface and subsurface contamination, corrective action shall be taken, as recommended in the report and concurred with by the Environmental Health Department prior to the issuance of the building permit.

9-502.080 ENERGY CONSERVATION AND SOLAR ACCESS

- (a) A subdivision for which a Tentative Map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.
- (b) Examples of passive or natural cooling opportunities include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.
- (c) Consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure.
- (d) The requirements of this section do not apply to condominium projects that consist of the subdivision of airspace in an existing building when no new structures are added.
- (e) For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Chapter 9-503 Tentative Maps & Tentative Parcel Maps

Sections:

9-503.010	Purpose
9-503.020	Filing Form and Content of Required Maps
9-503.030	Department Review and Referral
9-503.040	Review and Approval
9-503.050	Expiration and Extensions

9-503.010 PURPOSE

The purpose of this Chapter is to establish the form, contents, submittal, and procedures for approval of all Tentative Maps, including Tentative Maps for divisions of land into five or more parcels and tentative Parcel Maps for divisions of land into four or fewer parcels or where a Tentative Map is not required.

9-503.020 FILING FORM AND CONTENT OF REQUIRED MAPS

A subdivider shall file an application for a Tentative Map or preliminary Parcel Map with the Planning Division in a form determined by the Zoning Administrator. The application shall be accompanied by the materials specified below and any additional materials that the Zoning Administrator determines necessary to fulfill the requirements of this Ordinance and the Subdivision Map Act and the required fee.

- (a) **Tentative Map and Tentative Parcel Map.** The Tentative Map and tentative Parcel Maps shall be prepared by a by a California-registered civil engineer or California-licensed land surveyor duly licensed to practice land surveying and must contain the following information, unless waived by the Director of Public Works:
- (1) The subdivision name or number, date, north arrow, scale, and reference to the County datum with a sufficient legal description to define boundaries of the proposed subdivision and a vicinity map showing the location of the subdivision and County boundaries.
 - (2) The name and address of the record owner, the subdivider, and the civil engineer or land surveyor under whose direction the map was prepared, including the registration or license number of the engineer or surveyor.
 - (3) Topography, using contour intervals of one foot or less where ground slope is five percent or less, and contour intervals of five feet or less where ground slope is greater than five percent. Contours of adjacent land must also be shown whenever the surface features of such land affect the design and/or improvement of the proposed subdivision. The Tentative Map must contain a statement by the person preparing the map stating the source of contours shown on the map.

- (4) The location and outline to scale of each structure on the property proposed for division. Each structure that is to be retained must be so noted.
 - (5) Approximate boundaries of areas subject to inundation or stormwater overflow, and the location, width and direction of flow of all watercourses with a reference to the sources of this information.
 - (6) Approximate location of all trees and tree masses, 12 feet or more in height or with a diameter at breast height (DBH) of 12 inches or more, standing within the boundaries of the subdivision.
 - (7) The locations, widths, grades and names of all existing or proposed streets, alleys, pedestrian ways, bicycle paths, transit facilities, railroad rights-of-way and grade crossing, and other rights-of-way within and adjacent to the subdivision, and the radius of each centerline curve. All streets and alleys intended to be private must be clearly so designated.
 - (8) The location and dimension of all known existing easements and reserves and all proposed public easements.
 - (9) The location of existing utilities, sewers, drainage ditches and other drainage facilities located in, or adjacent to, the proposed subdivision.
 - (10) The approximate lot layout and the approximate dimensions of each lot and of each building site, the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, and the top and toe of cut and fill slopes to scale.
 - (11) Proposed plan and easements for drainage and for handling stormwater.
 - (12) Statement of the present use, zoning district(s), and the proposed use(s), including areas to be reserved for public or semi-public use.
 - (13) Proposed plans and easements for water, sewer, storm and provision for sewer disposal and storm drain handling.
- (b) **Accompanying Information.** The following information, data and reports shall be submitted with, but not on, the Tentative Map or tentative Parcel Map:
- (1) Construction grading and construction drainage permit applications, including all of the information required by Chapter 9-812, Grading and Drainage Permits.
 - (2) A preliminary soils report.
 - (3) Preliminary geologic and seismic safety reports for Tentative Maps that are within geologic or seismic hazard areas or in hillside areas.
 - (4) A preliminary archaeological survey for Tentative Maps within an area of cultural significance, including but not limited to, prehistoric or historic archaeological sites, buildings, structures, objects, and unique cultural resources.
 - (5) An acoustical analysis may be required by the Zoning Administrator to demonstrate compliance with the standards of the General Plan.

- (6) The characteristics of all proposed parks, open spaces and school facilities, including the methods of land acquisition, improvement and maintenance.
- (c) The Zoning Administrator may waive the submittal of any of the reports required by Subsection (b) upon determining that adequate information exists in County records regarding the area involved and that no additional analysis is necessary.
- (d) The Zoning Administrator may require additional development-related applications be filed concurrently with the submittal of a Tentative Map application.
- (e) The Zoning Administrator shall forward copies of the Tentative Map or tentative Parcel Map and pertinent information to affected public agencies, including the local school districts, and utility companies for comments and recommendations.

9-503.030 DEPARTMENT REVIEW AND REFERRAL

- (a) **Determination of Complete Application.** The Zoning Administrator shall determine whether the application for approval of a Tentative Map or tentative Parcel Map is complete within 30 days from receipt of the application. The Tentative Map shall be accepted as complete only when the Zoning Administrator determines that:
 - (1) All maps and information required by this Ordinance and the Subdivision Map Act have been submitted, checked and accepted as complete is determined to be consistent with the General Plan and any applicable Specific Plan;
 - (2) All information required to conduct environmental review in compliance with the California Environmental Quality Act and the County's environmental review regulations has been submitted; and
 - (3) The required fees and deposits have been paid.
- (b) **Department Referral.** The Zoning Administrator shall forward copies of the proposed map to all affected public agencies, including the Director of Public Works. The affected public agencies may, in turn, forward to the Zoning Administrator their findings and recommendations.

9-503.040 REVIEW AND APPROVAL

Tentative maps and tentative Parcel Maps shall be processed either as Minor Subdivisions or Major Subdivisions pursuant to Section 9-501.050, Review and Approval Procedures. The Zoning Administrator shall report the results of the action to the subdivider and transmit a copy of the tentative or Parcel Map and a memorandum setting forth its decision to the Director of Public Works.

9-503.050 EXPIRATION AND EXTENSIONS

- (a) **Expiration.** The approval or conditional approval of a Tentative Map or tentative Parcel Map shall be valid for 24 months from the date of its approval within which

time the Final Map may be presented to the Board of Supervisors for acceptance and recordation unless a 24-month extension is granted for a total of 48 months, as is allowed pursuant to the Subdivision Map Act. In addition, an extension to 48 months is allowed if certain funds are required to be expended or off-site improvements constructed, pursuant to Government Code Section 66452.6.`

- (b) **Effect of Expiration.** The expiration of the approved or conditionally approved Tentative Map or tentative Parcel Map shall terminate all proceedings and no Final Map of all or any portion of the real property included within the map shall be filed without first processing a new Tentative Map. Approval, processing and recording of the Tentative Map may occur after the expiration date if the signed Final Map and Public Improvement Agreement (if required) are submitted to the Director of Public Works prior to the expiration date.
- (c) **Extensions.**
 - (1) **Request for Extension.** Prior to the expiration of the Tentative Map or tentative Parcel Map, the subdivider may request verbally, by e-mail, or in writing to the Zoning Administrator an extension of the map's expiration date. Verbal and e-mail requests shall be confirmed by a written application request. The map shall automatically be extended for 60 days or until the application for extension is approved, conditionally approved, or denied, whichever occurs first.
 - (2) **Zoning Administrator Action.** The Zoning Administrator shall review the request for extension and shall approve, conditionally approve, or deny the request within 30 days of the request. The Zoning Administrator may extend the expiration date pursuant to this section for a period(s) of time not to exceed the requirements of the Subdivision Map Act.

Chapter 9-504 Vesting Tentative Maps

Sections:

9-504.010	Purpose
9-504.020	Applicability
9-504.030	Filing and Processing
9-504.040	Rights of a Vesting Tentative Map
9-504.050	Expiration and Extensions

9-504.010 PURPOSE

The purpose of this Chapter is to establish the form, contents, submittal requirements, and approval process for Vesting Tentative Maps pursuant to the authority granted by Chapter 4.5 of the Subdivision Map Act.

9-504.020 APPLICABILITY

Whenever a provision of the Subdivision Map Act or this Series requires the filing of a Tentative Map, a Vesting Tentative Map may be filed instead in accordance with the provisions of this Series. If a subdivider does not choose to seek the rights conferred by this Series, the filing of a Vesting Tentative Map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

9-504.030 FILING AND PROCESSING

A Vesting Tentative Map shall be filed in the same form and have the same contents, accompanying data and reports as a Tentative Map and shall be processed in the same manner as a Tentative Map, except as hereinafter provided:

- (a) **Title.** At the time a Vesting Tentative Map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."
- (b) **Required Information.** The following information shall be submitted at the time a Vesting Tentative Map is filed:
 - (1) **Consistency with General Plan and Zoning.** A statement that the Vesting Tentative Map shows a subdivision whose development is consistent with the General Plan and any applicable Specific Plan, Special Purpose Plan, and this Title, or that an application has been filed for a General Plan amendment, Specific Plan amendment, and/or rezoning the land that will be processed prior to, or concurrently with, the Vesting Tentative Map.
 - (2) **Public Improvement Plan, Engineering Calculations, and Cost Estimates.** A Public Improvement Plan, meeting the requirements of Chapter 9-508 prepared by a California-registered professional engineer and indicating the location of all public utilities and facilities including, but not limited to, facilities for water, sewer, electric, gas, cable TV, internet, streets, storm drains, and street lighting to be installed to serve the subdivision and any facilities that currently exist within the boundary of the subdivision.

Engineering calculations and estimated costs for all proposed improvements also shall be submitted in sufficient detail to bid the job for construction.

- (3) **Building Information.** The height, size, location, architectural plans, and use of all buildings to be constructed within the subdivision, if known.
- (4) **Grading Plans.** Proposed grading plans based on field surveys.
- (5) **Soils Report.** Prepared by a California-registered civil engineer, engineering geologist, or geotechnical engineer.
- (6) **Approval Letters.** Required approval letters from other agencies or service districts for public services, such as water and wastewater disposal, where applicable.
- (7) **Landscaping Plans.** Landscaping plans proposed for the subdivision, including a Landscape Documentation Package, Landscape Design Plan, and Water Efficient Landscape Calculations and Alternatives, if these are required by Chapter 9-402, Landscaping.
- (8) **Discretionary Permit Applications.** Applications for all required discretionary permits for development under a Vesting Tentative Map, including Administrative Use Permits, Conditional Use Permits, Public Improvement Plans, Variances, Waivers and Exceptions. No Vesting Tentative Map shall be approved with a condition that rezoning and discretionary approvals will be subsequently secured.
- (9) **Other Studies.** Any other studies required because of the peculiarities of the subdivision and as required by the County.

9-504.040 RIGHTS OF A VESTING TENTATIVE MAP

- (a) **Vested Rights.** The approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the Vesting Tentative Map is approved or conditionally approved.
- (b) **Condition or Denial.** Notwithstanding Subsection (a), a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:
 - (1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - (2) The condition or denial is required in order to comply with state or federal law.
- (c) **Expiration of Rights.** Vested rights allowed under this Section shall expire pursuant to the Subdivision Map Act if a Final Map is not approved prior to the expiration of

the Vesting Tentative Map. If the Final Map is approved, these rights shall last for the following periods of time:

- (1) **Initially.** An initial period of one year after recording of the Final Map. Where several Final Maps are recorded on various phases of a project covered by a single Vesting Tentative Map, this initial period shall begin for each phase when the Final Map for that phase is recorded.
- (2) **Automatic Extension.** The initial time period set forth in Subsection (c)(1) shall be automatically extended for any time used to process a complete application for a grading permit or for building permit review, if such processing exceeds 30 days from the date a complete application is filed.
- (3) **Requested Extension.** A subdivider may apply for a one-year extension at any time before the expiration of the initial time period set forth in Subsection (c)(1). The request for extension shall be submitted in writing to the Planning Commission. The Commission's decision may be appealed to the Board of Supervisors within 10 days. If the subdivider submits a complete application for a building permit during this time, the rights referred to herein shall continue until the expiration of that permit.

9-504.050 EXPIRATION AND EXTENSIONS

The approval or conditional approval of a Vesting Tentative Map shall expire at the end of the same time period, and shall be subject to the same extensions, as a Tentative Map.

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Chapter 9-505 Final Maps

Sections:

9-505.010	Purpose
9-505.020	Preliminary Submittal for County Approval
9-505.030	Review and Approval
9-505.040	Survey Practice and Procedure
9-505.050	Statement of Consent
9-505.060	Size and Materials
9-505.070	Information to be Shown on Final Maps
9-505.080	Easements
9-505.090	Streets and Highways Being Dedicated
9-505.100	Additional Information
9-505.110	Waiver of Inadvertent Error; Amendments

9-505.010 PURPOSE

The purpose of this Chapter is to establish procedures for preparation and approval of Final Maps. The filing of a Final Map, in conformance with the Tentative Map or Vesting Tentative Map of an approved Major Subdivision Application, shall be a condition of approval of any Major Subdivision Application

9-505.020 PRELIMINARY SUBMITTAL FOR COUNTY APPROVAL

Prior to the expiration of the Tentative Map or the Vesting Tentative Map of an approved major subdivision application, the subdivider shall submit two prints of the Final Map to the County Surveyor for checking. The preliminary prints shall bear both the acknowledged signatures of all parties having record title interest in the lands being subdivided and the engineer or surveyor responsible for the survey. The prints shall bear either original signatures or signatures reproduced from the signed original Final Map. The prints shall be accompanied by all of the following data, reports, and documents in a form approved by the County Surveyor and, where applicable, the County Counsel; these plans and reports, and the supporting calculations, may be submitted separately from the maps.

- (a) **Public Improvement Plans and Specifications.** Three complete sets of Public Improvement Plans, consistent with Chapter 9-508, including required specifications and engineer's preliminary estimates.
- (b) **Reports.** A complete set of reports as follows:
 - (1) Preliminary soils reports, including R-values and structural sections calculations;
 - (2) Preliminary geotechnical reports; and
 - (3) Surface and subsurface contamination reports.

- (c) **Hydrology and Hydraulic Calculations.** Storm drain calculations (e.g., hydrology, sub-area map, pipeline, hydraulic design, ponding basin, pump system, etc., if applicable).
- (d) **Water and Sewer Calculations.** Water and sewer design data and supporting calculations, if applicable, related to distribution, collection and treatment appurtenances, pressure, and flow.
- (e) **Guarantee of Title.** A subdivision guarantee of title, in a form acceptable to the County Surveyor and County Counsel, issued by a competent title company to and for the benefit and protection of the County. Said guarantee of title shall be continued complete up to the instant of filing the Final Map with the County Recorder, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all public easements being offered for dedication, and all acknowledgements thereto, appear on the proper statements and are correctly shown on the map, both as to contents as to the making thereof and affidavits of dedication where necessary.
- (f) **Preliminary Title Report.** A preliminary title report showing the legal owners at the time of the submittal of the Final Map.
- (g) **Traverse Closures.** Traverse closures for the boundary, blocks, lots, road centerlines, and rights-of-way, easements, and offset lines.
- (h) **References.** Copies of all deeds and unfiled surveys referenced on the Final Map and/or included in the current preliminary title report.
- (i) **Tax Certificates.** A copy of the tax certificate from the County Tax Collector stating that all taxes due have been paid or that a tax bond or other adequate form of security assuring payments of all taxes which are a lien but not yet payable has been filed with the County.
- (j) **Deeds for Easements of Rights-of-Way.** Deeds for off-site easements or rights-of-way required for road or drainage purposes which have not been dedicated on the Final Map. Written evidence shall be acceptable to the County in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance for the facility.

9-505.030 REVIEW AND APPROVAL

- (a) **County Surveyor Review.** The County Surveyor shall review the Final Map and any other required information, and the subdivider shall make corrections and/or additions until acceptable to the County Surveyor.
- (b) **County Surveyor Approval.** The subdivider shall submit to the County Surveyor the original tracing of the map and any duplicates per County requirements, corrected to its final form and signed by all parties required to execute the

statements on the map. Original signatures shall appear on the original map. Upon receipt of all required certificates and submittals, the County Surveyor shall sign the appropriate statement and transmit the original map to the Clerk of the Board.

- (c) **Board Acceptance and Referral.** At the meeting at which it receives the map, or at its next regular meeting following receipt, the Board shall refer the Final Map to the Director of Public Works to approve it after upon determining that both of the following are true:
- (1) **Compliance with Tentative Map.** The Final Map is in substantial compliance with the Tentative Map or Vesting Tentative Map of the approved Major Subdivision Application and all required conditions of approval of the Tentative Map or the Vesting Tentative Map have been satisfied; and
 - (2) **Conformance to Map Act.** The Final Map conforms to the Subdivision Map Act.

9-505.040 SURVEY PRACTICE AND PROCEDURE

All survey work done on any Final Map of a subdivision shall conform to the accepted standards of the surveying profession.

- (a) **Allowable Error.** The allowable error of closure on any portion of a Final Map shall be less than two one-hundredths of a foot or a ratio of 1:20,000, whichever is greater.
- (b) **Centerlines of Adjoining Error.** In the event the centerline of any street or road right-of-way in any adjoining subdivision has been established, the Final Map shall show said centerline, together with reference to a County field book or map of record showing such centerline and the monuments which determine its position. If the position of the centerline is determined by ties, that fact shall be stated on the Final Map. Only centerlines of streets pertinent to the subdivision need be shown.

9-505.050 STATEMENT OF CONSENT

Subdividers shall submit with or on the Final Map a statement, signed and acknowledged by all parties having any record title interest in the real property to be subdivided, consenting to the preparation and filing of the Final Map. Evidence of signatories' record title interests shall be provided as set forth in Section 9-502.020(d).

9-505.060 SIZE AND MATERIALS

The Final Map shall be prepared by or under the direction of a California-registered civil engineer, duly licensed to practice land surveying, or a California-licensed land surveyor; shall be based upon a field survey; and shall conform to the following provisions:

- (a) **Legibility.** It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, statements, affidavits, and acknowledgements may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base

film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

- (b) **Format.** The size of each sheet shall be 18 inches by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and, wherever practicable, shall be at an engineer's scale where one inch equals 80 feet or less. One sheet or as many sheets as are necessary to accommodate the map may be used. Each sheet shall be numbered, the relation of one sheet to another shall be clearly shown, and the number of sheets used shall be set forth on each sheet. The tract number, scale, north point, and sheet number shall be shown on each sheet of the Final Map. Each sheet and the lettering thereon shall be so oriented that, with the north point directed away from the reader, the map may be read most conveniently from the bottom or lower right corner of such sheet on the 26-inch side.

9-505.070 INFORMATION TO BE SHOWN ON FINAL MAPS

- (a) **Title Sheet.** The title sheet of each Final Map shall contain a title consisting of the number and name of the subdivision and a subtitle consisting of a geographic description of all property being subdivided by reference to such map or maps of the property shown thereon, as shall have been previously recorded or shall have been previously filed in the office of the County Recorder under authority of Chapter 3 (commencing at Section 11650) of Part 2, of Division 4 of the Business and Professions Code, or by reference to the plat of any United States survey. The title sheet shall also show, in a form acceptable to the County Surveyor, such appropriate certificates, statements, and acknowledgements as required in Title 7, Division 2 (commencing at Section 66410) of the Government Code.
- (b) **Index Map and Boundary Line.** If more than one map sheet is used in preparing the Final Map, there shall be included, either on the title sheet or the first map sheet, an index map showing the general plan of the subdivision, street names, lot numbers, and the portions of the subdivision included on each map sheet. The gross boundary line of a subdivision shall be indicated by a heavy line.
- (c) **Determining Boundaries.** On each Final Map there shall be fully and clearly shown and identified such stakes, monuments, or other evidence, including the record reference, determining the boundaries of the subdivision as were found on the ground, together with sufficient corners of adjoining subdivisions, whether by lot and tract number and place of record, by section, township, and range, or by proper legal description, as may be necessary to locate precisely the limits of the subdivision. Where a found monument has no record reference, "No Record" shall be indicated adjacent to the found monument on the Final Map.

(d) **Boundary Monuments.**

- (1) Each Final Map shall show durable monuments of not less than three-quarters of an inch diameter iron pin, at least 30 inches long, set at each boundary corner and at intermediate points, approximately 1,000 feet apart, or at such lesser distance as may be made necessary by topography or culture to ensure accuracy in reestablishment of any point or line without unreasonable difficulty. The precise position and character of each monument, including the R.C.E./P.L.S. tag number, shall be shown on the Final Map.
- (2) In the event that some of the required interior monuments are to be set Subsection to the filing of the Final Map, the map shall show which monuments, or the furnishing of notes thereon, shall be agreed to be set and/or furnished by the subdivider. Such agreement shall be accompanied by a security per the Subdivision Map Act, Section 66496. The security shall be released only per the terms of Section 66497 of the Subdivision Map Act.

(e) **Bearings and Distances.**

- (1) The bearing and length of each lot line, block line, and boundary line shall be shown on the Final Map. Each required bearing and distance shall be shown in full, and no ditto mark or other designation of repetition shall be used.
- (2) The basis of bearings shall appear on the first sheet after the title sheet. Reference shall be made to some filed Final Map, Parcel Map, record of survey map, County Surveyor's map, or other record acceptable to the County Surveyor. Such basis of bearings shall be derived from at least two found monuments of record on the same line.

(f) **Lot Areas, Lot Numbers, and Curve Data.**

- (1) **Lot Area.** For lots containing one acre or more, Final Maps shall show net acreage to at least the nearest one-hundredth of an acre.
- (2) **Lot Numbers.** All lots, including utility lots, shall be numbered consecutively, commencing with the number "1," except as otherwise approved by the County Surveyor, with no omissions or duplications. Each numbered lot shall be shown to scale entirely on one sheet.
- (3) **Curve Data.** The following curve data shall be shown on the Final Map:
 - (A) *Radial Bearing.* The arc length, chord length and bearing, radius, total central angle, and the radial bearing of each non-tangent curve, including overall curves;
 - (B) *Bearing.* The bearing of each radial line to each lot corner on each curve; and
 - (C) *Central Angle.* The central angle of each segment within each lot.

9-505.080 EASEMENTS

Easements shall be incorporated into Final Maps as follows:

- (a) **Easement Lines.** The Final Map shall show the width of all easements, including the lengths and bearings of the lines thereof, to which the lots in the subdivision are subject. If the easement is not definitely locatable from record, a statement acknowledging the easement shall appear on the title sheet.
- (b) **Designation and Identification.** All existing and dedicated easements shall be clearly labeled and identified. Easements on existing lots of record shall be denoted by broken lines. Mapping of recorded easements shall include reference to the recording data. Easements being dedicated shall be so designated in a statement of dedication.
- (c) **Bearings on Lot Lines.** Distances and bearings on the side lines of lots cut by an easement shall be so shown as to indicate clearly the actual lengths of the lot lines.
- (d) **Necessary Rights-of-Way.** Final maps shall include the location and width of rights-of-way necessary for railroads, flood control, drainage, and the like, whether previously of record or currently offered for dedication.

9-505.090 STREETS AND HIGHWAYS BEING DEDICATED

- (a) **Areas to dedicated.** On each Final Map, the centerline of each highway, street, or road right-of-way to be dedicated, the total width thereof, the width on each side of the centerline, and the width of the portion to be dedicated shall be shown. Curve data per Section 9-505.070 shall also be included, as appropriate. The boundary of the map shall be shown along the centerline of any street or highway where such centerline defines a limit of the parcel being subdivided.
- (b) **Access Restrictions.** When the vehicular access rights from any lot to appropriately designated roads are or will be restricted by a subdivision, such rights, if not already a matter of record, shall be offered for dedication to the County by an appropriate statement on the title sheet of the Final Map. Each lot shall be clearly marked with a distinctive symbol shown in a legend that clearly defines its extent and nature of the restriction.

9-505.100 ADDITIONAL INFORMATION

- (a) Any city or County boundary line adjoining the subdivision shall be clearly designated and tied in upon the Final Map.
- (b) No other additional survey and map requirements shall be included on a Final Map which do not affect record title interests. However, the County Surveyor may require additional information, in the form of a separate document or an additional map sheet, to be filed or recorded simultaneously with the Final Map in accordance with Section 66434.2 of the Government Code.

- (c) Subdivision improvement agreements may be required to accompany submittal of Final Maps

9-505.110 WAIVER OF INADVERTENT ERROR; AMENDMENTS

- (a) When, in the opinion of the County Surveyor, a defect or error of a technical or inadvertent nature has caused a Final Map to fail to meet or perform any of the conditions of this Chapter, the County Surveyor may waive such defect or error and process the Final Map as though none had occurred.
- (b) A Final Map may be amended pursuant to the provisions of Section 9-802.120, Modification of Approved Plans.

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Chapter 9-506 Parcel Maps

Sections:

9-506.010	Purpose and Applicability
9-506.020	Preparation
9-506.030	Information to be Shown on Parcel Maps
9-506.040	Dedication or Offers
9-506.050	Field Survey and Necessary Statements
9-506.060	Review and Approval Process
9-506.070	Amendment of Parcel Map

9-506.010 PURPOSE AND APPLICABILITY

The purpose of this Chapter is to prescribe the requirements for, and waiver of, Parcel Maps. The filing of a Parcel Map, in conformance with the Tentative Map or Vesting Tentative Map of an approved Minor Subdivision Application, shall be a condition of approval of any Minor Subdivision Application.

9-506.020 PREPARATION

The Parcel Map shall be prepared by, or under the direction of, a California-registered civil engineer, duly licensed to practice land surveying, or a California-licensed land surveyor; shall show the location of streets and property lines bounding the property; and shall conform to all of the following provisions:

- (a) **Legibility.** It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, statements, affidavits, and acknowledgements may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- (b) **Size and Scale.** The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of each sheet and the total number of sheets composing the map shall be stated on each of the sheets, and the relation of each adjoining sheet shall be clearly shown. Each sheet and the lettering thereon shall be so oriented that, with the north arrow directed away from the reader, the map may be read most conveniently from the bottom or lower right corner of each sheet on the 26-inch side.
- (c) **Feature Identification.** Each parcel shall be numbered, and each block may be numbered or lettered. Each road shall be named or otherwise designated.

- (d) **Identification of Parcels.** Parcels shall be identified as follows:
- (1) The exterior gross boundary of the land included within the subdivision shall be indicated by an extra heavy line and clearly designated.
 - (2) The map shall show the location of each parcel and its relation to surrounding surveys. If the map includes a "designated remainder" parcel or similar parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map, and its location need not be indicated as a matter of survey but only by deed reference to the existing boundaries of the remainder parcel.
 - (3) A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this Section.
- (e) **Statement of Consent.** Subject to the provisions of Section 66436 of the Subdivision Map Act, a statement, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and filing of the Parcel Map is required.
- (f) **Consent of Subdivider.** With respect to a division of land into four or fewer parcels, where dedications or offers of dedications are not required; the statement shall be signed and acknowledged by the subdivider only. If the subdivider does not have a record title ownership interest in the property to be divided, the subdivider shall provide the County with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this Subsection, "record title ownership" shall mean fee title of record unless a leasehold interest is to be divided, in which case "record title ownership" shall mean ownership of record of the leasehold interest. "Record title ownership" does not include ownership of mineral rights or other subsurface interests which have been severed from ownership of the surface. Statements and acknowledgements required by this Subsection shall be recorded concurrently with the Parcel Map being filed for record.
- (g) **Notation or Reference.** No additional survey and map requirements shall be included on a Parcel Map which do not affect record title interests. However, the County Surveyor may require the map to contain a notation or reference to survey and map information pursuant to Section 66434.2 of the Government Code.
- (h) **Reference to Separate Instrument.** Whenever a certificate, statement, or acknowledgement is made by separate instrument, there shall appear on the Parcel Map a reference to the separately recorded document. This reference shall be completed by the County Recorder pursuant to Section 66468.1 of the Subdivision Map Act.

9-506.030 INFORMATION TO BE SHOWN ON PARCEL MAPS

- (a) **Monuments or Other Evidence to Determine Boundaries.** On each Parcel Map there shall be fully and clearly shown and identified such stakes, monuments, or other evidence, including the record reference, determining the boundaries of the subdivision as were found on the ground, together with sufficient corners of adjoining subdivisions, whether by lot and tract number and place of record, by section, township, and range, or by proper legal description, as may be necessary to locate precisely the limits of the subdivision. Where a found monument has no record reference, "No Record" shall be indicated adjacent to the found monument on the Parcel Map.
- (b) **Deferment of Monuments.** In the event that some of the required interior monuments are to be set Subsection to the filing of the Parcel Map, the map shall show which monuments, or the furnishing of notes thereon shall be agreed to be set and/or furnished by the subdivider. Such agreement shall be accompanied by a security per Section 66496 of the Subdivision Map Act. The security shall be released only per the terms of Section 66497 of the Subdivision Map Act.
- (c) **Bearings and Distances.** The bearing and length of each parcel line, block line, and boundary line shall be shown on the Parcel Map. Each required bearing and distance shall be shown in full, and no ditto mark or other designation of repetition shall be used.
- (d) **Parcel Areas.** For parcels containing one acre or more, Parcel Maps shall show the acreage to at least the nearest one-hundredth of an acre.

9-506.040 DEDICATIONS OR OFFERS

Dedications or offers of dedication shall conform to the provisions of this Section.

- (a) **Required Dedications or Offers.** If dedications or offers of dedication are required, they may be made either by a statement on the Parcel Map or by separate instrument, as determined by the County Surveyor. If dedications or offers of dedication are made by separate instrument, the dedications or offers of dedication shall be executed prior to the Parcel Map being filed for record.
- (b) **Dedications or Offers Signed.** The dedications or offers of dedication, whether by statement or separate instrument, shall be signed by the same parties and in the same manner as set forth in Section 66436 or 66439 of the Government Code for dedications by a Parcel Map.

9-506.050 FIELD SURVEY AND NECESSARY STATEMENTS

In all cases where a Parcel Map is required, such map shall be based upon a field survey made in conformity with the Land Surveyors' Act. The following statements shall appear on a Parcel Map unless otherwise approved by the County Surveyor:

(a) **Engineer's (Surveyor's) Statement.** An engineer's statement as follows:

"This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of (name of person authorizing map) in (month, year). I hereby state that this Parcel Map substantially conforms to the approved or conditionally approved Tentative Map, if any. All monuments are of the character and occupy the positions indicated and are sufficient to enable the survey to be retraced.

Dated this ____ day of _____, 20__.

(Engineer) (Surveyor) (License No.)"

(b) **County Surveyor's statement.** A County Surveyor's statement as follows:

"I, (County Surveyor), hereby state that I have examined this Parcel Map and that the subdivision shown hereon is substantially the same as it appeared on the Tentative Map, if required, and any approved alterations thereof. I further state that this Parcel Map complies with all the provisions of Chapter 2 of the California Subdivision Map Act, as amended, and all applicable ordinances of San Joaquin County, applicable at the time of approval of the Tentative Map, if required, and that this Parcel Map is technically correct. *I hereby accept on behalf of the public for public use the offer of dedication of [all Public Utility Easements] the (width)-foot widening of right-of-way along [Road Name] [the (size) road return] as shown on this Parcel Map.

Dated this ____ day of _____, 20__.

By: _____

(County Surveyor), County Surveyor L.S. (number),

County Surveyor of San Joaquin County, California"

* The part following this asterisk above is used only when offers of dedication are made for public utility easements or widenings of existing rights-of-way.

(c) **Recorder's Statement.** A Recorder's statement as follows:

"Filed this ____ day of _____, 20__, at ____ in Book ____ of Parcel Maps, at Page____, at the request of _____.

Fee: \$_____

By: _____

Assessor-Recorder-County Clerk, Assistant/Deputy Recorder"

9-506.060 REVIEW AND APPROVAL PROCESS

The subdivider shall submit prints of the Parcel Map to the County Surveyor for checking. Where applicable, the preliminary prints shall be accompanied by copies of the data, plans, reports, and documents as required for Final Maps by Section 9-505.070. Parcel maps shall be reviewed and approved as follows.

- (a) **Preliminary Map Review.** The County Surveyor shall review the preliminary Parcel Map and cause any changes to be made which are legally required for approval.
- (b) **Final Map Submittal.** The subdivider shall submit to the County Surveyor the original tracing of the map and any duplicates per County requirements, corrected to its final form, and signed by all parties required to execute the statements or certificates on the map.
- (c) **Approval.** The County Surveyor shall approve the map if it is acceptable.
- (d) **Filing for Record.** After approval, the County Surveyor or authorized agent shall transmit the approved Parcel Map directly to the County Recorder for filing.
- (e) **Fees.** Subdividers shall pay all required fees for plan checking as established by the Department of Public Works Fee schedule adopted by resolution of the Board of Supervisors.

9-506.070 AMENDMENT OF PARCEL MAP

A Parcel Map may be amended pursuant to the provisions of Chapter 9-513, Revisions of Approved Actions.

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Chapter 9-507 Dedications and Reservations

Sections:

9-507.010	Purpose
9-507.020	Reservations
9-507.030	Dedications and Fees for Park and Recreation Facilities

9-507.010 PURPOSE

The purpose of this Chapter is to establish the reservations and dedications the County may impose on a subdivider as a condition for approval of a Tentative Map or a Parcel Map.

9-507.020 RESERVATIONS

- (a) **General.** As a condition of approval of a map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, transit access, bus stops, fire stations, libraries, or other public uses according to the standards and formula contained in this section.
- (b) **Standards and Formula for Reservation of Land.** Where a park, recreational facility, fire station, library or other public use is shown in the General Plan or any applicable Specific Plan, pre-existing Special Purpose Plan, or Master Plan, the subdivider may be required by the Planning Commission to reserve sites as so determined by the Planning Commission in accordance with the standards contained in the General Plan, Special Purpose Plan, Specific Plan or Master Plan. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the General Plan or any Specific Plan, pre-existing Special Purpose Plan, or Master Plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.
- (c) **Procedure.** The public agency for whose benefit an area has been reserved shall, at the time of approval of the Final Map or Parcel Map, enter into a binding agreement, consistent with Government Code Section 66480, to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement.
- (d) **Payment.** The purchase price shall be the market value thereof at the time of the filing of the Tentative Map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

- (e) **Termination.** If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate.
- (f) **Release of Obligation.** The Board of Supervisors may, after consideration by the Planning Commission, upon request of the subdivider, and after a public hearing by the Board of Supervisors, release the subdivider from the obligation of a reservation of land upon finding: 1) that to do otherwise would impose an undue hardship upon the subdivider due to physical conditions of the site or access to the site and 2) that there are alternative locations for the public facilities for which the land was provided. Such a release shall not constitute a grant of special privilege inconsistent with the obligations of other properties and similar development in the vicinity and in the same zone.

9-507.030 DEDICATIONS AND FEES FOR PARK AND RECREATION FACILITIES

This section is enacted pursuant to the authority granted by Section 66477 of the Subdivision Map Act. The local park and recreation facilities for which dedication of land and/or payment of a fee is required by this section must be in accordance with the recreation portion of the General Plan.

- (a) **General Requirement.** As a condition of approval of a Tentative Map, the subdivider must dedicate land, pay a fee in lieu thereof, or a combination, at the option of the County, for park and recreational purposes according to the standards and formulas contained in this Chapter.
- (b) **General Standard.** In consideration of the public interest, convenience, health, welfare, and safety, the County standard for neighborhood and community parks ("local parks") and recreational purposes shall be three acres of property for each 1,000 persons, in accordance with the recreation portion of the General Plan and the Subdivision Map Act. For purposes of this standard, park and recreation purposes shall include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of the land, of plant material not for sale.
- (c) **Standard and Formula for Dedication of Land.** Where a park or recreational facility has been designated in the General Plan or a specific plan or master plan and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography to serve the residents of the subdivision. The minimum amount of land to be dedicated shall be determined using the general standard in the following formula:

$$U \times P \times S = \text{Minimum acreage dedication}$$

where:

U = Number of potential dwelling units within the subdivision;

P = Average number of persons in the dwelling unit type (e.g., single-family, mobile home, multi-family units) based on the latest U.S. Census.

S = Parkland standard of three acres per 1,000 people (3/1000).

The following table of population density shall be used:

TABLE 9-507.030: PARK LAND DEDICATION FORMULA		
<i>Type of Dwelling</i>	<i>Average No. of Persons Per Dwelling Unit</i>	<i>Acreage Per Dwelling Unit</i>
Single-family (Detached or townhouse)	2.93	.0088 Acre
Multi-family (apartment or duplex)	2.50	.0075 Acre
Mobile home/Manufactured housing	2.39	.0072 Acre

- (1) **Formula for Determining Amount of Acreage.** The formula for determining acreage to be dedicated per dwelling unit shall be as set out in Table 9-507.030 above.
 - (2) **Lots—Including Dwelling Unit Construction.** For lots where dwelling units are to be constructed as part of the subdivision project, the actual type of dwelling unit to be constructed shall be used in the computation of the acreage of park land to be dedicated.
 - (3) **Lots—Not Including Dwelling Unit Construction.** For lots where the construction of dwelling units is not a part of the subdivision project, the acreage of park land to be dedicated shall be computed on the basis of the maximum allowable density of dwelling units in the zone where the lot is located combined with the type of dwelling unit yielding the maximum acreage. If fees are paid in lieu of land dedication, and if dwelling units are constructed on lots within ten years after the date the final or Parcel Map was recorded which result in a lesser fee when computed pursuant to the provisions of this section, then the subdivider may request a refund of the excess fee previously paid.
 - (4) **Re-subdivision of Parcels.** Whenever a parcel of land is resubdivided, full credit shall be given for the acreage of land dedicated or the amount of in-lieu fee paid at the time the parcel was originally subdivided.
- (d) **Alternative Calculation Method for Dedication of Land.**
- (1) This section specifies the alternative method to that specified above, in paragraph (e), for determining the factors used in calculating the area of land to be dedicated.
 - (2) The Parks and Recreation Department or any other local public agency or community services districts providing parks may apply to the Board of Supervisors for a determination of an alternative standard for existing neighborhood and community park acreage for a specific geographic area. In its application, the Department or agency or district shall present its

calculations, reports and other evidence showing that the amount of existing neighborhood and community park area in a specified geographic area exceeds three acres of park area per 1,000 residents in the local parks service area.

- (3) The calculation shall be derived pursuant to Government Code Section 66477.
 - (4) If the Board of Supervisors determines after a noticed public hearing that the standard for existing neighborhood and community park acreage in a specified geographic area served by a specific public agency or district exceeds three acres of parks for 1,000 residents in that area, this standard shall be added to this Title by a Code amendment, and the alternate standard shall be used to determine the amount of land to be dedicated or fees paid in lieu thereof as a condition for the approval of a Tentative Map or Parcel Map in the jurisdiction of the public agency providing parks for the specified geographic area.
- (e) **Subdividers' Obligations.** The subdivider may be required to:
- (1) Provide full street improvements and utility connections to dedicated land which is dedicated pursuant to this section;
 - (2) Provide for fencing along the property line of that portion of the subdivision contiguous to the dedicated land; and
 - (3) Provide other minimal improvements that the Director of Public Works determines to be essential to the acceptance of the land for recreational purposes.
 - (4) The value of the above improvements shall be a credit against the dedication of land or the payment of fees required by this Chapter.
- (f) **Acceptance by County.** The land to be dedicated for local parks and recreation purposes, pursuant to this Chapter, shall be approved by the County Director of General Services and the public agency accepting the dedication or accepting the improvements, if other than the County.
- (g) **Fee In Lieu of Land Dedication.** If there is no park or recreation facility designated in the General Plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication in this section and in an amount determined in accordance with the provisions of Subsection (c) above, such fee to be used for a local park that will serve the residents of the area being subdivided. More specifically, when a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the following formula:

$S \times AC = \text{Park fee per unit}$

where:

S = Parkland standard of three acres per 1,000 persons (3/1000); and

AC = Acquisition Costs as determined by Subsection (g), below.

Fees to be collected pursuant to this section shall be approved by the County Director of General Services and the public agency accepting the fees, if other than the County.

(h) **Determination of Acquisition Costs.** Acquisition costs, expressed as an estimated per acre value, shall be determined by the Director of Public Works based on a written appraisal report periodically prepared and signed by an appraiser designated by the County that evaluates the probable per acre acquisition cost of park land in the vicinity, taking into consideration the acquisition costs of real property which has an approved Tentative Map and is within urban and rural communities in the County.

(1) Appraisals for acquisition costs shall be updated based upon cut-off dates for valuation of January 1 of each year.

(2) The acquisition costs that shall be applied to a particular subdivision shall be that based upon the appraisal report of the latest update immediately preceding the date of application is considered complete by the Community Development Department.

(i) **Disposition of Land and Fees**

(1) **Agency Receiving Land or Fees.** Land or fees required by this section shall be conveyed or paid directly to the public agency that provides or will provide park and recreational services to the community in which the subdivision is located.

(2) **Appropriation of Fees.** Collected fees shall be appropriated for a specific project in a budgetary year within five years after payment or within five years after the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later.

(3) **Use of Fees.** The fees collected under this Subsection shall be used only for the purpose of providing park or recreational facilities reasonably related to serving the subdivision by way of the purchase of necessary land or, if the Planning Commission deems that there is sufficient land available for the subdivision, for improving of such land for park and recreational purposes. The fees collected may be used for the purpose of developing new or rehabilitating existing park or recreational facilities in a neighborhood other than the neighborhood in which the subdivision for which fees were paid as a condition to the approval of a Tentative Map or Parcel Map is located, if all of the following requirements are met:

(A) The neighborhood in which the subdivision for which the fees were paid has a park area that meets or exceeds three acres per 1,000 persons.

- (B) The Board of Supervisors holds a public hearing before using the fees pursuant to this subparagraph.
 - (C) The Board of Supervisors makes a finding supported by substantial evidence that it is reasonably foreseeable that future inhabitants of the subdivision for which the fee is imposed will use the proposed park and recreational facilities in the neighborhood where the fees are used.
 - (D) The fees are used within a specified radius that complies with this Chapter and are consistent with the General Plan and any applicable specific plan. For purposes of this clause, "specified radius" includes a planning area, zone of influence, or other geographic region designated by the County, that otherwise meets the requirements of this section.
- (4) **Uncommitted Fees.** Fees not committed within a reasonable period of time, as provided for by this Section, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.
- (j) **Choice and Method of Dedication of Land and/or Payment of Fees.**
- (1) **Determination of Land and/or Fees.** When a Tentative Map is approved, the Review Authority shall determine whether to require dedication of land, the payment of a fee in lieu thereof, or a combination.
 - (2) **Basis for Determination.** The above determination shall be consistent with the standards in this Chapter and shall be made upon consideration of the following factors:
 - (A) The San Joaquin County General Plan;
 - (B) The natural features, access, and location of the land available for dedication;
 - (C) The size and shape of the subdivision and land available for dedication;
 - (D) The location of existing or proposed recreation sites; and
 - (E) For a subdivision of less than 50 lots, only the payment of fees is required. Subdivisions containing less than five parcels and not used for residential purposes are exempt from the fees of this Chapter unless a building permit is requested for construction of a residential structure(s) on one or more of the parcels within four years, in which case the owner of the parcel shall pay the fee required of this Chapter as a condition to issuance of a building permit for such parcel.
 - (3) **Criteria for Requiring Both Dedication and Fee.** In subdivisions of more than 50 lots, the subdivider shall both dedicate land and pay a fee in lieu thereof in accordance with the following formula:

- (A) Where only a portion of the land to be subdivided is proposed in the General Plan, a specific plan or master plan as the site for a local park, such portion shall be dedicated for local park purposes and a fee computed pursuant to the fee formula of this section shall be paid for any additional land that would have been required to be dedicated pursuant to Subsection (c) of Section 9-507.030.
- (B) When a major part of the local park or recreational site has already been acquired by the County and only a small portion of land is needed from the subdivision to complete the site, such remaining portion shall be dedicated and a fee computed pursuant to the fee formula of this section shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated, such fees to be used for the improvement of the existing park and recreational facility or for the improvement of other local parks and recreational facilities in the area serving the subdivision.

(k) **Time of Dedication or Payment of Fees.**

- (1) **Dedication of Land.** Where the dedication of land is required, the transfer of land, or provisions thereof, shall be accomplished at the time of recording of the Final Map or Parcel Map.
- (2) **Payment of Fee In-Lieu.** Where the payment of a fee is required in lieu of land dedication, the fee shall be paid at the time of recording of the Final Map or Parcel Map, provided that:
 - (A) The fees will be used to reimburse the public agency for expenditures previously made that will serve the subdivision; or
 - (B) The fees will be collected for public improvements or facilities for which an account has been established.

(l) **Credit for Private Open Space.**

- (1) **Amount of Credit.** The land or fees required may be reduced, at the discretion of the Review Authority, by an amount equivalent to 50 percent of the area of land in the subdivision which is to be used for private park and recreation facilities.
- (2) **Standards for Grant of Credit.** To grant up to 50 percent credit for private open space, the Review Authority shall determine that it is in the public interest to do so and that all of the following standards are met:
 - (A) Yards, outdoor living area (private and common and open space), setbacks, and other open areas required to be provided by this Title shall not be included in the computation of such private open space;
 - (B) The private park and recreation facilities shall be owned by a homeowners' association. If the homeowners' association is dissolved

or no longer maintains the facilities, the County shall access the then property owners' records for fees in the amount that would be established at the time under the provisions of this Chapter. The County may accept land of equivalent value;

- (C) The use of the private open space shall be restricted for park and recreational purposes by recorded covenant which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the County or its successor, i.e., a city after annexation;
- (D) The proposed private open space shall be reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location; and
- (E) Facilities proposed for the open space shall be in substantial accordance with the provisions of the recreation portion of the General Plan.

(m) **Exemptions.** The provisions of this section shall not apply to:

- (1) Agricultural, commercial, and industrial subdivisions;
- (2) Condominium projects that consist of the subdivision of airspace in an existing apartment building more than five years old when no new dwelling units are added;
- (3) A tentative subdivision or tentative Parcel Map of existing multi-family residential units that are more than five years old when no new dwelling units are added; or
- (4) A lot or parcel, within a tentative subdivision or tentative Parcel Map, that contains a single family dwelling that is more than five years old when no new dwelling units are added to the lot or parcel.

(n) **Subdivision Development Agreements.** Nothing contained within this section shall be construed to prohibit the entering into of a development agreement as authorized by the Government Code and this Title that addresses the issue of acquisition or dedication of park land provided, however, the dedication and acquisition as set out in this Title shall be considered the minimum standard, and no development agreement shall provide for less than the standards and the amounts provided for in this Section.

Chapter 9-508 Public Improvement Plans

Sections:

9-508.010	Purpose
9-508.020	When Required
9-508.030	Plan Preparation
9-508.040	Review Procedures
9-508.050	Compliance with Conditions of Approval
9-508.060	Expansion of an Existing Use

9-508.010 PURPOSE

This Chapter provides a method for reviewing Public Improvement Plans for on-site and off-site public improvements that are required for conformance with Chapter 9-600, Infrastructure Standards: General Provisions, the County's Improvement Standards, and/or conditions of approval for discretionary applications.

9-508.020 WHEN REQUIRED

When building of a dwelling is part of a subdivision or when required by a discretionary permit approval for any other construction associated with a subdivision or other development, a Public Improvement Plan for required on-site and off-site public improvements shall be prepared. The subdivider shall submit the plan after approval of a Tentative Map or tentative Parcel Map prior to the approval of the Final Map or Parcel Map.

9-508.030 PLAN PREPARATION

Public Improvement Plans shall be prepared, stamped, and signed by a California-registered civil engineer. Off-site and on-site improvements required by the County's Improvement Standards and conditions of approval for the application shall be incorporated into the Public Improvement Plan as they apply to on-site and off-site public improvements. The plan shall depict lot lines and the location of buildings and driveways, hardscape and landscaping in the public right-of-way, utilities, parking layout when more than three cars will be parked on a lot, the circulation and drainage system within the subdivision, including any privately maintained streets and water and sewer and drainage systems, and other information required by the County's application form.

9-508.040 REVIEW PROCEDURES

Public Improvement Plans shall be reviewed for the Zoning Administrator by the Department of Public Works using the procedure for a Zoning Clearance as specified in Chapter 9-802, Common Procedures. Such review shall include whether any proposed private streets conform to the County's public street design requirements. The Zoning Administrator in consultation with the Department of Public Works also may waive specific requirements and approve amendments.

9-508.050 COMPLIANCE WITH CONDITIONS OF APPROVAL

Public Improvement Plans shall incorporate all of the information required by the conditions of approval of a Tentative Map or tentative Parcel Map and other requirements of this Title that relate to on-site and off-site public improvements to ensure that off-site and on-site infrastructure meets the minimum requirements of the County's Improvement Standards. Unless otherwise specified in this Title, no use can be established on a lot for which a Public Improvement Plan is required until all conditions of approval have been complied with and the Zoning Administrator determines that the Public Improvement Plan is acceptable and complete. Public Improvement Plans approved under this Title are approved for a period of 18 months from the date of approval.

9-508.060 EXPANSION OF AN EXISTING USE

- (a) **Requirements Met.** In those instances involving a use that requires the preparation of a Public Improvement Plan and a Public Improvement Plan has previously been approved, the Zoning Administrator may approve amendments to that Improvement Plan for the expansion or adjustment of an existing development if the expansion complies with all of the following requirements:
- (1) The existing Improvement Plan is adequate to determine the compliance of the proposed expansion with all required standards and conditions for on-site and off-site public improvements.
 - (2) The building or use expansion is incidental to the existing use.
 - (3) The building or use expansion does not result in a change of use.
 - (4) The expansion does not involve an increase in facilities for truck parking
 - (5) The building expansion involves less than 25 percent increase in floor area covered by the existing structures associated with the use.
 - (6) A use involves less than ten percent increase in the overall site area covered by the existing use.
 - (7) The building or use expansion complies with the existing requirements of the agencies having jurisdiction and any other appropriate agencies as determined by the Zoning Administrator.
- (b) **Requirements Not Met.** If the proposed expansion does not meet with all of the above requirements in paragraph (a), a new Public Improvement Plan shall be required.

Chapter 9-509 Parcel Mergers

Sections:

9-509.010	Purpose
9-509.020	Required Mergers
9-509.030	Mergers Initiated by the County
9-509.040	Mergers Initiated by Property Owner
9-509.050	Unmerged Parcels

9-509.010 PURPOSE

The purpose of this Chapter is to provide procedures and standards for the merger of two or more existing, contiguous parcels or units of land under the same ownership in order to achieve orderly development, protect new development, and implement the General Plan as provided by the Subdivision Map Act.

9-509.020 REQUIRED MERGERS

Pursuant to the Subdivision Map Act and this Title, the County may initiate the merger of two or more parcels are under the same ownership if one of the parcels or units has less area than the minimum parcel area or lot area required for new parcels or lots by this Title for the regulating zone where the parcel(s) are located and if the requirements of Subsection (a) and (b) are satisfied.

- (a) **Status of Development.** At least one of the affected parcels: 1) is undeveloped by any structure for which a building permit was issued, or for which a building permit was not required at the time of construction; 2) is developed only with an accessory structure or structures; or 3) is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.
- (b) **Standard Conditions.** With respect to any affected parcel, one or more of the following conditions exists:
- (1) The parcel comprises less than 5,000 square feet in area at the proposed time of merger;
 - (2) The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
 - (3) The parcel does not meet current standards for sewage disposal and domestic water supply;
 - (4) The parcel has no legal access that is adequate for vehicular and safety equipment and their maneuverability;
 - (5) Development of the parcel would create health or safety hazards; or
 - (6) The parcel does not have a viable building site because of slope stability standards.

- (c) **Ownership.** For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that the Notice of Intention to Determine Status is recorded pursuant to this Chapter.
- (d) **Exceptions.** This section shall not apply if any of the conditions stated in Sections 66451.11(b)(A), (B), (C), or (D) of the Subdivision Map Act exist.

9-509.030 MERGERS INITIATED BY THE COUNTY

Mergers may be initiated by the Board of Supervisors, the Planning Commission, or the Zoning Administrator. The process for County-Initiated mergers shall be managed by the Zoning Administrator using the Common Procedures in Chapter 9-802, with the following modifications:

- (a) **Notice of Intention to Determine Status.** Prior to recording a Notice of Merger, the Zoning Administrator shall mail, by certified mail, a Notice of Intention to Determine Status to the current recorded owner of the property.
 - (1) The Notice of Intention to Determine Status shall state that the affected parcels may be merged pursuant to this Chapter and that the owner may request a hearing before the Zoning Administrator to present evidence that the property does not meet the criteria for merger.
 - (2) The Notice of Intention to Determine Status shall be filed for record with the County Recorder on the date the notice is mailed to the property owner.
- (b) **Hearing on Determination of Status.** The owner of the affected parcels may submit a written request to the Zoning Administrator at any time within 30 days after the recording of the Notice of Intention to Determine Status for a public hearing to determine whether his parcels should or should not be merged. When a public hearing is requested, the following procedures shall be followed:
 - (1) **Scheduling of Hearing.** Upon receipt of the written request for a hearing, the Zoning Administrator shall set a time, date, and place for the hearing and notify the property owner of this information by certified mail. The hearing shall be conducted not more than 60 days following the filing of the property owner's request for a hearing, or the hearing may be postponed or continued by mutual consent of the Zoning Administrator and the property owner.
 - (2) **Presentation of Evidence.** At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements for merger specified in Section 9-508.020, Subsection (a) and (b).
 - (3) **Decision.** At the conclusion of the hearing, the Zoning Administrator shall make a determination that the parcels are to be merged or are not to be merged, based on the standards for merger specified in Section 9-508.020, Subsection (a) and (b). The owner shall be notified of the Zoning Administrator's determination.

- (4) **Appeal.** The owner of the property may appeal the Zoning Administrator's determination to the Planning Commission pursuant to the procedures set forth in Chapter 9-802, Common Procedures.
- (c) **Notice of Merger.** If it is decided that the parcels are to be merged, the Zoning Administrator shall file a Notice of Merger with the County Recorder within the following time limits:
 - (1) Within 30 days after the conclusion of the hearing specified by Subsection (b);
 - (2) Within 30 days after the conclusion of any appeal hearing; or
 - (3) Within 90 days after the mailing of the Notice of Intention to Determine Status specified in Subsection (a) if the owner of the affected parcels has not filed a Request for Hearing within the time period specified in Subsection (b).
- (d) **Release of Notice of Intention to Determine Status.** If it is decided that the parcels are not to be merged, the Zoning Administrator shall file a Release of Notice of Intention to Determine Status with the County Recorder and shall mail a clearance letter to the recorded owner of the affected parcels.

9-509.040 MERGERS INITIATED BY PROPERTY OWNER

- (a) **Request for Determination.** Upon written application by the owner to the Zoning Administrator and payment of required fees, the Zoning Administrator and Director of Public Works shall determine whether the affected parcels shall be merged and shall notify the owner of their determination. If the Zoning Administrator and Director determine that the parcels shall not be merged, the owner may file a written request for a hearing with the Planning Commission pursuant to the requirements of this Chapter. If the Planning Commission determines that the parcels shall be merged, a Determination of Merger shall be recorded.
- (b) **Waiver of Right to Hearing.** If the merger of contiguous parcels or units is initiated by the record owner(s), the owner(s) may waive the right to a hearing before the Zoning Administrator and to all notices required by this Chapter. Upon receipt of the waiver, the Director of Public Works shall record a Notice of Intention to Determine Status, a waiver of right of hearing and notice, and a Notice of Merger simultaneously.

9-509.050 UNMERGED PARCELS

A property owner may apply to the County for a determination that any parcels or units of land for which a Notice of Merger had not been recorded on or before January 1, 1984 are deemed not to have been merged under Section 66451.30 of the Subdivision Map Act. If the Zoning Administrator determines that the parcels meet the standards specified in Section 66451.30, the County shall issue the owner, and record with the County Recorder, a Notice of the Status of the parcels and a Declaration that the parcels are not merged.

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Chapter 9-510 Reversion to Acreage

Sections:

9-509.010	Purpose and Initiation
9-509.020	Contents of Owners' Petition
9-509.030	Review Procedures
9-509.040	Findings
9-509.050	Conditions
9-509.060	Returns of Fees and Deposits
9-509.070	Effect of Filing Final Map
9-509.080	Effect of Filing Parcel Map

9-510.010 PURPOSE AND INITIATION

The purpose of this Chapter is to establish procedures under which subdivided property may be reverted to acreage. Applications for Reversion to Acreage may be initiated by petition of all of the owners of record of the parcels or by the owners of record authorized agent, or by the Board of Supervisors in a resolution initiating such proceedings. The application shall include a Tentative Map, evidence of title to the real property, and such other information as may be required by the Zoning Administrator.

9-510.020 CONTENTS OF OWNERS' PETITION

The owners' petition for a reversion to acreage shall contain all of the following:

- (a) Evidence of title to the real property within the subdivision;
- (b) Evidence of the consent of all of the owners with an interest in the property;
- (c) Evidence that none of the improvements required to be made have been made within two years from the date the final or Parcel Map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later;
- (d) Evidence that no lots shown on the final or Parcel Map have been sold within five years from the date such final or Parcel Map was filed for record;
- (e) A Tentative Map in the form required by this Series, and, if applicable, a final or Parcel Map in the form required by this Series, that delineates dedications that will not be vacated and dedications required as a condition to reversion. Final or Parcel Maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage";
- (f) The required fees; and
- (g) Any other information the Zoning Administrator may require.

9-510.030 REVIEW PROCEDURES

A Reversion to Acreage Application shall be reviewed using the Common Procedures for discretionary review by the Planning Commission specified in Chapter 9-802, with modifications as follows:

- (a) **Staff Review and Recommendation.** The final or Parcel Map for the reversion together with all other data as required by this Chapter shall be submitted to the Zoning Administrator for review. Upon finding that the petition meets all the requirements of this Series and the Subdivision Map Act, the Director of Public Works shall submit the final or Parcel Map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the Board of Supervisors for its consideration. If County staff denies the Reversion to Acreage application, the action is final unless appealed.
- (b) **Board of Supervisors.** The Board of Supervisors shall hold a Public Hearing to take final action if County staff has recommended approval or if the County Staff's denial was appealed.

9-510.040 FINDINGS

The Board of Supervisors may approve a Reversion to Acreage Application only if it finds that any outstanding dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes, based on the General Plan, and that:

- (a) **Consent.** All owners of an interest in the real property within the subdivision have consented to reversion; and
- (b) **Lack of Improvements.** None of the improvements required to be made have been made within two years from the date the final or Parcel Map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
- (c) **Lack of Lot Sales.** No lots shown on the final or Parcel Map have been sold within five years from the date such map was filed for record.

9-510.050 CONDITIONS

The Board of Supervisors shall require as conditions of the reversion:

- (a) **Dedications.** Dedications or offer to dedicate any needed streets or easements; and
- (b) **Retentions.** The retention of all or a portion of previously paid subdivision fees, deposits, or improvements securities if they are necessary to accomplish any of the provisions of this Title. All other fees and deposits shall be returned to the subdivider and all improvement securities shall be released by the Board following approval of a reversion to acreage

9-510.060 RETURN OF FEES AND DEPOSITS

Except as provided in Section 9-510.050, upon filing of a Final Map for Reversion of Acreage with the County Recorder, all fees and deposits shall be returned to the subdivider, and all improvement securities shall be released by the Board of Supervisors.

9-510.070 EFFECT OF FILING FINAL MAP

Reversion shall be effective upon the filing of the Final Map for record with the County Recorder. Upon filing, all dedications and offers of dedication not shown on the Final Map for reversion shall be of no further force and effect and shall be shown as such on the assessment roll.

9-510.080 EFFECT OF FILING PARCEL MAP

If there are four or fewer parcels under the same ownership to be reverted to acreage, the recording of a Parcel Map shall constitute a legal reversion to acreage of the land, abandonment of all streets and easements not shown on the Parcel Map, and a merger of the separate parcels into one parcel, and these shall be shown as such on the assessment roll.

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Chapter 9-511 Lot Line Adjustments

Sections:

9-511.010	Purpose and Applicability
9-511.020	Application: Determination of Completeness
9-511.030	Initial Review and Approval Standards
9-511.040	Withdrawal of an Application
9-511.050	Final Processing of an Application
9-511.060	Appeals

9-511.010 PURPOSE AND APPLICABILITY

The purpose of this Chapter is to provide a method for approving lot line adjustments that meet the standards set forth of this Chapter and this Title.

- (a) **Type of Decision.** The tentative approval of lot line adjustments and subsequent review and approval of deeds are ministerial acts and not subject to CEQA; except that the tentative approval of lot line adjustments is discretionary and subject to CEQA when the lot line adjustment requires the approval of a Variance.
- (b) **Concurrent Processing and CEQA Review.** In those cases where a lot line adjustment that is ministerial is processed concurrently with an application for a use permit or other discretionary approval involving some or all of the property involved in the lot line adjustment, the lot line adjustment application must be considered a reasonably foreseeable project under CEQA and the potential impacts resulting from approval of the lot line adjustment shall be evaluated as part of the cumulative analysis conducted on the underlying use permit or other discretionary approval. Evaluation of the environmental effects of the lot line adjustment application because it is a reasonably foreseeable project shall not however result in the approval of the lot line adjustment application becoming a discretionary act; it remains ministerial.

9-511.020 APPLICATION: DETERMINATION OF COMPLETENESS

- (a) **Initial Filing.** An application for a lot line adjustment shall be filed with the Community Development Department.
- (b) **Contents of Application.** Each application for a lot line adjustment shall be accompanied by all of the following and the required fee on the application:
 - (1) Copies of the document(s) that establish each of the parcels involved in the lot line adjustment as a legal lot of record.
 - (2) As required by the lot line adjustment application the required copies of a tentative lot line adjustment site plan 18" x 26", and 8 ½ "x 11" accurately drawn to scale shall be submitted. Measurements shall be identified by feet, square feet or acres to the nearest tenth. The site plan shall contain and specifically conform to all of the following:

- (A) All exterior and interior lines of the involved parcels shall be shown and shall be identified by course and bearing description, based on survey data, calculated data, or information of record;
 - (B) Proposed new lines and lines to be eliminated shall be so identified in written notation or by legend. Lines to be eliminated shall be dashed or otherwise drawn and shown to be merged so as to be clearly distinguished from and subordinate to the proposed new lines;
 - (C) All existing structures shall be accurately located on the map identifying the original parcels, together with their current existing uses;
 - (D) The distance from each existing structure to the nearest boundary line of the resulting parcel on which that structure will be located following the lot line adjustment shall be noted;
 - (E) The distance from existing wells, septic tanks, leach fields, and special sewage disposal systems to the nearest proposed boundary line of the resulting parcels shall be noted;
 - (F) The locations, purpose and width of all existing and proposed easements, streets and utilities shall be noted;
 - (G) The approximate location of all watercourses and existing drainage structures, including the location of any floodway and the top of the bank, if discernible, shall be noted;
 - (H) The recording information for any existing Williamson Act contract affecting any of the parcels involved in the lot line adjustment shall be noted on the site plan, and a copy of the contract shall be provided with the application; and
 - (I) All assessor's parcel numbers currently assigned to each parcel involved in the application shall be noted. In the case of newly recognized parcels, a copy of the vesting instrument, deed, or certificate reference shall be provided;
- (3) The signed consent and mailing addresses of all owners of recorded fee title interests and of all lienholders of record of each parcel involved in the lot line adjustment. For Corporations, LLCs, LPs, Companies, Non-Profits, Associations, and Partnerships, consent shall be evidenced by a copy of a resolution of the Corporation's Board of Directors designating which corporate officer(s) shall have the power to execute on behalf of the corporation, or documentation showing which individual(s) in an LLC, LP, Company, Non-Profit, Association or Partnership has authority to make decisions affecting real estate. If such owners and/or lienholders change after the application has been filed and before the lot line adjustment has been consummated by recordation of deeds, the signed consent of such

new owners and/or lienholders shall also be filed with the Zoning Administrator or the application shall be deemed withdrawn; and

- (4) An indemnification agreement together with a signed statement that the application is complete and accurate to the best of applicant's knowledge.
 - (5) An acknowledgment, signed by the applicant, stating that the applicant understands that the lot line adjustment is not an entitlement to build and that the requirements of this Title for water systems, wastewater treatment and disposal, and private on-site wastewater disposal facilities in Chapters 9-602, 9-604, and 9-605 must be met before a building permit can be issued.
- (c) **When an Application is Incomplete.** If an application for a lot line adjustment fails to contain any of the foregoing information, or if it is determined not to be in compliance with the Subdivision Map Act (Government Code Section 66410 et seq., Section 66412(d)), the Zoning Administrator shall determine it to be incomplete and the applicant shall be notified within 30 days of the date the application was received.

9-511.030 INITIAL REVIEW AND APPROVAL STANDARDS

- (a) **Referral for Comment.** Upon determining that an application is complete, the Community Development Department shall refer the application for comments to other public agencies as deemed necessary.
- (b) **Denial or Approval.** The denial or approval of the application by the Zoning Administrator shall take place no more than 60 days after the application was deemed complete.
- (c) **Standards for Review.** The Zoning Administrator shall approve the lot line adjustment if it meets the following standards at the time the filed application is deemed complete.
 - (1) The lot line adjustment will result in the transfer of property between at least two, but no more than four, existing adjoining legal parcels. Parcels are adjoining only if each of the parcels proposed for adjustment abuts at least one of the other parcels involved;
 - (2) The lot line adjustment will not create a greater number of parcels than originally existed.
 - (3) The lot line adjustment should not increase the number of parcels that do not meet the minimum parcel size for their zone. Parcels that equal or exceed the minimum parcel size established by the applicable zone shall not be reduced by the lot line adjustment to below the minimum parcel size unless an equal number of parcels involved in the lot line adjustment that are (a) located within the same zone and (b) are smaller than such minimum parcel size prior to the lot line adjustment will be increased by the lot line adjustment to exceed the minimum parcel size;

- (4) The adjusted parcels will comply with minimum lot dimensions for the applicable zone, unless compliance with such requirements is waived by variance in conjunction with the approval of the lot line adjustment;
- (5) No public utility easement shown on a Final Map or Parcel Map will be adversely affected by the lot line adjustment;
- (6) All parcels shall conform to the zone minimum of the parcel area before and after adjustment or at least not increase the number of existing, non-conforming parcels. Nonconforming parcels shall not be transferred from one zone classification to another zone classification.
- (7) If the parcel(s) or a portion of the parcel(s) to be adjusted are under a Williamson Act Contract or Farmland Security Contract, the property owner shall rescind the current contracts and shall enter into new contracts prior to recording the Notice of Lot Line Adjustment.
 - (A) The Notice of Lot Line Adjustment shall not be recorded until the Williamson Act Contract or Farmland Security Contract has been deemed complete for processing. Filing fees are required for this application. This requirement is pursuant to Government Code Section 51257.

9-511.040 WITHDRAWAL OF AN APPLICATION

- (a) **Right to Withdraw.** An applicant may withdraw the application for lot line adjustment at any time prior to recordation of the deeds by filing a written request for withdrawal with the Community Development Department or Designated Agent.
- (b) **Failure to File and Record Deeds.** Failure by the applicant to record the deeds consummating the lot line adjustment within one-year of the date of the recordation of the Notice of Lot Line Adjustment shall void all such approvals and be deemed a withdrawal of the application for the lot line adjustment.
- (c) **Extension of Time.** The Zoning Administrator may grant a one-year extension of time for recording the Notice of Lot Line Adjustment after approval of the lot line adjustment application. The request for the one-year time extension must be in writing to the Community Development Department prior to the expiration date of the approval and must state the reason for requesting the extension. A processing fee for this request shall be required.

9-511.050 FINAL PROCESSING OF AN APPLICATION

- (a) **Submission of Lot Line Adjustment and Legal Description(s).** When a lot line adjustment application has received approval from the Zoning Administrator, the applicant shall within 30 months from the date of approval provide the County Surveyor with legal description(s) and exhibit maps, wet stamped and signed by a California-licensed land surveyor or California-licensed civil engineer, consistent with the approval and demonstrating compliance with all approval standards for

lot line adjustments in this Chapter. The legal description(s) shall clearly describe each of the resultant parcels and shall contain the express statement of intent by the grantor to eliminate any underlying boundary lines consistent with the requirements of Civil Code Section 1093. No record of survey has to be submitted unless required by Business and Professions Code Section 8762.

- (b) **Notice of Lot Line Adjustment and Recording of Legal Descriptions.** Upon receipt of the legal descriptions required by Subsection (a), the County Surveyor shall review them and authorize the deeds to be recorded if the County Surveyor finds that the legal descriptions are consistent with the tentative approval of the lot line adjustment, including compliance with all of the approval standards for lot line adjustments in this Chapter. The County Surveyor will forward the legal descriptions to the Community Development Department to record with a Notice of Lot Line Adjustment. The Notice of Lot Line Adjustment shall then be recorded by the Community Development Department at the expense of the applicant. The Notice of Lot Line Adjustment shall be deemed final only when the consummating deed(s) to perfect the lot line adjustment have been recorded by the County Recorder.
- (c) **Legal Descriptions Inconsistent with Tentative Approval.** If the County Surveyor determines that the final legal description(s) of the lot line adjustment submitted as required by Subsection (c) are not consistent with the tentative approval, including compliance with the approval standards of the tentative approval, the County Surveyor will provide corrections for the legal descriptions and notify the applicant of such corrections in writing. Upon receipt of notice of corrections of the legal descriptions, the applicant shall have the right to resubmit revised legal descriptions to the County Surveyor as long as such resubmission occurs before expiration of the period specified in Subsection (a), exclusive of any time between submission of the legal description(s) to the County Surveyor and notification of the applicant that the legal description(s), as submitted, has been rejected.
- (d) **Required Statement on Legal Descriptions for Transfer.** Each legal description for transfer required by Subsection (c) shall include the following language in the express written statement of intent immediately following the legal description: "This parcel was involved in a lot line adjustment pursuant to which the boundaries of [insert number of parcels adjusted] parcels comprising [insert total acreage of parcels] acres were adjusted and is therefore subject to the applicable provisions of the Development Title of the County of San Joaquin Code of Ordinances."

9-511.060 ZONING ADMINISTRATORS DECISION FINAL

The approval or denial by the Zoning Administrator of a lot line adjustment is a final act and not subject to appeal.

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Chapter 9-512 Certificates of Compliance

Sections:

9-512.010	Purpose and Initiation
9-512.020	Review Procedures
9-512.030	Documents Constituting Certificates of Compliance
9-512.040	Real Property Approved for Development
9-512.050	No Guarantee of Development

9-512.010 PURPOSE AND INITIATION

The purpose of this Chapter is to provide a method of reviewing requests to determine the compliance of land with the Subdivision Map Act and this Title. A Certificate of Compliance shall be issued for any "real property which has been approved for development," as defined in Government Code Section 66499.34, upon request by the owner(s) of the real property or vendees of such owner(s) pursuant to a contract of sale of the property.

- (a) **Who May Request a Certificate.** An Application for a Certificate of Compliance may be made by any person owning real property subject to the provisions of this Title or a vendee of such person pursuant to a contract of sale of such property.
- (b) **Information and Fee Required.** Applications for Certificates of Compliance shall include a site plan and any other maps or documents required by the Zoning Administrator. A fee, as specified by resolution of the Board of Supervisors, shall be required.

9-512.020 REVIEW PROCEDURES

If the application is complete, the Zoning Administrator, in consultation with the County Surveyor, shall review the application for a Certificate of Compliance and make one of the following determinations based on that review:

- (a) **Issuance.** If the parcel is found to comply with the Subdivision Map Act and this Title, a Certificate of Compliance shall be issued; or
- (b) **Conditional Issuance.** If the parcel does not comply with regulations in effect at the time of its creation or does not comply with this Title, the parcel shall be found not to comply with the Subdivision Map Act and these Subdivision Regulations, and a Conditional Certificate of Compliance stating the conditions required to bring the parcel into compliance shall be issued, pursuant to Section 66499.35(b) of the Government Code.
 - (1) Only conditions that would have been applicable at the time the applicant acquired his or her interest in the property may be imposed.
 - (2) Conditions may not exceed the requirements at the time the parcel was created. However, if an applicant was the owner of record at the time of the

initial violation of the Subdivision Map Act or of local ordinances enacted pursuant to the Act, conditions may be imposed which are applicable to a current division of property.

- (3) Fulfillment of all conditions shall be required prior to issuance of any permit or grant of approval for development of the property.

9-512.030 DOCUMENTS CONSTITUTING CERTIFICATES OF COMPLIANCE

A recorded Final Map or Parcel Map shall constitute a Certificate of Compliance declaring all parcels described therein to be in compliance with the Subdivision Map Act and these regulations.

9-512.040 REAL PROPERTY APPROVED FOR DEVELOPMENT

A Certificate of Compliance shall be issued for any “real property which has been approved for development,” as defined in Government Code Section 66499.34, upon request by the owner(s) or the real property or vendees of such owner(s) pursuant to a contract of sale of the property.

9-512.050 NO GUARANTEE OF DEVELOPMENT

The granting of a Certificate of Compliance does not constitute a guarantee that the property may be built upon or developed.

Chapter 9-513 Revisions of Approved Actions

Sections:

9-513.010	Purpose and Initiation
9-513.020	Review Procedures
9-513.030	Findings

9-513.010 PURPOSE AND INITIATION

The purpose of this Chapter is to provide a method for allowing amendments to recorded maps as provided for in Section 66472.1 of the Government Code and to conditions of approved applications.

- (a) **Limitations on Procedure.** This procedure shall not be used for amendments to the face of a Tentative Map or a Vesting Tentative Map of an approved Major or Minor Subdivision Application. For such changes, a new Major or Minor Subdivision Application shall be filed.
- (b) **Initiation.** Applications for Revisions of Approved Actions may be initiated by the property owner or by the property owner's authorized agent. The application shall include such documents and other information required by the Zoning Administrator. A fee, as specified by resolution of the Board of Supervisors, shall be required.

9-513.020 REVIEW PROCEDURES

Applications for Revisions of Approved Actions shall be reviewed by the Zoning Administrator or the Planning Commission, whichever imposed the condition to be considered for amendment. Applications shall be reviewed and acted upon using the procedure specified below.

- (a) **Minor Subdivision Applications.** For amendments to conditions of a Tentative Map or a Vesting Tentative Map of an approved Minor Subdivision Application, the Zoning Administrator shall be the reviewing authority using the notice and hearing procedures for discretionary review in Chapter 9-802, Common Procedures.
- (b) **Major Subdivision Applications.** For amendments to conditions of a Tentative Map or a Vesting Tentative Map of an approved Major Subdivision Application, the Planning Commission shall be the reviewing authority using the notice and hearing procedures for discretionary review in Chapter 9-802, Common Procedures.
- (c) **Other Discretionary Applications.** For amendments to conditions of all other approved discretionary applications, the Zoning Administrator shall be the reviewing authority using the notice and hearing procedures for discretionary review in Chapter 9-802, Common Procedures.

- (d) **Parcel Maps or Final Maps.** For amendments to a Parcel Map or a Final Map, the Planning Commission shall be the reviewing authority, using the notice and hearing procedures for discretionary review in Chapter 9-802, Common Procedures. The Commission shall confine its review to consideration of and action on the proposed amendment.

9-513.030 FINDINGS

Prior to approving an application for Revisions of Approved Actions, the Zoning Administrator or the Planning Commission, as the case may be, shall make the following findings:

- (a) **Major or Minor Subdivisions.** For amendments to conditions of a Tentative Map or a Vesting Map of an approved Major or Minor Subdivision Application:
 - (1) There are changes in circumstances that make any or all of the conditions of the Tentative Map or the Vesting Tentative Map no longer appropriate or necessary; and
 - (2) The revised conditions of the Tentative Map or the Vesting Tentative Map conform to the provisions of Chapters 9-503 and 9-504.
- (b) **Other Discretionary Applications.** For amendments to conditions of all other approved discretionary applications, the Zoning Administrator shall find that all the findings required for the discretionary application under consideration shall continue to be true.
- (c) **Parcel Maps or Final Maps.** For amendments to a Parcel Map or a Final Map, the Planning Commission shall find that all of the following are true:
 - (1) There are changes in circumstances that make any or all of the conditions of such map no longer appropriate or necessary;
 - (2) The amendments do not impose any additional burden on the present fee owner of the property; and
 - (3) The amendments do not alter any right, title, or interest in the real property reflected on the recorded map.

Chapter 9-514 Time Extension

Sections:

9-514.010	Purpose and Initiation
9-514.020	Review Procedures
9-514.030	Time Extensions

9-514.010 PURPOSE AND INITIATION

The purpose of this Chapter is to provide a method for allowing time extensions for approved applications. Applications for Time Extensions may be initiated by the property owner or the property owner's authorized agent. The application shall include such documents and other information as required by the Zoning Administrator. The Time Extension Application shall be submitted to the Zoning Administrator prior to the expiration date of the original development application. A fee, as specified by resolution of the Board of Supervisors, shall be required.

9-514.020 REVIEW PROCEDURES

Applications for Time Extensions shall be reviewed and acted upon by the decision-maker that approved the original development application. Time Extension Applications shall be reviewed using the review procedure required for the original development application, except for the modifications specified below:

- (a) **Major or Minor Subdivisions.** If an application for an extension of the expiration date of an approved Major or Minor Subdivision Application is denied, the applicant may appeal the decision within 15 days of the denial.
- (b) **Vested Rights.** If an application for an extension of the expiration date of the vested rights in effect after the filing of a Parcel Map or Final Map is denied, the applicant may appeal the decision within 15 days of the denial.

9-514.030 TIME EXTENSIONS

- (a) **Automatic Time Extension.** Upon receipt of an application for Time Extension from the landowner (or the landowner's successor in interest) submitted prior to the expiration of the landowner's approved development application, the Zoning Administrator shall grant an automatic extension of the expiration date for a period of not to exceed 60 days, or until the application for Time Extension is approved, conditionally approved, or denied, whichever occurs first. The period of this automatic time extension shall be deducted from the time period for the Time Extension application that is subsequently submitted by the landowner for the development application.
- (b) **Time Extensions for Major or Minor Subdivisions.** Time Extensions for Major or Minor Subdivision Applications may be granted as follows:

- (1) An extension of the expiration of an approved Major or Minor Subdivision Application may be granted for a period or periods not to exceed six years. Upon receipt of an application for Time Extension, the approved Major or Minor Subdivision Application shall be automatically extended for 60 days, or until the application for Time Extension is approved, conditionally approved, or denied, whichever occurs first.
 - (2) An extension of the expiration date of the vested rights in effect after the filing of a Parcel Map or a Final Map may be granted for a period or periods not to exceed one year.
 - (3) An extension of the expiration date of an approved Major or Minor Subdivision application may be granted by the Zoning Administrator for period of time during which a lawsuit, involving the approval or conditional approval of the Tentative Map, is or was pending in a court of competent jurisdiction. The application for such an extension shall include documentation of the dates from when the lawsuit was filed with the court and when the case was dismissed, or a final judgment rendered by the court.
- (c) **Time Extensions for Other Development Applications.** Time Extensions for approved development applications may be granted by the Review Authority for a period or periods not to exceed two years.

Chapter 9-515 Notice Of Violation

Sections:

9-515.010	Intent
9-515.020	Tentative Notice of Violation
9-515.030	Response by Owner
9-515.040	Opportunity to Present Evidence
9-515.050	Action by Zoning Administrator

9-515.010 INTENT

The intent of this Chapter is to provide for notice of violations of provisions of this Series.

9-515.020 TENTATIVE NOTICE OF VIOLATION

Pursuant to the Subdivision Map Act, whenever the Zoning Administrator finds that any real property has been divided, or any boundary line of any parcel relocated, in violation of this Series, he or she shall cause to be mailed, by certified mail to the then current owner of record of the property, a notice of intent to record a Notice of Violation. This tentative Notice of Violation shall contain the following:

- (a) **Property Description.** A description of the real property;
- (b) **Record Owner.** The name(s) and address(es) of the owner(s) of record;
- (c) **Violations.** A description of the violation(s) alleged;
- (d) **Explanation.** An explanation as to why the subject parcel is not lawful under the relevant provisions of this Series and the Subdivision Map Act; and
- (e) **Notice of Meeting.** A time, date, and place where the Zoning Administrator will conduct a meeting to consider said violation(s) of this Series.

9-515.030 RESPONSE BY OWNER

Within 15 mailing days of receipt of the tentative Notice of Violation described in Section 9-515.020, the property owner of record shall inform the Zoning Administrator in writing of his or her objection to the recordation of a Notice of Violation and may request a meeting to present evidence as to why a Notice of Violation should not be recorded. Failure to so inform the Zoning Administrator shall result in a Notice of Violation being recorded with the County Recorder pursuant to Section 9-515.050.

9-515.040 OPPORTUNITY TO PRESENT EVIDENCE

A meeting requires pursuant to Section 9-515.020 shall be conducted no less than 30 days after the mailing of the tentative Notice of Violation. At the meeting the owners of the property shall be given the opportunity to present to the Zoning Administrator any evidence relevant to show why a Notice of Violation should not be recorded.

9-515.050 ACTION BY ZONING ADMINISTRATOR

After the owner has had the opportunity to present evidence at the meeting, the Zoning Administrator shall take either of the following actions:

- (a) **Clearance Letter.** Determine that there has been no violation and mail a clearance letter to the then current owner of record; or
- (b) **Notice of Violation.** Determine that the property has in fact been illegally divided and record a Notice of Violation with the County Recorder.

Series 600: Infrastructure Standards and Service Financing

Chapter 9-600 Infrastructure Standards: General Provisions

Sections:

9-600.010	Purpose
9-600.020	Requirements Applying to all Development
9-600.030	Service by an Existing Agency
9-600.040	Formation or Expansion of a Special District
9-600.050	Areas of Benefit
9-600.060	Acceptance and Maintenance of Public Facilities
9-600.070	Easements
9-600.080	Off-Site Rights-Of-Way
9-600.090	Fees and Fines
9-600.100	Violations
9-600.110	Right to Appeal

9-600.010 PURPOSE

This Chapter establishes the general requirements for infrastructure improvements. It is intended to ensure the provision of adequate infrastructure for new development, expansion of existing uses, and replacement of previous uses of property, consistent with the General Plan.

9-600.020 REQUIREMENTS APPLYING TO ALL DEVELOPMENT

The following requirements shall apply to all development, including all projects for which a building permit is required, unless otherwise exempted by this Title.

- (a) **Obligation to Provide Public Improvements.** All subdividers and developers shall grade and improve, or agree to grade and improve, all land dedicated or to be dedicated for public improvements. All improvements shall be designed and constructed to County specifications and standards for public works and shall conform to the approved Tentative Map or approved development project. The County may require the developer or subdivider to pay an in-lieu fee for the cost for off-site public improvements as part of a County construction contract. Unless otherwise specified, all public improvements must be dedicated to the public agency responsible for their maintenance and operation.

- (b) **Minimum Requirements.** The provisions of this Chapter are minimum requirements; the Director of Public Works shall determine whether the proposed improvements are adequate and appropriate for the site on which the project is, or is proposed to be, located and may condition approval on changes to them to conform to the standards of this Series.
- (c) **Geographical Areas.** The specific geographical area in which a development project is located shall provide the basis for determining the types of infrastructure that will be required. These geographical areas shall be those identified in the General Plan. In cases where boundary interpretations are required, the Zoning Administrator shall make these interpretations.
- (d) **Infrastructure Service Provided by Non-County Agency or Special Districts.**
 - (1) **Development Project Application Requirements.** All applications for development projects or projects where services are required (e.g., Zoning Clearances, use permits, major and minor subdivisions, and other permits) shall include a written statement from each agency or special district stating that the agency or special district will serve the proposed development project and has, or will have, the capacity to provide such service at the time of development.
 - (2) **Building Permits.** Building permits shall be issued only if the developer provides written confirmation from each agency or special district providing service that the agency or special district has authorized service to the project.
- (e) **Completion of Improvements.**
 - (1) **Major and Minor Subdivisions.**
 - (A) *Improvements Prior to Approval of Map.* The following improvements required by this Series shall be completed prior to approval of a Final Map or Parcel Map:
 - (i) Where the subdivision requires a water system including new wells, the wells and water system shall be designed and included on the improvement plans submitted for review and approval. The new wells shall be constructed and tested for quality and quantity in a manner satisfactory to the Environmental Health and Public Works Departments prior to acceptance by the maintaining agency or special district. The public water system shall comply with the requirements of Title 22 of the California Code of Regulations and the California Fire Code; and,
 - (ii) The public water system shall comply with Chapters 9-602 and 9-603.

- (iii) All other improvements required by this Chapter, or as a condition of approval, shall be completed to the satisfaction of the responsible department or agency, or be included in a subdivision improvement agreement, per Subsection (i), prior to approval of a Final Map or a Parcel Map.
- (B) *Improvements Prior to Issuance of a Building Permit.* The following improvements shall be completed to the satisfaction of the responsible department, agency, or special district prior to the issuance of a building permit unless a deferred completion is allowed pursuant to a subdivision improvement agreement and a deferred participation agreement pursuant to paragraph (i), below:
- (i) Where served by a public water system, that system shall be operational and provide adequate water quantity and pressure for fire protection and shall comply with the requirements of Title 22 of the California Code of Regulations;
 - (i) Roads and driveways shall be constructed to meet the minimum requirements of the California Fire Code, as adopted by the County, or County Improvement Standards, as applicable; and
 - (ii) Drainage facilities shall be approved by the Department of Public Works.
- (C) *Improvements Prior to Final Inspection.* All other improvements required by this Chapter, or as a condition of approval, shall be completed to the satisfaction of the responsible department, agency, or special district prior to the issuance of a Certificate of Occupancy or approval of a final building inspection. Adjacent sidewalks and roadways also are subject to inspection for possible damage during construction and whether repairs have been made to County's standards.
- (2) **Other Development Projects Requiring Building Permits or Public Improvement Plans**
- (A) *Improvements Prior to Issuance of a Building Permit.* Unless otherwise specified, the following improvements shall be completed to the satisfaction of the responsible department, agency, or special district prior to the issuance of a building permit unless a deferred completion is allowed pursuant to a subdivision improvement agreement and a deferred participation agreement pursuant to paragraph (i), below:
- (i) Where served by a public water system, that system shall be operational and provide adequate water quantity and pressure for

fire protection and shall comply with the requirements of Title 22 of the California Code of Regulations;

- (i) Roads and driveways shall be constructed to meet the minimum requirements of the California Fire Code and the Department of Public Works, as applicable; and
- (ii) Drainage facilities shall be approved by the Department of Public Works.

(B) *Improvement Prior to Final Inspection.* Unless otherwise specified, all improvements required by this Chapter, or as a condition of approval, shall be completed to the satisfaction of the responsible department, agency, or special district prior to the issuance of a Certificate of Occupancy or approval of a final building inspection.

- (f) **Irrevocable Offer of Dedication for Access and Other Off-site Improvements.** Applications for development projects shall be accepted only if the applicant provides, at applicant's cost for processing by the County, a dedication or an irrevocable offer of dedication from an adjacent or other property owner(s), if such a dedication or offer is deemed necessary by the Department of Public Works for access and for off-site improvements.
- (g) **Public Improvement Plan Requirement for Wastewater Disposal, Water, or Drainage System.** A Public Improvement Plan is required as part of an application for a development project that requires establishment of a new public wastewater disposal, water, or drainage system for the geographical areas to be ultimately served by such a system. The cost to prepare such an improvement plan may be included in an area of benefit if one is established for that system. If the development project is included in an existing Specific Plan, Special Purpose Plan, or Master Plan, the County may require that the Plan be updated or amended if the development project is proposing a significant change in the plan.
- (h) **Expansion of System Improvements.** The Planning Commission, the Director of Public Works, or the Zoning Administrator, whoever has permit approval authority, may require system improvements beyond those necessary for the proposed development project for the benefit of property not included in the development project when such improvements are deemed necessary for future development of an area, consistent with the General Plan. Upon completion and written acceptance of such improvements, they shall be deemed dedicated to the agency responsible for their maintenance and operation. The requirement for expanded system improvements shall be imposed in accordance with the provisions of Sections 66485 through 66489 of the Government Code. The criteria to be applied in determining whether expanded system improvements are to be required shall include, but are not limited to, the following:

- (1) Size, type, or location of the proposed development project;
- (2) Capacity of the existing system;
- (3) Undeveloped acreage within the service area of the County, the non-County agency, or special district;
- (4) Projected service demand within the service area of the County, the non-County agency, or special district; and
- (5) Future land uses within the service area of the agency as established by the General Plan.

An Area of Benefit, or other financing mechanism, may be established by the Board of Supervisors to reimburse the cost of the system improvements beyond those necessary for the proposed development.

- (i) **Improvement Plans for Public Improvements.** Public Improvement Plans prepared by a California-registered professional engineer are required for construction of any required public improvements. These plans shall consist of drawings, details, and specifications sufficient to describe the construction of the improvements and to bid the project for construction. Public Improvement Plans shall be submitted for review and approved by the agency providing the service prior to approval by the Department of Public Works. All Public Improvement Plans must be approved by the Director of Public Works prior to submitting any Final Map for acceptance by the County and prior to construction of any subdivision improvements or prior to issuance of any building permit for development on the site.
- (j) **Guarantees Provided by Developers Relative to Improvements.**
 - (1) **Subdivision Improvement Agreement.** If any public or private improvements are required as a condition to the approval of a Final Map or Parcel Map, a subdivision improvement agreement shall be executed between the developer and the County guaranteeing construction of the improvements within a specified period.
 - (2) **Deferred Improvement Participation Agreement.** If the Director of Public Works allows any required infrastructure improvements to be deferred, a deferred improvement participation agreement shall be executed between the developer and the County providing a guarantee or warranty of construction of these improvements.
 - (3) **Agreement Security.** Any agreements to install public or private reflecting the approved improvement plans improvements shall be secured in accordance with the provisions of Section 66499 of the Subdivision Map Act. The amount of the security shall be based on a construction cost estimate

prepared by the developer's engineer reflecting the approved improvement plans and approved by the Department of Public Works. Securities are intended to guarantee construction of approved improvements and not design of future improvements. Unit costs shall be determined by the Department of Public Works, based on costs for similar work on County Public Works projects. Security for improvements shall be provided as follows:

- (A) *Faithful Performance Bonds.* Where public and private improvements are required by the provisions of this Division, the subdivider shall provide a faithful performance bond guaranteeing the faithful performance of all work, excluding work to be performed by public utilities, in a sum equal to 100 percent of the estimated cost of such work as provided in Sections 66499 and 66499.1 of the Subdivision Map Act. The subdivider shall also guarantee labor and materials in an amount equal to 50 percent of the faithful performance bond as provided in Section 66499.3 of the Subdivision Map Act. This sum shall include any other fees that may be required by the Department of Public Works.
- (B) *Bonds by Surety Companies.* All tax bonds for special assessments as required by California Government Code Section 66493 and all faithful performance bonds referred to in this Section shall be furnished by a surety company authorized to write the same in the State of California and shall be subject to the approval and acceptance of the Board of Supervisors. The form and contents of the bond shall comply with the applicable provisions of Government Code Sections 66499.1 through 66499.5
- (C) *Money or Securities.* In lieu of any faithful performance bond or tax bond required by this Section, the subdivider may furnish security as defined in Government Code Section 66499, subject to approval of the Board of Supervisors.
- (D) *Forfeiture or Failure to Complete.* Upon the failure of a subdivider to complete any improvement within the time specified in an agreement or extension thereof, the Board of Supervisors may, as specified within the agreement, upon notice in writing of not less than 20 days served by registered mail, addressed to the last known address of the person, firm, or corporation signing such contract, determine that said improvement work or any part thereof is uncompleted and may cause to be forfeited to the County, the Flood Control District, or any other public agency or special district with ultimate responsibility for the improvements such portion of said sum of money or bonds given for the

faithful performance of this work as may be necessary to complete such work.

- (k) **Payment for Fees Related to Areas of Benefit.** In the event that the Board of Supervisors has established an Area of Benefit, the subdivider or developer within the Area of Benefit shall pay to the County the proportionate share of the costs established under the Area of Benefit and an administrative fee as set forth in the Ordinance creating the Area of Benefit prior to the approval of any Final Map or Parcel Map, if applicable, or upon issuance of a certificate of occupancy or a final inspection, whichever occurs last, for any development project on the site.

9-600.030 SERVICE BY AN EXISTING AGENCY

Whenever the County requires a proposed development project to be served by an existing agency and the proposed development project lies outside of the service area of the agency and the agency requires the proposed development project be annexed before providing the required service, the annexation shall be completed prior to issuance of a building permit or approval of any Final Map or Parcel Map, whichever occurs first.

9-600.040 FORMATION OR EXPANSION OF A SPECIAL DISTRICT

When the County has determined that a new district is needed to provide service or an existing district is to be expanded, the developer shall file an application or request the County to file, as applicable, for district formation with the Local Agency Formation Commission. The County shall not approve any development that requires the formation of additional districts where an existing Agency is already providing the service. In this context, new districts may include community facilities districts formed under the Mello-Roos Community Facilities Act and maintenance districts (assessment districts) formed under the 1911 Improvement Act by the Board of Supervisors.

- (a) **County Service Area.** The new district shall be formed prior to the approval of the Final Map or Parcel Map, or prior to the issuance of any building permit for a development project on the site.
- (b) **Infrastructure Maintenance and Operation.** The new district or the district expansion shall provide for the maintenance and operation of the infrastructure and shall include all the area proposed for the development project.
- (c) **Expansion of Special Districts.** When the County has determined that a district is to be expanded to provide service, the developer shall file an application or request the County to file, as applicable, for expansion of district powers with the Local Agency Formation Commission. The County shall not approve any development that requires the expansion of additional districts where an existing Agency is already providing the service.

- (1) The district expansion shall be completed prior to the approval of the Final Map or Parcel Map, or prior to the issuance of any building permit for other development projects.
- (2) The district expansion shall provide for the maintenance and operation of the infrastructure and shall include the entire development project.

9-600.050 AREAS OF BENEFIT

The Board of Supervisors may establish an Area of Benefit and collect fees for:

- (a) The construction of water, sewer, or drainage facilities pursuant to Section 66483 of the Government Code;
- (b) The construction of bridges or major thoroughfares pursuant to Section 66484 of the Government Code; and
- (c) The construction of other improvements, including water facilities, deemed necessary by the County in accordance with the procedures specified in Section 66483 of the Government Code.

The fees shall include the cost of engineering and the cost of establishing the Area of Benefit in addition to the actual cost of facilities.

9-600.060 ACCEPTANCE AND MAINTENANCE OF PUBLIC FACILITIES

- (a) For those public facilities to be operated and maintained by a County agency or a County- administered special district, the County will not accept the responsibility of maintenance of public improvements until final completion and written acceptance of all items by the Director of Public Works.
- (b) For those public facilities to be operated and maintained by other public agencies, each respective agency must approve and accept the improvements it will operate and maintain.

9-600.070 EASEMENTS

Easements for facilities outside of public rights-of-way must be granted to the County when the County deems it necessary for proper operation and maintenance of the public facilities. The easements are to be deeded for the purpose of access, operation, repair, replacement, alteration, and maintenance and shall not interfere or conflict with other existing easements. All development projects that have publicly-owned easements must provide covenants running with the land stating that no buildings, fills, excavations, structures, fences, or other alterations will be constructed within the publicly-owned easement without the express written consent of the Director of Public Works.

9-600.080 OFF-SITE RIGHTS-OF-WAY

Where it is necessary, as determined by the County, to extend improvements beyond the boundaries of the development project for adequate traffic, drainage, flood control, or water and sewer service needs, the developer shall be required to acquire and dedicate, or submit verification of the ability to acquire and dedicate, the necessary easement or right-of-way to accommodate such improvements prior to the approval of a development project application.

9-600.090 FEES AND FINES

Fees for inspections or permits issued pursuant to this Chapter shall be set by resolution of the Board of Supervisors. Development impact fees and exactions established by this Title are due upon issuance of a certificate of occupancy or the final inspection, whichever occurs last. All fees and fines collected under the provisions of this Chapter shall be paid into the County Treasury, to the credit of the Environmental Health Department or the Department of Public Works, as appropriate.

9-600.100 VIOLATIONS

The Director of the Environmental Health Department shall be responsible for enforcement of this Chapter. Any violation of this Chapter shall constitute a public nuisance subject to enforcement under the provisions of Chapter 9-815, Enforcement, and Title 8, Division 5 of this Code, also known as the Housing and Nuisance Abatement Code.

9-600.110 RIGHT TO APPEAL

Any appeal of a notice of violation shall first be filed with the issuing department within 30 days of notification of the violation. The procedure shall be as follows:

- (a) Upon receipt of a written appeal, the Director of Environmental Health or the Director of Public Works, as the case may be, shall schedule a hearing to attempt to resolve the matter within not less than days and not more than two days from the date of receipt of a written appeal.
- (b) Notice of the office hearing shall be sent to the appellant by registered or certified mail and to the property owner if different from the appellant, and anyone else who has requested in writing to receive such notice.
- (c) If the matter is resolved with a determination that a violation did occur or continues to occur, the cost of the hearing shall be added to the expenses incurred by the County in abating the nuisance and shall be billed to the owner as part of the Statement of Expense.

- (d) If the matter is not resolved at the hearing, the appellant may file a written appeal with the Clerk of the Board of Supervisors within 30 days of receipt of the written decision of the hearing official.
- (e) If the matter is appealed to the Board of Supervisors and the appeal results in a finding of a violation, the cost of the hearing before the Board of Supervisors will be added to the cost of abatement and included on the Statement of Expense.
- (f) If the property is not brought into compliance and no appeal to the Board of Supervisors has been filed within the time specified, the Environmental Health Department or Public Works Department shall submit a resolution to be placed on the consent calendar of the Board of Supervisors approving the Statement of Expense, which must then be paid by the owner.

Chapter 9-601 Water Well and Well Drilling Regulations

Sections:

- 9-601.010 Purpose and General Requirements
- 9-601.020 Public Water System Connections
- 9-601.030 Compliance Required

9-601.010 PURPOSE AND GENERAL REQUIREMENTS

This Chapter specifies the minimum regulations for the use of water wells.

- (a) **Where Not Allowed.** Private, on-site domestic water wells shall not be approved where public water systems are available.
- (b) **Well Permit Required.** A Well Permit is required and must be approved by the Director of the Environmental Health prior to digging, drilling, boring, driving, repairing, or destroying any well; or repairing, replacing, installing, or sealing a pump for use on any well. The permit is required whether the well is to be used for domestic, irrigation, testing, geophysical, seismic, subsurface boring, monitoring, injection, extraction, vapor probe, cathodic protection, or other purposes. A permit is not necessary to replace or repair equipment if the sanitary seal is not broken.
 - (1) **Requirements for Application.** Applications for Well Permits must be initiated by a well driller licensed by the State of California. Applications shall be filed with the Environmental Health Department. A request for a Well Permit shall include a site plan which clearly delineates the location and characteristics of the proposed use.
 - (A) *Review Procedures.* Well Permit applications shall be reviewed by the Director of the Environmental Health Department. A pre-application Conferences is not required, and the time limit for approval shall be one year
 - (2) **Filing Deadline.** The application shall be filed and accepted as complete at least 48 hours prior to commencing on-site work.
 - (3) **Conditions for Development.** A Well Permit shall be approved by the Director of the Environmental Health only if the following conditions are met:
 - (A) The proposed well shall not be offensive, dangerous, or injurious to health, or create a nuisance;
 - (B) The proposed well complies in all respects to the standards of the Environmental Health Department for the construction of wells; and

- (C) Upon completion of the well, the applicant or the Well Contractor shall file a copy of a Well Drillers Report with the Environmental Health Department.
- (c) **Inspection of Permitted Work.** The well site, location, material, and methods used may be inspected by the Director of Environmental Health at any time prior to or during construction or destruction of any well. The Director of Environmental Health shall be informed when the work is completed and, thereafter, shall make a final inspection. Work done under a water well permit shall not be covered, concealed, or put into use until it has been inspected and approved by the Director of Environmental Health.
- (d) **Changes May Be Ordered.** The Director of Environmental Health may order changes in the location of water wells and in the methods, means, and manner of constructing water wells to eliminate a risk to the health of human beings or animals or a detriment to groundwater sources. The Director of Environmental Health shall designate the time within which such changes are to be made.
- (e) **Interim Permits.** The Director of Environmental Health may approve Interim Permits for a specific time when the requirements of this Chapter are found to be impracticable or unnecessary. In approving an Interim Permit, the Director of Environmental Health shall prescribe all conditions necessary to protect the public health.
- (f) **Emergency Repairs.** In the event of an emergency, as evidenced by lack of water, repairs may proceed without a permit. Emergency repairs include the construction of a new well, or the repair, deepening, or replacement of a well or pump. All work done under emergency conditions shall comply with the standards adopted pursuant to this Chapter. In all such cases, the owner or contractor must file a statement that this was an emergency repair and the reason for the repair. Application for emergency repairs must be made within 48 hours after such repairs are begun, excluding weekends and holidays.

9-601.020 PUBLIC WATER SYSTEM CONNECTIONS

All wells are subject to the following regulations:

- (a) **Sanitary Seal.** All wells shall have a sanitary seal.
- (b) **Concrete Platform or Slab.** All wells, except cathodic protection wells, shall have a concrete platform or slab constructed to prevent the entrance of surface water from any source into the well or the underground water source.
- (c) **Disinfection.** After the construction or repair of all water wells and prior to the use of the well, the well and all appurtenances thereto shall be adequately disinfected.
- (d) **Grout Seal.** All water wells shall have a grout seal in the annular space.

- (e) **Abandonment of Wells.** Upon determination that any well is abandoned as provided in the rules and regulations adopted pursuant to this Chapter, that well must be destroyed in the manner prescribed so that entrance of degraded or contaminated water into usable aquifers, or creation of a safety hazard, are minimized.
- (f) **Destruction of Wells.** The Director of Environmental Health is authorized, after reasonable efforts to eliminate pollution, contamination, or a safety hazard, to enforce the permanent abandonment by destruction of any well that is polluted, contaminated, or is so located as to become polluted or contaminated or is a safety hazard. The Director of Environmental Health also is authorized to destroy any such well and to recover the cost of the destruction from the owner of the property on which the well is located.
- (g) **Out-of-Service Wells.** If the owner intends to cease use of a well for six months or more, the owner shall inform the Director of Environmental Health. Such a well shall be protected from any source of contamination while the well is temporarily out of service. The owner shall continue to maintain such a well as required by this Chapter.
- (h) **Required Notice for Dewatering Wells.** The Director of Environmental Health shall be notified prior to installing dewatering wells in areas of known contamination. The Director of Environmental Health shall be notified immediately of areas where contamination is encountered and cease operation until clearance from the Director of Environmental Health is obtained.
- (i) **Compliance with Standards.** The Board of Supervisors shall adopt uniform standards for the construction, installation, alteration, and modification of the facilities subject to this Chapter based on investigation, inspection, and tests and accepted standards. These standards may be amended as necessary by the Board of Supervisors. The standards shall not conflict with the requirements of this Title or the laws of the State of California. All well facilities shall be constructed or modified only if they comply with the adopted standards.
- (j) **Areas of Poor Water Quality.** In all areas of the County where poor quality water could infiltrate good quality groundwater due to well construction, special requirements will be set to protect the good quality water. These areas of water quality problems shall be identified by the Director of Environmental Health based on the best available information and adopted pursuant to Section 9-603.020.
- (k) **Prohibitions.** The following uses are hereby prohibited.
 - (1) **Well Pits.** The construction, use, or installation of well pits.
 - (2) **Separate Wells.** The provision of water to a residence from an off-site private, domestic water well located on a separate recorded parcel.

9-601.030 COMPLIANCE REQUIRED

It shall be unlawful to maintain or use any residence, place of business, or other building or place where persons reside, congregate, or are employed which is not provided with a means for the disposal of wastewater that complies with the requirements of this Chapter and the standards relating to wastewater disposal established by the Director of Environmental Health.

Chapter 9-602 Water Systems

Sections:

9-602.010	Purpose and General Requirements
9-602.020	Specific Requirements for Water Systems
9-602.030	Water Systems in Urban Communities
9-602.040	Water Systems in Rural Communities
9-602.050	Areas Outside of Urban Communities
9-602.060	Agricultural Zones
9-602.070	Subdivision of Existing Developed Properties
9-602.080	Antiquated Subdivisions

9-602.010 PURPOSE AND GENERAL REQUIREMENTS

This Chapter specifies the requirements for water systems in both new and existing development. The following requirements apply to all development requiring facilities and services for water supply, unless otherwise specified in this Title.

- (a) **Compliance with Environmental Health Department and Agency Requirements.** When connection to a public water system is not required by the County, the water system shall comply with the requirements of the Environmental Health Department.
- (b) **Approval by Other Agencies for Public Water Systems.** For development projects requiring a public water system, the water system shall meet the requirements of the County Fire Warden, the Environmental Health Department, the Public Works Department, and the public agency or district providing the service.

9-602.020 SPECIFIC REQUIREMENTS FOR WATER SYSTEMS

- (a) **Standards.** The standards for water systems are as follows:
 - (1) **Minimum Requirements.** Any development project shall, at a minimum, provide a water system meeting the requirements of Title 22 of the California Code of Regulations and the well standards in Chapter 9-601, Water Well and Well Drilling Regulations, if applicable, or the standards of the agency that will operate and maintain the public water system.
 - (2) **Quantity of Water Required.** Sufficient water shall be always available from the water sources and distribution reservoirs to supply adequately, dependably, and safely the total requirements of all users under maximum demand conditions, including water for domestic and fire protection purposes. The water system must be able to maintain a minimum pressure of 20 pounds per square inch (psi) at all water service connections in the system under all conditions and at all times.

- (3) **Individual Wells.** For development where individual wells are an acceptable water system, at least one test well shall be developed and tested for quality and quantity prior to issuance of a building permit.
 - (A) Where topography, geological conditions, site specific conditions, or information from existing wells is unavailable, the Environmental Health Department may require additional test wells. The Environmental Health Department also may require a test well on each lot.
 - (B) Test wells shall be pumped in a manner satisfactory to the Environmental Health Department and shall produce for a single-family residence a minimum of five gallons per minute if tested during the period from January 1 through June 30 or a minimum of three gallons per minute if tested during the period from July 1 through December 31. Wells to serve other uses shall produce a minimum of the design source capacity.
 - (C) The requirements for test wells may be waived by the Environmental Health Department if sufficient well information has been developed for the site or the surrounding area to assure adequate potable water.
- (4) **Wells as part of a Public Water System.** Where a public water system for a subdivision is proposed to include new wells, results from test wells shall be submitted to the Public Works and the Environmental Health Departments. The new wells and water system shall be designed and included on the improvement plans. The improvement plans containing the public water system are required to be approved prior to approval of the Final or Parcel Map. The new wells shall be constructed and tested for quality and quantity in a manner satisfactory to the Environmental Health and Public Works Departments prior to acceptance by the maintaining agency or special district. Water quality shall meet drinking water standards of the State of California and be acceptable to the Environmental Health and Public Works Departments. If necessary to meet the water quality standards, additional treatment facilities shall be constructed and be operational prior to putting the well into service.
 - (b) **Areas Not Served by Public Water System.** In areas not served by a public water system, any commercial or industrial development proposed on an existing lot shall require an Administrative Use Permit or, if required by the zone for a specific use, a Conditional Use Permit.
 - (c) **Existing Private Water Wells.** Upon connection to a public water system, any existing on-site water well(s) shall be destroyed, or an approved backflow prevention device shall be installed at the service connection, in accordance with the regulations of the Environmental Health and Public Works Departments.

- (d) **Extension of Water Main.** When the Director of Public Works or the serving agency determines that extension of a water main through a project or along a project parcel frontage is necessary for the orderly provision of water service to an area, the developer shall extend the water main in accordance with agency design standards.
- (e) **Capacity of Existing Water System.** If an existing water system is required to serve the development project but does not have capacity to serve a development project, the developer shall provide for additional capacity either by constructing off-site water system facilities or contributing funds to the serving agency for system expansion. The serving agency shall determine which option is appropriate.
- (f) **Development Projects Using Existing Structures.** Development projects using existing structures and adding no new structures shall be served by a public water system if there is an existing water main within 200 feet of the nearest property line. Otherwise, an existing on-site water system may be used, subject to the approval of the Environmental Health Department.

9-602.030 WATER SYSTEMS IN URBAN COMMUNITIES

Within urban communities identified in the General Plan, required public water systems shall be provided by an existing public agency or district or, where there is no public agency or district providing water in the community, by a new agency or district. For Rural Residential uses within urban communities, individual private wells may be permitted, subject to the approval of the Environmental Health Department, provided the lots are two acres or larger; no public water system exists; and groundwater is of a sufficient quantity and quality, as determined by the Environmental Health Department.

- (a) **Subdivisions With Parcels Less Than Two Acres.** Subdivisions with parcels less than two acres shall be served by a public water system.
- (b) **Subdivisions With Parcels Two Acres or Larger.** Subdivisions with parcels two acres or larger shall be served by a public water system, except for Rural Residential subdivisions if there is no public water system within 700 feet, the Rural Residential subdivision may be approved with an on-site well system, subject to the approval of the Environmental Health Department.
- (c) **Development Projects on Existing Parcels.** Development projects on existing parcels shall be served by a public water system. Exceptions for parcels over two acres in size may be granted, subject to the approval of the Environmental Health Department. No reduction in size shall be allowed for parcels served by public drainage or sewer systems.

9-602.040 WATER SYSTEMS IN RURAL COMMUNITIES

Unless otherwise provided in Sections 9-602.050 through 9-604.080, within rural communities water supply shall be provided as follows:

- (a) **Development Projects and Subdivisions.** Development projects with lots two acres or larger shall be served by a public water system except that if there is no public water system within 200 feet, an on-site well system may be used subject to the provisions of Section 9-602.020.
- (b) **Lots Less Than Two Acres.** Development projects and subdivisions with lots less than two acres shall be served by a public water system. Exceptions may be granted by the Director of Public Works if the Director determines that the existing system has no capacity, or the parcel cannot be annexed to an existing water district. If an existing water main is not within 200 feet, the development project may use an on-site well subject to the provisions of Section 9-602.020.

9-602.050 AREAS OUTSIDE OF URBAN COMMUNITIES

- (a) **I-L, I-P, and I-G Industrial Zones** Development within the Limited Industrial (I-L), Industrial Park (I-P), and General Industrial (I-G) zones outside of urban communities shall be served by a public water system planned to serve the entire industrial area unless the Environmental Health Department approves use of an existing on-site water system pursuant to Section 9-602.010.
- (b) **Warehouse and Truck Terminal Zones.** Development within the Warehouse (I-W) and Truck Terminal (I-T) zones may utilize an on-site well system.
- (c) **Freeway Service Commercial Zone.** Development projects within a Freeway Service Commercial (C-FS) zone shall be served by a public water system planned to serve at least each side of the freeway service area.
- (d) **Commercial Recreation Zone.** Development projects within a Commercial Recreation (C-R) zone that are outside of urban communities shall be served by a public water system.

9-602.060 AGRICULTURAL ZONES

Development projects within agricultural zones may use an on-site well system subject to the provisions of Section 9-601.020.

9-602.070 SUBDIVISION OF EXISTING DEVELOPED PROPERTIES

- (a) **Existing buildings.** Subdivision of parcels with existing primary buildings on each new lot shall not be required to meet the water supply requirements specified in this Chapter.
- (b) **Remainder Parcels.** Undeveloped, designated remainder parcels created under the provisions of this section shall meet the requirements of this Chapter prior to any grant of approval for a development project or issuance of a building permit on the remainder parcel.

9-602.080 ANTIQUATED SUBDIVISIONS

For existing lots in antiquated subdivisions, service by a public water system is required for issuance of a building permit for new residences on parcels less than two acres in size. An on-site water system may be acceptable for lots two acres and larger, subject to the general requirements of Section 9-602.020.

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Chapter 9-603 Water Quality Regulations

Sections:

- 9-603.010 Purpose and Authority
- 9-603.020 Specific Requirements
- 9-603.030 Violations and Enforcement

9-603.010 PURPOSE AND AUTHORITY

This Chapter prohibits the discharge of wastes into the surface and ground waters of the County, consistent with water quality objectives, to reduce the adverse cumulative effect or possible adverse cumulative effect which may result from the discharge of wastes and ensure that no nuisances are created. These regulations are enacted pursuant to the Porter-Cologne Water Quality Control Act, Department 7, Chapter 1, Section 13002 (a) and (b) and include conditions, restrictions, or limitations for the disposal of waste or any other activity that might degrade the quality of the waters of the State. This is done for the following reasons:

- (a) **Public Interest.** It is in the best public interest of the citizens of the County to provide and be provided with the best quality of water possible;
- (b) **Environmental Quality.** The quality of water affects the quality of the environment as well as its economic value;
- (c) **Beneficial Uses.** The surface waters and ground waters of the County provide beneficial uses that include, but are not necessarily limited to, domestic, municipal, agricultural, and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves; and
- (d) **Welfare.** It is the responsibility of the Environmental Health Department to preserve and protect water quality for the health and welfare of the citizens of the County.

9-603.020 SPECIFIC REQUIREMENTS

- (a) **Discharge Adjacent to Waterway.** It shall be unlawful to dump or discharge any treated or untreated waste within 150 feet of the high-water mark of any watercourse or impoundment for either natural or unnatural surface water or at any other location where the discharge may be detrimental to the surface or ground waters of the County. All wastewater discharges shall meet the discharge standards set by the State Regional Water Quality Control Board (RWQCB) and the requirements contained in this Chapter.
- (b) **Compliance with Standards Required.** The Board of Supervisors shall adopt and may from time to time amend standards for implementation of this Chapter. Such standards shall not conflict with this Title or with the laws of the State of California.

The standards shall be adopted only after the Board has considered the matter at a public hearing at which all interested persons have been afforded the opportunity to urge or oppose adoption of the proposed standards. This Chapter and these standards shall not be a limitation on the power of any city or political subdivision to develop and/or enforce laws and/or standards that are equal to, or more restrictive than, the County's standards.

9-603.030 VIOLATIONS AND ENFORCEMENT

- (a) Violation of the provisions of this Chapter shall constitute a public nuisance and, if not made to conform, shall be subject to the enforcement procedures outlined in Chapter 9-805, except that the Director of Environmental Health shall be responsible for enforcement.
- (b) The Director of Environmental Health shall have authority to review discharge requirements set by the State Regional Water Quality Control Board (RWQCB) and impose more restrictive discharge requirements not in conflict with RWQCB regulations.
- (c) When determined to be necessary, the Director of Environmental Health shall notify owners of wells on properties adjacent to property containing a well on an adjacent property has been identified as containing contaminants above the maximums set in California drinking water standards.

Chapter 9-604 Wastewater Treatment and Disposal

Sections:

9-604.010	Purpose and General Requirements
9-604.020	Wastewater Disposal in Urban Communities
9-604.030	Rural Communities
9-604.040	Areas Outside of Urban Communities
9-604.050	Agricultural Zones
9-604.060	Subdivision of Existing Developed Properties
9-604.070	Antiquated Subdivisions
9-604.080	Expansion Capability of Wastewater Treatment

9-604.010 PURPOSE AND GENERAL REQUIREMENTS

This Chapter specifies the requirements for wastewater treatment and disposal for development projects. The following requirements for wastewater disposal apply to development, unless otherwise specified in this Title:

- (a) **Compliance with Environmental Health Department and Agency Requirements.** Public wastewater treatment and disposal systems shall comply with the requirements of the Public Works and Environmental Health Departments and the agency or district providing wastewater treatment and disposal services. Private on-site wastewater disposal shall comply with the requirements in Chapter 9-605, Private On-Site Wastewater Disposal Facilities.
- (b) **Wastewater Service by District or Agency.** Development projects requiring wastewater service by a public agency or district shall be served by a public wastewater treatment and disposal system.
- (c) **Written Confirmation for Building Permits.** Applications for building permits shall include written confirmation that the development project meets the requirements of this Chapter. For public systems, this confirmation shall be given by the agency or district providing the services to the Environmental Health Department
- (d) **Suitability of an Area for Septic Tank Usage.** The suitability of an area proposed for septic tank usage shall be determined prior to approval of a General Plan Amendment or Zone Reclassification application, the approval of a Parcel Map or Final Map, or the issuance of a building permit for development on the site. The suitability shall be determined by the Environmental Health Department based on the following criteria:
 - (1) The intensity and extent of the existing and the proposed development project's use of septic tanks on the site;

- (2) The suitability of the soil for utilizing septic systems, including percolation rates and soil profiles;
 - (3) The depth and gradient of the water table;
 - (4) The history of past uses in the project area to assess potential problems;
 - (5) Other information as required by the Environmental Health Department to determine the cumulative effect of the existing and the proposed development project on groundwater contamination; and
 - (6) In non-agricultural zones, septic systems will only be considered for lots two acres or more in size, except in areas zoned Rural Residential, where lots one acre or more in size will be considered if served by a public water system and public storm drainage system.
- (e) **Mandatory Connection within Two Hundred Feet.** Any expansion of an existing use on an existing lot shall require the project to be served by a public wastewater disposal system if:
- (1) The expanded use generates additional wastewater; and
 - (2) The sewer main is within 200 feet of the nearest building.
 - (3) Exceptions may be granted if the project site meets the requirement for on-site wastewater disposal and:
 - (A) The Director of Public Works determines that the existing public wastewater disposal system has no capacity to accommodate additional sewage; or
 - (B) The site cannot be annexed to the existing sewer district at a reasonable cost and no health hazard would be posed by allowing on-site disposal in an area judged by the Director of Environmental Health to be suitable for septic tank use.
- (f) **Extension of Sewer Main.** When the Director of Public Works determines that extension of the sewer main through a project or along a project parcel frontage is necessary for the orderly provision of wastewater disposal service to an area, the developer shall extend the sewer main in accordance with the serving agency's design standards.
- (g) **Capacity of Existing Wastewater Disposal System.** If the existing wastewater treatment and disposal system is required to serve a development project but does not have capacity to serve a development project, the developer shall provide for additional capacity either by constructing off-site wastewater treatment and disposal system facilities or contributing funds to the serving agency for system expansion. The serving agency shall determine which option is

appropriate. The existing wastewater treatment and disposal system shall have the capacity to serve the development project prior to the certificate of occupancy or final permitting, as determined by the agency or special district providing the service.

- (h) **Development Projects Using Existing Structures.** Development projects using existing structures only and adding no new structures shall be served by a public wastewater disposal system if there is an existing sewer main within 200 feet of the nearest property line unless the Director of Public Works grants an exception pursuant to Section 9-604.010 (e) above. Otherwise, on-site wastewater disposal may be utilized subject to the provisions of this section.
- (i) **Community Sewage Treatment Systems.** For community sewage treatment systems, the average dry weather daily sewage flow quantity for residential developments, which is used to design the system, shall be based on the maximum number of allowable dwelling units per the General Plan designation, including accessory dwelling units, and additions. This number may be reduced subject to recorded deed restrictions.

9-604.020 WASTEWATER DISPOSAL IN URBAN COMMUNITIES

Within urban communities identified in the General Plan, required public wastewater disposal systems shall be provided by an existing public agency or district or, where there is no public agency providing wastewater disposal services in the community, by a new agency or district.

- (a) **Development Projects.** Development projects within urban communities shall be served by a public wastewater disposal system, except within the following General Plan map designations on-site wastewater treatment and disposal may be used subject to the provisions of Section 9-601.020: Rural Residential (R-R), Commercial (C-N, C-C, C-O, and C-G) adjacent to Rural Residential (R-R), and Warehouse Industrial (I-W) zones.
- (b) **Development Projects on Existing Vacant Parcels.** Development projects on existing vacant parcels shall be served by a public wastewater disposal system. Exceptions for parcels over two acres in size and parcels less than two acres in size, where the waste discharge will be limited to domestic waste only, may be granted subject to the general requirements of Section 9-604.010.

9-604.030 WASTEWATER DISPOSAL IN RURAL COMMUNITIES

Within rural communities identified in the General Plan, wastewater treatment and disposal may be provided on-site, subject to the general requirements of Section 9-604.010. Otherwise, the development project must be served by a public wastewater disposal system.

9-604.040 WASTEWATER DISPOSAL IN AREAS OUTSIDE OF URBAN COMMUNITIES

- (a) **I-L, I-P, and I-G Industrial Zones.** All development must comply with Section 9-604.010. In addition, as required by the General Plan, development projects in the Limited Industrial (I-L), Industrial Park (I-P), and General Industrial (I-G) zones outside of urban communities or on land rezoned to these zones after ___ (*the effective date of the ordinance codified this requirement*) shall be served by a public wastewater disposal system planned to serve the entire industrial area. The Environmental Health Department may authorize use of on-site wastewater disposal subject to the general requirements of Section 9-604.010 upon finding that an on-site wastewater treatment and disposal system would meet the State Water Resources Control Board On-site Wastewater Treatment System Policy and the Board-approved Local Agency Management Plan.
- (b) **Warehouse and Truck Terminal Zones.** Development projects within Warehouse (I-W) and Truck Terminal (I-T) zones may utilize on-site wastewater disposal subject to the general requirements of Section 9-604.010. Otherwise, the development project shall be served by a public wastewater disposal system.
- (c) **Freeway Service Commercial Zone.** Development projects within a Freeway Service Commercial (C-FS) Zone shall be served by a public wastewater disposal system planned to serve at least each side of the freeway service area.
- (d) **Commercial Recreation Zone.** Development projects within a Commercial Recreation (C-R) zone that is outside of urban communities shall be served by a public wastewater disposal system planned to serve the entire C-R zone.

9-604.050 AGRICULTURAL ZONES

Development projects within the General Agriculture (AG), Limited Agriculture (AL), and Agriculture-Urban Reserve (AU) zones may be served by on-site wastewater treatment and disposal systems subject to the general requirements of Section 9-604.010.

9-604.060 SUBDIVISION OF EXISTING DEVELOPED PROPERTIES

- (a) **Existing Buildings.** Subdivision of parcels with existing County-approved buildings on each new lot are required to meet the general requirements in Section 9-604.010.
- (b) **Remainder Parcels.** Undeveloped, designated remainder parcels shall meet the requirements of this Chapter prior to any grant of approval for a development project or issuance of a building permit on the remainder parcel.

9-604.070 ANTIQUATED SUBDIVISIONS

For existing lots in antiquated subdivisions, service by a public wastewater disposal system shall be required for new residences, except that on-site wastewater disposal may be

utilized, subject to the general requirements of Section 9-604.010, for lots of two acres or more or for lots of one acre or more when served by a public water system.

9-604.080 EXPANSION CAPABILITY OF WASTEWATER TREATMENT

When a new district is formed or services within an existing district are expanded to include wastewater treatment and a wastewater treatment plant is required, the plant shall be capable of expanding to serve the entire urban or rural community; the entire freeway service area on at least one side of the freeway; or the entire commercial recreation area as designated on the General Plan.

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Chapter 9-605 Private On-Site Wastewater Disposal Facilities

Sections:

9-605.010	Purpose and General Requirements
9-605.020	Private On-Site Wastewater Disposal Facilities Standards
9-605.030	Prohibitions
9-605.040	Septic Tank Pumping
9-605.050	Compliance Required
9-605.060	Violations
9-605.070	Right to Appeal

9-605.010 PURPOSE AND GENERAL REQUIREMENTS

This Chapter specifies the requirements for use of private, on-site wastewater disposal facilities.

- (a) **Where Not Allowed.** Private, on-site wastewater disposal facilities shall not be approved where public wastewater collection and disposal are required; see Chapter 9-604.
- (b) **Sanitation Permit Required.** No person shall construct, add to, modify, or alter any vaulted privy, septic tank, wastewater disposal system, other pipe or conduit, or other means for the disposal, treatment, or discharge of wastewater without first securing a Sanitation Permit from the Director of Environmental Health.
- (c) **Procedure to Obtain a Sanitation Permits**
 - (1) **Filing an Application.** Applications for Sanitation Permits may be initiated by filing a request for a permit with the Environmental Health Department, accompanied by a site plan that clearly delineates the location and characteristics of the proposed use and the required fee.
 - (2) **Review Procedures.** Sanitation Permit applications shall be reviewed by the Director of Environmental Health. No pre-application conference is required. The time limit for approvals is one year.
 - (3) **Development Requirements.** The Director of Environmental Health shall approve a Sanitation Permit upon finding that the proposed on-site disposal facility:
 - (A) Will not permit the escape of any unpleasant or noxious odors, vapors, or gases;
 - (B) Will not permit the ingress and egress of flies, other insects, rodents, or animals;

- (C) Will not permit the discharge of wastewater or the discharge or drainage of effluent from the wastewater disposal system to empty, flow, seep, drain, condense into, or otherwise pollute any watercourse, or other waters used, or which may be used or suitable for use for domestic, recreational, or agricultural purposes;
 - (D) Will not be offensive, dangerous, or injurious to health, or create a nuisance; and
 - (E) Will conform in all respects to the standards of the Environmental Health Department for the disposal, treatment, or discharge of sewage.
- (d) **Inspection of Permitted Work.** Work done under a Sanitation Permit shall not be covered, concealed, or put into use until it has been inspected and approved by the Director of Environmental Health.
 - (e) **Changes May Be Ordered.** The Director of Environmental Health may order changes to any existing system, method, means, manner, or place for the disposal, treatment, or discharge of sewage to eliminate a risk to the health of human beings or animals. The Director shall designate the time within which such changes are to be made.
 - (f) **Interim Permits.** The Director of Environmental Health may approve an Interim Permit for a specific time when the requirements of this Chapter are found to be impracticable or unnecessary. In approving an Interim Permit, the Director of Environmental Health may prescribe conditions necessary to protect the public health.

9-605.020 PRIVATE ON-SITE WASTEWATER DISPOSAL FACILITIES STANDARDS

- (a) **Compliance with Standards Required.** The Board of Supervisors shall adopt uniform standards for the construction, installation, alteration, modification, and dimensions of private on-site wastewater disposal facilities based on investigation, inspection, and tests or accepted sanitation standards. These standards may be amended as necessary by the Board. They shall not conflict with the requirements of this Title or the laws of the State of California. All private, on-site wastewater disposal facilities, including septic tanks, wastewater treatment plants, and vaulted privies, may be constructed or modified only if they comply with the adopted standards.
- (b) **Operators of Plants.** Operators of wastewater treatment plants must possess a current State wastewater treatment plant operator's certificate or license.

9-605.030 PROHIBITIONS

- (a) **Prohibited Uses.** The drilling, constructing, using, maintaining, or operating of sewer wells, pit privies, and cesspools are hereby declared to be public nuisances and are prohibited.

- (b) **Prohibited Discharges.** Owners or those who maintain private on-site wastewater disposal facilities shall prohibit any of the following to flow or enter a disposal system:
- (1) **Automobile and Garage Waste.** Wastewater from automobile washing or garage floors;
 - (2) **Storm Drainage.** Roof drainage or drainage waste resulting from natural runoff or irrigation;
 - (3) **Solvents and Toxics.** Gasoline, cleaning solvents, paints, thinners, oils, or greases other than normal residential kitchen wastes;
 - (4) **Solids.** Cloth, rope, metals, and solids of any kind;
 - (5) **Garbage.** Garbage and similar waste material except when processed by approved garbage disposal units;
 - (6) **Kitchen Wastewater.** Wastewater from any restaurant, bar, or other kitchen where food is prepared for public consumption unless first directed through an approved grease trap, as required by the Uniform Plumbing Code;
 - (7) **Air Conditioners.** Waste drainage from water cooled refrigeration air conditioning;
 - (8) **Hazardous Wastes.** Waste from hazardous materials;
 - (9) **Backwash.** Backwash from water softeners, iron filters, and swimming pools; and
 - (10) **Truck Terminal Wastes.** Oil, grease, grit, and miscellaneous waste from operation of truck terminal, including wash-water from trucks and garage floors.

9-605.040 SEPTIC TANK PUMPING

Septic tanks, chemical toilets, cesspools, or sewage seepage pits shall be pumped only by licensed septic tank pumpers as specified in the Health and Safety Code. All septic pumpers shall file with the health officer, or his/her duly authorized representative, by the 12th day of the following month a report on forms approved by the Environmental Health Department showing each premises where septic tanks, chemical toilets, cesspools, or sewage seepage pits are pumped, the gallonage pumped, and the location where cleanings are disposed. All effluent pumped from septic tanks shall be disposed of only at disposal sites approved by the Director of Environmental Health.

9-605.050 COMPLIANCE REQUIRED

It shall be unlawful to maintain or use any residence, place of business, or other building or place where persons reside, congregate, or are employed that is not provided with a means for the disposal of wastewater which complies with the requirements of this Chapter and the standards relating to wastewater disposal established by the Director of Environmental Health.

9-605.060 VIOLATIONS

The Director of the Environmental Health Department shall be responsible for enforcement of this chapter. Any violation of this Chapter shall constitute a public nuisance subject to enforcement under the provisions of Title 8, Division 5 of this Code, also known as the Housing and Nuisance Abatement Code.

9-605.070 RIGHT TO APPEAL

Any appeal of a notice of violation shall first be filed with the Environmental Health Department within 30 days of notification of the violation. Upon receipt of a written appeal, the Director of Environmental Health shall designate a hearing official, which official shall schedule an office hearing to attempt to resolve the matter. The matter will be set for hearing not less than seven days and not more than 21 days from the date of receipt of a written appeal.

- (a) Notice of the office hearing shall be sent to the appellant by registered or certified mail. Notice shall be sent to the appellant, the owner if different from the appellant, and anyone else who has requested in writing to receive such notice.
- (b) If the matter is resolved with a determination that a violation did occur or continues to occur, the cost of the office hearing shall be added to the expenses incurred by the County in abating the nuisance and shall be billed to the owner as part of the Statement of Expense.
- (c) If the matter is not resolved at the office hearing, the appellant may file a written appeal to the Board of Supervisors. The written appeal must be filed with the Clerk of the Board of Supervisors within 30 days of receipt of the written decision of the hearing official.
- (d) The written decision shall advise that the owner has 30 days to bring the subject property into compliance or file a written appeal with the Board of Supervisors.
- (e) If the property is not brought into compliance and no appeal to the Board of Supervisors has been filed within the time specified, the Environmental Health Department shall submit a resolution to be placed on the consent calendar of the Board of Supervisors approving the Statement of Expense.

- (f) If the matter is appealed to the Board of Supervisors and the appeal results in a finding of a violation, the cost of the hearing before the Board of Supervisors will be added to the cost of abatement and included on the Statement of Expense.

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Chapter 9-606 Storm Drainage

Sections:

9-606.010	Purpose and General Requirements
9-606.020	Drainage in Urban Communities
9-606.030	Drainage in Rural Communities
9-606.040	Areas Outside of Urban Communities
9-606.050	Truck Terminal Zoning Districts
9-606.060	Drainage in Agricultural Zones
9-606.070	Subdivision of Existing Developed Properties
9-606.080	Antiquated Subdivisions
9-606.090	Deferred Storm Drainage Facility Agreements for Future Storm Drainage System Improvements

9-606.010 PURPOSE AND GENERAL REQUIREMENTS

This Chapter specifies requirements and standards for storm drainage in development projects. The following general requirements apply to all development, unless otherwise specified in this Title:

- (a) **Drainage Facilities.** All development shall provide drainage facilities within and downstream from the project site to carry storm water runoff both tributary to and originating within the development site. The tributary area upstream from the development shall be considered as being developed in accordance with the General Plan or applicable Specific Plan, even if undeveloped. Storm water runoff shall be conveyed into a terminal drain or may be retained in a retention basin on-site as provided by this Chapter.
- (b) **Approval of Drainage Facilities by Public Works.** The design of drainage facilities required by this Chapter shall be approved by the Director of Public Works prior to issuance of a building permit or approval of the Final Map or Parcel Map, whichever occurs first. Submission of the drainage plans for approval shall be the responsibility of the owner or developer of the site on which the development is proposed. All plans and drainage reports shall be prepared and signed by a California-registered civil engineer.
- (c) **Drainage Facilities for Increased Runoff.** Where a development will cause an increase in the storm water runoff, the developer shall provide drainage facilities to attenuate the flow rate and concentration of storm water discharged onto other properties to the pre-project condition. The design may consist of off-site drainage facilities to convey runoff to terminal drainage, or, if provided for in this Chapter, retention of runoff in ponds within the development site, or the use of detention basins to control the flowrate and areal concentration. The allowable

discharge may be increased by the Director of Public Works when the developer can demonstrate in a drainage report that:

- (1) The increased discharge will not exceed the capacity of the downstream drainage facilities (all undeveloped land in the tributary watershed must be considered as being developed when determining the capacity of downstream drainage facilities); and
 - (2) The proposed discharge will not increase the water surface elevation in upstream properties.
- (d) **Design.** Storm Drainage Facilities shall be designed in conformance with any Master Drainage Plan, Specific Plan, Special Purpose Plan, Master Plan, or area drainage plan adopted by the Board of Supervisors or approved by the Director of Public Works.
- (e) **Discharge to Sanitary Sewer Prohibited.** Disposal of surface and storm waters into sanitary sewer lines, leach lines, or seepage pits of individual sanitary sewage disposal systems is prohibited.
- (f) **Watercourses and Flood Control Channels.** If a development is affected by watercourses, channels, streams, or creeks for which the 100-year flood plain has not been established, the developer shall determine the 100-year flood plain limits and shall dedicate drainage easements conforming substantially with the flood plain limits plus such additional rights-of-way as shall be required by the Director of Public Works for access, structures, or channel changes.
- (g) **Detention Basins and Retention Basins.** If orderly and reasonable development of an area consistent with the General Plan or applicable Specific Plan requires detention of storm water, the developer shall provide facilities for detaining runoff in accordance with the County's Improvement Standards. Retention ponds not maintained by a public agency may only be used where allowed by this Chapter and shall be designed in accordance with the County's Improvement Standards.
- (1) Private retention storm drainage facilities shall be inspected on a complaint basis only to ensure that the drainage basin is being maintained as designed and approved. The property owner shall reimburse the County for all time, services, and materials needed to abate the violation, if it is determined from the inspection that the retention basin is out of compliance.
 - (2) Private detention or retention basins that are found to be out of compliance shall be brought into conformance within 90 days. Failure to bring the on-site drainage improvements into compliance may result in revocation of any underlying use permit(s).
- (h) **Drainage Report.** Developers shall submit a drainage report for all development projects. This report must be submitted at the same time as the grading/drainage

plan or subdivision improvements plans are submitted for plan check, whichever occurs first. Drainage reports shall be prepared by a California-registered civil engineer in accordance with the County's Improvement Standards.

- (i) **Development Projects Using Existing Buildings.** Development projects using existing buildings and not increasing runoff may be served by the existing drainage system except where modifications are needed to comply with the National Pollutant Discharge Elimination System requirements.
- (j) **Capacity of Existing Drainage System.** If an existing drainage system is required to serve a development project but does not have capacity to serve the development project, the developer shall provide for additional capacity either by constructing off-site drainage facilities or contributing funds to the serving agency or district for drainage system expansion. The serving agency or district shall determine which option is appropriate.
- (k) **Drainage Flood Control Improvements.** Where a development project or subdivision is subject to a flood hazard, the developer or subdivider shall provide such flood control works, drainage facilities, or other improvements sufficient to provide all structures or building sites, both existing and proposed within the subdivision, with 100-year flood protection.
- (l) **Easements for Drainage and Flood Control.** The developer or subdivider shall provide easements for all flood control and drainage facilities sufficient to encompass such facilities and to provide for their maintenance, operation, and improvement.

9-606.020 DRAINAGE IN URBAN COMMUNITIES

Within an urban community, development projects shall be served by an existing public agency or district providing drainage services as follows:

- (a) **Subdivisions.** Subdivision drainage facilities shall discharge into a terminal drain, except that an agency retention basin may be an acceptable alternative where permitted by a Master Plan, a Special Purpose Plan, or Specific Plan, or a private on-site retention basin may be allowed in Rural Residential zones if parcels are two acres or greater and:
 - (1) There are no terminal drainage facilities on-site or within 200 feet; and
 - (2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet the County's Improvement Standards.
 - (3) Subdividers shall provide a deposit to finance their proportionate share of the estimated cost of the storm drainage system.

- (b) **Development Projects on Existing Lots.** Development projects on existing lots shall discharge into a public terminal drain if one is within 200 feet of the nearest property line. If the existing parcel is not within 200 feet of such drain, a private on-site retention basin may be allowed if parcels are two acres or greater, the site conditions of soil permeability and ground water level allow a retention basin to meet the County's Improvement Standards, and the tributary watershed area to the retention basin is less than 20 acres.

9-606.030 DRAINAGE IN RURAL COMMUNITIES

Subdivisions and development projects on existing vacant parcels in rural communities shall be served by a public drainage system or a private on-site retention basin as follows:

- (a) **Subdivisions with Parcels Less than Two Acres.** For subdivisions with any lots less than two acres in size, the subdivision shall be served by public drainage facilities that discharge into a terminal drain, except that a public agency retention basin may be allowed where there are no terminal drainage facilities within 1,000 feet.
- (b) **Subdivisions with Parcels Two Acres and Larger.** For subdivisions with all lots two acres or larger in size, the subdivision shall be served by an agency retention basin. Private on-site retention basins may be allowed where there are no terminal drainage facilities within 200 feet, and the site conditions of soil permeability and groundwater level allow a private retention basin design to meet the County's Improvement Standards.
- (c) **Development Projects on Existing Vacant Lots.** For development projects on existing vacant lots, the development project shall be served by a public drainage system that discharges into a terminal drain, except that a private on-site retention basin may be allowed on lots two acres or larger in size where:
 - (1) There are no terminal drainage facilities within 200 feet, and;
 - (2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet the County's Improvement Standards.

9-606.040 AREAS OUTSIDE OF URBAN COMMUNITIES

- (a) **I-L, I-P, and I-G Industrial Zones** Development within the Limited Industrial (I-L), Industrial Park (I-P), and General Industrial (I-G) zones outside of urban communities shall be served by a public drainage system planned for the entire industrial area which discharges into a terminal drain.
- (b) **Warehouse and Truck Terminal Zones.** Development within Warehouse (I-W) and Truck Terminal (I-T) zones may be served by a private on-site retention basin if the following exist:

- (1) There are no terminal drainage facilities within 1,000 feet; and
 - (2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet the County's Improvement Standards. Otherwise, projects must meet the requirements of Section 9-606.040(a).
- (c) **Freeway Service Commercial Zone.** Development within Freeway Service Commercial (C-FS) zones outside of an urban community shall be served by a public drainage system planned for at least each side of the freeway that discharges into a terminal drain.
- (d) **Commercial Recreation Zone.** Development within a Commercial Recreation (C-R) Zone that are outside of urban communities shall be served by a public drainage system planned to serve the entire commercial recreation area.

9-606.050 DRAINAGE IN AGRICULTURAL ZONES

Development projects within the General Agriculture (AG), Limited Agriculture (AL) and Agriculture-Urban Reserve (AU) zones may be served by private on-site retention basins.

9-606.060 SUBDIVISION OF EXISTING DEVELOPED PROPERTIES

- (a) **Existing Buildings.** A subdivision of lots with existing buildings on each proposed new parcel shall not be required to meet the drainage facility requirements specified in this Chapter.
- (b) **Remainder Parcels.** Undeveloped, designated remainder parcels created under the provisions of this Section shall meet the requirements of this Chapter prior to any grant of approval for a development project or issuance of a building permit on the remainder parcel.

9-606.070 ANTIQUATED SUBDIVISIONS

For existing lots in antiquated subdivisions, drainage facilities may consist of a private on-site retention basin if there are no public drainage facilities within 200 feet of the lot and the site conditions of soil permeability and groundwater level allow a retention basin to meet the County's Improvement Standards.

9-606.080 DEFERRED STORM DRAINAGE FACILITY AGREEMENT FOR FUTURE STORM DRAINAGE SYSTEM IMPROVEMENTS

Where a subdivision or development is required to discharge into a terminal drain and no terminal drainage facilities are available, the Director of Public Works may approve Deferred Storm Drainage Facility Agreements to ensure that subdividers and developers finance their proportionate share of the cost of the future storm system improvements.

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Chapter 9-607 Encroachments into County Rights-of-Way

Sections:

9-607.010	Purpose
9-607.020	Encroachment Permits
9-607.030	Highway or Road Drainage
9-607.040	Driveways

9-607.010 PURPOSE

This Chapter specifies the requirements for encroaching into County rights-of-way in order to do excavation, grading, and development-related construction.

9-607.020 ENCROACHMENT PERMITS

No person shall dig holes, trenches, or ditches, make openings or excavations of any kind for any purpose, or perform grading of earth soil or other material on any street, highway, road, or other public place unless an encroachment permit has been granted by the Director of Public Works.

- (a) **Director's Authority.** The Director of Public Works has the sole authority to prescribe how much work shall be done, how the holes, trenches, ditches, and openings shall be filled or backfilled, when the work may be commenced, and when it may be finished.
- (b) **Condition of Approval.** Every permit granted pursuant to this Chapter shall be made on the condition that if the grantee fails, refuses, or neglects, within a reasonable time after written demand of the Director of Public Works, to complete the work or to restore the street, highway, road, or other public place to a condition equal to or better than its condition before the opening or excavation was made and to maintain the same in that condition, the Director of Public Works may do the work and furnish the material necessary, and all sums reasonably expended for these purposes shall be repaid to the County by the grantee.
- (c) **Bond or Cash Deposit.** If required by the Director of Public Works, no application shall be granted until the applicant has filed with the Department of Public Works a bond or cash deposit in a sum satisfactory to the Director guaranteeing that the street, highway, road, or other public place shall be restored to a condition equal to or better than its condition before the opening was made and shall be maintained in that condition during the period of construction. An applicant may file one bond or cash deposit to cover all work during a year, if desired, in an amount that the Director shall deem necessary to mitigate all potential damage.

- (d) **Liability of County.** Nothing in this Chapter shall be construed to enlarge the liability of the County for any excavation or work or for damages to the public or otherwise resulting therefrom, and every permit and bond issued under this Chapter shall provide that the County and its officers and employees shall be held harmless on account of any damage or injury to the public or otherwise resulting from the excavation or other work.
- (e) **Permit Administration.** Encroachment permits are required for the erection or construction of any public facility or structure or for alterations or moving of any existing public facilities or structures within the County right-of-way. They shall be applied for and secured from the Director of Public Works or at other offices that may be designated by the Director of Public Works for these purposes where employees or representatives of the Director of Public Works may be authorized to issue these permits. The Director of Public Works shall have the following powers and duties in administering and enforcing encroachment permits issued under this Chapter:
 - (1) The issuance of permits for encroachments, including into driveways, watercourses, public rights-of-way, and other transportation facilities.
 - (2) Enforcement of related State laws as well as this Chapter.
 - (3) Keeping of accurate records.
 - (4) The preparation and adoption of the forms, rules, and regulations that may be reasonably necessary for the proper enforcement of this Chapter, including requirements for the submission by applicants for permits of plans and specifications, informal or formal, that may be deemed necessary for the proper location and construction of the various types of drainage facilities.
 - (5) The inspection of construction and operation of drainage facilities. For this purpose, the Director of Public Works shall have the power of a police officer, including the right of entry on private property, the right to stop construction operations, and the right to clear out or open the stoppage of any drainage facility if the stoppage is deemed contrary to this chapter and does or may endanger public health, safety, and the general welfare.
 - (6) Other powers and duties, related to the foregoing, that may be reasonably necessary for the proper administration and enforcement of the provisions of this Chapter.
- (f) **Notice to Remove Encroachment.** If any encroachment exists in, under, or over any County highway, road, or land, the Director of Public Works may require the removal of the encroachment. Notice shall be given to the owner, occupant, person in possession of the encroachment, or any other person causing or allowing the encroachment to exist by serving on him/her a notice containing a demand

for the immediate removal of the encroachment from within the highway. The notice shall describe the character and location of the encroachment with reasonable certainty. In lieu of service on the person, service of the notice may also be made by registered mail or by posting, for a period of five days, a copy of the notice to remove the encroachment in a manner that will not interfere with the use of the highway. In case the owner, occupant or person in possession is not present in the County, notice may be given to his/her agent in lieu of service by mailing or posting.

- (g) **Removal of Encroachment.** After providing notice to remove an encroachment, the Director of Public Works may immediately remove from any County highway or road any encroachment that:
- (1) Is not removed, or the removal of which is not commenced and thereafter diligently pursued, within five days after the service of the notice to remove the encroachment;
 - (2) Obstructs or prevents the use of the highway or road by the public;
 - (3) Consists of refuse; or
 - (4) Is an advertising sign of any description unless the advertisement is a notice posted as required by law.
- (h) **Recovery of Costs and Penalties for Encroachments Not Removed.** The Director of Public Works may remove any encroachment on the failure of the owner to comply with the notice of demand of the Director of Public Works under the foregoing section and shall initiate an action to recover the expenses of the removal and the costs and expenses of the legal action per the Streets and Highways Code Section 1484 *et. seq.*
- (i) **Abatement Action: Recovery of Penalty.** If the owner, occupant, person in possession of the encroachment, the person causing or suffering the encroachment to exist, or the agent of any of them, disputes or denies the existence of the encroachment or refuses to remove or permit the removal of the encroachment, the Director of Public Works, in the name of the County, may commence, in any court of competent jurisdiction, an action to abate the encroachment as a public nuisance. If judgement is recovered by the Director of Public Works, the Director of Public Works may, in addition to having the encroachment adjudged a nuisance and abated, recover costs per the Streets and Highways Code Section 1484 *et. seq.* This remedy is cumulative and does not exclude punishment for the violation of this Chapter or as otherwise provided in this Title.

- (j) **Disposition of Recovered Money.** All money recovered under the provisions of this Chapter shall be paid into the Road Fund and shall be available to the Director of Public Works for highway purposes.
- (k) **Procedures not Exclusive.** Procedure provided in this section are not exclusive and shall not prohibit the Director of Public Works or other County officers and departments from exercising any other remedy provided by law to prevent damage to or protect any County highway or road or to collect the financial damages therefrom.
- (l) **Violation: Penalties.** In case of violations, the County make take appropriate action for the abatement, removal and restraint of any actions taken in violation of these provisions. Penalties shall be as specified in Chapter 9-814, with the correction period reduced to five days.
- (m) **Liability of County.** This Chapter shall not be construed to impose on the County any liability or responsibility for damage resulting from drainage obstruction related to an encroachment, nor shall the County or any County official or employee be held to assume any such liability or responsibility by reason of any inspection authorized under this section, by reason of any failure to make the inspection, or by the granting or denial of any encroachment permit.

9-607.030 HIGHWAY OR ROAD DRAINAGE

- (a) **Irrigation Drainage.** Drainage of irrigation water onto any County highway or road by any means is prohibited.
- (b) **Watercourse Modification.** No person shall modify any natural watercourse to:
 - (1) Prevent, impede, or restrict the natural flow of waters from any County highway or road into and through the watercourse, unless other adequate and proper drainage is provided;
 - (2) Cause waters to be impounded within any County highway or road;
 - (3) Cause an increase upstream and/or downstream water surface elevation;
or
 - (4) Cause interference with, or damage or hazard to, public travel.
- (c) **Watercourse Creation.** No person shall create or establish new watercourses adjacent to or across County highways or roads.
- (d) **Water Storage.** No person shall store or distribute water for any purpose to permit it to overflow onto, to saturate by seepage, or to obstruct any County highway or road.
- (e) **Acts Requiring Permit.** No person shall cause or permit the following without a permit issued by the Director of Public Works:

- (1) Maintain or, if already existing, continue to maintain any obstruction of any drainage facility lying partly or wholly within, across, under, or above any County highway or road.
- (2) Permit to be deposited in any drainage facility in any County highway or road any material or substance, including dirt, soil, weeds, trash, rocks, or any other substance that would alter or impede the drainage of water.
- (3) Alter, construct, obstruct, constrict, or enlarge any drainage facility within any County highway or road right-of-way by increasing or decreasing the amount, extent, nature, or direction of flow of water along any drainage facility.
- (4) Decrease or increase, enlarge or construct, heighten or deepen, or in any other fashion change the drainage facilities on private property or public property facilities on private property or public property adjacent to any drainage facility along or across any County highway or road to prevent the natural or ordinary drainage of waters along the highway or road or to place an extraordinary burden on the capacity of any drainage facilities along any County highway or road.

9-607.040 DRIVEWAYS

- (a) **Driveway Encroachment Permit Required.** It is unlawful to build or thereafter maintain any private or public driveway of ingress to or egress from land adjacent to a County highway or road without first having secured a driveway encroachment permit from the Director of Public Works.
- (b) **Drainage Flow to be Maintained.** In no case shall a permit for construction authorize the drainage facility along any County highway or road to be obstructed so as to impede the proper flow of drainage waters.
- (c) **Standards for Driveway Construction.** Unless otherwise specified in a driveway encroachment permit, driveways shall be constructed in accordance with the County's Improvement Standards. At a minimum, driveways shall be paved with asphalt concrete from the existing edge of pavement to the property line.
- (d) **Gated Entries.** Development project driveways with gated entries shall be designed such that the gate is setback a sufficient distance, as determined by the Director of Public Works, to allow at least one vehicle (passenger car, delivery truck, etc.) to queue on-site in front of the gate without extending into the right-of-way.¹

¹ A U.S. cargo van is typically around 220 inches in length, so a 20-foot setback is reasonable. It might be preferable to state this as the minimum setback.

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Chapter 9-608 Roadways

Sections:

9-608.010	Purpose and General Requirements
9-608.020	Roadway Functional Classification
9-608.030	Intersections
9-608.040	Traffic Analyses
9-608.050	Dedications
9-608.060	Part-Width Road Improvements
9-608.070	Alleys
9-608.080	Bikeways
9-608.090	Pedestrian Ways
9-608.100	Walls and Noise Barriers
9-608.110	Roadway Lighting
9-608.120	Roadway Alignments
9-608.130	Cul-De-Sac Streets
9-608.140	Private Rights-Of-Way Improvements—Existing Lots
9-608.150	Private Rights-Of-Way Improvements—New Lots
9-608.160	Antiquated Subdivision
9-608.170	Public Access to Waterways
9-608.180	Road Naming Procedures

9-608.010 PURPOSE AND GENERAL REQUIREMENTS

This Chapter specifies regulations and standards for roadway improvements for all development, including projects where no discretionary permits are required.

- (a) **Design and Dedication.** All roads shall be designed and constructed in accordance with the County's Improvement Standards and shall be offered for dedication as public roads unless the Director of Public Works approves or conditionally approves private roads serving or contained within the project. Private roads shall be designed and constructed to the County's Improvement Standards or the County's Fire Road Standards and the standards of this Chapter.
- (b) **Access Required.** All projects involving new non-agricultural structures or the expansion of existing non-agricultural structures by 25 percent or more shall have, at a minimum, legal access to a publicly-maintained road, by one of the following methods:
 - (1) Direct frontage on a County, City, or State maintained road.
 - (2) Access to a County, City, or State maintained road by way of a private right-of-way;

- (3) Access to a County, City, or State maintained road by means of a private right-of-way or easement approved as part of a major or minor subdivision and improved to the specifications of Sections 9-608.140 and 9-608.150; or
 - (4) Frontage on a public or private road in an antiquated subdivision improved to the standards of this Section 9-608.160.
- (c) **Improvements Required.** The project frontage shall meet the following requirements:
- (1) **Frontage.** The developer shall improve all existing and proposed roads that are a part of the development project or are required to serve the development project in accordance with the requirements of this Chapter. Projects estimated to generate 50 or more vehicles per day will be required to improve the frontage.
 - (2) **Extension of Frontage Improvements.** Projects shall be required to extend frontage improvements on the project side of the County-maintained road that provides primary access to the site in accordance with the criteria of the Department of Public Works for such improvements.
 - (3) **Antiquated Subdivisions.** For new, non-agricultural structures or projects that increase the floor area of existing non-agricultural structures by 25 percent or more all roads shall be improved as specified in Section 9-608.140.
 - (4) **Other Projects.** Where the land to be subdivided is in an area designated in the General Plan as an urban or rural community or designated for commercial, industrial, or residential development by the General Plan, or is zoned AL-5, frontage improvements shall be required as specified in this Chapter or as recommended in a County-approved traffic analysis.
 - (5) **Payment Instead of Improvements.** If any improvement to be performed is located on a portion of highway of which the County is planning to improve, the Director of Public Works may elect to improve the portion thereof otherwise required to be improved by the subdivider. In such event, the subdivider shall pay to the County, in full discharge of the subdivider's obligations for these improvements, a sum equal to the estimated cost to the County of undertaking and completing the improvement required. These improvements shall be done at the time the County improves the highway.
- (d) **Alternative Design and Improvement Standards.**
- (1) To enable subdivision designs that attempt to reduce the reliance of the residents on automobiles for daily errands and commuting and, as a result, have a beneficial effect on air quality and energy consumption and the overall quality of life of the residents in a particular development, the County may approve Tentative Maps that have a land use plan that facilitates non-

vehicular trips and are planned for residents to use transit or other alternate modes to locations outside of the subdivision:

- (A) In order to reduce the speed of automobile traffic, streets widths may be narrowed, and centerline radii and curb radii at intersections may be reduced, when compared to the County's Improvement Standards and other provisions of this Title if traffic studies confirm to the satisfaction of the Director of Public Works that safety will not be compromised;
 - (B) Trees shall be planted in such a manner as to buffer the pedestrians from the automobile traffic and to provide a "tree canopy" that will shade the pedestrians from the County's extreme summer climate;
 - (C) The subdivision may incorporate privately-owned alleys in certain locations and locate garages behind houses where appropriate to improve the streetscape aesthetics, reduce vehicle speeds and traffic, and maximize the front yard areas;
 - (D) Parks shall be located throughout the subdivision and shall be interconnected by a system of tree lined streets and bike and pedestrian paths;
 - (E) The street system shall incorporate bike/pedestrian routes and paths; and
 - (F) The street grid shall be designed in a manner that will provide pedestrians with quick, easy, and pleasant access to adjacent commercial land uses, parks, public transportation, day care centers, an elementary school, and public buildings.
- (2) If the Director of Public Works finds that a Tentative Map complies with paragraph (a) above and that maintenance of the proposed facilities can be ensured, then the Director may recommend that that the Planning Commission approve the Tentative Map, and any Final Map than shall be approved as being consistent with it.
- (3) Any request to deviate from the improvement standards in this Chapter or the County's Improvement Standards shall be processed as a waiver under Chapter 9-806. No waiver shall be required if the Director of Public Works determines that a particular street or landscaping design or improvement feature proposed on a Tentative Map or Final Map is in substantial compliance with the County's Improvement Standards and this Section.
- (e) **Improvements that May be Waived or Deferred.** The required improvements may be waived or deferred by the Director of Public Works where it is determined,

based upon the General Plan land use designations, existing land uses in the vicinity, existing and projected needs for drainage and traffic control, or existing physical limitations, that such improvements are not necessary or may be deferred. When the Director of Public Works determines that the improvements may be deferred, the developer must execute a secured or non-secured Deferred Frontage and Roadway Improvement Agreement acceptable to the County. The option to require a secured agreement shall be at the sole discretion of the Director of Public Works.

9-608.020 ROADWAY FUNCTIONAL CLASSIFICATION

The following roadway functional classifications and characteristics are to be used in conjunction with the Circulation Element of the General Plan and the County's Improvement Standards. The Director of Public Works may modify the required right-of-way width and lane configuration of a roadway as local conditions and planned land use warrant.

(a) Freeways.

- (1) **Description:** Freeways are multi-lane divided highways with no direct access to abutting properties and which have grade separations at intersections. Interchanges are with freeways, expressways, arterials, or rural roads only. They serve as the primary type of intercity or community highway carrying traffic between communities.
- (2) **Minimum right-of-way:** 225 feet or as specified in a Specific Plan or Master Plan.
- (3) **Design capacity:** 74,000 to 148,000 vehicles per day.
- (4) **Parking:** On-street parking is prohibited.

(b) Expressways.

1. **Description:** Expressways are designed for high-speed intercommunity traffic with minimum interference to adjacent development. They may be a two lanes undivided roadway in a rural area, or a multi-lane divided roadway in an urban area. Intersections are limited to freeways, expressway, major and minor arterials, and rural roads only.
- (1) **Minimum right-of-way:** 84 feet wide in rural areas and 110 to 202 feet wide in urban areas.
- (2) **Design capacity:** 74,000 to 148,000 vehicles per day.
- (3) **Parking:** On-street parking is prohibited.

(c) Principal Arterials.

- (1) **Description:** Principal arterials are four to six lane divided roads with intersections at grade, and partial control of access. They serve as the highest type of facility carrying local traffic within urban communities and as a principal carrier of traffic between communities. Within urban communities, these roads provide access to shopping areas, places of employment, community centers, recreational areas, other places of assembly, and freeways. Between communities, they serve as principal access routes to places of employment, recreation areas, and freeways.
 - (2) **Minimum right-of-way:** 110 feet.
 - (3) **Design capacity:** 50,000 vehicles per day for a six-lane facility and 35,000 vehicles per day for a four-lane facility.
 - (4) **Access:** Direct access to abutting principal arterials is prohibited from residentially zone land and may be allowed from commercially or industrially zoned land with approval of the Director of Public Works. The Director also may allow direct access from existing development for parcels with no other means of legal access to a public road.
 - (5) **Parking:** On-street parking is prohibited.
- (d) **Minor Arterials.**
- (1) **Description:** Minor arterials are undivided two or four lane roads with intersections at grade, and partial control of access. They serve as a secondary facility carrying local through traffic within urban communities and providing access to shopping areas, employment centers, recreational areas, and places of assembly.
 - (2) **Minimum right-of-way:** 84 feet.
 - (3) **Design capacity:** 31,000 vehicles per day.
 - (4) **Access:** Access from abutting commercial, industrial, and residentially-zoned land may be allowed with approval by the Director of Public Works if no alternative access from a local road is available.
 - (5) **Parking:** On-street parking is allowed.
- (e) **Collectors.**
- (1) **Description:** Two lane undivided roads with intersections at grade. They provide principal access to local residential, commercial, and industrial roads and direct traffic to arterial and minor arterial roads.
 - (2) **Minimum right-of-way:** 60 feet.

- (3) **Design capacity:** 14,000 vehicles per day with lower traffic volumes in residential neighborhoods.
 - (4) **Access:** Collectors provide driveway access to adjacent parcels.
 - (5) **Parking:** On-street parking is allowed.
- (f) **Local Residential Road.**
- (1) **Description:** Two lane undivided roads with intersections at grade and with frequent driveway access. They provide access to adjacent residential lots and feed traffic to collectors. Local residential roads in Urban Communities include curb, gutter, and sidewalks.
 - (2) **Minimum right-of-way:** 50 feet.
 - (3) **Design capacity:** 5,000 vehicles per day.
 - (4) **Parking:** On-street parking is allowed.
- (g) **Local Commercial and Industrial Roads.**
- (1) **Description:** Two lane undivided roads with intersections at grade and controlled driveway access. They provide direct access to adjacent commercial and industrial properties and feed traffic to arterials. Local commercial roads in Urban Communities include curb, gutter, and sidewalks.
 - (2) **Minimum right-of-way:** 60 feet.
 - (3) **Design capacity:** 10,000 vehicles per day.
 - (4) **Parking:** On-street parking is prohibited near intersections and driveways and may be limited elsewhere.
- (h) **Rural Residential Roads.**
- (1) **Description:** Two lane undivided roads with intersections at grade and with driveway access to abutting residential lots. They provide access to land in Rural Residential and Agricultural zones. They are not required to include curb, gutter, and sidewalks.
 - (2) **Minimum right-of-way:** 50 feet. Rural Residential roads may be designed as a Cul-De-Sac, Continuous Loop, Private Right-of-Way, or Connector with different rights-of-way.
 - (3) **Design capacity:** 5,000 vehicles per day.
 - (4) **Parking:** On-street parking may be limited in certain areas for safety reasons.
- (i) **Rural Roads.**

- (1) **Description:** Two lane undivided roads with intersections at grade. They provide local access to agricultural land outside of the urban centers. They also may provide access to freeways and act as a primary route between urban and rural centers. They are not required to include curb, gutter, and sidewalks.
 - (2) **Minimum right-of-way:** 50 foot wide.
 - (3) **Design capacity:** 7,000 vehicles per day.
 - (4) **Parking:** On-street parking may be limited in certain areas for safety reasons.
- (j) **Sidewalks.** Sidewalks shall be required on both sides all roadways in non-agricultural zones within Urban and Rural Communities, where feasible, but not in Agricultural, Rural Residential, and Industrial zones.
- (1) The Director of Public Works may waive or defer this requirement in non-residential areas upon finding that there is no pedestrian traffic.
 - (2) When the Director of Public Works determines that sidewalk improvements may be deferred, the developer must execute a secured or non-secured Deferred Sidewalk Improvement Agreement acceptable to the County. The option to require a secured agreement shall be at the sole discretion of the Director of Public Works.

9-608.030 INTERSECTIONS

Intersections shall be designed and constructed in accordance with the intersection templates contained in the County's Improvement Standards. Improvements required shall be based upon the Roadway Functional Classification above and the County's improvement Standards.

9-608.040 TRAFFIC ANALYSES

Traffic studies, traffic technical memoranda, operational analyses, and supplemental studies may be required by the Director of Public Works, the Zoning Administrator, or the Environmental Review Officer to adequately assess the impacts of a development project on the existing and/or planned street system.

(a) **When Required.**

- (1) **Traffic Study.** Unless waived by the Director of Public Works, the Zoning Administrator shall require a Traffic Study for a development project when traffic caused by the development project is expected to exceed 50 vehicles during any hour, based on the current edition of the ITE Trip Generation Manual or other sources, or violate a Level of Service (LOS) standard established in the General Plan.

- (2) **Traffic Technical Memorandum.** A Traffic Technical Memorandum may be required in lieu of a Traffic Study when the development project exceeds the 50 vehicles per hour threshold, and the Director of Public Works deems that the existing roadway capacity and traffic operations are not expected to be significantly impacted as a result of the additional traffic generated by the project.
 - (3) **Operational Analysis.** An Operational Analysis shall be required when a project does not meet the threshold requirement for a Traffic Study and the Director of Public Works deems specific conditions related to a development project require a separate traffic engineering analysis.
 - (4) **Supplemental Traffic Study.** The County may require a supplemental Traffic Study if, after preparing a Traffic Study, the proposed development is modified so that total trip generation is expected to increase by more than 15 percent.
- (b) **Contents of Traffic Studies, Traffic Technical Memoranda, and Operational Analyses.** To provide consistency and to facilitate review of Traffic Studies and Traffic Technical Memoranda the format for these studies outlined in the County's Improvement Standards must be followed. For Operational Analyses, the County will provide the applicant a list of the items to be studied.
 - (c) **Responsibility for Traffic Studies, Technical Memoranda, and Operational Analyses.** The applicant shall prepare or contract for the preparation of a Traffic Study, Technical Memorandum, or Operational Analysis with any engineering firm or California-licensed traffic engineer approved by the Department of Public Works. The applicant also must secure approval of the scope of work for any Traffic Study, Technical Memorandum, or Operational Analysis from the Director of Public Works prior to authorizing any work on that study. All Traffic Technical Memoranda must bear the stamp of an engineer currently licensed for traffic in the State of California. The Operational Analysis must include all items identified by the County supplied scope of work.
 - (d) **Payment of Review Fee.** The applicant shall pay the required review fee for Traffic Studies, Traffic Technical Memoranda, and Operational Analyses contained within the current Public Works fee schedule at the time these studies are submitted for review.

9-608.050 DEDICATIONS

Dedication and offers of dedication of public rights-of-way across the project frontages shall be required at the discretion of the Director of Public Works as follows:

- (a) **When Required.**

- (1) **Use Permits, Zoning Clearances, Building Permits, and Public Improvement Plans.** For new non-agricultural buildings or an increase to the existing floor area by either:
 - (A) 25 percent or more that generates an additional 20 or more vehicles per day; or
 - (B) 500 square feet or more.
 - (2) **Subdivisions.** Where any subdivision creates a lot or parcel of land.
 - (3) **New Rights-of-Way.** Developers shall dedicate rights-of-way for new public roads within a development project.
 - (4) **Off-site Rights-of-Way.** Developers shall obtain off-site rights-of-way where required for the project and then dedicate these to the County.
- (b) **Dedication Width.** Right-of-way widths shall be dedicated as follows:
- (1) In conformity with the General Plan, a Master Plan, a Specific Plan, a Special Purpose Plan, or a Master Plan, the width shall be as specified in this Chapter and the County's Improvement Standards for a roadway of that functional classification.
 - (2) For roads not indicated in the General Plan, Specific Plan, a Special Purpose Plan, or a Master Plan, widths shall conform to the requirements of Section 9-608.020, with the functional classification determined by the Director of Public Works.
 - (3) If the existing right-of-way is equally divided by the original property line or section line, then the required dedication shall be no more than one-half of the amount needed to achieve the total required road width.
 - (4) Applicant shall dedicate, or offer for dedication, expanded intersection rights-of-way in accordance with the County's Improvement Standards or otherwise specified in a Traffic Analysis, Technical Memorandum, or Operational Analysis.
 - (5) Where topography or existing improvements, such as a railroad right-of-way, make it impractical to comply with the above sections, the Director of Public Works shall establish criteria for right-of-way dedication and roadway widening.
- (c) **Access Rights.** When any development project or improvement plan abuts an arterial or expressway, access shall be restricted to the roadway, except where access is delineated on a Specific Plan, Special Purpose Plan, or Master Plan. Where new parcels are created abutting two public roads, access shall be restricted along the non-primary parcel frontage. The developer shall dedicate to

the County access rights in restricted access. When access to a roadway is restricted, vehicular access to the property must be provided by another public roadway.

9-608.060 PART-WIDTH ROAD IMPROVEMENTS

New roads within development projects shall be dedicated and improved to their full width except as follows:

- (a) **Expressways, Principal Arterials, and Minor Arterials.** The Director of Public Works may allow less than full width improvement on expressways and major and minor arterials within or fronting development projects when improvements to the expressways and arterials are not required to meet existing and projected traffic demands, except that the roads shall be improved to a minimum of one-half street on the project side including one half median, plus one 12-foot-wide lane and shoulder on the opposite side.
- (b) **Local and Collector Roads.** The Director of Public Works may allow less than full width improvements on local and collector roads along the boundary of a development project except that the roads shall be improved to a minimum of one-half street on the project side, plus one 12-foot-wide lane and shoulder on the opposite side.

9-608.070 ALLEYS

Public alleys are prohibited in new development projects. For development projects along existing alleys, improvements to the alleys may be required at the discretion of the Director of Public Works.

9-608.080 BIKEWAYS

Where a development project adjoins a planned Class I bikeway, also known as a Bike Path, as shown on the General Plan, Special Purpose Plan, Specific Plan, Master Plan, or the County's Bicycle Master Plan, that will serve the residents of the subdivision, the developer shall dedicate and improve the Bike Path to the standards set forth in the *California Highway Design Manual*, Chapter 1000: Bike Transportation Design and Topic 1002: Bike Facilities² and the County's Improvement Standards. The overall width of the bike path shall be determined by the Director of Public Works but shall be no less than 8 feet for the paved path itself with additional land as needed for required shoulders, signage, and landscaping. In some areas, road widening for on-street Class II bikeways,

² This is a specific requirement of the County's Bicycle Master Plan. The standards in the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide also are recommended in the Bicycle Master Plan, but these are not proposed to be codified. They will be used as a reference by the Director when setting right-of-way and striping standards. Impacts fees may be needed to ensure that the costs of bikeways serving county residents are fairly apportioned among users.

also known as Bike Lanes, or Class III bikeways, also known as Bike Routes, may be required in lieu of separated Bike Paths. Right-of-way widths as shown in this Chapter shall be adjusted to accommodate bikeways when required, consistent with the County's Bicycle Master Plan. The developer may be required to dedicate additional land for bikeways for the use and safety of the residents of a subdivision in accordance with Section 66475.1 of the Subdivision Map Act.

9-608.090 PEDESTRIAN WAYS

When required by the Director of Public Works, pedestrian ways for access to schools, recreation areas, or other public areas shall be improved with sidewalk, landscaping, and fencing. They shall have a minimum hard surface, as approved by the Director of Public Works with a minimum width of five feet and a minimum right-of-way width of 10 feet. Sidewalks in the public right-of-way may be eliminated if other pedestrian ways are approved by the Director to provide access to each parcel. The design shall be determined at time of approval of a development project and, if applicable, must meet the standards for access for disabled persons required by the California Building Code, as adopted by the County, and the Americans with Disabilities Act.

9-608.100 WALLS AND NOISE BARRIERS

In all residential zones, the developer shall provide a fence, wall, or landscaped buffer outside of the right-of-way along any public roadway to which access is restricted and ensure a means of ongoing maintenance and repair, which may be the responsibility of the adjacent homeowner or of a homeowners' association. In all zones but the Rural Residential Zone, the wall shall be a minimum of six feet high, of uniform design and constructed of masonry. For infill or small-scale projects, these requirements may be waived by the Zoning Administrator.

Where noise barriers are required for a development project, they shall be included in the improvement plans and any applicable Specific Plan. Where feasible, walls and noise barriers shall be maintained by community facilities districts or other non-county agency or special district.

9-608.110 ROADWAY LIGHTING

Roadway lighting systems are required for all development projects that require public roads or private roads built to public roadway standards in all urban and rural communities, Commercial Freeway Service zones, Commercial Recreation zones, and isolated industrial areas. Roadway lighting is not required in Agricultural zones. Developments on existing parcels in Commercial or Industrial zones shall meet the roadway lighting requirements of this Section.

- (a) **General Standard.** Roadway lighting shall be designed in accordance with the County's Improvement Standards. New development projects that require

roadway lighting shall be required to annex to an existing Lighting Assessment District or County Service Area or form a new special district. The Director of Public Works may waive the requirement for a new district for small projects in rural communities and in isolated areas.

- (b) **Rural Intersection Lighting.** Rural intersection lighting is required for all development projects that require public roads or private roads built to public roadway standards in rural communities and other areas of non-agricultural development. Rural intersection lighting shall be designed in accordance with the County's Improvement Standards. New development projects that require rural intersection lighting shall annex to an existing special district. The Director of Public Works may waive the annexation requirement for small projects in isolated areas.

9-608.120 ROADWAY ALIGNMENTS

The road system within a proposed subdivision shall be designed in accordance with the following criteria:

- (a) **Alternate Access.** Any lot within the subdivision shall be reached by alternative routes except for stub streets and cul-de-sacs.
- (b) **Stub Streets.** Where a subdivision abuts an undeveloped area designated in the General Plan for similar development, stub streets shall be designed to serve the adjacent area unless the Director of Public Works determines that the area is adequately served by existing roads or due to existing physical constraints access to the area from the proposed subdivision is infeasible. The Director shall require temporary improved turnarounds per fire road standards at the end of stub streets.
- (c) **No Intersection Offsets.** Streets located on opposite sides of an intersecting street shall have their center lines directly opposite each other; otherwise, the centerlines shall be separated by a distance not less than that specified in the County's Improvement Standards. In all cases, the improvements shall be aligned as required by the Director of Public Works.
- (d) **Number of Lots.** In a new development or a phase of a development, the number of lots served by a single street or point of connection shall not exceed 40 lots, unless a greater number is approved by the Fire Marshall.

9-608.130 CUL-DE-SAC STREETS

Cul-de-sac streets may be allowed as follows:

- (a) **Residential, Rural Residential, Industrial and Commercial Zones.** Cul-de-sac streets shall have a length not exceeding 1,000 feet, and shall serve no more than 12 lots, except where existing physical conditions make such limitations of length impractical.

- (b) **Turnaround.** Cul-de-sac streets shall be terminated by an improved turnaround in conformance with the County's Improvement Standards.

9-608.140 PRIVATE RIGHTS-OF-WAY IMPROVEMENTS—EXISTING LOTS

- (a) Private rights-of-way approved by the County to provide access to more than six existing lots not within an antiquated subdivision, shall be designed to the same standards as public streets.
- (b) In agricultural areas, as designated in the General Plan, any private right-of-way that exceeds one-half mile in length or serves more than 16 lots shall have a secondary method of access, unless this requirement is waived by the Zoning Administrator.
- (c) In non-agricultural areas, as designated in the General Plan, any private right-of-way that exceeds 1,000 feet shall have a secondary method of access unless this requirement is waived by the Zoning Administrator.
- (d) Island parcels served by a navigable waterway, where such waterway provides the only surface access to the parcel, are deemed to have adequate access.

9-608.150 PRIVATE RIGHTS-OF-WAY IMPROVEMENTS—NEW LOTS

- (a) The entire length of the private right-of-way shall be constructed and maintained to the standards required by the California Fire Code and the County's Improvement Standards for a rural residential road. Private streets serving up to six existing or proposed residential lots shall be improved to Fire Road standards. Private streets serving seven or more existing or proposed residential lots shall be designed and constructed per the County's Improvement Standards for a rural residential road.
- (b) In agricultural areas, as designated in the General Plan, any private right-of-way that exceeds one-half mile in length or serves more than 16 lots shall have a secondary method of access, unless this requirement is waived by the Zoning Administrator.
- (c) In non-agricultural areas, as designated in the General Plan, any private right-of-way that exceeds 1,000 feet or serves more than 20 lots shall have a secondary method of access unless this requirement is waived by the Zoning Administrator.
- (d) If it is determined during the project review that it is necessary to include the private right-of-way in the County's road system in the future, the applicant shall make an irrevocable offer of dedication of such rights-of-way to the County.

9-608.160 ANTIQUATED SUBDIVISION

Roads providing access to lots in antiquated subdivisions shall be subject to the following requirements, unless otherwise approved by the Director of Public Works:

- (a) The roads shall be improved to fire road standards or rural residential road standards, and an irrevocable offer of dedication is made to the County; or
- (b) If access is to be provided by a private right-of-way, individual lots may be developed if:
 - (1) The road is improved, at a minimum, to the requirements of the California Fire Code; and
 - (2) If the road exceeds one-half mile in length or serves more than 16 lots, a secondary method of access per the County's Improvement Standards for a rural residential road shall be provided, and an irrevocable offer of dedication made to the County.

9-608.170 PUBLIC ACCESS TO WATERWAYS

Whenever a subdivision adjoins a public waterway and public access is unavailable within a reasonable distance as determined by the Zoning Administrator, the developer shall provide access to the waterway by means of a public roadway, pedestrian way, or bikeway. In accordance with Section 66478.1 *et. seq.* of the Government Code, such access shall include an easement along a portion of the bank of the waterway. For the purposes of this section, a public waterway shall be as defined in Section 66478.4 of the Government Code. The Zoning Administrator shall determine the design and location of the access based on the following considerations:

- (a) **Means of Access.** Access may be by vehicle, foot, or other means;
- (b) **Development Size.** The number of dwelling units or square feet of non-residential space in the development;
- (c) **Public Access.** The proximity of public access to the waterway;
- (d) **Riverbank Type.** The type of riverbank and its appropriate recreational, educational, and scientific uses;
- (e) **Trespass.** The likelihood of trespass on private property and reasonable means of avoiding such trespass; and
- (f) **Levees.** The existence of levees and their primary purpose.

9-608.180 ROAD NAMING PROCEDURES

The following procedures shall be used in the naming of public or private roads:

- (a) **Tentative Map Review.** Where the new road is proposed as part of a Tentative Map, the applicant shall submit with the Tentative Map the proposed names for new roads. As part of the review of the Tentative Map, the Zoning Administrator shall ensure that the proposed name is consistent with the Community Development Department's road naming standards. Those names not consistent with the standards shall be identified, and the applicant shall submit alternate

name(s). The review of the alternate name(s) shall be the same as described above.

- (b) **Other New Roads.** Where a new road is proposed that is not part of a Tentative Map, the Zoning Administrator shall officially name the new road at the time the road is accepted as a public highway. The name shall be consistent with the Community Development Department's road naming standards.
- (c) **Road Name Changes.** Requests for the renaming of existing roads shall be decided by the Zoning Administrator:
 - (1) Applications may be filed by any interested person; and
 - (2) Notification shall be by United States mail to all owners of property fronting on or with direct access to the road, and a minimum of three notices posted along the road.

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Chapter 9-609 Underground and Overhead Utilities

Sections:

- 9-609.010 Purpose
- 9-609.020 Utility Distribution Facilities

9-609.010 PURPOSE

This Chapter specifies requirements and standards for underground and overhead utilities.

9-609.020 UTILITY DISTRIBUTION FACILITIES

Utility distribution facilities shall comply with the following requirements:

- (a) **Underground Distribution and Transmission.** All utility distribution and transmission facilities supplying electric, communication, or similar service within, or passing through, any development project shall be placed underground. In this context, the word "facilities" excludes facilities used for street lighting, traffic signals, pedestals for police and fire system communications and alarms, pad-mounted transformers, pedestals, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, substations, and facilities carrying over 35,000 volts.
- (b) **Location for Underground Facilities.** Underground distribution facilities for public utilities shall be in a public right-of-way or public utility easement. No public utility distribution facilities shall be located outside a public right-of-way or public utility easement except in providing service to the lot on which they are located.
- (c) **Rural Residential Subdivision.** In rural residential subdivisions, the Zoning Administrator may waive the requirement for underground facilities upon finding that such undergrounding is economically infeasible, incompatible with the surrounding area, or impossible due to physical constraints.
- (d) **Location of Overhead Utilities.** Overhead utility lines, when permitted in a development, shall be in a public right-of-way or public utility easement. The Director of Public Works shall approve the precise location of poles supporting such overhead lines.
- (e) **Timing of Installation.** Any underground utility improvements, installed or to be installed in a subdivision by the subdivider, that cross underneath the right-of-way of any roadway shall be installed prior to the improvement of any such roadway in the subdivision.

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Chapter 9-610 Development Impact Fees for Infrastructure

Sections:

9-611.010	Purpose
9-611.020	Common Procedures
9-611.030	Development Impact Fee for Traffic Mitigation
9-611.040	Infrastructure Reimbursement Charge
9-611.050	Water Facilities Impact Fee
9-611.060	Fire Protection Facilities Improvement Fee
9-611.070	County Capital Facilities Development Impact Fee Program
9-611.080	School Financing for New Development

This chapter aligns County regulations with the authority to levy these fees set out in the Mitigation Fee Act, Government Code Sections 66000 et seq. (Fees for Development Projects). Provisions for parkland dedication and in lieu fees have been moved to the Chapter on Dedications and Reservations; authority for these fees was established by the Quimby Act and is found in the SMA (Government Code Sections 66477 et seq.), not the Mitigation Fee Act.

9-610.010 PURPOSE

In order to implement General Plan policies for adequate public facilities and to mitigate the impact of new development on existing public facilities and services, this Chapter establishes development impact fees and infrastructure reimbursement charges to finance off-site public improvements needed for development and ensure that applicants pay for their development's fair share of the costs of these improvements. In establishing these fees, the Board of Supervisors has found the fee to be consistent with the General Plan and the Mitigation Fee Act in Government Code Sections 66000 through 66008 and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the County's housing needs as established in the Housing Element of the General Plan.

9-610.020 COMMON PROCEDURES

This section establishes common procedures, consistent with the Mitigation Fee Act, to be followed for each of the individual fee programs.

- (a) **Establishment of Development Impact Fees for Infrastructure Financing.** The Board of Supervisors shall periodically establish and update development impact fees for infrastructure financing for specific public facilities, including road improvements and traffic mitigation, water supply and wastewater collection and disposal

facilities, stormwater drainage, fire protection and other County capital facilities. This shall be done after a duly-noticed public hearing, by a Resolution that:

- (1) Sets forth the purpose of the fee;
- (2) Identifies the specific use(s) or facilities to be financed, the existing level of service for each use or facility, any proposed changes in these levels of services, and the reasons for such change(s);
- (3) Establishes a fee proportionate to the square footage of proposed units for housing developments and other metrics, as appropriate, for non-residential development;
- (4) Determines how there is a reasonable relationship between a fee's use and the type of development on which the fee is imposed;
- (5) Determines that there is a reasonable relationship between the use of the fee for a specific category of public facilities and type(s) of development project(s) for which the fee is imposed;
- (6) Determines whether any adjustments in fees for housing development are necessary, pursuant to Government Code Sections 66005.1 and 66016.5, for project with specified characteristics (e.g., reduced number of parking spaces) or in specific locations (e.g., within one-half mile of a transit station or convenience retail uses);
- (7) Establishes an administrative cost for the fee program to be added into the fee; and
- (8) Establishes a separate capital facilities account for each identified facility into which the fees shall be placed, provides for appropriation of the fees, and references the proposed construction schedule or improvement plan adopted by the Department of Public Works for the public facilities.

An Impact Fee Nexus Report prepared for the County may be used to substantiate the required findings by providing factual details and methodologies on how the reasonable relationship between the use of the fee for a specific category of public facilities and the type of development project on which the fee is imposed was determined.

- (b) **Annual Increase.** Any fee established pursuant to a resolution under this Chapter shall be automatically increased each year by an amount equal to the Engineering Construction Cost Index as published by the *Engineering News Record* for the prior time period.
- (c) **Interest.** All fees and charges collected pursuant to this Chapter shall be credited with interest on such fees while in the possession of the County. The interest earned shall be credited to the account in which the fee or charge was deposited and

shall be used solely to pay for the public facilities authorized under this Chapter and the appropriate adopting resolution for the fee schedule.

- (d) **Payment of Fees.** The fees and charges to be collected under this Chapter are due shall be paid upon the issuance of a certificate of occupancy or the final inspection, whichever occurs last, or approval of any discretionary permit if no building permit is required unless the applicant qualifies for the Deferred Fee Payment Program and has executed a Deferred Fee Payment Agreement with the County or, in the case of residential development, payment of the fees prior to issuance of a certificate of occupancy is allowed by Government Code Section 66006.5.
- (1) If a development has multiple types of uses, the fee shall be collected proportionately on each use based in square footage of space or number of dwelling units.
 - (2) When application is made for a new building permit following the expiration of a previously issued building permit for which the fee was paid, the fee payment shall not be required, unless the fee schedule has been amended during the interim, in this event, the appropriate increase or decrease shall be imposed.
 - (3) If subsequent development occurs with respect to property for which the fee has been paid, an additional fee shall be required only for additional square footage of development that was not included in computing the prior fee.
 - (4) If a development is converted to a more intense use, a fee shall be required which shall be the difference between the current fee for the original use and the current fee for the more intense use.
- (e) **Report on Fees or Refunds.** The Director of Public Works shall prepare a report each fiscal year identifying the purpose to which each fee is to be put, documenting use of the fees and charges collected and the account balances, excluding letters of credit or other security instruments, in its various facilities accounts five or more years after deposit of the fee, and demonstrating a reasonable relationship between the fees collected and disbursed and the purpose for which they were charged.
- (1) There shall be refunded to the then current record owner or owners of the lots or units of the development project or projects on a prorated basis the unexpended or uncommitted portion of the fee, and any interest accrued thereon, for which need cannot be demonstrated pursuant to this section.
 - (2) The refund shall be made from the unexpended or uncommitted revenues by direct payment, by providing a temporary suspension of fees, or by any other means consistent with the intent of this Section.

- (3) If the administrative costs of refunding unexpended or uncommitted revenues pursuant to this subdivision exceed the amount to be refunded, the Board of Supervisors, after a public hearing, may determine that the revenues shall be allocated for some other purpose for which the fees are collected, and which serves the project on which the fee was originally imposed.
- (f) **Deferral Fee Payment Program.** A Deferred Fee Payment Program shall be initiated when the Board of Supervisors, in a Board Resolution, sets forth the following:
- (1) The purpose of the Program;
 - (2) The conditions of eligibility for participation in the Program;
 - (3) The securities of applicants to the Program that will be required; and
 - (4) The penalty assessment for noncompliance with provisions of the Program.
 - (5) Participants in this program shall be obligated to enter into a Deferred Fee Payment Agreement prior to the issuance of a building permit.
- (g) **Use of Fees.** The fees and charges paid pursuant to this Chapter shall be placed in separate capital facilities accounts to avoid co-mingling of the fees and charges with other funds of the County. The fees and charges may be temporarily invested. Such fees and charges, along with any interest earnings, shall be used solely to pay for those use(s) and public facilities for which the fee or charge was established and may include:
- (1) Paying for the design and construction of designated public facilities and reasonable costs of outside consultant studies related thereto;
 - (2) Reimbursing the County for designated public facilities constructed by the County with funds, other than grants or gifts, from other sources;
 - (3) Reimbursing developers who have been required or permitted to design and construct public roads or other facilities that are oversized with supplemental size, length, or capacity; and
 - (4) Paying for and/or reimbursing County costs of program development and ongoing administration of the Development Impact Fees program.
- (h) **Developer Construction of Facilities.** Whenever a developer is required, as a condition of approval of a development permit, to design and/or construct a public facility that exceeds the size, length, or capacity needed for the impacts of that development, and when such construction or equipment is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged to the development project, may be offered. The

reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burden created by the development.

- (i) **Fee Adjustments or Waivers.** A developer of any project subject to any of the fees or charges established by this Chapter may apply to the Board of Supervisors for a reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus, or a different relationship, between the impacts of the development and either the amount of the fee charged or the type of facilities to be financed. The application shall be made in writing and filed with the Clerk of the Board of Supervisors ten days prior to the public hearing on the development permit application for the project or if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction, or adjustment.
 - (1) County staff shall prepare a report and recommendation for the Board of Supervisors consideration.
 - (2) The Board of Supervisors shall consider the application at a public hearing held within 60 days after the filing of the fee adjustment application.
 - (3) The decision of the Board of Supervisors shall be final.
 - (4) If a reduction, adjustment, or waiver is granted, any change in use or within the project or change in the size of the project shall invalidate the waiver, adjustment, or reduction of the fee.
- (j) **Exemptions.**
 - (1) No fee or charge established by this Chapter shall be applied to the reconstruction of any residential, commercial, or industrial development project that is damaged or destroyed because of a natural disaster as declared by the Governor.
 - (2) No fee or charge established by this Chapter shall be applied to the construction of any agricultural building as defined by the California Building Code.
- (k) **Protests.** Any protest as to the imposition of a fee, dedication, reservation, or exaction may be filed with the Board of Supervisors, in accordance with law.
 - (1) Such protest must be in writing and accompanied by payment in full or satisfactory evidence of arrangements to ensure performance of the conditions necessary to meet the requirements of the development approval. The protest shall include a statement that payment is tendered or

that all conditions have been provided for and a statement setting forth the factual elements and legal theories on which the protest is based.

- (2) A protest must be filed at the time of approval or upon conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservations, or exactions on the development. A legal action may be filed within 180 days of filing a protest under this section to attack, review, set aside, void, or annul the imposition of fees, dedications, reservations, or exactions. Approval or conditional approval occurs when a Tentative Map or a Parcel Map is approved or when a Parcel Map is recorded if a Tentative Map or Parcel Map is not required.

9-610.030 DEVELOPMENT IMPACT FEE FOR TRAFFIC MITIGATION

Authority for a Development Impact Fee Program for Traffic Mitigation is hereby established for new development in the unincorporated area of the County to pay for transportation facilities to mitigate the impact related to the new developments, including but not limited to traffic signalization, roadway improvements, and bridge construction or reconstruction. The fee for this program shall not be collected until the Board of Supervisors adopts a specific fee for traffic mitigation through a Board Resolution addressing the requirements in Section 9-611.020 (a), Establishment of Development Impact Fees for Infrastructure Financing.

9-610.040 INFRASTRUCTURE REIMBURSEMENT CHARGE

- (a) **Establishment of Infrastructure Reimbursement Charge.** Authority for an Infrastructure Reimbursement Charge for facilities identified in an Area Facilities Plan is hereby established in the unincorporated area of the County to provide reimbursement for construction of storm drainage, water supply, or sanitary sewer facilities. The charge shall be set by Resolution of the Board of Supervisors after County approval of a developer commitment to build infrastructure under an approved Area Facilities Plan.
 - (1) The specific Infrastructure Reimbursement Charge for a development project shall be based on the total cost of constructing the work shown on the Area Facilities Plan, as determined by the Director of Public Works, and a reasonable apportionment of such estimated cost to the properties that will benefit from the construction of the work.
 - (2) The Infrastructure Reimbursement Charges collected shall be placed in an interest-bearing Designated Fund based on the type of facilities and area.
- (b) **Credit.** Whenever an Area Facilities Plan facility, or a portion of an Area Facilities Plan facility, is required to be built by a developer, the developer will be credited the cost of those improvements built to reduce his Infrastructure Reimbursement

Charge. In the event the credit exceeds the developer's obligation, a reimbursement will be made to the developer.

- (c) **Payment of Charge.** The Infrastructure Reimbursement Charge shall be paid by all projects with the Area Facilities Plan service area, prior, to issuance of a building permit, approval of a discretionary permit or when the Director of Public Works determines that a direct benefit has been received.
- (d) **Deferred Charge Payment.** Whenever there is no direct benefit to a property for which an Infrastructure Reimbursement Charge has been set, the payment of the Infrastructure Reimbursement Charge will be deferred until a direct benefit has been established, as determined by the Director of Public Works and execution of a Deferred Infrastructure Charge Agreement. At the option of the developer, a deposit in the amount of the Infrastructure Reimbursement Charge can be placed into a trust account to avoid placing an encumbrance on the property.
- (e) **Use of Collected Funds.** No more than 90 percent of the money collected under provisions of this Chapter is to be used solely for reimbursements or refunds, as established below, to allow up to 10 percent of the money collected to be used for administration of the Infrastructure Reimbursement Charge program.
- (f) **Reimbursements.** As collected Infrastructure Reimbursement Charge money is available within a Designated Fund, the County may reimburse reasonable developers' costs of the built facilities as follows:
 - (1) The Director of Public Works shall annually determine the availability of such funds and may authorize their disbursement.
 - (2) For individual projects, the Director of Public Works shall determine the amount and reasonableness of developers' costs including planning, designing, and constructing facilities identified in an Area Facilities Plan that may be reimbursed.
 - (3) All reimbursement authorized by the Director of Public Works will be processed such that the developer who constructed the first improvements will be fully reimbursed prior to reimbursement to other developers who will be subsequently reimbursed in which the Area Facilities Plan facilities are constructed and accepted as complete by the County.
- (g) **Refunds.** The Director of Public Works shall refund Infrastructure Reimbursement Charge money paid upon cancellation or withdrawal of a building permit or discretionary permit by the applicant as provided below:
 - (1) A refund processing fee, set by Resolution, will be withheld from the amount refunded.

- (2) In the event a Designated Fund within a specific service area has been used for construction or reimbursement for construction of facilities for which it was collected, refunds will be approved only when adequate funds are available in the Designated Fund.

9-610.050 WATER FACILITIES IMPACT FEE

Authority for a water facilities impact fees for new development in the unincorporated area of the County is hereby established to pay for water facilities to mitigate the impact related to the new developments, including but not limited to projects to convey and treat an additional supply of and to allow for the conjunctive use of, the groundwater and surface waters. The fee for this program shall not be collected until the Board of Supervisors adopts a specific development impact fee for water facilities through a Board Resolution addressing the requirements in Section 9-611.020 (a), Establishment of Development Impact Fees for Infrastructure Financing.

9-610.060 FIRE PROTECTION FACILITIES IMPROVEMENT FEE

- (a) **Establishment of Fire Protection Facilities Improvement Fee Program.** Authority for a Fire Protection Facilities Improvement Fee is hereby established for development in the unincorporated area of the County to pay for the improvement of fire protection facilities due to the impacts of development. This fee shall not be collected until the Board of Supervisors, in a Board resolution, establishes a fire protection facilities improvement fee addressing the requirements in Section 9-611.020 (a), Establishment of Development Impact Fees for Infrastructure Financing.
 - (1) Fire districts requesting that this fee be imposed shall submit information to the County upon which the Board of Supervisors may make the findings required by this subsection.
 - (2) The fire districts shall adhere to guidelines developed by the County regarding the sufficiency of the materials submitted and the procedures to be followed for the submission.
- (b) **Staff.** The County Fire Warden shall act as staff to the Board of Supervisors and shall be responsible for implementation of this fee program. The Community Development Department shall assist the County Fire Warden.

9-610.070 COUNTY CAPITAL FACILITIES DEVELOPMENT IMPACT FEE PROGRAM

- (a) **Establishment of County Capital Facilities Development Impact Fee Program.** Authority for a County Capital Facilities Fee Program is hereby established; this program is needed to finance region-serving Capital Facilities located throughout the County that are used by the residents and businesses within each city as well as the unincorporated area and are impacted by development and to ensure that new development pays its proportional share for these improvements. The fee

for this program shall not be collected until the Board of Supervisors identifies specific region-serving capital facilities to be funded by the County's Capital Facilities Development Impact Fee Program and then adopts a specific Capital Facilities impact fee through a Board Resolution following the requirements in Section 9-611.020 (a), Establishment of Development Impact Fees for Infrastructure Financing.

- (b) **County Capital Facilities Development Impact Fees Accounts.** The County shall hold County Capital Facility Development Impact Fee revenues collected in a separate County Capital Facility Fee account for each Capital Facility. Fee revenues accruing in these accounts shall be expended for the purpose for which they were collected. The County shall account for all fee revenues, including interest accrued, and allocate them for the purposes for which the original fee was imposed.

9-610.080 SCHOOL FINANCING FOR NEW DEVELOPMENT

No application for residential development(s), including Tentative Maps and Tentative Parcel Maps, or a Zone Reclassification(s) for residential development shall be approved unless the school district provides documentation to the Planning Commission demonstrating that adequate school facilities will be available concurrently with the need for such facilities and including the following:

- (a) Evidence that the school district has imposed all school mitigation fees pursuant to the Mitigation Fee Act or equivalent mitigation measures not otherwise prohibited by statute;
- (b) A current copy of the district's School Facilities Plan that documents its existing facilities, provides future school facilities projections, both short and long term, and demonstrates the use of the current and projected revenues which are anticipated to meet those needs; and
- (c) Documentation of the district's efforts to seek all available funding and the prospects for seeking and/or obtaining funds in the reasonably foreseeable future.
- (d) The Zoning Administrator may waive submission of the detailed information required in paragraphs (b) and (c) if similar information has been provided to the County by the affected school district within the prior year.

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Series 700: Supplemental Developmental Regulations

Chapter 9-700 Agri-Tourism

Sections:

9-700.010	Purpose
9-700.020	Applicability
9-700.030	Agricultural Experiences
9-700.040	Agricultural Homestays or Farmstays
9-700.050	Agricultural Directional Off-Premises Signage
9-700.060	Other Uses and Activities Supporting Agri-Tourism

This chapter enables ranchers and farmers to offer “agricultural experiences,” such as farm and barn tours, cooking classes, picnic days, or volunteer programs to participate in farm or ranch operations, as a way of getting people to visit the ranch or farm and learn about how its run and what its products are. Agricultural homestays also can be made available under California Agricultural Homestay Bill without the restrictions that might otherwise apply to an Accessory Short-Term Rental or Bed & Breakfast Lodging. To qualify for overnight stays, the farms and ranches must produce agricultural products as their primary source of income. Additionally, farmers are limited to six guest rooms and 15 visitors a night. Lastly, an off-site directional signage program is offered for eligible agricultural businesses.

9-700.010 PURPOSE

The purpose of this Chapter is to establish regulations that support existing and future agri-tourism opportunities within the County, consistent with the General Plan. Accordingly, the regulations have the following specific objectives:

- (a) Promote agricultural experiences, such as farm and ranch tours and winery visits, which will draw visitors to the County and provide economic benefits for farmers and vintners without adversely affecting neighboring properties;
- (b) Offer tourist opportunities for overnight stays at farms and ranches, which will enable them to experience agriculture more fully and support the County's agricultural economy;
- (c) Enable farmers and vintners to market San Joaquin County as a tourist destination and foster civic pride in the beauty of the County's farmlands and vineyards and the agricultural economy; and

- (d) Create an agricultural directional signage program to support agri-tourism opportunities.

9-700.020 APPLICABILITY

The provisions of this Chapter shall apply to all Agricultural zones in the County and to all owner-operators of farms, ranches, and wineries.

9-700.030 AGRICULTURAL EXPERIENCES

- (a) **Allowable Activities.** Any operating farm or ranch that is operating allowed agricultural uses, such as animal raising, crop production, or dairies and creameries, may conduct an agricultural experience, such as farm and ranch tours, self-guided hikes, u-pick operations, on-site agricultural demonstrations, lectures, classes, or educational events, or participation in agricultural operations on the site, that complies with all of the following:

- (1) Is incidental to a primary agricultural use;
- (2) Features agricultural products grown or produced onsite;
- (3) Does not involve any amplified sound;
- (4) Occurs between the hours of 9:00 a.m. and 7:00 p.m.; and
- (5) Any overnight sleeping accommodations are subject to the standards of Section 9.700.040, Agricultural Homestays or Farmstays.

No Zoning Clearance or use permit is required for an agricultural experience meeting the criteria above of except as specified in this section.

- (a) **Number of Experiences Allowed.** Up to 4 agricultural experiences per month with a maximum of two days for each experience were allowed on each farm or ranch. Hikes, tours, and educational seminars without additional activities are not limited.
- (b) **Maximum Number of Participants.** The maximum number of individuals in a group allowed for an agricultural experience is 49 at any one time unless a Temporary Use Permit is issued under Section 9-804.080 allowing a greater number.
- (c) **Compliance with County Code requirements.** All owner-operators conducting agricultural experiences must comply all of the applicable County requirements of this Title and other County Codes related to food service, porta-toilets, and trash containers, fire protection, and any other applicable provisions.

9-700.040 AGRICULTURAL HOMESTAYS OR FARMSTAYS

Agricultural Homestays or Farmstays are allowed in Agricultural zones, subject to the following requirements:

- (a) No more than six bedrooms shall be made available for rent. If a detached cabin is used in lieu of the residence, it shall not exceed 500 square feet.
- (b) The maximum number of guests is 15.
- (c) Lodging and overnight accommodations shall be rented for no more than one week per individual.
- (d) Meal service, including light foods or snacks, may be provided to registered guests only at anytime, in compliance with the current California Retail Food Code.
- (e) The Agricultural Homestay or Farmstay shall be on a working farm or ranch located on a parcel or adjoining parcels totaling at least 20 acres in size (5 acres in the AL zone) and under the same ownership.
- (f) No Agricultural Homestay or Farmstay shall be located on a site containing a Bed and Breakfast Lodging or offering Accessory Short-term Rentals ("Home-shares").
- (g) The property owner or farm/ranch operator shall reside on the site of the agricultural operation or on an adjoining parcel under the same ownership. Facilities may not be rented out to a 3rd party.
- (h) One off street parking space for each room rented shall be provided in addition to the off-street parking for the permanent residents and full-time employees required by Chapter 9-406. The design and locational requirements for such parking established in Chapter 9-406 apply to this parking.
- (i) Services shall be limited to the rental of rooms, activities traditionally associated with the operations of farms and ranches and the optional provision of meals for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom or cabin made available for rent.
- (j) Group activities that involve more than 10 adult guests of the homestay are prohibited unless related to an agricultural experience allowed under Section 9-700.030.
- (k) Special events, including but not limited to weddings and parties are prohibited, unless a Temporary Use Permit has been approved pursuant to Section 9-804.080
- (l) Signs shall be limited to one on-premise sign and subject to the standards of Chapter 9-408, Signs.
- (m) An adequate water well and sewage disposal system shall be available, approved by the Department of Environmental Health, for use by the proposed Agricultural Homestay, or letters from the appropriate water and wastewater agencies indicating there is sufficient water supply and wastewater treatment capacity for the proposed use shall be submitted by the applicant.

9-700.050 AGRICULTURAL DIRECTIONAL OFF-PREMISES SIGNAGE

Agricultural directional off-premises signs are allowed in Agricultural zones to direct the public to agricultural businesses where products are available for sale or to Agricultural Experiences, or Agricultural Homestays or Farmstays are offered, subject to the following requirements.

- (a) **Type of Business.** Agricultural businesses that qualify off-site signage under this section include, but are not necessarily be limited to, farms, ranches, fruit stands, wineries, on-farm sales, pick-it-yourself operations, pumpkin patches, plant nurseries, and tree farms.
- (a) **Type of Sign.** Agricultural directional signs shall be mounted on a single signpost. Individual sign panels may include only the name of the business or commodity, and either distances in miles and tenths or months of operation. A directional arrow will be included on each sign panel in the appropriate direction of the business. Each business is limited to no more than two panels, back-to-back, per signpost.
- (b) **Location.** Agricultural directional signs shall be located at crossroads, intersections, or other sites where directional information is needed. and shall be subject to the following:
 - (1) Signposts may be in the County right-of-way upon obtaining an encroachment permit from the Department of Public Works. Such signposts will be allowed only at intersections identified on a list for agricultural directional signs maintained by the Department of Public Works. Signposts may also be placed on private land with the written permission of the landowner and applicable sign permit.
 - (2) Individual businesses are limited to placing agricultural directional signs only within a five-mile radius of their location.
- (b) **Size and Design.** Agricultural directional sign shall include a standard metal logo approved by the County (such as "San Joaquin Grown" or a wine industry logo) and individual sign panels meeting the following specifications:
 - (1) **Maximum Height:** 12 feet.
 - (2) **Maximum Sign Area:** 15 square feet
 - (3) **Color.** The sign panels shall be white with a standard dark green lettering or forest green with white lettering.
- (c) **Permits Required; Installation and Maintenance.** Agricultural directional signs are subject to the permitting requirements of Chapter 9-408, Signs, and the standards installed and maintenance in that chapter.

9-700.060 OTHER USES AND ACTIVITIES SUPPORTING AGRI-TOURISM

In addition to the activities specifically listed in Section 9-100.040, the following uses, which are separately regulated, may be allowed in Agricultural zones, subject to the standards and permitting procedures of this Title.

- (a) **Bed and Breakfast Lodging:** See Section 9-409.100;
- (b) **Cottage Food Operations:** See Section 9-409.160;
- (c) **Produce Stands and Agricultural Stores:** See Section 9-409.360; and
- (d) **Wineries and Related Facilities:** See Chapter 9-410.

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Chapter 9-701 Agricultural Mitigation

Sections:

9-701.010	Purpose and Intent
9-701.020	Findings
9-701.030	Agricultural Technical Advisory Committee
9-701.040	Mitigation Requirements
9-701.050	Use of In-Lieu Fees
9-701.060	Agricultural Mitigation Lands
9-701.070	Agricultural Mitigation Strategy
9-701.080	Legal Instruments for Preservation of Agricultural Land
9-701.090	Monitoring, Enforcing, And Reporting

9-701.010 PURPOSE AND INTENT

The purpose of this Chapter is to implement the conservation policies contained in the General Plan related to permanently protecting agricultural land within the County and requiring agricultural mitigation for projects that convert through development agricultural land to urban uses. More specifically, this Chapter is intended to accomplish the following:

- (a) **Intergovernmental Coordination.** It is County policy to work cooperatively with the cities within the County, helping them adopt agricultural preservation policies and ordinances, consistent with this Chapter, in order to undertake an integrated, comprehensive countywide approach to preservation and agricultural mitigation. The County's goal is for all cities to adopt and implement an agricultural mitigation program modelled on this Chapter.
- (b) **Habitat Mitigation Plan.** The Board of Supervisors intends to coordinate its regulatory efforts with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in order to achieve an optimal farmland protection system.
- (c) **Delta Protection Commission.** The Board of Supervisors will coordinate its regulatory efforts with those of the Delta Protection Commission for optimal farmland protection.

9-701.020 FINDINGS

The Board of Supervisors finds this Chapter is necessary because:

- (a) The County is losing farmland at a rapid rate;
- (b) The County's farmland is of exceptional productive quality and an important component of the County's economy;

- (c) Loss of farmland to development is irreparable and will have a cumulatively negative impact on the economy of the County;
- (d) Continuation of agricultural operations preserves the landscape and environmental resources;
- (e) Permanent preservation of farmland is a General Plan policy; and
- (f) Using only zoning and other regulatory mechanisms has been a useful, but inadequate, approach to preserving farmland, so agricultural mitigation must be required, consistent with the General Plan, when agricultural land would be converted to urban uses.

9-701.030 AGRICULTURAL TECHNICAL ADVISORY COMMITTEE

- (a) **Creation.** An Agricultural Technical Advisory Committee is created to carry out the functions authorized by this Chapter, including review of farmland conservation easements and formulation of an Agricultural Mitigation Strategy.
- (b) **Powers.** The Agricultural Technical Advisory Committee shall:
 - (1) Adopt rules of procedure and bylaws governing the operation of the advisory committee and the conduct of its meetings;
 - (2) Develop and periodically update an Agricultural Mitigation Strategy, consistent with Section 9-701.070;
 - (3) Periodically report to the Board of Supervisors, on request, on different agricultural mitigation ratios and definitions for the Delta and for Prime Agricultural land;
 - (4) Consider and make recommendations to the Board of Supervisors regarding future consideration of the inclusion of land outside the County as allowable Agricultural Mitigation Land, and agricultural mitigation strategies other than the hybrid in-lieu fee/in-kind land approach set forth in this Chapter;
 - (5) Explore the concept of establishing an Agricultural Mitigation Bank; and
 - (6) Assume other responsibilities as set forth in this Chapter or assigned to the Committee by the Board of Supervisors.
- (c) **Composition.** The Agricultural Technical Advisory Committee shall be composed of three representatives appointed by the San Joaquin Farm Bureau Federation, three representatives appointed by the Building Industry Association, and three representatives appointed by the Board of Supervisors, in which the appointees from the San Joaquin Farm Bureau Federation and the Building Industry Association are ratified by the Board of Supervisors.

- (d) **Voting.** A supermajority vote (i.e., a two-thirds vote of its members) is a requirement for all decisions by the Agricultural Technical Advisory Committee.
- (e) **Term.** The terms of the Agricultural Technical Advisory Committee shall be as follows:
 - (1) Five members shall be initially appointed for two-year terms. Said two-year terms shall be applicable to two of the appointees of the Building Industry Association, two of the appointees of the San Joaquin Farm Bureau Federation, and one of the appointees of the Board of Supervisors.
 - (2) Four members shall be appointed for four-year terms. Said four-year terms shall be applicable to one of the appointees of the Building Industry Association, one of the appointees of the San Joaquin Farm Bureau Federation, and two of the appointees of the Board of Supervisors.
- (f) **Staff.** The County shall provide the Agricultural Technical Advisory Committee with staff support.

9-701.040 MITIGATION REQUIREMENTS

- (a) **Mitigation Required.** The County shall require agricultural mitigation for:
 - (1) A General Plan Amendment, Master Plan, or Specific Plan that changes the designation of any land from an agricultural to a non-agricultural use; and
 - (2) A Zoning Reclassification that changes the permitted uses from agriculture to a non-agricultural use, regardless of the General Plan designation.
- (b) **Mix of Uses.** Mitigation shall only be required for that portion of the land that no longer will be designated as or zoned for agricultural I uses.
- (c) **Types of Mitigation.** Agricultural mitigation shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism as set forth in Subsection (d) of this Section. The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a non-agricultural use, meaning a 1:1 ratio.
- (d) **Direct Provision of Agricultural Mitigation Land.** The direct provision of agricultural mitigation land pursuant to Subsection (c) of this Section shall be as follows:
 - (1) The applicant shall pay an administrative fee to cover the costs of administering, monitoring and enforcing the farmland conservation easement or other instrument in an amount determined by the Board of Supervisors.
 - (2) The location and characteristics of the agricultural mitigation land shall comply with Section 9-701.060, Mitigation Strategy.

- (3) The Agricultural Technical Advisory Committee, created pursuant to this Chapter, shall review each farmland conservation easement or other preservation instrument for consistency with Section 9-701.070, Mitigation Strategy.
 - (4) The farmland conservation easement or other preservation instrument shall be held by a Qualifying Entity¹. The County shall be a co-holder or backup beneficiary of the legal instrument. If the Qualifying Entity refuses to hold the easement or other preservation instrument, it shall be held by the County.
 - (5) If the applicant for a General Plan Amendment, a Specific Plan, or Zoning Reclassification makes application to the Board of Supervisors and demonstrates that the applicant has made a diligent effort to obtain a farmland conservation easement or other preservation instrument and that the applicant has been unable to obtain such easement or other preservation instrument, the Board may grant the applicant the option to either obtain the easement or other instrument, or to pay the in-lieu fee set forth in Subsection (e) of this Section. The applicant shall provide documentation he/she has met with the Qualifying Entity and the San Joaquin Farm Bureau and neither entity has been able to assist with the acquisition of the easement. Facts that the Board may consider in making a decision regarding applicant's request include, but are not limited to, the following:
 - (A) Multiple good faith offers to purchase an easement or other preservation instrument, which offers have been declined by the seller or sellers;
 - (B) Good faith efforts to purchase an easement or other preservation instrument over an extended period of time where further efforts would make it unreasonable for the applicant to continue such efforts; and
 - (C) Good faith efforts to purchase an easement or other preservation instrument, but where the high cost of such purchase makes it unreasonable for the applicant to continue such efforts.
- (e) **In-Lieu Fees.** The payment of an in-lieu fee is subject to the following provisions:
- (1) The Board of Supervisors shall approve by resolution the amount and other terms of an in-lieu fee. The in-lieu fee shall include: 1) the cost of purchasing

¹ "Qualifying Entity" means a nonprofit public benefit 501(c)(3) corporation or other appropriate legal entity operating in San Joaquin County for the purpose of conserving and protecting land in agriculture and approved for this purpose by the Board of Supervisors. The County may be designated as a Qualifying Entity. This is noted in Definitions in the 900 Series.

farmland conservation easements on land of comparable size and agricultural quality, 2) the costs of administering, monitoring, and enforcing the easements, and 3) the costs of legal, appraisal and other tasks, including staff time, to acquire and manage the easements.

- (2) The in-lieu fee shall be updated annually based on an inflator that takes into account the inflation of property values in the County and the time it takes to acquire property for agricultural mitigation. The inflator shall be calculated based on a three-year running average of the most recent available data from the House Price Index (HPI) for the Stockton Metropolitan Statistical Area, as compiled by the Office of Federal Housing Enterprise Oversight.
 - (3) Within 60 days after collection by the County, in-lieu fees shall be transferred to a fund administered by the Qualifying Entity.
 - (4) The annual report described in Section 9-701.090(b), shall describe the effectiveness of the use of in-lieu fees as provided for under this Chapter.
- (f) **Final Approvals.** Final approval of any project subject to Subsection (a) of this Section is contingent upon the execution of the legal instrument to provide agricultural mitigation land and payment of the administrative fee, or approval and payment of an in-lieu fee. Submission of the required legal instrument or payment of the in-lieu fee shall occur prior to issuance of a Grading Permit or Building Permit, whichever would occur first.
- (g) **CEQA Review.** Participation in the Agricultural Mitigation Program shall be considered during the environmental review for projects pursuant to the California Environmental Quality Act.

9-701.050 USE OF IN-LIEU FEES

The in-lieu fees shall be administered by the Qualifying Entity in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring, and enforcing the farmland conservation easement or other instrument designed to preserve the agricultural values of the land for farmland mitigation purposes.

The location and characteristics of the agricultural mitigation land purchased with in-lieu fees shall comply with the provisions of Section 9-701.060. The in-lieu fees shall not be used for purposes inconsistent with this Section.

9-701.060 AGRICULTURAL MITIGATION LANDS

- (a) **Location.** Agricultural mitigation land must be located within the County.
- (b) **Allowable Uses.** Agricultural mitigation land must be shown on the General Plan as Agriculture and zoned for agricultural uses. Agricultural mitigation land may be

in the Delta. The type of agricultural related activity allowed on mitigation land will be specified in an agricultural easement or related legal instrument, as described in Section 9-701.050.

- (c) **Soil Quality.** The agricultural mitigation land should be of comparable or better soil quality than the agricultural land whose use is being changed to nonagricultural use. Priority shall be given to lands with prime agricultural soils, located in areas of greatest potential development as shown in the General Plan.
- (d) **Water Supply.** The agricultural mitigation land shall have an adequate water supply to support agricultural uses. This water supply shall be protected in the farmland conservation easement or other document evidencing the agricultural mitigation.
- (e) **Previous Encumbrances.** Land already effectively encumbered by a conservation easement of any nature is not eligible to qualify as agricultural mitigation land.

9-701.070 AGRICULTURAL MITIGATION STRATEGY

- (a) **Initiation and Approval.** The Agricultural Technical Advisory Committee shall develop and periodically refine a Mitigation Strategy for Preservation of Agricultural Land, with a formal update approved by the Board of Supervisors every five years. The Board of Supervisors shall approve the Mitigation Strategy after receiving it from the to the Planning Commission and the Board of Supervisors and taking public comment at a duly noticed public hearing.
- (b) **Purpose and Contents.** The purpose of the Mitigation Strategy is to ensure that the acquisition of agricultural mitigation land, from both direct provision and in-lieu fees, achieves maximum benefits to the residents of the County. The Mitigation Strategy may consist of any combination of policies, evaluation criteria, maps, and other useful decision-making tools. It shall be of sufficient specificity to provide adequate guidance on location and other factors to people reviewing the proposed encumbrance of agricultural mitigation land.
- (c) **Issues to Be Considered.** The Mitigation Strategy shall specifically address the following issues:
 - (1) The need to include contiguous parcels and areas large enough to preserve agricultural operations;
 - (2) The qualities of high priority farmland and the type of activities allowed on agricultural mitigation lands;
 - (3) Coordination with other public and private land conservation programs; and
 - (4) Other factors that would result in more effective preservation of agricultural lands.

- (d) **Transmittal.** The Mitigation Strategy shall be transmitted immediately after approval by the Board of Supervisors to the Qualifying Entity for its use in acquiring and managing interests in agricultural mitigation land.

9-701.080 LEGAL INSTRUMENTS FOR PRESERVATION OF AGRICULTURAL LAND

- (a) **Requirements.** The legal instrument encumbering agricultural mitigation land shall:
- (1) Be executed by all owners of the agricultural mitigation land;
 - (2) Be in form suitable for recordation;
 - (3) Contain an accurate legal description setting forth the description of the agricultural mitigation land;
 - (4) Prohibit new residential and/or commercial development on agricultural mitigation land that is not directly needed for agricultural production, regardless of existing zoning;
 - (5) Protect the existing water rights and retain them with the agricultural mitigation land; and
 - (6) Prohibit any activity that substantially impairs or diminishes the agricultural productivity of the land, as determined by the Agricultural Technical Advisory Committee and approved by the Board of Supervisors. However, all activities or land uses currently allowed under the County's AG zoning designation shall be allowed on mitigation land.
- (b) **County Interests.** The County shall be named a co-holder or backup beneficiary under any instrument conveying the interest in the agricultural mitigation land to a Qualifying Entity.
- (c) **Disposition of Land.** Interests in agricultural mitigation land shall be held in trust by a Qualifying Entity and/or by the County in perpetuity. Except as provided in Subsection (d) of this Section, the Qualifying Entity or the County shall not sell, lease, or convey any interest in agricultural mitigation land it acquires. The legal instrument encumbering the agricultural mitigation land shall include the provisions of this Subsection.
- (d) **Change in Circumstances.** If judicial proceedings find that the public purpose described in Section 9-1080.1 of this Chapter can no longer reasonably be fulfilled as to an interest acquired, the Qualifying Entity's interest in the agricultural mitigation land, as secured by the legal instrument, may be extinguished through sale, and the proceeds shall be used to acquire interests in other agricultural mitigation land in the County, pursuant to the provisions of this Chapter and subject to approval by the Board of Supervisors.

- (e) **Cessation of Qualifying Entity.** If any Qualifying Entity owning an interest in agricultural mitigation land ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall pass to the co-holder or backup beneficiary of the legal instrument. The County, acting as co-holder or backup beneficiary, may designate another Qualifying Entity to assume the responsibilities to hold, administer, monitor and enforce the interest.

9-701.090 MONITORING, ENFORCING, AND REPORTING

- (a) **Monitoring and Enforcing.** The Qualifying Entity shall monitor all lands and easements acquired under this Chapter and shall review and monitor the implementation of all management and maintenance plans for these lands and easement areas. It shall also enforce compliance with the terms of the conservation easements or other agricultural mitigation instruments.
- (b) **Reporting by Qualifying Entity.** Annually, beginning one year after the adoption of this Chapter, the Qualifying Entity shall provide to the Agricultural Technical Advisory Committee an annual report delineating the activities undertaken pursuant to the requirements of this Chapter and an assessment of these activities. The report shall describe the status of all lands and easements acquired under this Chapter, including a summary of all enforcement actions.
- (c) **Reporting by Agricultural Technical Advisory Committee.** Annually, the Agricultural Technical Advisory Committee shall review the reports submitted to it by the Qualifying Entity as well as any other relevant material and prepare an Annual Report that provides an independent assessment of the effectiveness of the agricultural mitigation program and its consistency with the approved Mitigation Strategy.
 - (1) The Annual Report shall document the funds collected and/or direct provision of mitigation lands pursuant to the provisions of this Chapter for the reporting year.
 - (2) The Annual Report shall also document the size and location of the land that is to be converted to a nonagricultural use during the reporting year, which generated the mitigation requirements of this Chapter.
 - (3) The Technical Advisory Committee shall forward the Annual Report, along with other relevant material received, to the Board of Supervisors for its review at a duly-noticed public hearing.

Chapter 9-702 Agricultural Preserves

Sections:

9-702.010	Purpose
9-702.020	Requirements for Agricultural Preserves
9-702.030	Review Procedures
9-702.040	Findings
9-702.050	Requirements for Williamson Act Contracts
9-702.060	Terms of Williamson Act Contract
9-702.070	Procedures for Nonrenewal of Williamson Act Contracts
9-702.080	Cancellation of Williamson Act Contracts

9-702.010 PURPOSE

The purpose of this Chapter is to provide a method for establishing, disestablishing, or altering the boundaries of agricultural preserves to implement General Plan policies for agricultural preservation and the Williamson Act as set forth in the Government Code.

9-702.020 REQUIREMENTS FOR AGRICULTURAL PRESERVES

Creation of an Agricultural Preserve may be initiated by the Board of Supervisors, the Planning Commission, the Zoning Administrator, or a qualified applicant. Applications from qualified applicants shall be filed with the Community Development Department and include all of the information prescribed by the Zoning Administrator and the required fee. Agricultural Preserve applications must meet the following requirements:

- (a) **Minimum Size.** The minimum size necessary for the establishment, or resulting alteration of, an Agricultural Preserve is 100 acres of contiguous land.
- (b) **Zoning.** All land for which Agricultural Preserve status is being sought, or which currently is in an Agricultural Preserve, must be in an AL, AG, or AU zone.
- (c) **Zoning Reclassification.** If the subject property does not have the required zoning, an application for Zone Reclassification shall be made and processed concurrently with the Agricultural Preserve application. However, such Zone Reclassification application must be approved prior to the establishing of an Agricultural Preserve.

9-702.030 REVIEW PROCEDURES

The review procedure for Agricultural Preserve applications shall be the Common Procedure in Chapter 9-802 and shall be subject to all of the following additional requirements:

- (a) **Director Report.** Within 30 days after the Zoning Administrator has determined that an Agricultural Preserve application is complete, the Director shall prepare and submit a report to the Planning Commission and the Board of Supervisors as to whether the Agricultural Preserve application is consistent with the General Plan.
- (b) **Planning Commission Review.** The Planning Commission shall make a recommendation for approving or denying an Agricultural Preserve application after holding a duly-noticed public hearing. The Planning Commission shall forward its recommendations to the Board of Supervisors.
- (c) **Board of Supervisors Hearing.** The Board of Supervisors shall conduct a duly-noticed public hearing on the Agricultural Preserve application. At the conclusion of the hearing, the Board shall take final action to approve, approve with conditions, or deny the application.
- (d) **Notification.** In the event any proposal to disestablish or alter the boundary of an Agricultural Preserve will remove land under contract from the preserve, notice of the proposed alteration or disestablishment and the date of the hearing shall be furnished by the Board by certified mail to the owner(s) of the land. Such notice also shall be published once in a newspaper of general circulation and shall be furnished by first-class mail to each owner of land under contract, any portion of which is situated within one mile of the exterior boundary of the land to be removed from the preserve.

9-702.040 FINDINGS

Prior to acting on an Agricultural Preserve application, the Planning Commission and the Board of Supervisors shall find that the following are true:

- (a) **Consistency.** The establishment, disestablishment, or alteration of an Agricultural Preserve is consistent with the General Plan; and
- (b) **Establishment or Enlargement.** The area specified in the Agricultural Preserve application for establishing or enlarging an Agricultural Preserve must be designated as General Agriculture, Limited Agriculture, or Agriculture-Urban Reserve on the General Plan Map and zoned consistent with this designation; or
- (c) **Disestablishment.** The area specified in the Agricultural Preserve application for disestablishing the Agricultural Preserve is designated for residential, commercial, or industrial land uses on the General Plan Land Use Map, and development is expected to occur within 10 years.

9-702.050 REQUIREMENTS FOR WILLIAMSON ACT CONTRACTS

The minimum parcel size has been increased to 40 acres for prime farmland and 80 acres for other agricultural land, consistent with the proposed General Plan amendments that will be heard concurrently by the Board of Supervisors with the Development Title update.

A Williamson Act contract application shall include all documentation, maps, or other information required by the Zoning Administrator; it may be filed concurrently with an application for establishing or altering an Agricultural Preserve designation. These applications may be initiated only by a qualified applicant and shall be subject to the following requirements:

- (a) **Location Within Agricultural Preserve.** A parcel for which contract status is sought must be located within an Agricultural Preserve.
- (b) **Minimum Parcel Size.**
 - (1) The minimum size parcel of prime agricultural land that qualifies for a contract is 40 acres if the land is classified by the U.S. Department of Agriculture Natural Resource Conservation Service as prime farmland, farmland of statewide or local importance, or unique farmland; and
 - (2) The minimum size parcel of all other agricultural land that qualifies for a contract is 80 acres.

9-702.060 TERMS OF WILLIAMSON ACT CONTRACT

- (a) **Board Resolution.** The contract shall be subject to the Resolution of the Board of Supervisors concerning the Williamson Act.
- (b) **Allowable Land Uses.**
 - (1) The following use types, if allowed in the zone where the property is located, are allowable on land subject to a Williamson Act contract:
 - (A) Single-Unit Dwellings;
 - (B) Family Day Car;
 - (C) Farm Employee Housing;
 - (D) Agricultural Land Strip;
 - (E) Agricultural Extraction;
 - (F) Agricultural Industry;
 - (G) Agricultural Recycling;
 - (H) Agricultural Sales;
 - (I) Agricultural Warehousing;
 - (J) Animal Care, Sales, and Services;
 - (K) Animal Feeding and Sales;

- (L) Animal Raising;
 - (M) Commercial Cannabis Cultivation;
 - (N) Crop Production;
 - (O) Dairy and Creamery;
 - (P) Equipment Sales & Repair: Farm Machinery Sales and Repair;
 - (Q) Industrial Hemp Production
 - (R) Nursery Sales and Landscaping Services;
 - (S) Produce Sales and Agricultural Stores
 - (T) Quarry Operations;
 - (U) Renewable Energy;
 - (V) Utilities;
 - (W) Water Storage; and
 - (X) Wineries and Wine Cellars.
- (2) Accessory and temporary uses allowed in the zone where the property is located.
 - (3) Sales and distribution of agricultural chemicals and fertilizers if the operation consists primarily of dispatching less than truckload lots and/or the delivery of agricultural chemicals and fertilizers is by means of grower-operated equipment.
 - (4) Such outdoor recreational activities as permitted by the Williamson Act, Government Code Section 51201 (n) except camping if the land has a use permit for a nature preserve.
 - (5) Such outdoor recreational activities that can be carried out in conjunction with the continued agricultural usage of the land.
 - (6) Other uses that are comparable to or no more intensive than those uses enumerated in subsection (b)(1) shall be permitted with a Conditional Use Permit only if the Planning Commission determines that such use(s) will not:
 - (A) Significantly compromise the long-term productive agricultural capability of the property, or of other contracted land;
 - (B) Significantly displace or impair current or reasonably foreseeable agricultural operations on the parcel or on other contracted lands; and

- (C) Result in significant removal of contracted land from agricultural or open-space use.
- (c) **Staff Review.** The Zoning Administrator and County Counsel shall review and approve the proposed contract prior to its submittal to the Board. The Board shall take final action on the contract application.
- (d) **Required Findings.** Prior to approving an Administrative Use Permit or a Conditional Use Permit for a project that will be subject to a Williamson Act contract, the Zoning Administrator or the Planning Commission, whichever has approval authority, must find that all of the following are true:
 - (1) Conditions are included in the contract that mitigate or avoid those on-site and off-site impacts that would otherwise render the proposal inconsistent with the Williamson Act principles of compatibility;
 - (2) The productive capability of the land has been considered as well as the extent to which the proposed use(s) may displace or impair agricultural operations; and
 - (3) The proposed use(s) are consistent with the intent of the Williamson Act to preserve agricultural and open-space land.

9-702.070 PROCEDURE FOR NONRENEWAL OF WILLIAMSON ACT CONTRACTS

The procedure for nonrenewing a contract, as provided in the Williamson Act, is as follows:

- (a) **When is a Nonrenewal Notice Required?** A written Notice of Nonrenewal must be served in any of the following situations:
 - (1) **Minimum Size.** If any property under contract is less than 10 acres in size, the County shall serve a Notice of Nonrenewal on the owner of such property.
 - (2) **Division of Land.** If any property under contract is being divided, the owner of the property shall serve a Notice of Nonrenewal on the County for any resulting parcels less than 10 acres in size in the case of prime agricultural land, or less than 40 acres in size in the case of land which is not prime, prior to obtaining map approval.
 - (3) **Change in Preserve.** If any property under contract is removed from an Agricultural Preserve by either a change in the boundaries of the preserve or disestablishment of the preserve, the County shall serve a Notice of Nonrenewal on the owner of the property.

- (4) **Change in Zoning.** If any property under contract is reclassified to a zone other than that required for an agricultural preserve, the County shall serve a Notice of Nonrenewal on the owner of the subject property.
- (b) **Timing of Notice.** Either party to the contract may submit a notice of nonrenewal pursuant to the terms of the contract.
 - (1) **County Initiated.** A Notice of Nonrenewal initiated by the County shall be served on the owner, or the agent for Notice as designated in the contract, at least 60 days before the annual renewal date of the contract.
 - (2) **Owner Initiated.** A Notice of Nonrenewal initiated by the owner shall be served on the County at least 90 days before the annual renewal date. Failure to meet this requirement shall result in the renewal of the contract as provided by Resolution by the Board of Supervisors.

9-702.080 CANCELLATION OF WILLIAMSON ACT CONTRACTS

A request for contract cancellation as to all or part of the subject property may be made only by the owner or their designated agent.

- (a) **Review Procedures.** A request for a Williamson Act contract cancellation request shall be submitted to the Zoning Administrator; upon finding the request to be complete and the required fee paid, a duly-noticed public hearing shall be scheduled following the procedures in Chapter 9-802.
- (b) **Planning Commission Review.** After the public hearing, the Planning Commission shall make recommendations for approving or denying the Contract Cancellation request. The Planning Commission shall forward its recommendations to the Board of Supervisors.
- (c) **Board of Supervisors Hearing.** The Board of Supervisors shall conduct a public hearing on the Contract Cancellation request. Notice of the hearing shall be given pursuant to Section 51284 of the Government Code and Chapter 9-802.
- (d) **Required Findings.** Prior to giving approval to any Contract Cancellation request, the Board shall make either of the findings specified by subsection (1) or (2) below, as required by Section 51282 of the Government Code:
 - (1) **Consistency with Act.** The cancellation is consistent with the purposes of the Williamson Act. In order to make this finding, the Board must specifically find that:
 - (A) The cancellation is for land on which a Notice of Nonrenewal has been served pursuant to Section 51245 of the Government Code;
 - (B) The cancellation is not likely to result in the removal of adjacent lands from agricultural use;

- (C) The cancellation is for an alternative use that is consistent with the applicable provisions of the General Plan;
 - (D) The cancellation will not result in non-contiguous patterns of urban development; and
 - (E) There is no proximate noncontracted land both available and suitable for the use to which the contracted land is proposed to be put, or development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.
- (2) **Public Interest.** The cancellation is in the public interest. In order to make this finding, the Board must specifically find that:
- (A) Other public concerns substantially outweigh the objectives of the Williamson Act; and
 - (B) There is no proximate noncontracted land both available and suitable for the use to which the contracted land is proposed to be put, or development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.
- (e) **Cancellation Fee.** Prior to giving approval to any contract cancellation, the Board shall determine and certify the cancellation fee pursuant to Section 51283 of the Government Code.
- (f) **Recordation.** The cancellation of a contract shall not be final until the cancellation fee is paid, and the certificate of cancellation is recorded pursuant to Section 51283.3 of the Government Code.

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Chapter 9-703 Flood Hazards

Reserved for a revised chapter being prepared by the Department of Public Works.

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Chapter 9-704 Grading and Excavation

Sections:

9-704.010	Purpose
9-704.020	Grading or Excavation Permit Required
9-704.030	Exemptions
9-704.040	General Requirements
9-704.050	Development Standards for Agricultural Excavation
9-704.060	Development Standards for Quarry Excavation

9-704.010 PURPOSE

The purpose of this Chapter is to provide standards for grading and excavations on private property for agricultural leveling, quarry mining, and grading related to development.

9-704.020 GRADING OR EXCAVATION PERMIT REQUIRED

Except for the specific exemptions listed below, no person shall do, or permit to be done, any grading or excavation without a valid grading or excavation permit issued by the Building Inspection Division.

9-704.030 EXEMPTIONS

The following grading may be done without obtaining a grading permit.

- (a) **Minor Projects.** Minor projects that:
 - (1) Do not create unstable or erodible slopes, encroach onto sewage disposal systems or areas, or obstruct a drainage course; and
 - (2) Include a cut or fill no greater than three feet in depth; and
 - (3) Do not grade, fill, excavate, store, or dispose of no more than 50 cubic yards of earth on any building site.
- (b) **Swimming Pools and Foundations.** Excavations in connection with a swimming pool or structural foundation authorized by a valid building permit.
- (c) **Incidental Grading related to Utilities.** Trenching and grading incidental to the construction or installation of permitted underground pipelines, conduits, electrical or communication facilities, and drilling or excavation for permitted wells or post holes.
- (d) **Small Excavation for Investigations.** Excavations less than 150 cubic yards for soil or geological investigations by a Geotechnical Engineer or Engineering Geologist.

- (e) **Other Permits.** Grading in accordance with an approved Quarry Excavation Permit, an approved Agricultural Excavation Permit, or an approved Use Permit for a sanitary landfill.
- (f) **Ponds.** Excavations for drainage or sedimentation ponds that are included as portions of other ministerial or discretionary development projects.
- (g) **Within Rights-of-Way.** Grading or excavations within County rights-of-way or easements for which an encroachment permit has been issued.
- (h) **Firebreaks.** Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition.
- (i) **Cemeteries.** Routine cemetery excavations and fills.
- (j) **Emergencies.** Performance of emergency work necessary to protect life or property when an urgent necessity arises. The person performing such emergency work shall notify the Building Official promptly of the problem and work required and shall apply for a permit within 10 calendar days after commencing this work.
- (k) **Other.** Other exceptions as provided in appendix Chapter 70 of the Uniform Building Code.

9-704.040 GENERAL REQUIREMENTS

- (a) **Governing Documents.** Except as modified by this Chapter, Chapter 70 of the Uniform Building Code, as adopted by the Board of Supervisors, shall govern grading and excavation operations.
- (b) **Applicable State Law.** Approved Agricultural and Quarry Excavation Permits shall be subject to the regulations adopted by the State Mining and Geology Board as authorized by the California Surface Mining and Reclamation Act (SMARA) of 1975 (Public Resource Code Section 2710 et seq.), as amended; Public Resource Code Section 2207; and the California Code of Regulations adopted pursuant thereto (Title 14, 3500 et seq.).
- (c) **Levee Work.** No person shall excavate or remove any material from or otherwise alter any levee required for any waterway, water body, or local drainage control without prior approval of the agency responsible for the maintenance of the levee.
- (d) **Performance Standards.** Standards contained in Chapter 9-405 shall be met unless otherwise modified by conditions of the excavation permit.
- (e) **Removal From Site.** Except as specifically provided for by one of the following, no person shall do, or permit to be done, any grading in such a manner that any quantities of dirt, soil, rock, gravel, or sand is removed from the site.
 - (1) Removal when done with an approved Quarry Excavation Permits.

- (2) Removal when done with an approved Agricultural Excavation Permit.
 - (3) Removal when done with an approved Use Permit for a sanitary landfill.
 - (4) Removal of material related to situations listed under Section 9-701.030, Exemptions.
 - (5) Removal from a development project of incidental excess material during site grading that is done with an approved Grading or Building Permit.
 - (6) Removal, by governmental agency, of material donated to the governmental agency for use in governmental projects; material must have been previously stockpiled for a minimum period of 18 months. This removal requires an Administrative Use Permit.
 - (7) Grading done by or under the supervision or construction control of a public agency of an excavation within that agency's boundaries. The agency shall assume full responsibility for ensuring that the work is done in compliance with this Title, the San Joaquin Valley Unified Air Pollution Control District's Regulation VIII (Fugitive Dust Prohibitions), and the Surface Mining and Reclamation Act. Excess soil material must be used solely for projects owned or controlled by the public agency.
- (f) **Water Obstruction.** No person shall do, or permit to be done, any grading that may obstruct, impede, or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels, or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition, or cause accelerated erosion except where said grading is in accordance with all applicable laws and this Chapter.
- (g) **Weed Control.** If noxious weeds are on the site, all grading shall be in accordance with instructions from the Agricultural Commissioner.
- (h) **Excavation/Reclamation Schedule.** An approved reclamation plan and schedule are required for all Excavation Permits. It shall show the phases of excavation. Reclamation on one phase of an excavation shall be initiated prior to the start of the next excavation phase. The final reclamation shall be completed within two years of the commencement of the reclamation process. Excavation shall be limited so that at any point of time a maximum of one phase is being reclaimed while another phase is being excavated.
- (i) **Time Limitation.** The time limit established in Grading and Excavation Permits shall be based upon the characteristics of the proposal, including, but not limited to, the quantity of material to be removed and the applicant's time schedule and

phasing plan. Specific time limitation may be required for individual phases of an excavation.

(j) **Annual Inspection Reports.** The applicant shall pay a fee to the County to cover the cost of annual inspections of the excavation to ensure compliance with the conditions of the permit and the reclamation plan. The County may use professional services, with the consultant selected by the County. Upon completion of the annual inspection, the person in charge of the mining operation shall submit to the State Geologist and the County a report containing all the information required by Section 2207 of the Public Resources Code. Additional inspections may be conducted, but the cost of additional inspections shall be paid for by the applicant only if noncompliance with the conditions of the Agricultural Excavation Permit or the reclamation plan is found.

(k) **Performance Guarantee.** In order to ensure reclamation of the site, compliance with conditions of approval, and compliance with County and State mining regulations, the applicant shall provide performance guarantees as a condition of the issuance of the Agricultural Excavation Permit. The amount and form of the guarantee shall be subject to annual review and approval by the County, and the amount shall be adequate to ensure reclamation of disturbed land and/or land to be disturbed during a given phase. The annual review of the financial guarantee shall be coordinated with the annual inspection and approval of successive reclamation security so that the guarantee includes the amount of disturbed land plus the amount of land estimated to be disturbed during the next 12 months, less the amount of land previously determined by Zoning Administrator's annual inspection to have been reclaimed. The performance guarantee shall be in the form of any of the following: 1) a surety bond, 2) a trust fund with the lead agency, or 3) an irrevocable letter of credit.

Any interest accrued in a trust fund shall stay with the trust fund account. The financial guarantee shall be payable to "San Joaquin County or the California Department of Conservation" under the applicable provisions of the County and the State mining regulations. The financial guarantee shall be callable by the County or the State under the following circumstances:

- (1) The applicant causes the excavation to become idle without an approved interim management plan;
- (2) The applicant files for bankruptcy;
- (3) The County or State determines on the basis of annual inspections and reports that the applicant has not maintained substantial compliance with the approved permit;
- (4) There arises an occurrence or circumstance which, in the opinion of the County or State, jeopardizes the site reclamation; or

- (5) The State makes one or more of the findings specified in Section 2774.4(a) of the State Public Resources Code.

In any instance that the County or State makes the demand for partial or full tender of the financial guarantee of performance, the County and/or State may use all or any portion of the financial guarantee to reclaim the site and to recover its administrative costs associated therewith.

- (l) **Exception to Operating Conditions.** The Zoning Administrator may grant an exception to any operating condition contained herein, except the requirement of a reclamation plan. A written report will be required to show that such exception will not result in a hazardous condition, the cost of strict compliance would be unreasonable in view of all the circumstances, and such exceptions will not adversely affect the environment, property, or persons in the area. Such request shall be filed with the original or a subsequent application and shall include a complete statement of justification.
- (m) **Administration.** This Chapter shall be administered by the Zoning Administrator. For subdivisions, the grading plans shall be approved by the Director of Public Works. The rough and finish grading of the lots will be inspected by the Department of Public Works. For development projects that require a discretionary permit, the grading permit will not be issued until the discretionary permit is approved.
- (n) **Enforcement.** Except as otherwise provided in State Mining Regulations, the County shall have authority to enforce provisions of the Surface Mining and Reclamation Act. The County may exercise all enforcement regulations available under this Title and the State Public Resources Code. Such enforcement measures include charging the applicant the costs of administering an enforcement action. The basis for charging fees for an enforcement action shall be a time and materials compensation.

9-704.050 DEVELOPMENT STANDARDS FOR AGRICULTURAL EXCAVATION

The following development standards apply to all agricultural excavation for which a permit is required.

- (a) **Private Roads.** All private roads involved in an excavation shall be maintained to control the creation of dust.
- (b) **Erosion Control.** Protective vegetative planting, silt screen dams, or other approved methods shall be required where necessary for the control of erosion. An erosion and sediment control plan approved by the Zoning Administrator shall be part of the reclamation plan.
- (c) **Final Grade.** The final grade shall:

- (1) Not result in disruption of the flow of drainage water from the property or adjoining properties;
 - (2) Not adversely affect the ability to irrigate of the property or surrounding properties. If the property is within an irrigation district, the final grade shall be limited to that elevation which is necessary to provide gravity irrigation to the property, as determined by the irrigation district;
 - (3) Not adversely affect the relation of the water table to the surface of the land; and
 - (4) Have an average elevation no less than the average elevation of the natural grade of the surrounding land. The average elevation of the natural or existing grade shall be the average elevation of all land 100 feet from the perimeter of the proposed excavation, excluding any portion of the perimeter adjacent to a river, riverbank, levee, public road, railroad, canal, pipeline, or other similar uses or rights-of-way.
- (d) **Quantity Limitation.** Excavation of more than 100,000 yards of material shall require a Quarry Excavation Permit. Successive agricultural excavations on the same parcel exceeding a total of 100,000 yards of material over a period of less than 20 years shall not be permitted. Excavations prior to January 25, 2005 shall not be included in the calculation of the amount of material excavated.
- (e) **Replacement of Topsoil.** During the excavation, the topsoil shall be set aside. Upon completion of an excavation, the topsoil shall be replaced, and the site leveled in conformance with the approved Grading Plan. Replacement of topsoil may be waived by the Zoning Administrator if the soils report indicates the replacement of the topsoil will not enhance the agricultural suitability of the property.
- (f) **Waterways.** A berm or other improvements may be required adjacent to any waterway, including underground facilities, which adjoins the excavation. The heights, setback, and slope of the berm shall be based on recommendation of the agency responsible for the maintenance of the waterway or the Director of Public Works.
- (g) **Health Considerations.** Excavations shall not cause health or sanitary hazards and shall not create conditions which will cause the breeding or increase of mosquitos, rodents, or other pests;
- (h) **Lighting.** Any night lighting established on the property shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties;
- (i) **Hours of Operation.** Excavation operations shall not be carried on during the hours from 9:00 p.m. through 5:00 a.m., except during periods of declared national, state, or local emergency. The hours of operation may be modified by the Zoning

Administrator based upon the excavation's potential effect on surrounding land uses;

- (j) **Commencement of Work.** A written notification of work schedules shall be provided to the County by the applicant prior to initiating any grading or excavation;
- (k) **Certification of Compliance.** At the completion of the grading, the applicant shall have a California-registered civil engineer or California-licensed land surveyor compare the excavation's final elevations with the approved permit. The engineer or surveyor shall submit a certified, written finding to the Building Official documenting compliance or noncompliance of the excavation with the approved permit. If the project conforms with the approved permit, the Zoning Administrator shall accept the certification and either notify the applicant that the stockpiled material may be removed or release the required performance guarantee;

9-704.060 DEVELOPMENT STANDARDS FOR QUARRY EXCAVATION

The following development standards apply to all quarry excavation for which a permit is required:

- (a) **Permitted Accessory Uses.** Quarry excavations may include the use of equipment, structures, and facilities necessary or convenient for the extraction, processing, storage, and transport of materials, including, but not limited to:
 - (1) Separation plants;
 - (2) Rock crushers;
 - (3) Concrete batching plants;
 - (4) Asphalt batching plants; and
 - (5) Recycling facilities that recycle material into asphalt concrete, Portland cement concrete, aggregate base, sand, gravel, fill dirt, or other products that are determined by the Zoning Administrator to be common to the aggregate industry.

Permitted Accessory Uses shall not be initiated unless approved by the Zoning Administrator as a part of a new Quarry Excavation Permit or separately approved by the Zoning Administrator as an addition to a previously approved Quarry Excavation Permit.

- (b) **Private Roads.** All private roads involved in an excavation shall be maintained so as to control the creation of dust. The first 100 feet of any private road that intersects with a publicly maintained road shall be surfaced in a manner approved

by the Director of Public Works. Traffic-control and warning signs shall be installed, if required, at such intersection. The placement and size of these signs shall be approved by the Director of Public Works.

- (c) **Setbacks.** No excavation shall take place within 25 feet of any lot line or right-of-way (nor within the allowed slopes adjacent to the 25-foot setback), unless the elevation prior to excavation is more than that of the abutting property, in which case the elevation within the 25-foot setback shall not be less than that of the abutting property at the lot line;
- (d) **Stockpiling.** No stockpiled soil or material shall be placed closer than 25 feet to a property boundary unless approved by the Zoning Administrator;
- (e) **Slopes.** The following provisions do not apply to temporary interior cut slopes (i.e., working slopes that do not fall within any of the criteria listed below). Temporary interior cut slopes shall comply with the Cal OSHA Code of Regulations and/or the Federal OSHA Code of Regulations, as applicable.
 - (1) **Terracing Required.** All slopes over 50 feet in height shall be terraced with a maximum vertical distance between terraces of 50 feet. Each terrace or bench shall be a minimum of 12 feet wide.
 - (2) **Terrace Drainage.** Drainage plans with calculations shall be submitted for approval to the Zoning Administrator for all terraces as part of the Reclamation Plan.

Terraces for reclaimed final slopes shall be sloped back towards the fill and be designed such that runoff is directed to collection points where it can enter catch basins and be conveyed via pipes or other acceptable conveyance to the toe of slope. The spacing of collection points shall be no greater than 1,500 feet, with each reclaimed final slope face that has terracing shall have a minimum of one down drain. The method of transporting the water along the flow line of the terrace to the down drain, so as to prevent erosion and possible slope failure, shall be approved by the Zoning Administrator.

The method of drainage of terraces for temporary slopes at setback lines shall be submitted to Zoning Administrator for approval.

- (3) **Slope Modification Requirement.** The Zoning Administrator may require slopes flatter than those specified below for safety or aesthetic purposes if the proximity of residential and other urban uses, waterways or roads, the instability of materials, or the surrounding terrain so warrants.

If after one year or more of extraction the approved slope does not remain stable, the Zoning Administrator shall have the authority to reduce the slope or require other appropriate measures in the immediate area and other areas as deemed necessary in order to correct the condition as well as require the operator to correct the deteriorated slope.

- (4) **Slope Stability Factors of Safety.** When required in this Title to provide site-specific geologic and engineering slope stability analysis, the following minimum slope stability factors of safety shall apply:
 - (A) A minimum factor of safety of 1.5 against static deep-seated failure.
 - (B) A minimum factor of safety of 1.5 against static surficial failure.
 - (C) A minimum factor of safety of 1.1 against seismic failure;
- (5) **Temporary Cut Slopes at Setback Lines.** Temporary cut slopes (i.e., for limited periods of time, slopes that are in the process of extraction prior to being backfilled) at setback lines shall not exceed one foot horizontal to one foot vertical, except that temporary cut slopes at setback lines to a maximum of one half of a foot horizontal to one foot vertical may be maintained if site-specific geologic and engineering analysis demonstrate through a slope stability analysis that the proposed temporary cut slopes will have a minimum slope stability factor of safety as required in Section 9-701.030(e)(4). However, if there are existing structures on the adjacent property (or the immediate potential for structures on the adjacent property), the excavation shall not be closer to the lot line than a line projected on a slope of one to one from the lot line to the toe of slope.
- (6) **Final Slopes.** Final cut and/or fill slopes shall not exceed two feet horizontal to one foot vertical, except as specified below:
 - (A) Final slopes to a maximum of one and one-half feet horizontal to one foot vertical may be maintained when site-specific geologic and engineering analysis demonstrate through a slope stability analysis that the proposed final slopes will have a minimum slope stability factor of safety as required in 9-701.020 (e)(4), while demonstrating suitability for the proposed end use and protecting against erosion by means of revegetation or other methods approved by the Zoning Administrator.
 - (B) Final slopes to a maximum of one horizontal foot to one foot vertical may be maintained under water (beginning five feet below the lowest water table on the property experienced in the preceding three years) when site-specific geologic and engineering analysis demonstrate through a slope stability analysis that the proposed saturated slopes will have a minimum slope stability factor of safety as required in 9-701.020 (e)(4);
- (7) **Fill Slopes.** Fill slopes shall be constructed consistent with recommendations from a qualified civil/geotechnical engineer based upon site-specific geologic conditions;

- (f) **Erosion Control.** Protective vegetative planting, silt screen dams, or other approved methods shall be required where necessary for the control of erosion. An erosion and sediment control plan approved by Zoning Administrator shall be part of the reclamation plan;
- (g) **Replacement of Topsoil.** In agricultural areas, the topsoil shall be set aside, and upon completion of an excavation, the topsoil shall be replaced, and the site leveled in conformance with the excavation permit. This requirement may be waived if the property is to be rehabilitated for an allowable use other than agriculture or if a soils report indicates the replacement of the topsoil will not enhance the agricultural suitability of the property. In such cases, the topsoil may be removed from the site;
- (h) **Fencing.** Fencing four feet in height consisting of not less than three strands of barbed wire, or an approved equivalent, shall be placed around the excavation area where slopes steeper than two feet horizontal to one foot vertical are maintained. Six-foot high security fencing or an approved equivalent shall be required where slopes steeper than two feet horizontal to one foot vertical are created, if the proximity of such slopes to residential uses or other uses involving a concentration of people so warrants;
- (i) **Screening and Landscaping.** Where an open pit operation is visible from a public road right-of-way or property zoned or shown on the General Plan for residential development, screening consistent with Chapter 9-402 is required.

The Zoning Administrator may approve the use of a landscaped berm to screen the pit provided that an adequate setback for maintenance is provided and sight distance at road intersections is not impaired;
- (j) **Groundwater Conditions.** An evaluation of the impact of resource extraction on groundwater conditions shall be required for all quarry excavations that extend to depths below the groundwater level of the uppermost aquifer.
- (k) **Ponding.** All water utilized in the plant operation shall be disposed of behind a closed dike unless an alternative method is approved by the Zoning Administrator;
- (l) **Health Considerations.** Quarry excavations shall:
 - (1) Not cause health or sanitary hazards and shall not create conditions that will cause the breeding or increase of mosquitos, rodents, or other pests;
 - (2) Provide an approved potable water supply for all employees;
 - (3) Provide approved toilets for all employees (chemical toilets are acceptable); and
 - (4) Provide handwashing facilities on or near the approved toilets;

(m) **Hours of Operation.**

- (1) **Normal Hours.** Plant operations shall normally be carried on during the hours from 5:00 a.m. and 9:00 p.m.
- (2) **Exceptions.** Exceptions may be made:
 - (A) For periods of declared national, state, or County emergency, or
 - (B) If a finding can be made by the Zoning Administrator that the longer hours of operation will not cause a nuisance in the case of a specific quarry excavation.
- (3) **Extension of Hours.** Normal operating hours may be extended if the Zoning Administrator determines that the extended hours of operation are necessary to meet the operational need of a specific project, provided that:
 - (A) Any request for extension in the hours of operations shall be made in writing to the Zoning Administrator and include:
 - (i) The reason for the extended hours of operation;
 - (ii) The hours of extended operation and the day the extended operations are to commence and terminate; and
 - (iii) A copy of the bid specifications, contract terms, or other similar applicable documents, if applicable.
 - (B) The request shall be approved or disapproved by the Zoning Administrator within three business days following the day on which the request is filed.
 - (i) If approved, the Zoning Administrator may impose conditions on the extended hours, as appropriate, to reduce disturbance to the public or residents in the area of the quarry.
 - (ii) Notice of the approval and conditions shall be sent to all property owners within 300 feet of the site.
 - (C) The applicant shall reimburse the Community Development Department for all costs associated with the request according to the fee schedule adopted by the Board of Supervisors.

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Chapter 9-705 Historic Districts and Landmarks

Sections:

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9-705.010 PURPOSE

The purpose of this Chapter is to establish regulations for establishing Historic District and Landmark designations for the preservation of historic resources of cultural, archaeological, architectural, aesthetic, and environmental value within the County. Accordingly, the regulations for these designations have the following specific objectives:

- (a) Preserve, maintain, and improve structures, sites, and districts of historical significance;
- (b) Ensure that exterior modifications to designated historic resources (Historic Districts and Landmarks) within the County are consistent with the historic character to be preserved or enhanced, while also enabling adaptive re-use;
- (c) Enhance the visual character of historic areas within the County by providing review criteria for new design and construction that complement the County's historical buildings in these areas;
- (d) Foster civic pride in the beauty and personality of the County and the accomplishments of its past, which enrich the educational, cultural, and aesthetic interests of the County;
- (e) Stabilize and improve property values and provide owners of historic properties reasonable economic uses and inform them of available economic incentives for historic preservation; and

- (f) Provide for historic preservation easements and use of the State Historic Building Code.

9-705.020 APPLICABILITY

The provisions of this Chapter shall apply to all zones in the County and to all identified historic resources and designated landmarks. Buildings, structures, or objects that have been designated a historic resource by a Historic District or Landmark designation shall continue to be subject to all zoning regulations of this Title that would apply to such buildings, structures, or objects if they were not so designated or located.

9-705.030 HISTORIC PRESERVATION COMMISSION

This section implements the General Plan policy calling for creation of such a commission.

The Historic Preservation Commission is established to facilitate implementation of the General Plan by identifying historic resources, assisting in the creation and implementation of regulations for Historic Districts and Landmarks, and reviewing to approve, reject, or approve with conditions all proposed projects involving major alterations to designated historic resources. The organization, powers and responsibilities of the Historic Preservation Commission are as follows.

- (a) **Membership.** The Commission shall consist of seven members who reside or work in the County and have a demonstrated special interest, competence, or knowledge of historic preservation. At least one member of the Commission shall reside in each of the supervisorial districts of the County. To the extent practicable, membership shall consist of at least one licensed architect, one licensed landscape architect, and one representative from the San Joaquin County Historical Society.
- (b) **Appointment.** The members of the Commission shall be appointed by the Board.
- (c) **Training.** Each member of the Commission shall complete at least one training session in historic preservation public policy and local historic resources. The training session shall be conducted by professional architects, historians, archaeologists, planners and/or attorneys affiliated with or sponsored by established organizations, public agencies or institutions with extensive experience in historic preservation public policy implementation, such as the State Office of Historic Preservation, State Historical Resources Commission, colleges and universities, American Institute of Architects or the California Preservation Foundation.
- (d) **Lapse of Membership.** The office of any Commissioner shall become vacant if he or she is absent from two consecutive regularly scheduled meetings unless the absences are due to circumstances beyond his or her control or are excused by order of the Board.

- (e) **Responsibility.** The Commission shall meet at least four times annually to perform the following tasks:
- (1) Act in an advisory capacity to the Board in all matters pertaining to historic preservation;
 - (2) Maintain a local inventory of historical resources within the County; publicize and update the inventory periodically;
 - (3) Recommend the designation of Historic Districts and Landmarks, and review and approve certificates of appropriateness and demolition permits;
 - (4) For projects requiring Planning Commission approval, the Historic Preservation Commission shall review only the historic preservation-related issues and make a recommendation to the Planning Commission.
 - (5) Investigate and report to the Board on the use of various federal, state, local, or private funding sources and mechanisms available to promote historic preservation in the County;
 - (6) Review and comment on the decisions and documents (including environmental assessments, environmental impact reports, and environmental impact statements) of other non-County public agencies when they affect designated historic resources in the County;
 - (7) Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to historical resources;
 - (8) Render advice and guidance upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping, or maintenance of any historic resource; and
 - (9) Perform any other functions that may be designated by resolution or motion of the Board.
- (f) **Rules of Procedure Required.** The Commission shall adopt reasonable rules for the conduct of meetings.
- (g) **Meetings.** All meetings of the Commission must be open to the public and noticed in accordance with Section 9-802.070, Public Notice.
- (h) **Reporting.** Each year, the Commission shall forward an annual report to the Board of Supervisors. This item shall be for information purposes only and shall not require action by the Board.
- (i) **Surveys.** The Commission shall develop procedures for conducting surveys of historic resources in accordance with guidelines published by the California State

Office of Preservation. Standards for evaluation of resources shall be consistent with the National Register of Historic Places Criteria.

- (j) **Term of Office of Members.** The term of each member shall be for four years. However, the Commissioners first appointed shall serve the following terms: one Commissioner for a term of one year, two Commissioners for a term of two years, two Commissioners for a term of three years, and two Commissioners for a term of four years. The Commissioners first appointed, at their first meeting, shall decide by lot which of them shall serve these terms. Thereafter, members of the Commissioners shall be appointed for terms of four years, except that in the event of a vacancy in office the Commissioner appointed to fill the vacancy shall serve for the unexpired term to which he is appointed.

9-705.040 DESIGNATION OF A HISTORIC DISTRICT OR LANDMARK

- (a) **Eligibility.** An Historic District designation may be applied to any significant area with historic resources, including both contributing and non-contributing buildings, and a Landmark designation may be applied to any significant building on the County's Historic Register. These designations may be combined with any zone designation. They also must be consistent with the General Plan.
- (b) **Zoning Map Designation.** Each Historic District or Landmark designation shall be shown on the zoning map by adding an -H or an -L designator, respectively, to the zone district designation followed by the number of the Historic District or Landmark designation, based on its order of adoption with reference to the enacting ordinance.

9-705.050 INITIATION; PUBLIC NOTICE

- (a) **Initiation.** An application for a Historic District or Landmark designation may be initiated by the Board of Supervisors, the Planning Commission, or by any property owner in the County. If the designation is initiated by a property owner, the application must be accompanied by such historical and architectural information as is required by this Chapter to enable the Planning Commission to make an informed recommendation concerning the application, together with the required fee.
- (b) **Public Notice.** Upon initiation, notice shall be provided in accordance with the provisions of Chapter 9-802, Common Procedures. The Zoning Administrator shall post a Public Notice at County offices and on the County's website and inform all property owners by mail that would be subject to the designation of the restrictions and incentives that will be placed on their property as a result of such designation, the language of this article, and how to avail themselves of a Mills Act contract and other incentives.

9-705.060 HISTORIC DESIGNATION CRITERIA

Upon the recommendation of the Historic Preservation Commission and the approval of the Board, an area with significant historic resources may be designated as a Historic District or a significant building may be designated as a Landmark if the Commission makes the following findings:

- (a) It exemplifies or reflects valued elements of the County's cultural, social, economic, political, aesthetic, engineering, archaeological, or architectural history;
- (b) It is identified with persons or events important in local, state, or national history;
- (c) It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning;
- (d) It embodies distinguishing characteristics of an architectural style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
- (e) It is representative of the notable work of a builder, designer, or architect whose style influenced the County's architectural development.

9-705.070 PROCEDURE FOR DESIGNATING PROPERTY

Any geographic area of the County, site within the County, and/or a building structure, or object may be designated as a Historic District or Landmark in compliance with the following requirements.

- (a) **Eligibility for Designation of Historic Districts and Landmarks.** A geographic area or historic structure or site within the County that is included in the County's Historic Register may be designated if one or more of the designation criteria in Section 9-705.050 are met, as rigorously applied and supported by findings of historical or architectural significance. Within Historic Districts, contributing buildings shall be identified separately from non-contributing buildings.
- (b) **Optional District Historic Conservation Plan.** Prior to filing an application for a Historic District designation, the applicant may prepare an optional Historic District Conservation Plan with the assistance of the Community Development Department. Each Conservation Plan shall contain:
 - (1) **Description of the District.** A map and a detailed description of the proposed district, including boundaries; number of contributing buildings and non-contributing buildings, the age, setting, and character of the contributing buildings; a map or list of addresses of each contributing and non-contributing building; an informative historic context of the district and any

associations under which the district appears eligible for listing, urban design elements and streetscapes; major public improvements; and proposed objectives to be achieved;

- (2) **Significance of the District.** A statement of the architectural or historical significance of the proposed district;
- (3) **Allowable Alterations.** A list of specific alterations (such as the replacement of windows, remodeling of an entryway, addition of dormers to the roof, or construction of a deck or staircase) to contributing buildings that shall be subject to review in order to protect the architectural or historical character of the proposed district; and
- (4) **Development Standards and Guidelines for New Construction.** A set of specific development standards and guidelines for new construction and alterations necessary to preserve the character of the proposed district. The standards and guidelines must include but are not limited to the following topics: architectural design, construction materials, height, setbacks, landscaping, lighting, parking, roof details, and entry and window design.

(c) **Application Requirements.**

- (1) **Eligibility for Filing.** An application for designation may be initiated by a property owner.
- (2) **Fee.** A fee as established in the County's Fee Schedule.
- (3) **Application Contents.** The application shall include basic information on the proposed designation and the reasons justifying it, and the application shall include evidence of the consent of the owner or authorized agent to the proposed designation.
- (4) **Additional Information May Be Requested.** Prior to accepting the application as complete, the Zoning Administrator may request additional information, plans or materials deemed necessary to support the application.

(d) **Review and Approval.**

- (1) **Information to be Provided to the Historic Preservation Commission.** County staff shall provide the Historic Preservation Commission with the following information to determine whether the proposed district or landmark has a significant architectural historical or cultural character that can be preserved and enhanced through appropriate controls on new development and alterations to existing buildings, structures, objects.
 - (A) An explanation of the reasons that a Historic District or Landmark designation should be established;

- (B) A description of the area to be included with the Historic District, supported by text, maps, and photographs, and an identification of contributing and non-contributing buildings based on the surveys of historic resources that were conducted.
 - (C) Recommended guidelines, standards, policies, and restrictions to be included to ensure preservation of historic resources (contributing buildings) and to allow for future development, including reconstruction, rehabilitation, and restoration of both contributing and non-contributing buildings.
- (2) **Public Hearings.** The Commission shall hold a duly-noticed public hearing to consider the proposed designation along with the background information provided and determine whether to recommend a designation to the Board. If the Commission determines that a designation may be appropriate and complies with the criteria of Section 9-705.070 the proposed designation shall then be the subject of a duly-noticed public hearing before the Board.
 - (3) **Required Findings.** In order to place a designation on a district or landmark, the Board must find that the proposed Historic District or Landmark has a significant architectural historical or cultural character that can be preserved and enhanced through this designation and appropriate controls on new development and alterations to existing buildings, structures, and objects.
 - (4) **Action by the Board of Supervisors.** After closing the public hearing, the Board shall by resolution approve Historic Preservation Commission's recommendations, in whole or in part, or shall by motion disapprove it in its entirety. Notice of the Board's decision shall be sent to all parties noticed of the Board's hearing and any other interested or affected parties.
 - (5) **Adoption of Historic Conservation Plan (Optional).** The Board may adopt an ordinance establishing a Historic District Conservation Plan, in the form submitted or as revised by the Historic Preservation Commission or the Board. The Board may refer this plan to the Planning Commission for review and comment.
 - (A) The development guidelines included within the Historic Conservation Plan may modify the development regulations of the base zone but shall not change the maximum density or intensity standards of the base zone, nor alter the dimensional development standards by more than 10 percent. When establishing modification to development regulations, special consideration shall be given to:

- (i) Transitional height, setbacks, and upper-story setbacks for non-contributory buildings adjacent to contributory buildings, when height is a character defining feature of a district; and
 - (ii) Parking requirements when a historic resource does not include on-site parking, and the zone has parking requirements.
- (B) A guideline shall be found to be a significant alteration of base zone regulations if it substantially prevents property from being used in compliance with the provisions of the base zone or creates a substantial number of nonconforming uses or structures.
- (6) **Amendment of Historic Conservation Plan.** An adopted Historic Conservation Plan may be amended by the Historic Preservation Commission after holding a duly-noticed public hearing. Major amendments affecting land use and development regulations require approval of the Planning Commission and the Board of Supervisors at duly-noticed public hearings.
- (e) **Amendment or Rescission of Designation.** The subject property owner, the Historic Preservation Commission, or the Board may initiate, amend, or rescind any designation of an historical resource (a Landmark or Historic District) in the same manner and procedure as are followed for designation, if the resource no longer meets the designation criteria found to apply due to the subsequent discovery of information on the significance of the resource or the destruction of the resource by a catastrophic event.

9-705.080 SAN JOAQUIN COUNTY HISTORIC REGISTER

- (a) **Recording of Historic Resources.** Designations of historic resources (buildings, structures, objects or sites) pursuant to this Chapter shall be recorded in a San Joaquin County Historic Register. The County's Historic Register shall be maintained on file with the Clerk of the Board, the Community Development Director, the Zoning Administrator, the Building Official, the San Joaquin County Library, San Joaquin County Historical Museum, San Joaquin County Historical Society, and the State Office of Historic Preservation.
- (b) **Deletion of a Listed Structure Due to Demolition.** When a listed structure has been demolished pursuant to any provisions of this Title, the Director of Community Development, upon notice thereof, shall cause such listed structure to be deleted from the County's Historic Register and shall notify the Clerk and others holding copies of this Register of this action. Upon such deletion, the provisions of this Title shall not be deemed to encumber or otherwise restrict the use of the subject remaining property.

9-705.090 LAND USE AND PROPERTY DEVELOPMENT REGULATIONS

- (a) **General Requirements.** Proposed development and new land uses subject to a Historic District or Landmark designation shall comply with all applicable requirements of the base zone, except:
- (1) Where modified by a Historic Conservation Plan;
 - (2) Where the Planning Commission grants an exception to the land use regulations of the base zone through a Conditional Use Permit approval after determining that the exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure, object, or site; or
 - (3) In the event of a conflict between the requirements of the base zone and the Historic Conservation Plan, the Historic Conservation Plan shall govern.
- (b) **Preservation Easements.** Preservation easements on the facades of buildings designated as a Landmark or a contributing building in a Historic District may be acquired by the County or nonprofit group through purchase or donation pursuant to Civil Code Section 815.

9-705.100 HISTORIC BUILDING CODE

To the extent allowable under state law and if adopted by the Board of Supervisors, the Building Official shall apply the State Historic Building Code (Title 24, Part 8 of the California Code of Regulations) rather than the California Building Code for alterations and additions to structures on the County's Historic Register, the California Register of Historical Places, and the National Register of Historic Places. The California State Historic Building Code provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of structures designated as cultural resources.

9-705.110 CERTIFICATES OF APPROPRIATENESS

A Certificate of Appropriateness shall be required prior to development, exterior alteration, restoration, rehabilitation, or relocation of any structure subject to a Historic District or Landmark designation.

- (a) **Authority.** The Zoning Administrator shall have the authority to review and approve, approve with conditions, or reject a Certificate of Appropriateness pursuant to the procedures and criteria in this section.
- (b) **Exemptions.** No Certificate of Appropriateness is required for ordinary maintenance; interior modifications; work pre-approved in a Mills Act contract; and any development, alteration, restoration, rehabilitation, or relocation to a non-contributing building that is not specifically described in an application for

Historic District designation or Landmark designation or in a Mills Act contract application as having historical or architectural value.

- (c) **Criteria.** To approve an application for a Certificate of Appropriateness, the Zoning Administrator shall find that the proposed work confirms to the Secretary of the Interior's Standards for the Treatment of Historic Properties or a specific Historic District Conservation Plan, if adopted by the Board, and more specifically:
- (1) Whether the proposed construction, reconstruction, or relocation is appropriate and consistent with this section and, if applicable, the Historic Conservation Plan for a specific Historic District.
 - (2) Whether the applicant has demonstrated that every reasonable effort will be made to minimize alteration of any contributory structure or designated Landmark and preserve its integrity.
 - (3) With regard to any property that is located within a designated Historic District but is not a contributing structure, the proposed work does not adversely affect the character and integrity of the district.
 - (4) Whether the distinguishing original qualities or character of a contributory building, structure, or object, or site and its environment will not be destroyed, and the removal or alteration of any historic material or distinctive architectural feature will be avoided, to the greatest extent reasonably practical.
 - (5) Whether changes which may have taken place in the course of time are evidence of the history and development of a contributory structure or site and its environment and that such changes which may have acquired significance in their own right, will be recognized and respected.
 - (6) Whether distinctive stylistic features or examples of skilled craftsmanship which characterize a structure or site will be retained, to the extent reasonably possible.
 - (7) Whether any proposed project will destroy significant historical, architectural, or cultural material, and will be compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 - (8) Whether additions or alterations to contributory buildings, structures, objects or sites or designated landmarks will be done in a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.
- (d) **Conditions.** The Zoning Administrator may impose reasonable conditions of approval of a Certificate of Appropriateness to ensure compliance with the Historic Conservation Plan or maintain the integrity of the Landmark.

- (e) **Amendment to Certificate of Appropriateness.** A Certificate of Appropriateness may be amended, extended, or modified at any time over the life of the building, only in accord with the procedures and criteria established for its original approval.

9-705.120 DEMOLITION PERMITS

A Demolition Permit is required for any structure subject to a Historic District or Landmark designation, or listed in the San Joaquin County, Federal, or State Historic Registers, and any building, structure, or object more than 45 years old. The decision to issue a permit to demolish a building, structure, or object or alter a site subject to a Historic District or Landmark designation or listed in the County's Register is discretionary and subject to review under CEQA.

- (a) **Application for a Demolition Permit.** An application for a permit to demolish a building, structure, or object that is at least 50 years old but not listed in the County's Historic shall include an eligibility evaluation on DPR523 series forms, as necessary, provided by the California Office of Historic Preservation (OHP), and prepared according to "Instructions for Recording Historic Resources" provided by the California Office of Historic Preservation. Based on an initial review of the form, the Zoning Administrator shall render an opinion within 30 days on whether the structure is eligible for listing as a historic resource.
- (b) **Referral to Historic Preservation Commission.** If a structure is eligible for listing as a historic resource, the Zoning Administrator shall refer the matter to the Historic Preservation Commission. The Commission shall review the completed DPR523 series form, and the Zoning Administrator's opinion, and determine whether the structure is eligible for individual listing or as a contributing element to a Historic District on the National Register of Historic Places, the California Register of Historic Resources or County's Historic Register. If the Commission's determination conflicts with the opinion of the Zoning Administrator, the Board of Supervisors shall resolve the conflict and determine the final opinion.
 - (1) If the determination is negative, no other action is required by the applicant.
 - (2) If the opinion is positive, then the Commission shall review the completed DPR523 series form and determine if the structure is eligible for listing individually or as a contributing structure in a historic district on the National Register of Historic Places, the California Register of Historic Resources or the County's Historic Register.
 - (3) If the building, structure, or object is determined to be eligible for listing either individually or as a contributing element, a Certificate of Appropriateness shall be required.

- (4) An eligibility determination for listing in the County's Historic Register may be appealed to the Board of Supervisors. An eligibility determination for listing in the National Register of Historic Places or the California Register of Historic Resources may be appealed only to the State Historic Preservation Office.
- (c) **Exceptions.** Unless exempt from permit requirements by other laws or codes, a decision on a Demolition Permit application shall be ministerial for the demolition of process equipment, goods movement equipment and facilities, and construction installations.

9-705.130 MAINTENANCE AND UPKEEP

- (a) **Duty to Maintain.** All property owners in a designated Historic District and all property owners of buildings, structures, or objects assigned a Landmark designation shall have the obligation to maintain structures and premises in good repair, and no owner shall permit the building, structure, or object to fall into a serious state of disrepair so as to result in deterioration of any architectural feature that would produce a detrimental effect upon the character of the Historic District or the life and character of a Landmark. Structures and premises shall be considered in good repair if they do not present material evidence of disrepair or material variance in condition from surrounding structures that comply with the provisions of this ordinance.
- (b) **Ordinary Maintenance and Repair.** Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any property covered by this Chapter, so long as such maintenance or repair does not involve a change in exterior design, material, or appearance, or a technique that is contrary to the Secretary of the Interior's Standards for Treatment of Historic Properties. A change in existing paint color is not construed as a change in appearance or design unless the paint color was reviewed and approved as part of a previous discretionary review.
- (c) **Standards of Review.** The standards of review for "good repair" and "disrepair" are as follows:
 - (1) **Good Repair.** Includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents unreasonable deterioration, dilapidation, and decay of the exterior portions of the structure and premises, including exterior character-defining features.
 - (2) **Disrepair.** Includes but is not limited to unreasonable deterioration of exterior walls, plaster, mortar or vertical or horizontal supports; deterioration of roofs and exterior chimneys; ineffective waterproofing, including broken windows

or doors; or the deterioration of any other exterior feature that would create a hazardous or unsafe condition.

- (d) **Notice to Comply.** If the Zoning Administrator determines that a historic resource or any other property in a Historic District or any designated Landmark is being neglected and subject to damage from weather or vandalism, the Zoning Administrator shall meet with the owner or other person having legal custody and control of the historic resource or Landmark to discuss with them ways to improve the condition of the property. If no attempt or insufficient effort is made to correct any noted conditions thereafter, the Zoning Administrator may issue a Notice to Comply requiring the owner or other person having legal custody and control of the historic resource or Landmark to take action to require corrections of defects in the subject property in order that such historic resource or Landmark may be preserved in accordance with this section, except if the property owner can present clear and convincing evidence to the Zoning Administrator that his/her ability to improve the condition of the property is constrained by limited financial resources or other immediate and substantial hardship. If a financial or other hardship is found to exist, the Zoning Administrator shall make a written finding to that effect which specifies the facts relied upon in making such a finding and withdraw the order to comply until such time that the work needed can be accomplished.
- (e) **Prevention of Demolition by Neglect.**
- (1) **General Obligation.** The owner, lessees and any other person in actual charge or possession of an historical resource shall prevent demolition by neglect.
 - (2) **Approval of Demolition with Showing of Extreme Hardship.** If the applicant for an alteration or demolition permit presents facts clearly demonstrating to the satisfaction of the Historic Preservation Commission that failure to approve an application will cause an immediate extreme hardship because of conditions peculiar to the particular structure or other feature involved, the Commission may approve or conditionally approve such application even though it does not meet the standards set forth in this Chapter. In determining whether extreme hardship exists, the Commission shall consider evidence which demonstrates that:
 - (A) Denial of the application will diminish the value of the subject structure or property so as to leave substantially no value.
 - (B) Sale or rental of the property is impractical, infeasible, or uneconomic, when compared to the cost of holding such property for uses permitted in the zone.

- (C) Improvement of the property in a manner which would preserve its character defining features is impractical, infeasible, or uneconomic.

9-705.140 MILLS ACT CONTRACTS

Under the provisions of the Government Code (Section 50280 et seq., known as the Mills Act), the County may contract with the owner of any property listed on the National Register of Historic Places, California Register of Historic Resources or the San Joaquin County Historic Register that are within a designated Historic District or are a designated Landmark. The primary purpose for offering Mills Act contracts is to assist in the rehabilitation or restoration and long-term maintenance of historic resources in the County. Upon execution of the contract, the property owner will henceforth benefit from a potential reduction in property taxes, and the County will be assured via a regularly scheduled inspection of the exterior for conformity, that the historic building is rehabilitated, maintained and preserved as necessary in a manner in compliance with the requirements of the State Office of Historic Preservation of the California Department of Parks and Recreation, the appropriate treatment approach outlined and described in the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, and the State Historic Building Code. This program also is enacted pursuant to the California Revenue and Taxation Code Article 1.9, Sections 439 through 439.4.

(a) Application.

- (1) **Who May File.** Any person may file an application with the Zoning Administrator to enter into a Mills Act contract. An application must be accompanied by the applicable application fee, which shall be non-refundable.
- (2) **Application Contents.** An application shall contain the following information:
 - (A) Name and address of the applicant and of all owners of the subject property;
 - (B) Evidence that the applicant is the sole owner of the subject property or has the written permission of all owners to make such application and the grant deed;
 - (C) The location and legal description of the subject property;
 - (D) Photos of the property demonstrating its historic significance;
 - (E) A County Assessor's Parcel map;
 - (F) The most recent property tax bill;
 - (G) Evidence that the subject property is a qualified historic property (meaning a site/area/building subject to a historic district or Landmark designation or listed on the County's Historic Register, the National

Register of Historic Places, or the California Register of Historic Resources);

- (H) A proposed plan for the preservation and, when necessary, the restoration and/or rehabilitation of the subject property, including a schedule and cost estimates prepared by licensed businesses, for all construction and maintenance work proposed to be performed;
- (I) Evidence satisfactory to the Zoning Administrator that execution of the Mills Act contract will result in the preservation and, when necessary, the restoration and/or rehabilitation of a qualified historic property; and
- (J) Such other information as the Zoning Administrator may require.

(b) **Inspection of the Property.** After the Zoning Administrator determines that an application to participate in the County's Mills Act Program is complete, the Zoning Administrator shall cause to be conducted, and the owner or owners shall allow, one inspection of the exterior and interior of the subject property and whichever features of the property are needed to substantiate the information and evidence contained in the application as determined by the Zoning Administrator, and to determine whether any proposed work is necessary for and will result in the preservation and, when necessary, the restoration and/or rehabilitation of the subject property. If after the inspection the Zoning Administrator identifies that work is needed for restoration and/or rehabilitations of the subject property, the Zoning Administrator shall provide written findings to the property owner with a list and explanation of the recommended restoration and/or rehabilitation.

(c) **Grant or Denial of the Application.**

- (1) **Approval of Application.** The Zoning Administrator, in consultation with County Counsel, may recommend that the Board of Supervisors authorize the County Administrator to execute a Mills Act contract if, after the inspection required, the Zoning Administrator and County Counsel determine that the information and evidence contained in the application has been substantiated, and that the work proposed is necessary for and will result in the preservation and, when necessary, the restoration and/or rehabilitation of the subject property. Upon receiving Board approval, the County Administrator and all owners of the subject property shall execute a Mills Act contract containing all of the provisions required and including any required improvement plan as an exhibit, incorporating its provisions into the contract. An historical property contract shall not be effective for any purpose unless all owners of the subject property execute the subject contract and pay the applicable nonrefundable, contract execution fee.

Within 20 days after execution of the contract and prior to recording, the owner or owners shall pay all required inspection, recording, and other fees set forth in the contract.

- (2) **Denial of Application.** The Zoning Administrator shall deny the application if it fails to contain the information and evidence required by applicable provision of the Government Code, or if the Zoning Administrator or County Counsel determine that such evidence and/or information has not been satisfactorily substantiated following inspection of the subject property. The Zoning Administrator shall also deny the application if he/she determines that granting the application would be inconsistent with any provisions of the Mills Act. At any time prior to denying an application, the Zoning Administrator or County Counsel may suggest modifications or changes to the application that, if adopted by the applicant, would cause the application to conform to the requirements of this part.
 - (3) **No Administrative Appeal.** The decision of the Zoning Administrator to deny the application shall be final and shall not be subject to administrative appeal.
- (d) **Exemption from Disqualification.** Where a qualified historical property is ineligible to participate in the Program because of any provisions of this Chapter or the Mills Act and the Zoning Administrator denies the application, the owner or other person authorized by the owner may file a request with the Zoning Administrator for an exemption from the disqualifying provisions pursuant to this section.
- (1) **Requirements for Exemption Request.** A request for an exemption shall be accompanied by the applicable application fee and the applicable exemption request fee. The exemption request shall include evidence that, notwithstanding the disqualifying provisions, the subject property is deserving of a Mills Act contract due to its exceptional nature, or because it is subject to special circumstances not generally applicable to other qualified historical properties. After the Zoning Administrator determines that the exemption request application is complete, the Zoning Administrator shall inspect the property and evaluate whether the exemption is warranted due to the exceptional nature of the subject property or because the subject property is subject to special circumstances not generally applicable to other qualified historical properties.
 - (2) **Zoning Administrator's Recommendation.** Upon completion of his/her review of the exemption request and inspection of the subject property, the Zoning Administrator shall make a recommendation to the Board of Supervisors to approve or deny the request based on the criteria set forth in in this Chapter and the Administrator's evaluation of the evidence submitted to show that

the subject property has an exceptional nature or is subject to special circumstances not generally applicable to other qualified historical properties that warrant the exemption.

- (3) **Board Decision.** The Board of Supervisors shall be presented with information regarding the exemption request in a Staff report accompanied by the application for a Mills Act contract. The Board of Supervisors may grant the exemption request if it finds that the applicant has substantiated the information and evidence required, and that the work proposed as part of a plan is necessary for and will result in the preservation and, when necessary, the restoration and/or rehabilitation of the subject property. If the Board of Supervisors grants the exemption request, the decision of the Zoning Administrator shall be considered overruled, and the County Administrator and all owners shall execute a Mills Act contract.
- (e) **Contract Terms.** Any contract that is entered into shall comply with the following provisions:
- (1) **Minimum Term.** The minimum term of a Mills Act contract shall be 10 years. Each year, on the date specified in the contract, the contract is automatically renewed for an additional year unless a Notice of Nonrenewal is given or the contract is cancelled;
 - (2) **Preservation, restoration, and rehabilitation.** Property owners under contract shall provide for the necessary preservation, restoration, and rehabilitation of the property so that it conforms with the rules and regulations of the Secretary of the Interior's Standards for Rehabilitation and the California State Historical Building Code;
 - (3) **Inspections.** The contract shall provide for the periodic examination of the interior and exterior of the premises by the Community Development Department, Assessor, the Department of Parks and Recreation, and the State Board of Equalization to determine the owner's compliance with the contract;
 - (4) **Successors.** The contract shall be binding upon any successor to the original property owner, i.e., the contract shall "run with the land." The successor in interest shall have the same rights and obligations as the original owner who entered into the contract.
 - (5) **Annexation.** If a County annexes a historic resource with an established Mills Act contract, the County shall succeed to all rights, duties and powers formerly held by the County.

- (6) **Recordation.** The establishment or cancellation of a contract shall not be final until the contract or notice of cancellation is recorded with the County Recorder by the Community Development Department.
 - (7) **Notification.** The owner or agent of an owner shall provide written notice of the contract to the state Office of Historic Preservation within six months of entering into the contract.
- (f) **Nonrenewal of Mill Act Contracts.** Either party to a Mills Act contract may submit a Notice of Nonrenewal. Failure to serve a written Notice of Nonrenewal to the other party within the times listed below shall result in an additional year being added to the annual renewal date of the contract.
- (1) **Notice Requirements.** A "Notice of Nonrenewal" to terminate a Mills Act contract shall include all documentation, maps or other information required by the Zoning Administrator. It shall be filed with the Community Development Department. The contract shall continue until the term of the contract has expired.
 - (2) **If County Initiated.** A Notice of Nonrenewal initiated by the County shall be given to the owner or the owners designated agent at least 60 days before the anniversary date of the contract.
 - (3) **If Owner Initiated.** A Notice of Nonrenewal initiated by the owner shall be given to the County at least 90 days before the anniversary date of the contract.
- (g) **Cancellation of Mills Act Contracts.** For the reasons listed below, the County or the owner may initiate a Mills Act Cancellation. The cancellation fee and any applicable penalty fee shall be paid at the time the request for cancellation is made. The penalty fee is 12.5 percent of the current fair market value of the property.
- (1) **Notice Requirements.** Cancellation of a Mills Act contract requires notification to the property owner, public notice in a newspaper of general circulation and a public hearing by the Board of Supervisors. Immediately following approval by the Board of Supervisors, the cancellation process shall begin.
 - (2) **Allowable Reasons for Cancellation.**
 - (A) *Eminent Domain.* If the historic resource is acquired in whole or in part by eminent domain, the contract shall be deemed null and void. No penalty fee shall be imposed on the property owner;
 - (B) *Breach of Contract.* If it is determined that the property owner has breached any of the conditions of the Mill Act contract, the contract

shall be cancelled, and a penalty fee shall be imposed on the property owner;

- (C) *Inadequate Restoration.* If the owner has not rehabilitated the property in the manner specified in the Mills Act contract, the contract shall be cancelled, and a penalty fee shall be imposed on the property owner; or;
- (D) *Deterioration.* If the property has deteriorated and no longer meets the federal standards for a qualified historic resource referred to in the Mills Act contract, the contract shall be cancelled, and a penalty fee shall be imposed on the property owner.

9-705.150 ENFORCEMENT AND PENALTIES

- (a) Any person who violates a requirement of this Chapter or fails to obey an order or permit issued pursuant thereto shall be guilty of a misdemeanor.
- (b) Any person who constructs, alters, removes, or demolishes a historic resource or Landmark in violation of this Chapter shall be required to restore the building, object, site, or structure to its appearance or setting prior to the violation to the extent such restoration is physically possible. Any action to enforce this provision may be brought by the County or any other interested party. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and the penalty or other remedy provided by law.

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Chapter 9-706 Mitigation Monitoring and Reporting

Sections:

9-706.010	Purpose and Authority
9-706.020	Monitoring and Reporting Plan
9-706.030	Responsibilities of Zoning Administrator
9-706.040	Progress Reports
9-706.050	Fees
9-706.060	Amendments
9-706.070	Enforcement

9-706.010 PURPOSE AND AUTHORITY

The purpose of this Chapter is to provide a process to assure adequate monitoring and reporting of all measures required to mitigate potential impacts from discretionary projects, as required by Section 21081.6 of the California Public Resources Code and the General Plan.

9-706.020 MONITORING AND REPORTING PLAN

The Zoning Administrator or the Planning Commission, whichever has permit approval authority, shall adopt a Monitoring and Reporting Plan for discretionary projects that are approved subject to conditions or changes deemed necessary to reduce potentially significant environmental impacts below a level of significance. This Plan must be approved prior to project approval and, at a minimum, include:

- (a) A description of the approved project.
- (b) A listing of each mitigation measure required to reduce potentially significant environmental impacts below a level of significance.
- (c) The means and methods of monitoring and reporting on the required mitigation measures:
 - (1) The department, division, agency, firm, or individuals responsible for conducting or overseeing the monitoring and reporting function;
 - (2) An identification of the date or other appropriate time period for implementing each mitigation measure;
 - (3) An identification of the frequency of inspections and the duration of the required monitoring and reporting; and
 - (4) A detailed work program and task assignment worksheet for monitoring and reporting.

- (d) The anticipated cost to be paid by the applicant and the timing and method of payments.

9-706.030 RESPONSIBILITIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall be responsible for preparing and implementing the Monitoring and Reporting Plan.

- (a) The Zoning Administrator may request, and shall receive, assistance from other County departments in implementing the Monitoring and Reporting Plan.
- (b) The Zoning Administrator may delegate specific responsibilities for monitoring or reporting to project applicants or qualified consultants.

9-706.040 PROGRESS REPORTS

Progress reports summarizing the progress made toward achieving required mitigation measures shall be made at intervals prescribed by the Zoning Administrator.

- (a) All progress reports shall be made available for public inspection at the Community Development Department offices.
- (b) A copy of each progress report shall be mailed or sent digitally by email by the Zoning Administrator to the project applicant or the project applicant's designated representative or his successors within five working days after receipt of such report.

9-706.050 FEES

A fee, as specified by resolution of the Board of Supervisors, shall be paid by the project applicant to cover the County's cost of preparing, administering, and implementing the Monitoring and Report Plan, with the following modifications:

- (a) Unless otherwise required by the Zoning Administrator, the fee shall be paid prior to the acceptance of any plans for review by the Building Official.
- (b) For projects which require monitoring longer than 12 months, such as projects approved with a development agreement, the applicant will be required to demonstrate that long-term funding of the Monitoring and Reporting Plan will be assured.

9-706.060 AMENDMENTS

A Monitoring and Reporting Plan may be amended in whole or in part, following the procedures in Section 9-802.120, Modification of Approved Plans.

9-706.070 ENFORCEMENT

In addition to the enforcement mechanisms specified in Chapter 9-802, Chapter 9-815, and Chapter 9-816, violation of an approved Monitoring and Reporting Plan may result in one or more of the following actions:

- (a) Forfeiture of any bond trust account, or other financial assurance;
- (b) Action to recover funds assured under a letter of credit; or
- (c) A lien against the real property subject to the violation in the amount necessary to correct the violation.

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Chapter 9-707 Natural Resources

Sections:

9-707.010	Purpose
9-707.020	Applicability
9-707.030	Riparian Habitat
9-707.040	Mineral Resource Protection

9-707.010 PURPOSE

This Chapter establishes regulations for the protection, conservation, and/or managed use of specified natural resources, including riparian habitat and mineral resources.

9-707.020 APPLICABILITY

The requirement of this Chapter shall apply to all development projects requiring discretionary approval that may directly or indirectly affect riparian habitat or mineral resources designated for Resource Conservation in the General Plan. Riparian habitat areas adjacent to waterways also are subject to Chapter 9-707, Waterways and Wetlands.

9-707.030 RIPARIAN HABITAT

- (a) **Determinations Needed for Proposed Loss.** An action that, in the opinion of the Zoning Administrator, has the potential to destroy, eliminate, or degrade riparian habitats shall not be permitted, unless the Zoning Administrator determines that: 1) the potential loss is in the public interest, or 2) potential destruction, elimination, or degradation of the riparian habitat would be mitigated through a Riparian Habitat Mitigation Plan, which would be part of the conditions of project approval.
- (b) **Riparian Habitat Mitigation Plan.** The Riparian Habitat Mitigation Plan shall include specific actions to protect existing riparian habitat or a plan to replace, preserve, or develop new habitat, or a combination thereof. The Plan shall be prepared by a qualified biologist approved by the Zoning Administrator and shall be subject to the following provisions:
 - (1) **On-Site Riparian Habitat.** The Plan shall show the location and extent of existing riparian habitat on the site of the proposed project and shall indicate the riparian habitat that may be destroyed, eliminated, or degraded as a result of the project as well as the riparian habitat that is to be retained and protected, with methods for ensuring protection.
 - (2) **Natural Bank Buffer.** Parallel to any natural bank of a waterway, a natural open space for riparian habitat and waterway protection shall be maintained to provide nesting and foraging habitat and the protection of

waterway quality. The minimum width of this open space shall be 100 feet, measured from the mean high-water level of the natural bank or 50 feet back from the existing riparian habitat, whichever is greater. Water-dependent uses may be permitted in this buffer.

- (3) **Mitigation Sites.** The Plan shall indicate sites that are to be developed or preserved to serve as mitigation for loss of riparian habitat resulting from the proposed project. To the extent practicable, mitigation sites shall be in San Joaquin County and shall facilitate maintenance or enhancement of riparian corridors.
- (4) **Contribution to Existing Off-Site Habitat Site.** In lieu of establishing and maintaining riparian habitat on the site of the proposed development, the applicant may contribute to the acquisition and maintenance of an existing off-site riparian habitat area or contribute to the establishment and maintenance of a new riparian habitat area. The amount of the contribution shall be based on the cost of establishing and maintaining replacement habitat for a five-year period on site.
- (5) **Replacement Vegetation.** Vegetation planted to mitigate the loss of riparian habitat shall generally be native vegetation. The size of the area of replacement vegetation shall be at least two times the size of the area that is to be destroyed, eliminated, or degraded.
- (6) **Maintenance.** Specific actions to maintain replacement vegetation for five years shall be incorporated into the Plan.
- (7) **Conservation Easement.** Assurance of habitat preservation shall be by conservation easements approved by County Counsel.

9-707.040 MINERAL RESOURCE PROTECTION

For extractive projects and non-extractive projects/activities proposed in areas of significant sand and gravel deposits designated for Resource Conservation on the General Plan Map or identified as sand and gravel resources by the by the California Division of Mines and Geology or the California Geologic Survey published by the State Department of Conservation, the following requirements shall apply:

- (a) **Extractive Projects.** For an extractive project, the applicant shall file an application for a Quarry Excavation Permit.
- (b) **Non-extractive Projects.** For a non-extractive project/activity, such as a residential development, which is proposed in an area of significant sand and gravel deposits, as determined by the State Mining and Geology Board, the State Department of Conservation or by the County, but which is not associated with

the extraction of this resource, the applicant shall file for a Zoning Clearance, as specified in Chapter 9-803, unless a discretionary permit is required.

- (c) **Prohibitions.** The following projects shall not be permitted.
- (1) Non-extractive projects that require significant capital investment in facilities and structures; and
 - (2) Extractive projects that would have irreversible, deleterious environmental effects that cannot be mitigated.

9-707.050 OPEN SPACE/RESOURCE CONSERVATION AREAS

In areas designated as Open Space/Resource Conservation on the General Plan Land Use Map, all proposed development and modified or expanded land uses require an Administrative Use Permit, except:

- (a) When another discretionary approval is specified by the Title.
- (b) At the discretion of the Zoning Administrator, a Zoning Clearance may be used when:
 - (1) The expansion is for less than 25 percent of the existing floor area; or
 - (2) New accessory uses or structures comply with the requirements in Section 9-203.020, Land Use Regulations.

9-707.060 PROTECTION OF THE DELTA PRIMARY ZONE

All uses, including, but not limited to flooding inconsistent with generally accepted agricultural practices or which presents or could present a threat to the physical integrity of Delta levees, on land located within the Primary Zone of the Sacramento-San Joaquin Delta are prohibited, except:

- (a) Allowed uses as identified in Tables 9-203.020-1, 9-203.020-2 and 9-203.020-3;
- (b) The Delta Wetlands Project as defined in the 2011 Delta Wetlands Project Place of Use Environmental Impact Report and reflected in the protest dismissal and settlement agreement reached in the matter of *Central Delta Water Agency et al. v. Semitropic Water Storage District, et al.*, San Francisco County Superior Court Case No. CPF-II-51175; and
- (c) Easements obtained under the San Joaquin Multispecies Habitat Conservation Plan, but not greater than 80 acres by a single entity.

San Joaquin Development Title Update

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Series 800: Administration and Permits

Chapter 9-800 Administrative Provisions Overview

Sections:

- 9-800.010 Purpose
- 9-800.020 Applicability

This Series establishes a streamlined procedural framework for the County that should make it easy to administer the Title, reducing costs to applicants and to the County. A set of common procedures for applications is proposed along with a refined notification process for discretionary permits. The permit types are described, with triggers, criteria, and review procedures detailed. The next chapter provides detail on the "Planning Agency" that is the bodies and persons who are charged with implementing the General Plan and zoning regulations and making permit decisions. Each review body is listed with descriptions of their roles and authority. The following chapter outlines procedures that apply to all application types. How to file, what to file, and what types of projects require a public hearing are all described. The public hearing process, including noticing, conduct of hearings, and appeals, is also described.

After the review body and application processes have been presented, then each permit type is laid out. There are two categories of Use Permits: those that can be approved by a Zoning Administrator and those that require Planning Commission approval. Deviations from these regulations can be approved through Variances and Waivers. Temporary uses, such as a special event or seasonal outdoor sales, now will have to secure a Temporary Use Permit, and there is a clear process for issuing them.

9-800.010 PURPOSE

This Series constitutes the Administrative Provisions of the Development Title. It establishes the overall responsibilities of review and decision-making bodies and the criteria and procedures to be used to review and approve proposed land uses and development for compliance with the Development Title. The intent of this Division is to prescribe regulations and permitting procedures for the administration of this Title.

9-800.020 APPLICABILITY

All use and development of land or structures, construction of buildings and improvements to the land, and changes in the use of land or structures must obtain permits and approvals in accordance with this Title, unless specifically exempted.

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Chapter 9-801 Planning and Review Authorities

This chapter expands the Planning Agency to include a Zoning Administrator, which will streamline the process. The responsibilities of the Director have been refined and now include the authority of a Building Official, Code Enforcement Manager, and Fire Warden. The Director may serve as the Zoning Administrator.

Sections:

9-801.010	Purpose
9-801.020	Planning Agency
9-801.030	Board of Supervisors
9-801.040	Planning Commission
9-801.050	Director of the Community Development Department
9-801.060	Zoning Administrator
9-801.070	Planning and Development Services Division
9-801.080	Environmental Review Officer

9-801.010 PURPOSE

The intent of this Chapter is to specify the roles and responsibilities of all bodies, officials, and administrators in implementing and enforcing this Title.

9-801.020 PLANNING AGENCY

A Planning Agency for San Joaquin County is hereby created and established. It shall consist of the following:

- (a) Board of Supervisors;
- (b) Planning Commission;
- (c) Director of the Community Development Department;
- (d) Zoning Administrator;
- (e) Planning and Development Services Division; and
- (f) Environmental Review Officer.

9-801.030 BOARD OF SUPERVISORS

The Board of Supervisors has the following functions as they apply to this Title:

- (a) **Appointments.** To exercise all appointing power provided under state law and this Title, including the appointment of the Director of the Community Development Department and the members of the Planning Commission;

- (b) **Adoptions.** To adopt the General Plan, Master Plans, Public Financing Plans, Special Purpose Plans, Specific Plans, regulations, ordinances, and environmental guidelines;
- (c) **Amendments.**
 - (1) To initiate, consider, and adopt, reject, or modify amendments to the General Plan map and text as required by the provisions of Chapter 9-807, General Plan Amendments, following a public hearing and recommended action by the Planning Commission;
 - (2) To initiate, consider, and adopt, reject, or modify amendments to the Zoning Map and to the text of the Development Title as required by the provisions of Chapter 9-808 (Development Title Text and Zoning Map Amendments) following a public hearing and recommended action by the Planning Commission;
 - (3) To initiate, consider, and adopt, reject, or modify amendments to Master Plans, Public Financing Plans, Special Purpose Plans, and Specific Plans, as appropriate, consistent with the procedures of Chapters 9-300, 9-612, 9-301, and 9-302, respectively;
- (d) **Appeals.** To be the final appellate body on all matters as specified in this Title;
- (e) **Annual Reviews.** To annually review the Capital Improvement Program of the County for its conformity with the General Plan, pursuant to Chapter 7 (commencing with Section 65400) of the Government Code;
- (f) **Legislative Body.** To serve as the legislative body as that term is used in the Subdivision Map Act; and
- (g) **Environmental Reviews.** To determine that there has been adequate environmental review under the provisions of the California Environmental Quality Act, of all matters the Board of Supervisors is considering.

9-801.040 PLANNING COMMISSION

The Planning Commission role as part of the Planning Agency shall be as provided in this Section.

- (a) **Membership.** The Planning Commission shall consist of five members who shall be appointed by the Board of Supervisors in the following manner:
 - (1) Five members composed of one resident from each of the five Supervisorial Districts;
 - (2) If a member is moved from one Supervisorial District into another because of a change in District boundaries, that member may complete the remainder of his or her term.

- (b) **Term.** The term of office of each member of the Planning Commission shall be four years beginning on the first day of the term of office of the Supervisor from whose Supervisorial District the member is appointed and ending on the last day of such Supervisorial term; provided that the term of office of members appointed in July from the 2nd and 4th Supervisorial Districts shall begin on the date of appointment and shall end on the last day of the term of office of the Supervisors from the 2nd and 4th Supervisorial Districts, which Supervisorial terms end in January; provided further that the term of office of the member appointed in July, from the 5th Supervisorial District shall begin on the date of appointment and shall end on the last day of the term of office of the Supervisor from the 5th Supervisorial District, which Supervisorial term began in January; provided further that the terms of office of members appointed in June, from the 1st and 3rd Supervisorial Districts shall end on the last day of the term of office of the Supervisors from the 1st and 3rd Supervisorial Districts, which Supervisorial terms began in January. A member of the Planning Commission may continue in office after the end of the term of office until a successor member has been appointed by the Board of Supervisors and has taken the oath of office.
- (c) **Vacancies and Removal.** Vacancies in the office of an appointed member of the Planning Commission shall be filled by appointment of the Board of Supervisors for the unexpired term. Any member of the Planning Commission may be removed for cause by majority vote of the Board of Supervisors. The Board of Supervisors shall declare a vacancy in the office of any member who is absent from three consecutive regular meetings of the Planning Commission without prior notification given to the Planning Commission Chairperson. A vacancy in the office of Planning Commissioner shall occur upon the vacancy in the office of Supervisor of the Supervisorial District from which the Planning Commissioner is appointed.
- (d) **Advisory Staff.** The County Counsel, the Director of Environmental Health, and the Director of Public Works are designated as advisory staff to the Planning Commission. Each advisory staff may designate one deputy or assistant to attend Planning Commission meetings.
- (e) **Officers and Rules.** Annually, the Planning Commission shall elect a Chairperson and a Vice-Chairperson from among the appointed members. No appointed member shall be elected Chairperson or Vice-Chairperson for more than two consecutive terms. The Director of the Community Development Department shall be the Secretary to the Planning Commission. The Planning Commission shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, and determinations. All decisions and recommendations of the Planning Commission shall be carried by the affirmative votes of not less than a majority of its total voting members.

- (f) **Functions.** The Planning Commission shall have the following functions in the administration of this Title and related regulations and policies:
- (1) Prepare, periodically review, and revise, as necessary, the General Plan for the County and any Master Plans, Special Purpose Plans, Specific Plans, and Planned Development zones, as necessary or desirable for the implementation of the General Plan;
 - (2) Consider and recommend amendments to the General Plan, Master Plans, Special Purpose Plans, Specific Plans, Planned Development zones, Zoning Maps, and this Title, as appropriate, to the Board of Supervisors;
 - (3) Investigate and make recommendations regarding reasonable and practical means for implementing the General Plan;
 - (4) Annually review the Capital Improvement Program of the County for its conformity with the General Plan, any Specific Plans, and all elements and parts of the General Plan, and provide a report concerning said Capital Improvement Plan to the Board of Supervisors;
 - (5) Serve as the appellate body for discretionary staff decisions;
 - (6) Review and act upon referrals or appeals from the Floodplain Administrator;
 - (7) Act as the advisory agency, as that term is used in the Subdivision Map Act, on Major Subdivisions;
 - (8) Approve, conditionally approve, modify, or deny applications for Conditional Use Permits and Variances;
 - (9) Determine that there has been adequate environmental review under the provisions of the California Environmental Quality Act, of all matters the Planning Commission is considering;
 - (10) Recommend changes to the environmental guidelines for the County; and
 - (11) Perform such other functions as the Board of Supervisors may require, including conducting studies and preparing plans other than those authorized by Title 7 of the Government Code.
- (g) **Compensation.** Members attending Planning Commission meetings shall receive \$100.00 per meeting, plus mileage and actual and necessary expenses incurred in connection with carrying out the duties of a member of the Planning Commission. Such compensation may be changed by subsequent Resolution of the Board of Supervisors.

9-801.050 DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT

The Director of the Community Development Department shall have the following functions in the administration of the Title and related regulations and policies:

- (a) **Secretary.** Serve as the Secretary to the Planning Commission.
- (b) **Advisor.** Act as the advisory agent or agency, as provided in Government Code Section 66415, for Mergers, Minor Subdivisions, and Notices of Violation.
- (c) **Administrator.** Act as the chief administrative officer of the Planning and Development Services Divisions;
 - (1) Maintain, interpret, and administer the Development Title, including oversight of processing of applications, abatements and other enforcement actions;
 - (2) Prepare and effect rules and procedures necessary or convenient for the conduct of the Director's business. These rules and procedures may include the administrative details of hearings officiated by the Director or the Zoning Administrator (e.g., scheduling, rules of procedure and recordkeeping) as well as other written policies and procedures needed to implement this Title;
 - (3) Issue administrative regulations for the submission and review of applications subject to the requirements of this Title and Government Code Section 65950 (Deadlines for Project Approval Conformance; Extensions), including determining what constitutes a complete application; and
 - (4) Negotiate specific components and provisions of development agreements, as provided by Chapter 9-813.
- (d) **Review Authority.** Conduct the review of public projects as specified in Section 65402 of the Government Code.
- (e) **Environmental Review.** Serve as or appoints the Environmental Review Officer or his/her designee.
- (f) **Staff Review.** Review and act upon all applications requiring Director approval.
- (g) **Zoning Administrator.** Serve as or appoint the Zoning Administrator or his/her designee.
- (h) **Building Official and Code Enforcement Manager.** Serve as or appoint the Building Official and Code Enforcement Manager or his/her designee.
- (i) **Fire Warden.** Serve as or appoint the Fire Warden or his/her designee.

9-801.060 ZONING ADMINISTRATOR

- (a) **Zoning Administrator's Responsibilities.** The powers and duties of the Zoning Administrator under this Title include but are not limited to the following.
- (1) Interpret the Development Title for members of the public and to other County Departments.
 - (2) Review applications for discretionary permits and approvals under this Title for conformance with applicable submission requirements and time limits in accordance Chapter 9-802, Common Procedures, and determine when applications are complete
 - (3) Provide public notice, as required pursuant to Section 9-802.080, Public Notice.
 - (4) Hear and decide applications for Administrative Use Permits pursuant to Chapter 9-804, Use Permits.
 - (5) Hear and decide requests for minor modifications to approved permits, pursuant to Section 9-802.130, Modification of Approved Plans.
 - (6) Make decisions on requests for waivers of dimensional requirements, pursuant to Chapter 9-806, Waivers.
 - (7) Review and make decisions on applications for signs under Chapter 98-406, Signs.
 - (8) Make recommendations to the Planning Commission, the Historic Preservation Commission, the Agri-Tourism Commission, and Board of Supervisors on all matters on which they have decision-making authority;
 - (9) Investigate and make reports to the Planning Commission on violations of permit terms and conditions when the County has initiated revocation procedures, pursuant to Section 9-802.140, Revocation.
 - (10) Review applications for permits and licenses for conformance with this Title, pursuant to Chapter 9-803, Waivers.
 - (11) Refer items to the Planning Commission where, in his/her opinion, the public interest would be better served by a Planning Commission public hearing and action.
 - (12) Refer an application for investigation and a report to one or more expert consultant(s) qualified to advise as to whether the proposal will conform to the General Plan or any applicable Master Plans, Special Purpose Plans, Specific Plans, regulations, policies, development standards, and performance standards.

9-801.070 PLANNING AND DEVELOPMENT SERVICES DIVISION

The Planning and Development Services Division shall have the following functions in the administration of this Title and related regulations and policies:

- (a) **Administer General Plan.** Perform the duties required for the proper preparation and administration of the General Plan, as provided by law and ordinance;
- (b) **Administer Master Plans and Public Financing Plans.** Perform the duties required for the proper preparation and administration of Master Plans and Public Financing Plans and regulations as provided by ordinance;
- (c) **Administer Special Purpose Plans.** Perform the duties required for the proper preparation and administration of Special Purpose Plans and regulations as provided by law and ordinance;
- (d) **Administer Specific Plans.** Perform the duties required for the proper preparation and administration of Specific Plans and regulations as provided by law and ordinance;
- (e) **Administer Planned Development zones.** Perform the duties required for the proper preparation and administration of Planned Development zone as provided by this Title;
- (f) **Advise Board and Commission.** Provide administrative support and professional advice to the Planning Commission, the Historic Preservation Commission, the Agri-Tourism Commission, and Board of Supervisors;
- (g) **Special Studies and Surveys.** Perform special studies and surveys as directed by the Board of Supervisors;
- (h) **Publicize General Plan.** Endeavor to promote public interest in, comment on, and understanding of the General Plan and regulations relating to it;
- (i) **Consult on General Plan.** Consult and advise with public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens concerning the preparation and implementation of the General Plan;
- (j) **Coordinate Plans and Programs.** Promote the coordination of local plans and programs with the plans and programs of other public agencies; and
- (k) **Report to Board.** Provide an annual report to the Board of Supervisors on the status of the General Plan and progress in its implementation.

9-801.080 ENVIRONMENTAL REVIEW OFFICER

The role of the Environmental Review Officer shall be as provided in this Section.

- (a) **Appointment.** The Environmental Review Officer shall be appointed by the Director of the Community Development Department.
- (b) **Term.** The term of the appointment shall be at the discretion of, and subject to the termination by, the Director of the Community Development Department.
- (c) **Functions.** The Environmental Review Officer shall have the following functions in the administration of this Title and related regulations and policies:
 - (1) Be responsible for the preliminary screening of projects to determine which are exempt from and which are subject to the requirements of the California Environmental Quality Act;
 - (2) Conduct Initial Studies and hold meetings, when necessary, to make determinations as to whether a Notice of Exemption will be issued, a Negative Declaration prepared, or an Environmental Impact Report required for a project;
 - (3) Prepare Negative Declarations on projects that will have no significant effect on the environment; and
 - (4) Prepare and maintain guidelines for the implementation of the California Environmental Quality Act by San Joaquin County.

Chapter 9-802 Common Procedures

This chapter consolidates and streamlines existing procedures. It also explicitly allows for electronic submission of applications and modification of application requirements where appropriate. A summary of decision-making responsibilities for each permit, public hearing and notice requirements is included at the end for easy reference.

Sections:

9-802.010	Purpose
9-802.020	Application Forms and Fees
9-802.030	Pre-Application Review
9-802.040	Review of Applications
9-802.050	Multiple Applications
9-802.060	Environmental Review
9-802.070	Public Notice
9-802.080	Conduct of Public Hearings
9-802.090	Action
9-802.100	Effective Date
9-802.110	Expiration and Extension
9-802.120	Modification of Approved Plans
9-802.130	Revocation
9-802.140	Appeals
9-802.150	Time Limit on Approvals
9-802.160	One Year Wait on Denials
9-802.170	Summary of Decision Making, Public Hearing, and Notice Requirements

9-802.010 PURPOSE

This Chapter establishes the procedures that are common to the application for and processing of all permits and approvals provided for in the Development Title, except as superseded by a specific requirement of this Title or State law.

9-802.020 APPLICATION FORMS AND FEES

- (a) **Authority to File Applications.** The following persons and/or entities are considered qualified applicants and have authority to file an application for review or approval under this Title:
- (1) The owner of the subject property ("owner"), including any person, corporation, partnership or other legal entity that has a legal or equitable title to land that is the subject of a development proposal.
 - (2) The owner's agent, with written consent of the owner.

- (3) The purchaser of the subject property, with written consent of the owner.
- (4) A lessee, with written consent of the owner.

(b) **Application Contents.**

- (1) **Application Forms.** The Director must prepare and issue application forms that specify the information and materials required from applicants for projects subject to the provisions of the Development Title.
- (2) **Electronic Submissions and Supporting Information and Materials.** The Zoning Administrator may require the electronic submission of application materials, consistent with the Government Code, and also is authorized to request the submission of additional information and materials from the applicant when necessary to complete the review of the project. The information and materials may include, but are not limited to, written descriptions, photographs, plans, drawings, maps, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project. Unless otherwise specified, all renderings must depict the proposed structure, landscaping, and other improvements, and surrounding uses as they would appear after project completion.
- (3) **Submittal Waivers.** The Zoning Administrator may waive certain submittal requirements to tailor the requirements to the information necessary to review the particular application.
- (4) **Public Review.** All forms, information, and materials submitted in support or in opposition to an application become property of the County, may be distributed to the public, and will be made available for public inspection. Upon reasonable request and during normal business hours, any person may examine these submittals in the Planning and Development Services Division. Unless prohibited by law, copies of these submittals will be made available at a reasonable cost.

(c) **Application Fees.**

- (1) **Schedule of Fees.** The Board of Supervisors is responsible for maintaining a Master Fee Schedule for fees and deposits for permits, appeals, amendments, penalties, copying, and similar items to defray the cost of processing applications under this Title.
- (2) **Payment of Fees.** Payment of the fee is required in order for an application to be complete, unless a fee waiver has been granted. Previously paid fees may be applied toward the cost of a full application if the full application is submitted no more than three years from the date the pre-application is

deemed complete for processing and if the full application is substantially in conformance with the pre-application.

- (3) **Multiple Applications.** The County's processing fees are cumulative. For example, if the application for a Master Plan includes a Conditional Use Permit, both fees will be charged.
- (4) **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the County Code or by a policy of the Board of Supervisors.

9-802.030 PRE-APPLICATION REVIEW

- (a) **Purpose.** Pre-Application Review is an optional review process for discretionary permits. This review's purpose is to provide information on relevant policies, zoning regulations, and procedures. This review is intended for large, complex projects and/or potentially controversial projects.
- (b) **Exemption from Permit Streamlining Act.** An application that is accepted for Pre-Application Review is not complete under the California Permit Streamlining Act unless and until the Zoning Administrator has received the application, reviewed it, and determined it to be complete as required by Section 9-802.050, Review of Applications.
- (c) **Review Procedure.** The Zoning Administrator conducts the Pre-Application Review. The Zoning Administrator may consult with or request review by any County agency, department, or official with interest in the application.
- (d) **Recommendations are Advisory.** Neither Pre-Application Review nor the information conveyed during the Pre-Application Review is a recommendation for approval or denial of an application by County representatives. Any recommendations that result from Pre-Application Review are advisory; they are not binding on the applicant or the County.

9-802.040 REVIEW OF APPLICATIONS

- (a) **Review for Completeness.**
 - (1) **Zoning Administrator Determination.** The Zoning Administrator must determine whether an application is complete within 30 days of the date that the application is filed with the required fee. If the Zoning Administrator does not make such determination, the application is deemed complete pursuant to State law and shall be processed accordingly.
 - (2) **Historic Sites.** If this Title requires a determination of whether the site of a proposed housing development is a historic site, that determination must be made at the time that an application is deemed complete.

- (3) **Extensions.** The Zoning Administrator and the applicant may mutually agree in writing to extend this time period.
- (b) **Incomplete Application.**
- (1) **Zoning Violations.** An application is incomplete if conditions exist on the site in violation of this Title or any permit or other approval granted in compliance with this Title, unless the proposed project includes a correction of the violation(s) or resolution of the violation is being addressed in a concurrent enforcement action.
 - (2) **Notification of Deficiencies.** If an application is incomplete, the Zoning Administrator must provide written notification to the applicant specifically identifying how the application is deficient and stating that the Planning and Development Services Division will not process an incomplete application. The application must then be classified as "incomplete."
 - (3) **Correcting Deficiencies.** The applicant must provide the materials and/or information required to correct the deficiencies in the application within the time limit specified by the Zoning Administrator, which must not be sooner than 30 days. The Zoning Administrator may grant one extension of up to 90 days.
 - (4) **Expiration of Application.** If an applicant fails to correct any specified deficiency within the specified time limit, the application will be deemed expired. After the expiration of an application, the submittal of a new, complete application is required.
 - (5) **Appeal of Determination.** The decision that an application is incomplete may be appealed to the Planning Commission in accordance with Section 9-802.150, except that there must be a final written determination on the appeal no later than 60 days after the Planning Commission's receipt of the appeal.
- (c) **Complete Application.**
- (1) **Complete Application Required.** An application must be complete before review of the application begins.
 - (2) **Determination of Complete Application.** An application is complete when the Zoning Administrator determines that it is submitted on the required form, includes all the necessary information to decide whether the application will comply with the requirements of this Title, and is accompanied by the applicable fee(s). The Zoning Administrator's decision under this paragraph is final and not subject to review by a decision-making body.

- (3) **Recording Date and Scheduling Hearing.** When an application is determined to be complete, the Zoning Administrator must make a record of that date. If the application requires a public hearing, the Zoning Administrator must schedule it within a reasonable period of time (not more than 60 days from the date of the application is determined to be complete) and notify the applicant of the date and time.

9-802.050 MULTIPLE APPLICATIONS

When multiple applications that require public hearings are filed for the same projects, all issues shall be heard together by the review authority with the most authority, and other review bodies shall provide recommendations to that review authority unless more specific procedures for a specific application or procedure are prescribed elsewhere in the Development Title. In other words, if a rezoning also is required along with a Use Permit, then the Planning Commission shall make recommendations to the Board of Supervisors.

9-802.060 ENVIRONMENTAL REVIEW

Before approving any application subject to discretionary review under this Title, the requirements of the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*) must be met.

- (a) **Procedures.** The County adopts and incorporates by reference the State CEQA Guidelines as its environmental review procedures.
- (b) **Determination of Exemption.** The Environmental Review Officer must determine whether a project is exempt from environmental review under CEQA and, if so, must make a record of that determination. If the project is not exempt, a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report must be prepared at the applicant's expense.
- (c) **Exempt Projects.** Prior to approving the project, the decision-maker(s) must first approve the Environmental Review Officer's determination of an exemption. Following project approval, a Notice of Exemption need not be filed with the Recorder-County Clerk unless the applicant requests it, or the County determines that it is necessary. The applicant must pay all filing fees for the Notice of Exemption.
- (d) **Non-exempt Projects.** If the Environmental Review Officer determines that the project is not exempt from environmental review under CEQA, the applicant must be notified and must deposit with the County sufficient funds to pay the anticipated cost of preparation and processing of the required environmental document, including the County's administration fee. Prior to approving the project, the decision-maker must first approve the Negative Declaration,

Mitigated Negative Declaration, or Environmental Impact Report. Any identified mitigation measures must be incorporated into the conditions of approval of the project unless a Statement of Overriding Considerations is adopted. Following project approval, a Notice of Determination must be filed with the San Joaquin Clerk of the Board-Recorder's Office, County Recorder Division at the applicant's expense.

9-802.070 PUBLIC NOTICE

Whenever the provisions of this Title require public notice, notification must be provided in compliance with this section and State law. Unless otherwise specified in the Development Title or applicable State law, all notice must be provided at least 10 days prior to the public hearing or, where no hearing is required, 15 days before the date of action. The type of notice(s) required is indicated in Table 9-802.170, Decision Making, Public Hearing, and Notice Requirements.

(a) **Contents of Notice.** The notice must include the following information:

- (1) The location of the real property, if any, that is the subject of the application;
- (2) A general description of the proposed project or action;
- (3) The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
- (4) The identity of the hearing body or officer;
- (5) The names of the applicant and the owner of the property that is the subject of the application;
- (6) The location and times at which the complete application and project file may be viewed by the public;
- (7) If a public hearing is required, a statement that any interested person or authorized agent may appear and be heard; and
- (8) A statement describing how to submit written comments, what the appeal procedures are, and that failure to raise an issue may limit appeal rights.

(b) **Types of Notice.**

- (1) **On-Site Poster (Type A).** The applicant erects a poster on the site of the proposed project, readily visible to the public, in a format prescribed by the Zoning Administrator. This poster must remain in place until the public hearing or date of action, after which the applicant must remove the poster.
- (2) **Limited Notice (Type B).** Notice is provided by first class mail delivery to the applicant, the owner, any occupant of the subject property, and all property

owners of record within 300 feet of the subject property as shown on the latest available assessment role.

- (3) **Posted and Online Notice (Type C).** Notice is posted at County's Administrative Office and on the County's website and at two additional public places within the County.
- (4) **Newspaper Notice (Type D).** A display advertisement of sufficient size to convey the required information, consistent with Government Code Sections 6040 through 6044, is published in a newspaper of general circulation.
- (5) **Mailed Notice (Type E).** Notice is provided by first class mail delivery to the parties listed below. If the number of owners to whom notice would be mailed or delivered to is greater than 1,000, Type D newspaper notice may be used instead.
 - (A) The applicant, the owner, and any occupant of the subject property.
 - (B) Depending on the General Plan designation of the property involved, a notice of the hearing, for property-specific applications only, shall be mailed to all owners of real property as shown on the latest tax rolls, as follows:
 - (i) In agricultural and conservation areas, and in freeway service and industrial areas outside of communities, all owners of property within 2,600 feet of the perimeter of the property. However, property owners of no more than 10 parcels in any direction need to be notified, provided all owners within 1,000 feet are notified;
 - (ii) In rural residential and very low-density residential areas, all owners of property within 1,000 feet of the perimeter of the property. However, property owners of no more than five parcels in any direction need to be notified, provided all owners within 500 feet are notified; and
 - (iii) In all other areas, all property owners within 500 feet of the perimeter of the property.
 - (iv) All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located.
 - (C) For property-specific applications only, notice of the hearing shall be mailed or sent by email to each local agency expected to provide water, sewage disposal, streets, roads, schools, parks, or other essential facilities or services to the project.

- (D) Any person or group who has filed a written request for notice regarding the specific application and has paid any required fee that the Board of Supervisors has adopted to provide such service.
- (6) **Additional Notice (Type F).** Notice may be provided in any other manner deemed necessary or desirable by the Zoning Administrator.
- (c) **Failure to Receive Notice.** The validity of the proceedings is not affected by the failure of any person or entity to receive notice under this Section.

9-802.080 CONDUCT OF PUBLIC HEARINGS

Whenever the provisions of this Title require a public hearing, the hearing must be conducted in compliance with the requirements of State law and as follows.

- (a) **Staff Report.** At least five days prior to the hearing, the Zoning Administrator must issue a staff report containing an analysis of the project, recommendation for action, and any recommended conditions of approval deemed necessary to ensure that the project will comply with the General Plan, any applicable Master Plan, Public Financing Plan, Special Purpose Plan, Specific Plan, or Planned Development zone, the Development Title, and any other applicable County regulations.
- (b) **Presentations.** At the hearing, the Zoning Administrator must briefly present his or her analysis of the project and recommendation for action. If the hearing is before the Board of Supervisors, the Planning Commission's recommendation must also be presented. The applicant must be provided an opportunity to make a presentation.
- (c) **Testimony.** Any person may appear at the public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization.
- (d) **Time Limits.** The presiding officer may establish time limits for individual testimony and may request that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- (e) **Continuation of Public Hearing.** The body conducting the public hearing may continue it to a fixed date, time and place, in which case no additional notification is required. Or, the body conducting the public hearing may continue it to an undetermined date and provide notice of the continued hearing when the date, time and place for the hearing have been determined.
- (f) **Investigations.** The body conducting the public hearing may require investigations to be conducted, as it deems necessary and in the public interest, in any matter to be heard by the hearing body. The investigation may be made by a committee of one or more members of the hearing body or by County staff. Facts established

by the investigation will 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.

9-802.090 ACTION

When making a decision to approve, approve with conditions, modify, revoke or deny any discretionary permit under this Title, the responsible decision-maker must issue a Notice of Action and make findings as required by this Title.

- (a) **Date of Action.** After the close of the public hearing or, if no hearing is required, no sooner than ten days after any notice was provided, the decision-maker must make a decision to approve, approve with conditions, or deny the application. Decisions must also be made within any applicable time period set forth below.
- (1) **Project Exempt from Environmental Review.** Within 30 days of the date the County has determined an application to be complete, a determination must be made whether the project is exempt from Environmental Review per State CEQA requirements.
 - (2) **Project for which a Negative Declaration or Mitigated Negative Declaration is Prepared.** Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been completed and adopted for project approval, the County must take action on the accompanying discretionary project.
 - (3) **Project to Develop Affordable Housing for which an Environmental Impact Report is Prepared.** Within 90 days from the date that the decision-making authority certifies the Final Environmental Impact Report for an affordable housing project that meets the criteria set forth in California Government Code Section 6590(a)(2) for environmental review of affordable housing projects, the County must take action on the accompanying project.
 - (4) **Project for which an Environmental Impact Report is Prepared.** Within 180 days from the date the decision-making authority certifies a Final Environmental Impact Report, the County must take action on the accompanying discretionary project.
- (b) **Findings.** The decision must be based on the findings required by this Title. The findings must be based on consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and must be stated in writing. They may refer to a County resolution, ordinance, or record of the action on the application.
- (c) **Conditions of Approval.** In approving an application, the decision-maker may impose reasonable conditions it deems necessary to ensure that the project will

comply with the General Plan, any applicable Master Plan, Public Financing Plan, Special Purpose Plan, Specific Plan, or Planned Development zone, the Development Title, and any other applicable County regulations.

- (d) **Referral Back to Planning Commission.** In approving applications requiring Board approval upon a recommendation of the Planning Commission, the Board of Supervisors may add, modify, or delete any terms of the permit itself or any provisions of the conditions of approval. Such action may, but need not be, referred back to the Planning Commission for its review and recommendation.
- (e) **Notice of Decision.** After the decision is made, the Zoning Administrator must issue a notice of decision. For a Planning Commission or Board action, this notice must consist of the approved resolution or ordinance and any associated conditions of approval. For a decision by any other decision-maker, a letter must be issued to the applicant indicating the decision and any written findings and conditions of approval. A copy of the notice must also be provided to any other person or entity that has filed a written request of such notification.

9-802.100 EFFECTIVE DATE

A final decision on an application for any discretionary approval subject to appeal is effective after the expiration of the 10-day appeal period following the date of action, unless an appeal is filed. No Building Permit or Business License for the structure or use that is the subject of the application may be issued until after the close of the 10-day appeal period.

9-802.110 EXPIRATION AND EXTENSION

- (a) **Expiration.** The decision-maker, in the granting of any permit or approval, may specify a time within which the proposed use or construction must be undertaken and actively and continuously pursued. If no time period is specified, any permit or approval granted under this Title automatically expires if it is not exercised or extended within one year of its issuance.
 - (1) **Exercise of Use Permit.** A permit for the use of a building or land that does not involve construction is exercised when the permitted use has commenced on the site.
 - (2) **Exercise of Building Permit.** A permit for the construction or alteration of a building or structure is exercised when a valid County Building Permit, if required, is issued, and construction has lawfully commenced.
- (b) **Extensions.** The Zoning Administrator may grant a two-year extension of any permit or approval granted under this Title upon receipt of a complete written application with the required fee prior to the approval's expiration date. In order

to grant an extension, the Zoning Administrator must make all of the following findings:

- (1) The applicant has clearly documented that he or she has made a good faith effort to commence and diligently pursue work;
 - (2) It is in the best interest of the County to extend the approval;
 - (3) There are no substantial changes to the project, no substantial changes to the circumstances under which the project is undertaken, and no new information of substantial importance that would require any further environmental review pursuant to the California Environmental Quality Act; and
 - (4) The applicant is maintaining the property in compliance with all applicable County regulations.
- (c) In granting an extension pursuant to subsection (b) above, the decision-maker may modify the conditions of approval as deemed necessary to fulfill the purposes of the Development Title.

9-802.120 MODIFICATION OF APPROVED PLANS

- (a) **Minor Modifications.** The Zoning Administrator may approve minor modifications to approved plans or conditions of approval that are substantially consistent with the original findings and conditions of approval and that would not intensify any potentially detrimental effects of the project. Changes to less than 20 percent of a project's floor area are considered minor modifications that may be approved by the Zoning Administrator.
- (b) **Major Modifications.** Modifications that the Zoning Administrator determines are not minor require the approval of the original decision-maker. Any person holding a permit granted under this Title may apply for such modification by following the same procedure required for the initial application for the permit. Such modifications may be to the terms of the permit itself or to conditions of approval.

9-802.130 REVOCATION

This section allows the Zoning Administrator or County Counsel to initiate revocation proceedings, not just the Planning Commission or the Board. The revocation is done by the original decision-maker and is subject to appeal.

Any permit granted under this Title may be revoked or modified for cause if any of the conditions or terms of the permit are violated or if any law or regulation is violated. The provisions of this section are not applicable to the termination of nonconforming uses, which are governed by the provisions of Chapter 9-405, Nonconforming Uses, Structures, and Lots.

- (a) **Automatic Revocation.** A development approval that has been granted or modified subject to one or more conditions, shall cease to be valid, and all rights or privileges that were granted shall lapse, even if other provisions in the Title are to the contrary, if any final judgment of a court of competent jurisdiction declares that one or more of the conditions are void or ineffective, or if the enforcement or operation of one or more of the conditions are enjoined or otherwise prohibited.
- (b) **Initiation of Proceeding.** The Zoning Administrator, County Counsel, the Planning Commission, or the Board of Supervisors may initiate revocation proceedings.
- (c) **Public Notice.** Notice of Revocation must be provided if the original permit required notice.
- (d) **Required Findings.** After a duly-noticed public hearing, a permit may be revoked by the original decision-maker under any one of the following findings:
 - (1) The approval was obtained by means of fraud or misrepresentation of a material fact;
 - (2) One or more of the conditions upon which such development approval was granted have been violated;
 - (3) The use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance of the conditions upon which such development approval was granted have been violated;
 - (4) The use, building, or structure has been substantially expanded beyond what is set forth in the original permit, thereby causing substantial adverse impacts to the surrounding neighborhood;
 - (5) The use in question has ceased to exist or has been suspended for one year or more; or
 - (6) There is or has been a violation of or failure to observe the terms or conditions of the permit or approval, or the use has been conducted in violation of the provisions of this Title or any other applicable law or regulation.
- (e) **Notice of Action.** A written determination of the revocation must be mailed to the permit holder within five days of determination.
- (f) **Appeals.** A revocation decision of the Zoning Administrator, the Director, or the Planning Commission may be appealed pursuant to Section 9-802.0140, Appeals.

9-802.140 APPEALS

- (a) **Purpose and Applicability.** This section establishes the procedures for appeals of any discretionary action in the administration or enforcement of the provisions of

this Title, as long as the decision is not prescribed as final in the individual section of this Title that authorizes the decision.

- (1) **Discretionary Decisions at Staff Level.** Discretionary decisions at staff level on permits and related approvals may be appealed to the Planning Commission by filing a written appeal with the Community Development Department.
 - (2) **Appeals of Discretionary Decisions at Planning Commission.** Discretionary decisions of the Planning Commission on permits and related approvals may be appealed to the Board of Supervisors by filing a written appeal with the Community Development Department. Appeal decisions of the Board of Supervisors are final.
- (b) **Appeal Period.** Unless otherwise specified, appeals shall be filed within 10 days of the date of action, with the first day of the appeal period beginning the day after action is taken on the project, and if filed, shall stay any further action on the permit until finally resolved. If the end of the appeal period falls on a nonbusiness day, the appeal period shall be extended to include the close of the next business day.
- (c) **Who May Appeal.** Appeals may be filed only by one of the following:
- (1) The applicant or the applicant's representative;
 - (2) A person who may be adversely affected by the decision or who has participated in the review process by submitting written or oral testimony on the application or by attending a public hearing on the application; or
 - (3) A person who was prevented from participating in the review by circumstances beyond his or her control.
- (d) **Time Limits.** Unless otherwise specified in State or Federal law, all appeals must be filed in writing within 10 days of the date of the action, decision, motion, or resolution from which the action is taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the County is closed, the appeal period is extended to the close of business on the next consecutive business day.
- (e) **Procedures.**
- (1) **Filing.** The appeal must be written on the appropriate form provided by the County, identify the decision being appealed, clearly and concisely state the reasons for the appeal, and also state specifically how and where the underlying decision constitutes an abuse of discretion and/or is not supported by substantial evidence in the record. The appeal must be accompanied by the required fee.

- (2) **Proceedings Stayed by Appeal.** The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of County building permits and business licenses.
 - (3) **Transmission of Record.** The Director or, in the case of appeals to the Board, the Clerk of the Board must schedule the appeal for consideration by the authorized hearing body within 60 days of the date the appeal is filed. The Director must forward the appeal, the notice of action, and all other documents that constitute the record to the hearing body. The Director must also prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.
- (f) **Standard of Review.** The appellate body will review whether the underlying decision is supported by substantial evidence and/or constitutes an abuse of discretion. The same standards and evaluation criteria, including the findings required, apply as they were for the original application. The appellate body's review is limited to the issue(s) raised in the petition for appeal.
- (g) **Public Notice and Hearing.**
 - (1) **Notice.** Public notice must be provided, and the hearing conducted by the applicable appeal body in accordance with Sections 9.802.070 and 9.802.080. Notice must be provided in the same manner that was required for the action that is the subject of the appeal. Notice of the hearing must also be given to the applicant, the party filing the appeal, and any other interested person who has filed with the Clerk of the Board a written request for such notice. In the case of an appeal of a Planning Commission decision, notice of the appeal must also be given to the Planning Commission. The Planning Commission may be represented at the hearing.
 - (2) **Hearing.** At the hearing, the appellate body must review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party.
- (h) **Action.** The appellate body may affirm, modify, or reverse the original decision. When a decision is modified or reversed, the appellate body must state the specific reasons for modification or reversal. Decisions on appeals must be rendered within 30 days of the close of the hearing. An action to grant an appeal requires a majority vote of the hearing body members. A tie vote has the effect of rejecting the appeal.
- (i) **Referral Back by Board of Supervisors.** The Board of Supervisors may choose to refer a matter back to the Planning Commission for further consideration and a decision if significant new evidence is presented in conjunction with the appeal, which may include substantial changes to the original proposal.

- (j) **Judicial Action.** The appellate body's final decision may be subject to litigation in the Superior Court. Exhaustion of the administrative remedies provided in in this Title, in accordance with Government Code Section 65009 and common law, may be required for the Court to hear the merits of the litigation.

9-802.150 TIME LIMIT ON APPROVALS

Unless otherwise specified, applications shall be approved for a maximum of 36 months from the effective date of approval. In order for Zoning Clearances and other land use permits to remain active, the following must occur:

- (a) **Requirements or Conditions.** All conditions of approval must be complied with;
- (b) **Building Permits.** All required Building Permits (excluding any future permits allowed with an alternative phasing timeline by an approved land use permit) shall be issued prior to the expiration date of the land use permit;
- (c) **Public Improvement Plans.** All required Public Improvement Plans (excluding any future permits allowed with an alternative phasing timeline by an approved land use permit) shall be approved prior to the expiration date of the land use permit;
 - (1) Public Improvement Plans shall be submitted to the Community Development Department no less than one (1) month prior to the expiration date of the land use permit, unless permitted by the Director;
- (d) **Other Permits.** All required permits from other public agencies (excluding any future permits allowed with alternative phasing by an approved land use permit) shall be issued prior to the expiration date of the land use permit, unless otherwise stated.

9-802.160 ONE YEAR WAIT ON DENIALS

No application may be accepted if a similar application has been finally denied during the immediately preceding one-year period. For the purposes of this Section, "similar application" shall mean an application under the same regulation applicable to the same property. This Section shall not apply to applications denied without prejudice, which can be resubmitted within one year upon payment of a fee as set forth by resolution of the Board of Supervisors.

9-802.170 SUMMARY OF DECISION MAKING, PUBLIC HEARING, AND NOTICE REQUIREMENTS

Table 9-802.170 summarizes decision-making responsibilities for the various discretionary permits and actions under this Title and the public notice required for them if applicable.

TABLE 9-802.170: SUMMARY OF DECISION MAKING, PUBLIC HEARING, AND NOTICE REQUIREMENTS								
<i>Permit or Action Type</i>	<i>Reference</i>	<i>Decision Process</i>			<i>Public Hearing Required?</i>	<i>Type of Notice^d</i>		<i>Findings</i>
		<i>Advisor y</i>	<i>Decision</i>	<i>Appeal^l</i>		<i>Require d</i>	<i>Optiona l</i>	
Ministerial								
Zoning Compliance Review	Chapter 9-803	N/A	ZA	N/A	No	None	N/A	None
Grading Permit – Ministerial Review	Chapter 9-812	N/A	ZA	N/A	No	None	N/A	None
Minor Changes to an Approved Permit ²	Section 9-802.130	N/A	ZA	N/A	No	None	N/A	None
Quasi-Judicial Actions								
Administrative Use Permit ³	Chapter 9-804	N/A	ZA	PC	Yes	A, B, C	E, F	Section 9-804.050
Conditional Use Permit	Chapter 9-804	N/A	PC	BOS	Yes	A, B, C, D, E	F	Section 9-804.050
Grading Permit – Discretionary Review	Chapter 9-812	N/A	ZA	PC	No	B, C	N/A	None
Major Subdivisions	Chapter 9-504	PC	BOS	BOS	Yes	A, B, C, D, E	F	Section 9-505.040
Permit Modifications - Major	Section 9-802.130	N/A	PC	BOS	Yes	A, B, C, D, E	F	Section 9-802.130
Temporary Use Permit	Chapter 9-804	N/A	ZA	PC	No	None		Section 9-804.080(g)
Variance	Chapter 9-805	N/A	PC	BOS	Yes	A, B, C, D, E	F	Section 9-805.030
Waiver	Chapter 9-806	N/A	ZA	PC	No	None	A, B, F	Section 9-806.050
Revocation	Section 9-802.140	N/A	PC	BOS ²	Yes	B, C, D, E	A, F	Subsection 9-802.130(d)
Legislative Actions								
Development Agreements	Chapter 9-814 Error! Reference source not found.	D	BOS ² Ordinance	None	Yes	B, C, D, E	F	Section 9-814.050
General Plan Amendments	Chapter 9-807	PC	BOS ² Resolution	None	Yes	B, C, D, E	A, F	Section 9-807.060
Development Title and Zoning	Chapter 9-808 Error! Reference	PC	BOS Ordinance	None	Yes	B, C, D, E	A, F	Section 9-808.050

TABLE 9-802.170: SUMMARY OF DECISION MAKING, PUBLIC HEARING, AND NOTICE REQUIREMENTS								
<i>Permit or Action Type</i>	<i>Reference</i>	<i>Decision Process</i>			<i>Public Hearing Required?</i>	<i>Type of Notice⁴</i>		<i>Findings</i>
		<i>Advisor y</i>	<i>Decision</i>	<i>Appeal¹</i>		<i>Require d</i>	<i>Optiona l</i>	
Map Amendments	source not found.							
Master Plans	Chapter 9-300	PC	BOS Ordinance	None	Yes	B, C, D, E	A, F	Section 9-300.070
Planned Development Zone	Chapter 9-302	PC	BOS Ordinance	None	Yes	B, C, D, E	A, F	Section 9-302.060
Special Purpose Plans and Specific Plans	Chapters 9-301 and 9-302	PC	BOS Ordinance	None	Yes	B, C, D, E	A, F	Sections 9-301.050 and 9-302.070
<p>Key: BOS = Board of Supervisors D = Community Development Director PC = Planning Commission ZA = Zoning Administrator</p> <p>Notes: 1. All appeals require a public hearing with required notice Types A, C, D, and E and optional notice Type F. 2. Major modifications to permits must be processed the same as the original permit, pursuant to subsection 9-802.120(B) (Major Modifications). 3. Administrative Use Permits may be referred by the Zoning Administrator to the Planning Commission for decision, in which case they are processed as Conditional Use Permits. 4. Notice Types are described in Section 9-802.070.</p>								

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Chapter 9-803 Zoning Compliance Review

This is a new procedure to streamline ministerial review of “by right” projects. It includes checking for compliance with objective standards, as allowed by State law.

Sections:

9-803.010	Purpose
9-803.020	Applicability
9-803.030	Review and Decision
9-803.040	Appeals

9-803.010 PURPOSE

This Chapter establishes ministerial procedures for conducting a zoning compliance review to verify that each new or expanded use or structure complies with all of the applicable requirements of this Title.

9-803.020 APPLICABILITY

Zoning compliance review is required for buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building that are allowed as a matter of right by this Title. Before the County may issue any business license, building permit, subdivision approval, lot line adjustment, or any other license, approval, or permit, the Zoning Administrator must review the application to determine whether the use, building, or change in lot configuration complies with all provisions of this Title and any applicable Master Plan, Special Purpose Plan, Specific Plan, or Planned Development zone, Use Permit or Variance approval, and that all conditions of such permits and approvals have been satisfied.

9-803.030 REVIEW AND DECISION

- (a) **Application.** An application for zoning compliance review must be filed and processed in accordance with the provisions of Chapter 9-802, Common Procedures.
- (b) **Determination.** The Zoning Administrator must review the application to determine whether the proposed use or construction is allowed by right, requires any type of discretionary planning permit, is allowed pursuant to any previously approved permit, or is prohibited. If the Zoning Administrator determines that the proposal conforms to the requirements of this Title and any applicable Master Plan, Special Purpose Plan, Specific Plan, or Planned Development zone, a Zoning Certificate will be issued. If the Zoning Administrator determines that the proposal does not conform to the requirements of this Title or any applicable master plan, specific plan, or Planned Development zone, a Zoning Certificate will not be issued, and

the applicant will be advised as to how the proposal can be brought into compliance.

9-803.040 APPEAL

The Zoning Administrator's determination may be appealed to the Planning Commission in accordance with Section 9-802.140, Appeals.

Chapter 9-804 Use Permits

To streamline further the approval process, this chapter creates two tracks for use permits: an Administrative Use Permit approved by the Zoning Administrator and a Conditional Use Permit approved by the Planning Commission. Additional findings are added for adequate public facilities and services and conformance to the Development Title. Also added are provisions for Temporary Use Permits with various time limits for specific activities. The Administrative Use Permit replaces Site Approvals.

Sections:

9-804.010	Purpose and Applicability
9-804.020	Planning Commission's and Zoning Administrator's Responsibilities
9-804.030	Procedures
9-804.040	Expansion of an Existing Use or Structure
9-804.050	Findings Required
9-804.060	Conditions of Approval
9-804.070	Decisions; Appeals, Expirations and Extensions; Modifications; Revocations
9-804.080	Temporary Use Permits

9-804.010 PURPOSE AND APPLICABILITY

The purpose this Chapter is to provide a method of reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation, or facilities in the vicinity. More specifically, this Chapter establishes procedures for the approval, conditional approval or disapproval of Use Permits when required by this Title. A Use Permit is an administrative permission for uses not allowed as a matter of right in a zone. The decision-maker (the Planning Commission or the Zoning Administrator) may require conditions of approval necessary to eliminate, or minimize to an acceptable level, any potential adverse effects of the use.

9-804.020 PLANNING COMMISSION'S AND ZONING ADMINISTRATOR'S RESPONSIBILITIES

- (a) **Conditional Use Permits.** The Planning Commission must approve, conditionally approve, or deny applications for Conditional Use Permits based on consideration of the requirements of this Title.
- (b) **Administrative Use Permits.** The Zoning Administrator must approve, conditionally approve, or deny applications for Administrative Use Permits based on consideration of the requirements of this Title. The Zoning Administrator may, at his/her discretion, refer any application for an Administrative Use Permit for a project that may generate substantial public controversy or involve significant

land use policy decisions to the Planning Commission for a decision rather than acting on it himself/herself. In that case, the application must be processed as a Conditional Use Permit.

9-804.030 PROCEDURES

- (a) **Common Procedures.** Applications for Use Permits must be filed and processed in compliance with procedures in Chapter 9-802, Common Procedures.
- (b) **Public Notice and Hearing.** All applications for Conditional Use Permits require public notice and hearing before the Planning Commission, and all applications for Administrative Use Permits require public notice and hearing before the Zoning Administrator. All hearings shall be conducted in accordance with Chapter 9-802, Common Procedures.

9-804.040 EXPANSION OF AN EXISTING USE OR STRUCTURE

Existing uses subject to a Use Permit may be expanded pursuant to this Section.

- (a) **Required Conditions.** When an existing use has a Use Permit, the Zoning Administrator may approve plans for the expansion of the existing use when the expansion complies with all of the following conditions:
 - (1) The building or use expansion is incidental to the existing use;
 - (2) The building or use expansion does not result in a change of use;
 - (3) No building expansion involves more than a 25 percent increase in existing building floor area or over 10,000 square feet; whichever is less;
 - (4) The building or use expansion, in the opinion of the Zoning Administrator, would not have a substantial adverse effect on adjacent property; and
 - (5) The building or use expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Zoning Administrator.
- (b) **Conditions Not Met.** If a proposed expansion does not comply with the conditions in Subsection (a), a new Use Permit shall be required.

9-804.050 FINDINGS REQUIRED

Prior to approving an application for a Use Permit, the decision-maker (the Planning Commission or the Zoning Administrator) shall find that all of the following are true:

- (a) **Consistency.** The proposed use is consistent with the goals, policies, standards, and maps of the General Plan; any applicable Master Plan, Special Purpose Plan, Specific Plan, and Planned Development zone; and any other applicable plan adopted by the County;

- (b) **Improvements.** Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways;
- (c) **Site Suitability.** The site is physically suitable for the type of development and for the intensity of development;
- (d) **Land Use Compatibility.** The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;
- (e) **No Nuisance Created.** The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions;
- (f) **Adequate Public Services and Facilities.** The site of the proposed use is adequately served by highways, streets, water, sewer, storm drainage, and other public facilities and services and
- (g) **Conformance with Development Title.** The proposed use complies with all applicable provisions of this Title.

9-804.060 CONDITIONS OF APPROVAL

The decision-maker has the authority to impose reasonable conditions that are related and proportionate to what is being requested by the applicant, as deemed necessary and appropriate to ensure that the provisions of the General Plan, any applicable Master Plan, Special Purpose Plan, Specific Plan or Planned Development zone adopted by the Board of Supervisors, and this Title are met. The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

9-804.070 DECISIONS; APPEALS, EXPIRATIONS AND EXTENSIONS; MODIFICATIONS; REVOCATIONS

- (a) **Appeals.** A decision of the Zoning Administrator may be appealed to the Planning Commission, and a decision of the Planning Commission may be appealed to the Board of Supervisors, in accordance with Section 9-802.140, Appeals.
- (b) **Expiration, Extensions and Modifications.** Use Permits are effective and may only be extended or modified as provided for in Chapter 9-802, Common Procedures.
- (c) **Revocations.** A Use Permit may be revoked pursuant to Section 9-802.130, Revocation.

9-804.080 TEMPORARY USE PERMITS

- (a) **Applicability.** A Temporary Use Permit is required for temporary uses that are not otherwise permitted in the base zoning district regulations but meet the standards

of this section and for temporary uses identified in the regulations for individual zones in the 200 Series or the regulations for specific uses in Chapter 9-407, Standards for Specific Uses and Activities as requiring a Temporary Use Permit.

- (b) **Procedures.** An application for a Temporary Use Permit must be filed and processed in compliance with procedures in Chapter 9-802, Common Procedures. An application must be submitted at least 30 days before the use is intended to begin. The application must include the written consent of the owner of the property or the agent of the owner.
- (c) **Decision-Maker.** The Zoning Administrator may approve, approve with conditions, or deny applications for temporary uses without a public hearing.
- (d) **Temporary Uses: Seventy-Two Hour Limit.** Within a nonresidential zone and the R-L and R-M zones, a temporary use may be authorized for a period not to exceed 72 hours per event once a month for up to 8 events per year per site for any of the following uses:
 - (1) A performance, exhibition, dance, celebration, or festival requiring a liquor license, entertainment police permit, and/or other County permit when sponsored by an organized group of residents and/or business operators in the neighborhood; or
 - (2) A performance, dance, or party requiring a liquor license, entertainment and/or other County permit, an art exhibit, or other similar exhibition in each case if sponsored by a residential or commercial tenant or group of tenants or owner-occupants of the property or structure in which the temporary use is authorized.
 - (3) When multiple events are proposed within the allowable time limit and County permits are to be issued to a particular applicant and premises, only one permit need be granted per annual time period. When an individual special event is scheduled for no more than eight hours, then three such events are allowed within the 72-hour limit for the month.
- (e) **Temporary Uses: 60 Day Limit.** The following uses may be authorized in a nonresidential zone for a period not to exceed 60 days:
 - (1) Agricultural experiences for 50 or more participants;
 - (2) Exhibition, celebration, festival, circus, or neighborhood carnival;
 - (3) Booth for charitable, patriotic or welfare purposes;
 - (4) Open air sale of agriculturally-produced seasonal decorations including, but not necessarily limited to, holiday or evergreen trees and Halloween pumpkins;

- (5) New and used auto sales;
 - (6) Outdoor sales in a parking lot; and
 - (7) Parking that is accessory to any temporary use listed above.
- (f) **Temporary Uses: One to Five Year Limit.** Temporary uses authorized pursuant to this subsection may not exceed an initial approval period of up to five years. Extensions of this approval period may be authorized by the Zoning Administrator in increments of up to five-year periods if the authorized use is consistent with the General Plan and applicable Master Plan, Special Purpose Plan, Specific Plan, or Planned Development zone. More specifically, the following uses may be authorized in a nonresidential zone as temporary uses, subject to securing a Building Permit, if required:
- (1) Temporary structures and uses incidental to the construction of a building or a group of buildings, including but not limited to construction staging of materials and equipment;
 - (2) Rental or sales office incidental to a new development, provided that it is located in the development project or in an adjacent temporary structure;
 - (3) Structures and uses incidental to environmental cleanup and staging; and
 - (4) Parking that is accessory to any temporary use listed above.
- (g) **Required Findings.** The Zoning Administrator may approve an application for a Temporary Use only upon making both of the following findings:
- (1) The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the County; and
 - (2) The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed temporary use and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing or proposed parking areas on the site of the temporary use.
- (h) **Conditions of Approval.** The Zoning Administrator may impose reasonable conditions deemed necessary to ensure compliance with the required findings for a Temporary Use Permit listed above, including, but not limited to: regulation of ingress and egress and traffic circulation; fire protection and access for fire vehicles; regulation of lighting; regulation of hours and/or other characteristics of operation; and removal of all trash, debris, signs, sign supports and temporary

structures and electrical service. The Zoning Administrator may require reasonable guarantees, such as a performance bond or financial security equal to the estimated cost of cleanup and removal of temporary structures, and evidence that such conditions are being, or will be, complied with.

- (i) **Effective Date.**
 - (1) **Permit Period 10 Days or Less.** A Temporary Use Permit issued for 10 days or less becomes effective on the date the permit is approved by the Zoning Administrator but cannot expire before the event/use that is subject to the Temporary Use Permit occurring.
 - (2) **Permit Period More than 10 Days.** A Temporary Use Permit for more than 10 days becomes effective 11 days from the date the permit is approved by the Zoning Administrator.
- (j) **Appeals.** Any party aggrieved by the decision of the Zoning Administrator to approve, approve with conditions, or deny a permit for a temporary use or structure may appeal the decision to the Planning Commission, in accordance with Section 9-802.150 (Appeals).
- (k) **Expiration and Extensions.** Temporary Use Permits are effective only for the initial time limit approved; however, the Zoning Administrator may grant extension of the permit period only if the required findings of subsection (g) above can be affirmed.

Chapter 9-805 Variances

Minor additions include additional findings related to no detriment and provisions for variances for parking and open space, per the Government Code. Authority to impose conditions also is explicitly stated and provisions for appeals, extensions and modifications are added.

Sections:

9-805.010	Purpose and Applicability
9-805.020	Procedures
9-805.030	Findings Required
9-805.040	Conditions of Approval
9-805.050	Appeals; Expiration, Extensions and Modifications

9-805.010 PURPOSE AND APPLICABILITY

The purpose of this Chapter is to provide a means of altering the requirements of this Title in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties in the vicinity and under identical zoning because of special circumstances applicable to the property involved.

- (a) Variances may be granted to vary or modify dimensional and performance standards; Variances cannot be granted to allow uses or activities that the Development Title does not authorize for a specific lot or site in a specific zone.
- (b) Notwithstanding the above, a Variance may be granted from parking and/or open space requirements as set forth in Government Code Sections 65906.5 and 65911, respectively.

9-805.020 PROCEDURES

- (a) **Application Requirements.** Applications for Variances may be initiated by the property owner or the owner's authorized agent. Applications shall be filed with the Community Development Department on the prescribed application forms in accord with Chapter 9-802, Common Procedures. In addition to any other application requirements, the application for a Variance must include data or other evidence showing that the requested variance conforms to the required findings set forth in Section 9-805.030, Findings Required. A fee, as specified by resolution of the Board of Supervisors, shall be required.
- (b) **Public Notice and Hearing.** An application for a Variance requires public notice and hearing before the Planning Commission in accordance with Chapter 9-802, Common Procedures.

9-805.030 FINDINGS REQUIRED

Prior to approving an application for a Variance, the Planning Commission shall find that all of the following are true:

- (a) **Special Circumstances.** Because of the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
- (b) **No Detriment.** The Variance will not be detrimental or injurious to property or improvements in the vicinity of the subject property, or the public health, safety or general welfare;
- (c) **No Special Privileges.** The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated; and
- (d) **Use Authorized.** The Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
- (e) **Variations for Parking.** In the case of parking regulations, a Variance may be granted in order that some or all the required parking spaces be located off-site, or that in-lieu fees or facilities be provided instead of the required parking spaces, provided that the Planning Commission determines that:
 - (1) The Variance will be an incentive to, and a benefit for, nonresidential development; and
 - (2) The Variance will facilitate access to nonresidential development by patrons of public transit facilities.
- (f) **Variance for Open Space.** In the case of open space regulations, a Variance may be granted only if doing so is consistent with Government Code Section 65911 and the requested Variance will not conflict with General Plan policies governing orderly growth and development and the preservation and conservation of open space lands.

9-805.040 CONDITIONS OF APPROVAL

In approving the Variance, the Planning Commission may impose reasonable conditions that are related and proportionate to what is being requested by the applicant, as deemed necessary and appropriate to ensure that the provisions of the General Plan, and applicable Master Plan, Special Purpose Plan, Specific Plan, or Planned Development zone, and this Title are met. The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

9-805.050 APPEALS; EXPIRATION, EXTENSIONS AND MODIFICATIONS

- (a) **Appeals.** A decision of the Planning Commission may be appealed to the Board of Supervisors, in accordance with Section 9-802.140, Appeals.
- (b) **Expiration, Extensions and Modifications.** Variances are effective and may only be extended, if a time limit has been set as a condition of approval, or modified as provided for in Chapter 9-802, Common Procedures.

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Chapter 9-806 Waivers

This scope of this chapter, formerly titled "Deviations," has been expanded to clarify the purpose of waivers, as distinct from variances, and include provisions for granting waivers for reasonable accommodations that may exceed the percentage limitations. The provisions for reasonable accommodations also have been expanded to cover churches and other religious institutions, as required by the federal Religious Land Use and Institutionalized Persons Act. The findings also have been clarified to provide more flexibility. Finally, certain standards cannot be waived if they would create a conflict with General Plan density and intensity limits.

Sections:

9-806.010	Purpose and Applicability
9-806.020	Permitted Waivers
9-806.030	Exclusions
9-806.040	Procedures
9-806.050	Findings Required
9-806.060	Conditions of Approval
9-806.070	Appeals

9-806.010 PURPOSE AND APPLICABILITY

The Chapter is intended to provide an alternate means of granting relief from the requirements of this Title for minor deviations from dimensional and development standards when so doing would be consistent with the purposes of the Development Title and it is not possible to grant a Variance. Further to this end, it is the policy of the County to comply with the federal Fair Housing Act, the Americans with Disabilities Act, the Religious Land Use and Institutionalized Persons Act, and the California Fair Employment and Housing Act to provide reasonable accommodation for protected uses and for persons with disabilities seeking fair access to housing through a waiver of the application of the requirements of this Title. This Chapter authorizes the Zoning Administrator to grant administrative relief from the Development Title's dimensional requirements to achieve these objectives.

9-806.020 PERMITTED WAIVERS

Applications for waivers may be accepted in all zones. The Zoning Administrator may only grant relief from the following dimensional requirements, as follows. The Zoning Administrator also may grant a waiver that would exceed the percentage limitations below where such a waiver is necessary to comply with the reasonable accommodation provisions of State and/or federal law, based on a determination that the specific circumstances of the application warrant such an accommodation.

- (a) **Setback Requirements.** Setback requirements may be altered as follows:

- (1) Up to 40 percent of the front yard setback requirement, but not closer to the property line than 15 feet;
 - (2) Up to 40 percent of the side yard setback requirement, but no closer to the property line than three feet;
 - (3) Up to 40 percent of the street side yard setback requirement, but no closer to the property line than 15 feet; or
 - (4) Up to 30 percent of the rear yard setback requirement, but no closer to the property line than 10 feet.
- (b) **Area and Width Requirements.** Area and width may be altered as follows provided General Plan density and intensity limits are not exceeded for the site:
- (1) Up to 30 percent of the area requirements for uses or use types; or
 - (2) Up to 10 percent of the lot area and lot width requirements.
- (c) **Height Requirements.** Height requirements may be altered up to 20 percent in excess of height limits, but not to exceed five feet.
- (d) **Build-to Lines.** Up to 10 percent of the standards for building façade location.
- (e) **Parking.** Up to 10 percent of the dimensional standards for parking spaces, aisles, driveways, landscaping, garages on sloping lots, and parking facility design.
- (f) **Fences.** Up to 10 percent of the standards for the maximum height and location of fences.
- (g) **Landscaping.** Up to 10 percent of the required landscaping.
- (h) **Other Standards.** Up to 10 percent of other development standards not listed in Section 9-806.030 below.

9-806.030 EXCLUSIONS

Waivers cannot be granted for any of the following standards:

- (a) Minimum number of required parking spaces;
- (b) Minimum or maximum residential density; or
- (c) Maximum floor area ratio (FAR).

9-806.040 PROCEDURES

- (a) **Authority and Duties.** The Zoning Administrator must approve, conditionally approve, or deny applications for waivers based on consideration of the requirements of this Title.

- (b) **Application Requirements.** An application for a waiver must be filed and processed in accordance with the procedures in Chapter 9-802, Common Procedures. In addition to any other application requirements, the application for a waiver must include data or other evidence explaining why the findings necessary to grant the waiver, set forth in Section 9-806.050 (Findings Required) are satisfied.
- (c) **Review of Waiver Requests for Reasonable Accommodation to Ensure Access to Housing.** An application for a waiver based on a request for a reasonable accommodation to ensure access to housing will be referred to the Zoning Administrator for review and consideration. Such a request may exceed the percent limits above. The Zoning Administrator must issue a written decision within 45 days of the date the application is deemed complete, and may grant the reasonable accommodation request, grant with modifications, or deny the request. All written decisions must give notice of the right to appeal and to request reasonable accommodation in the appeals process.
- (d) **Concurrent Processing.** If a request for waiver is being submitted in conjunction with an application for another approval, permit, or entitlement under this Title, it must be heard and acted upon at the same time and in the same manner as that application.

9-806.050 FINDINGS REQUIRED

Prior to approving an application for a waiver, the Zoning Administrator shall find that all of the following are true:

- (a) **Not Detrimental.** The granting of the waiver will not be materially detrimental to other properties or land uses in the area or result in a change in land use or density that would be inconsistent with the requirements of this Title;
- (b) **Specific Circumstances.** The waiver is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance.
- (c) **No Alternatives.** There are no alternatives to the requested waiver that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.
- (d) **Denial of Privileges.** The strict application of the regulation deprives the property owner of privileges enjoyed by other properties in the vicinity; and
- (e) **Consistency.** The proposed use is consistent with the goals, policies, standards, and maps of the General Plan; any applicable Master Plan, Special Purpose Plan, Specific Plan, Planned Development zone, and any other applicable plan adopted by the County.

- (f) **For Reasonable Accommodations.** If the waiver requested is to provide reasonable accommodation pursuant to State or federal law, the review authority must also make the following findings in addition to any other findings that this Article requires:
- (1) That the housing or other property that is the subject of the request for reasonable accommodation will be used by an individual or organization entitled to protection;
 - (2) If the request for accommodation is to provide fair access to housing, that the request for accommodation is necessary to make specific housing available to an individual protected under State or federal law;
 - (3) That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and
 - (4) That denial of the requested waiver would impose a substantial burden on religious exercise or would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

9-806.060 CONDITIONS OF APPROVAL

The decision-maker has the authority to impose reasonable conditions that are related and proportionate to what is being requested by the applicant, as deemed necessary and appropriate to ensure that the provisions of the General Plan, any applicable Master Plan, Special Purpose Plan, Specific Plan, Planned Development zone, and this Title are met. The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with. Waivers approved based on State or federal requirements for reasonable accommodation may be conditioned to provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance.

9-806.070 APPEALS

The Zoning Administrator's decision on a waiver may be appealed to the Planning Commission in accordance with Section 9-802.140, Appeals.

Chapter 9-807 General Plan Amendments

This chapter expands on current requirements with additional detail to ensure conformance with the Government Code. A Director's report is required, and changes the Board makes that had not previously been considered by the Planning Commission must be referred back to them for comment.

Section:

9-807.010	Purpose and Applicability
9-807.020	Applicability
9-807.030	Initiation
9-807.040	Procedure
9-807.050	Findings
9-807.060	Planning Commission Hearing and Action
9-807.070	Board of Supervisors Hearing and Action

9-807.010 PURPOSE AND APPLICABILITY

This Chapter establishes procedures for making changes to the General Plan as provided for in State law when there are compelling reasons to do so. These circumstances include, but are not limited to, changes in State or federal law and problems and opportunities that were unanticipated at the time of General Plan adoption or the last amendment.

9-807.020 APPLICABILITY

The procedures of this Chapter apply to all proposals to change the text of the General Plan and the diagrams that illustrate the application of its provisions.

9-807.030 INITIATION

An amendment to the General Plan may be initiated by:

- (a) Any qualified applicant identified in Section 9-802.030, Application Forms and Fees; or
- (b) An order of the Board of Supervisors or Planning Commission, on its own motion or on the recommendation of the Director.

9-807.040 PROCEDURE

An application for an amendment to the General Plan must be filed and processed in accordance with the provisions of Chapter 9-802, Common Procedures, and considered by the Board of Supervisors with a recommendation from the Planning Commission. It must be processed in conformance with Government Code Section 65350 *et seq.* Its approval must be by resolution, and it is subject to referendum.

- (a) **Required Information.** In addition to any other application requirements, an application for a General Plan amendment must include a statement, supported by documentation, that describes how the proposed amendment conforms to the General Plan's goals and the benefit to the public that will result from approving the proposed change or changes to the General Plan.
- (b) **Director's Report.** The Director must prepare a report and recommendation to the Planning Commission, which must include, but is not limited to, a discussion of how the proposed amendment complies with the purposes of this Chapter and the General Plan's goals, and a determination as to whether the proposed amendment will require amendment to other plans that the Board of Supervisors has adopted.
- (c) **Planning Commission Recommendation.** The Commission's recommendation must be forwarded to the Board of Supervisors for action on the proposed amendment except in the situation specified in subsection 9-807.060(a), Recommendation against Private Application.

9-807.050 FINDINGS

The Planning Commission in recommending, and the Board of Supervisors in approving, an amendment to the General Plan, must make all of the following findings:

- (a) The proposed amendment will contribute to the public health, safety, and general welfare or will be of benefit to the public.
- (b) The proposed amendment is consistent with the General Plan goals, unless the goals themselves are proposed to be amended.
- (c) The proposed amendment retains the internal consistency of the General Plan and is consistent with other adopted plans, unless a concurrent amendment to those plans is also proposed and will result in consistency.
- (d) The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.

9-807.060 PLANNING COMMISSION HEARING AND ACTION

- (a) **Public Hearing.** The Planning Commission must hold a public hearing noticed and conducted as required by Chapter 9-802, Common Procedures, and must then vote on its recommendation on the proposed amendment.
- (b) **Recommendation Against Private Application.** If the amendment under consideration was initiated by an applicant, and the Planning Commission recommends against the adoption of such amendment, the application is denied, and the Board of Supervisors is not required to take any further action on the amendment unless the Planning Commission's decision is appealed pursuant to Section 9-802.150, Appeals.

- (c) **All Other Situations.** Following the public hearing, the Planning Commission must submit a recommendation on the proposed amendment and environmental determination to the Board of Supervisors. The recommendation must include the reasons for the recommendation; the extent to which the proposed amendment meets the purposes of this Title; the consistency of the proposed amendment with the General Plan and any other adopted plan; and any changes to the amendment that the Commission deems necessary to ensure internal consistency of the General Plan and consistency with other adopted plans, or to reduce environmental impacts.

9-807.070 BOARD OF SUPERVISORS HEARING AND ACTION

- (a) **Public Hearing.** After receiving the report from the Planning Commission, the Board of Supervisors must hold a public hearing noticed and conducted as required by Chapter 9-802, Common Procedures. The notice must include a summary of the Planning Commission's recommendation.
- (b) **Action.** After the conclusion of the hearing, the Board of Supervisors may approve, modify, or deny the proposed General Plan amendment. If the Board proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification will first be referred back to the Planning Commission for its recommendation, but the Planning Commission will not be required to hold a public hearing on the matter. If the Planning Commission fails to report back to the Board of Supervisors within 45 days after the referral, the modification will be deemed to have been recommended for approval.
- (c) **Resolution Adopted.** The Board's approval of an amendment to the General Plan must be by resolution, adopted by the affirmative vote of not less than a majority of the total membership of the Board.
- (d) **Public Release.** Following the Board action, the Clerk of the Board will make the documents amending the General Plan, including the diagrams and text, available for public inspection.

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Chapter 9-808 Development Title Text and Zoning Map Amendments

This chapter follows the same procedure as proposed for General Plan amendments to ensure conformance with the Government Code.

Sections:

9-808.010	Purpose and Applicability
9-808.020	Applicability
9-808.030	Initiation
9-808.040	Procedure
9-808.050	Findings Required
9-808.060	Planning Commission Hearing and Action
9-808.070	Board of Supervisors Hearing and Action

9-808.010 PURPOSE AND APPLICABILITY

It is the intent of this Chapter to provide for the method to amend this Title and the Zoning Maps, consistent with the California Government Code, provided such amendments are consistent with the General Plan.

9-808.020 APPLICABILITY

The procedures of this Chapter apply to all proposals to change the text of the Development Title or to revise a zoning classification or boundary line shown on the Zoning Map.

9-808.030 INITIATION

An amendment to the Development Title and/or the Zoning Map may be initiated by:

- (a) Any qualified applicant identified in Section 9-802.030, Application Forms and Fees; or
- (b) An order of the Board of Supervisors or Planning Commission, on its own motion or on the recommendation of the Director.

9-808.040 PROCEDURE

- (a) An application for an amendment to the Development Title and/or the Zoning Maps must be filed and processed in accordance with the provisions of Chapter 9-802, Common Procedures, and must be considered by the Board of Supervisors with a recommendation from the Planning Commission. Its approval must be by ordinance and is subject to referendum. The Director must prepare a report and recommendation to the Commission that must include, but is not limited to, a discussion of how the proposed amendment meets the findings in Section 9-808.050.

The Commission's recommendation must be forwarded to the Board of Supervisors for action on the proposed amendment except in the situation specified in Section 9.808.060(a), Recommendation against Private Application.

9-808.050 FINDINGS REQUIRED

The Planning Commission in recommending, and the Board of Supervisors in approving, an amendment to the Development Title or the Zoning Maps, must make all of the following findings:

- (a) The proposed amendment is consistent with the General Plan and any applicable Master Plan.
- (b) The proposed amendment is necessary for public health, safety, and general welfare or will be of benefit to the public.
- (c) The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.
- (d) For a change to the Zoning Maps, that the subject property is suitable for the uses permitted in the proposed zone in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations, and that the proposed change of zone is not detrimental to the use of adjacent properties.

9-808.060 PLANNING COMMISSION HEARING AND ACTION

- (a) **Public Hearing.** The Planning Commission must hold a public hearing noticed and conducted as required by Chapter 9-802, Common Procedures, and must then vote on its recommendation on the proposed amendment.
- (b) **Recommendation Against Private Application.** If the amendment under consideration was initiated by an applicant, and the Planning Commission recommends against the adoption of such amendment, the application is denied, and the Board of Supervisors is not required to take any further action on the amendment unless the Planning Commission's decision is appealed pursuant to Section 9-802.140, Appeals.
- (c) **All Other Situations.** Following the public hearing, the Planning Commission must submit a recommendation on the proposed amendment and environmental determination to the Board of Supervisors. The recommendation must include the reasons for the recommendation; the extent to which the proposed amendment meets the purposes of this Title; the consistency of the proposed amendment with the General Plan and any other adopted plan; and any changes to the amendment that the Commission deems necessary to comply with the General Plan and ensure internal consistency of the Development Title and consistency with other adopted plans, or to reduce environmental impacts.

9-808.070 BOARD OF SUPERVISORS HEARING AND ACTION

- (a) **Public Hearing.** After receiving the report from the Planning Commission, the Board of Supervisors must hold a public hearing noticed and conducted as required by Chapter 9-802, Common Procedures. The notice must include a summary of the Planning Commission's recommendation.
- (b) **Action.** After the conclusion of the hearing, the Board of Supervisors may approve, modify, or deny the proposed Development Title and/or Zoning Map amendment. If the Board proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification will first be referred back to the Planning Commission for its recommendation, but the Planning Commission will not be required to hold a public hearing on the matter. If the Planning Commission fails to report back to the Board of Supervisors within 45 days after the referral, the modification will be deemed to have been recommended for approval.
- (c) **Ordinance Adopted.** The Board's approval of an amendment to the Development Title and/or Zoning Map must be by ordinance, adopted by the affirmative vote of not less than a majority of the total membership of the Board.
- (d) **Public Release.** Following the Board action, the Clerk of the Board will make the documents amending the Development Title and/or Zoning Map available for public inspection.

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Chapter 9-809 Agricultural Excavation Permits

This chapter carries forward the current permitting procedure for agricultural excavations with approval responsibility assigned to the Zoning Administrator. The process would be the same as for a Zoning Clearance.

Sections:

9-809.010	Purpose
9-809.020	Permitted Zones
9-809.030	Requirements for Application
9-809.040	Review Procedures
9-809.050	Findings Required
9-809.060	Development Standards
9-809.070	Time Limit on Approvals
9-809.080	Expansion
9-809.090	Surface Mining and Reclamation Act

9-809.010 PURPOSE

The purpose of this Chapter is to establish a permit procedure to:

- (a) Allow the removal of excess material from property in order to increase the property's agricultural potential, while protecting people, property, and the environment from impacts caused by the grading excavation; and
- (b) Ensure the reclamation of excavation sites.

9-809.020 PERMITTED ZONES

Applications for Agricultural Excavation Permits may be accepted in the following zones:

- (a) AL zone;
- (b) AG zone; and
- (c) AU zone.

9-809.030 REQUIREMENTS FOR APPLICATION

An application for an Agricultural Excavation Permit shall include the following:

- (a) A Certified Grading Plan prepared by a registered civil engineer;
- (b) An Operational Statement, including identification of a haul route and public roads that will be used;
- (c) A soils report, prepared by a soil scientist qualified to analyze agricultural soils, shall be required for all proposals where the topsoil is not proposed to be replaced;

- (d) An Excavation/Reclamation Plan and schedule prepared by a registered civil engineer;
- (e) Proposed methods of financial guarantees of performance;
- (f) An Erosion, Sediment and Pollution Control Plan to minimize impacts on waterways and/or roadways during excavation; and
- (g) The required fee as specified by the Board of Supervisors.

9-809.040 REVIEW PROCEDURES

The review procedure for an Agricultural Excavation Permit Application shall that established for a Zoning Clearance in Chapter 9-803.

9-809.050 FINDINGS REQUIRED

Prior to approving an application for an Agricultural Excavation Permit, the Zoning Administrator shall find all of the following true:

- (a) The amount of the material being removed is the least amount required to enhance the agricultural suitability of the property;
- (b) The excavation will not have a detrimental effect on any surrounding agricultural lands; and
- (c) Issuance of the permit shall not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity.

9-809.060 DEVELOPMENT STANDARDS

Approved Agricultural Excavation Permits shall be subjected to the development standards specified in Chapter 9-702.

9-809.070 TIME LIMIT ON APPROVALS

If the excavation does not commence within three years after the date of approval of the Agricultural Excavation Permit, the permit shall lapse and become void.

9-809.080 EXPANSION

A new Agricultural Excavation Permit shall not be required for the expansion of an existing or approved agricultural excavation, provided the Zoning Administrator determines that all of the following requirements are satisfied:

- (a) Any proposed expansion(s) may involve no more than a 10 percent increase in the overall site area covered by the existing or approved agricultural excavation;
- (b) The proposed expansion, in the opinion of the Zoning Administrator, will not have a substantial, adverse effect on adjacent property or on significant biotic resources on the site;

- (c) The proposed expansion will comply with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency; and
- (d) An Improvement Plan pursuant to Chapter 9-514 is submitted to the County.

9-809.090 SURFACE MINING AND RECLAMATION ACT

Approved Agricultural Excavation Permits shall be subject to the regulations adopted by the State Mining and Geology Board as authorized by the California Surface Mining and Reclamation Act (SMARA) of 1975 (Public Resource Code Section 2710 *et seq.*), as amended; Public Resource Code Section 2207; and the California Code of Regulations adopted pursuant thereto (Title 14, Section 3500 *et seq.*).

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Chapter 9-810 Evacuation Plans

This chapter carries forward existing procedures and requirements.

Sections:

9-810.010	Purpose
9-810.020	Evacuation Plan Required
9-810.030	Review Procedure
9-810.040	Minimum Standards
9-810.050	Evacuation Plan Implementation
9-810.060	Exceptions and Alternatives to Preparing Evacuation Plans

9-810.010 PURPOSE

The purpose of this Chapter is to require plans for the evacuation of recreational vehicle parks and mobile home parks during times of flood hazard.

9-810.020 EVACUATION PLAN REQUIRED

An Evacuation Plan shall be required for all existing mobile home and recreational vehicle parks and shall be a condition of issuance of permits for all proposed mobile home and recreational vehicle parks located or proposed to be located within floodways or flood fringe areas. A fee, as specified by resolution of the Board of Supervisors, shall be required.

9-810.030 REVIEW PROCEDURE

The agency conducting the Evacuation Plan review for recreational vehicle and mobile home parks shall be the San Joaquin County Office of Emergency Services. The review procedure for an Evacuation Plan shall be that set out in Chapter 9-802 for a Zoning Clearance with the decision-maker being the Director of the Office of Emergency Services.

9-810.040 MINIMUM STANDARDS

At a minimum, Evacuation Plans shall meet the following standards:

- (a) **Storage Sites.** No storage site for the storage of unoccupied mobile homes or recreation vehicles shall be in an area subject to flooding during a 100-year flood;
- (b) **Risk Reduction.** The Evacuation Plan will operate to reduce damage to property and hazards to health and safety during floods;
- (c) **Feasibility of Performance.** The Evacuation Plan shall be feasible of performance during a flood;

- (d) **Clarity.** The criteria for initiating the Evacuation Plan shall be sufficiently clear to determine when the evacuation should occur; and
- (e) **Timely Evacuation.** The criteria for initiating an evacuation shall allow for timely evacuation prior to inundation of the site.

9-810.050 EVACUATION PLAN IMPLEMENTATION

The following provisions shall apply to all mobile home parks and recreational vehicle parks with approved Evacuation Plans:

- (a) **Posting.** A copy of a summary of the Evacuation Plan shall be posted in a conspicuous place on the premises to be evacuated;
- (b) **Impediments and Obstructions.** All impediments or obstructions to the evacuation routes shall be removed or relocated;
- (c) **Changes.** A new Evacuation Plan must be approved for any change in an existing plan;
- (d) **Implementation of Evacuation Plan.** When the criteria for evacuation occur, the Evacuation Plan shall be carried out as planned; and
- (e) **Distribution of Evacuation Plan.** A copy of the approved Evacuation Plan shall be given to the following persons and kept on file for public review:
 - (1) The Community Development Department;
 - (2) The park owner;
 - (3) The park manager;
 - (4) The Director of the County Emergency Services Office; and
 - (5) The County Flood Control Engineer.

9-810.060 EXCEPTIONS AND ALTERNATIVES TO PREPARING EVACUATION PLANS

The requirements of this Chapter may be altered as follows:

- (a) **Ground Anchors.** As an alternative to preparing an Evacuation Plan, owners of mobile home parks that were established before September 30, 1980, and that are outside of a floodway may require park residents to provide ground anchors to be used as tie downs to prevent movement and flotation of mobile homes during a flood. Park owners shall provide proof of compliance by residents with said requirements.
- (b) **Mobile Home Parks in Zone AO.** Mobile home parks in Flood Insurance Rate Map Zone AO with a flood depth of one foot or less shall be exempt from the provisions of this Chapter.

Chapter 9-811 Flood Variances

This chapter carries forward existing procedures for flood variances, with minor editing for clarity and conformance with this updated Development Title. The process shall be the same as for a Conditional Use Permit.

Sections:

9-811.010	Nature of Flood Variances
9-811.020	Conditions for Flood Variances
9-811.030	Evaluation by County Departments
9-811.040	Review Procedure
9-811.050	Exceptions and Exclusions
9-811.060	Findings Required
9-811.070	Notice of Increased Risk

9-811.010 NATURE OF FLOOD VARIANCES

The issuance of a Flood Variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a Flood Variance.

The Flood Variance criteria set forth in this Chapter are based on the general principle of zoning law that Flood Variances pertain to a piece of property and are not personal in nature. A Flood Variance may be granted for a parcel of land with physical characteristics so unusual that complying with the requirements of this Title for flood protection established in Chapter 9-703, Flood Hazards, would create an exceptional hardship to the applicant. These characteristics must be unique to the property; they must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Community Development Department and the Department of Public Works to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that Flood Variances from the flood elevation or from other requirements in Chapter 9-703, Flood Hazards, are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if Flood Variances are strictly limited. Therefore, the Flood Variance criteria provided in this Chapter are more detailed and contain multiple provisions that must be met before a Flood Variance can be properly granted. The criteria are designed to screen-out those situations in which alternatives other than a Flood Variance are more appropriate.

9-811.020 CONDITIONS FOR FLOOD VARIANCES

- (a) **General Requirements.** Flood Variances may be issued for new construction, substantial improvement, and other proposed new development to be erected

on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Chapter 9-301, Flood Hazard Overlay Zone, have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the Flood Variance increases.

- (b) **Historic Structures.** Flood Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the Flood Variance is the minimum necessary to preserve the historic character and design of the structure.
- (c) **Prohibitions.** Flood Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (d) **Required Determination.** Flood Variances shall only be issued upon a determination that the Flood Variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of Flood Variances to an elevation requirement, this means the Community Development Department and the Department of Public Works need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Community Development Department and the Department of Public Works believe will both provide relief and preserve the integrity of this Title.
- (e) **Required Notice.** Any applicant to whom a Flood Variance is granted shall be given written notice over the signature of the Zoning Administrator that:
 - (1) The issuance of a Flood Variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage, and
 - (2) Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the San Joaquin County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- (f) **Recordkeeping.** The Floodplain Administrator will maintain a record of all Flood Variance actions, including justification for their issuance, and report such Flood Variances issued in its biennial report submitted to the Federal Emergency Management Agency.

9-811.030 EVALUATION BY COUNTY DEPARTMENTS

- (a) **Factors to be Considered.** In passing upon requests for Flood Variances, the Community Development Department and the Department of Public Works shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Title, and the:
- (1) Danger that materials may be swept onto other lands to the injury of others;
 - (2) Danger of life and property due to flooding or erosion damage;
 - (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 - (4) Importance of the services provided by the proposed facility to the community;
 - (5) Necessity to the facility of a waterfront location, where applicable;
 - (6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) Compatibility of the proposed use with existing and anticipated development;
 - (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
 - (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 - (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- (b) **Criteria for Issuance.** Flood Variances shall only be issued upon a:
- (1) Showing of good and sufficient cause;
 - (2) Determination that failure to grant the Flood Variance would result in exceptional "hardship" to the applicant; and
 - (3) Determination that the granting of a Flood Variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause

"fraud and victimization" of the public, or conflict with existing local laws or ordinances.

- (c) **Protections from Flood Damage.** Flood Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of 9-811.020(a) through 9-811.020(d) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- (d) **Conditions of Approval.** Upon consideration of the factors of 9-811.020(a) and the purposes of this Chapter, the Community Development Department and the Department of Public Works may attach such conditions to the granting of Flood Variances as it deems necessary to further the purposes of this ordinance.

9-811.040 REVIEW PROCEDURE

The review procedure for a Flood Variance Application shall be the same as for a Conditional Use Permit, as required by Chapter 9-804, Use Permits, and include a Public Hearing by the Planning Commission on the recommendations of the Community Development Department and the Public Works Department, which shall be subject to the noticing and the procedures in Chapter 9-802, Common Procedures.

9-811.050 EXCEPTIONS AND EXCLUSIONS

The following provisions shall apply:

- (a) **Historic Structures.** Flood Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Chapter; and
- (b) **Prohibitions.** Flood Variances shall not be issued within a floodway if an increase in flood levels during the 100-year flood discharge would result.

9-811.060 FINDINGS REQUIRED

Prior to approving an application for a Flood Variance, the Planning Commission shall find that all of the following are true:

- (a) There is good and sufficient cause for the Flood Variance;
- (b) Failure to grant the Flood Variance would result in exceptional hardship to the applicant;
- (c) The Flood Variance will not result in increased flood heights, create additional threats to public safety, produce extraordinary public expense, create nuisances,

cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

- (d) The Flood Variance is the minimum necessary, considering the flood hazard, to afford relief; and
- (e) Granting of the Flood Variance will not constitute a grant of special privileges inconsistent with the limitations on similarly situated properties subject to the County's flood regulations.

9-811.070 NOTICE OF INCREASED RISK

Any applicant to whom a Flood Variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the regulatory flood elevation and that the cost of insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The notice shall be prepared by the Community Development Department and recorded by the office of the San Joaquin County Recorder in such a manner to make it appear in the chain of title of the affected parcel of land.

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Chapter 9-812 Grading and Drainage Permits

Sections:

9-812.010	Purpose
9-812.020	Construction Grading Permit Requirements
9-812.030	Construction Drainage Permit Requirements
9-812.040	Procedures
9-812.050	Permit Approval and Issuance
9-812.060	Appeals; Effective Date, Extensions, and Modifications
9-812.070	Performance of Work

9-812.010 PURPOSE

The purpose of this Chapter is to establish permit procedures for construction grading and drainage in order to:

- (a) Allow for construction grading and drainage that will not adversely affect the environment and the public health, safety, and welfare of the county and will minimize hazards to life and property;
- (b) Ensure implementation of standards to protect against soil loss, adverse effects of flooding, and pollution of watercourses with soil and other pollutants, and protect the safety, use, and stability of public rights-of-way and watercourses;
- (c) Protect aquatic resources and wildlife habitat; and
- (d) Promote water conservation and groundwater recharge.

9-812.020 CONSTRUCTION GRADING PERMITS

- (a) **Permit required.** A construction grading permit shall be required prior to commencing any construction grading or related work, including preparatory land clearing, vegetation removal, or other ground disturbance, except where exempted from permit requirements by Subsection (c). A separate construction grading permit shall be required for each site.
- (b) **Designation and performance.** Construction grading shall be designated as "regular construction grading" or "engineered construction grading" in compliance with Table 9-812.020, and shall be undertaken as follows:
 - (1) **Regular construction grading.** Regular construction grading shall be performed in compliance with approved plans and specifications prepared by the project applicant, the property owner, or a licensed professional acting within the scope of their license.

- (2) **Engineered construction grading.** Engineered construction grading shall be performed in compliance with approved plans and specifications prepared by a California-licensed civil engineer.

TABLE 9-812.020: CONSTRUCTION GRADING DESIGNATION		
<i>Parameter</i>	<i>Threshold</i>	
	<i>Regular Construction Grading</i>	<i>Engineered Construction Grading</i>
Volume (cut or fill)	Does not exceed 5,000 cubic yards	Exceeds 5,000 cubic yards
Cut	No greater than 3 feet in depth and does not create a cut slope greater than 5 feet in height ¹	Greater than 3 feet in depth or creates a cut slope greater than 5 feet in height ¹
Fill	No greater than 3 feet in depth ¹	Greater than 3 feet in depth ¹
Fill inside the flood-prone urban area or special flood hazard areas	Does not exceed 50 cubic yards	Exceeds 50 cubic yards
Natural slope of grading area	No greater than 15 percent	Greater than 15 percent
Note:		
1. The references to depths and heights for cuts and fills are between existing grade and finished grade.		

- (c) **Exemptions.** The following construction grading activities may be conducted without obtaining a construction grading permit, provided that these activities conform to the standards in Chapter 9-704, Grading and Excavation.
- (1) **Cemeteries.** Routine excavations and fills for graves.
 - (2) **Construction grading within a public right-of-way.** Where authorized by an encroachment permit, construction grading within a public right-of-way.
 - (3) **Emergency construction grading.** Construction grading necessary to protect life or property or to implement erosion prevention or control measures, where a situation exists that requires immediate action; provided that only the volume of construction grading necessary to abate an imminent hazard may be performed prior to obtaining a construction grading permit. The person performing the emergency construction grading or the property owner shall:
 - (A) Notify the Zoning Administrator and provide evidence acceptable to the Zoning Administrator of the scope and necessity of the emergency construction grading on or before the next business day after the onset of the emergency situation; and
 - (B) Apply for a construction grading permit within ten days after the commencement of the emergency construction grading.

- (C) The Zoning Administrator may order emergency construction grading to be stopped or restricted in scope based upon the nature of the emergency.
- (4) **Environmental remediation.** Construction grading for environmental remediation ordered or approved by the County or another public agency exercising regulatory jurisdiction over a site contaminated with hazardous materials, where the ground surface is restored to its previous topographic condition within 60 days after the completion of the work. The Zoning Administrator shall be notified in writing at least 30 days prior to the commencement of such work to qualify for this exemption.
- (5) **Excavations and fills for buildings or structures.** Where authorized by a valid building or demolition permit, excavations below existing or finished grade for basements, and footings of buildings, retaining walls, or other structures, and fills using only material from the excavation. The placement of fill must be shown on the approved plans and specifications. Fill that is intended to support structures or surcharges may be greater than one foot in depth only if a soils report justifies the use of the fill. This exemption shall not apply to any fill that is engineered construction grading.
- (6) **Excavations and fills for wells or on-site sewage disposal systems.** Where authorized by a valid well or septic permit, excavations and fills for wells or on-site sewage disposal systems. The placement of fill must be shown on the approved plans and specifications.
- (7) **Exploratory excavations.** Exploratory excavations to investigate subsurface conditions, affecting or disturbing an area of less than 10,000 square feet and involving the movement of less than 50 cubic yards, under the direction of a California-licensed civil engineer, soils engineer, engineering geologist, or registered environmental health specialist, where the ground surface is restored to its previous topographic condition within 60)days after the completion of the work.
- (8) **Landfills.** Construction grading at landfills regulated by the State Integrated Waste Management Act.
- (9) **Maintenance, repair, or resurfacing of existing private roads and driveways.** Maintenance, repair, or resurfacing of existing, lawfully constructed private roads and driveways, where the length, width, and design capacity are not changed. This exemption shall not apply to any fill in a floodplain or floodway designated by the County.
- (10) **Minor cut.** A cut that does not exceed 50 cubic yards and:
- (A) Is no greater than three feet in depth, or

- (B) Does not create a cut slope greater than five feet in height and greater than two feet horizontal to one foot vertical.
- (11) **Minor fill.** Fill outside a flood hazard area that does not exceed 50 cubic yards or alter or obstruct a watercourse or wetland and is:
 - (A) No greater than one foot in depth, placed on terrain with a natural slope no greater than 15 percent and intended to support structures or surcharges; or
 - (B) No greater than three feet in depth (one foot in a flood hazard area) and not intended to support structures or surcharges.
 - (C) This exemption shall not apply to any fill that is engineered construction grading.
- (12) **Pipelines and utilities.** Excavations and fills for pipelines, routine pipeline maintenance practices, or installation, testing, maintenance, or replacement of utility connections, distribution or transmission systems, or telecommunication facilities, on a single site or within a public right-of-way, where the ground surface is restored to its previous topographic condition within 60 days after the completion of the work. This exemption shall not apply to any fill that is used for any purpose other than restoring the ground surface to its previous topographic condition.
- (13) **Public projects.** Where a public agency takes full responsibility for the work, construction grading for public projects on public property, including public trails. The Zoning Administrator shall be notified in writing at least 30 days prior to the commencement of the work.
- (14) **Resource conservation, restoration, or enhancement projects.** Where a public agency takes full responsibility for the work, construction grading for soil, water, wildlife, or other resource conservation, restoration, or enhancement projects. The Zoning Administrator shall be notified in writing at least 30 days prior to the commencement of the work.
- (15) **Soil profiling test pits.** Excavations for soil profiling test pits, where the ground surface is restored to its previous topographic condition within 60 days after the completion of the work.
- (16) **Surface mining.** Mining, quarrying, excavating, processing, or stockpiling rock, sand, gravel, aggregate, or clay in compliance with this Title.

9-812.030 CONSTRUCTION DRAINAGE PERMIT REQUIREMENTS

- (a) **Permit required.** A construction drainage permit shall be required prior to commencing any construction drainage involving construction or modification of

drainage facilities or related work, including preparatory land clearing, vegetation removal, or other ground disturbance, except where exempted from permit requirements by Subsection (c). A separate construction drainage permit shall be required for each site.

(b) **Designation and performance.** Construction drainage involving the construction or modification of drainage facilities shall be designated as "regular construction drainage" or "engineered construction drainage" in compliance with Table 9-812.030 and shall be performed as follows:

- (1) **Regular construction drainage.** Regular construction drainage shall be performed in compliance with approved plans and specifications prepared by the project applicant, the property owner or a licensed professional acting within the scope of their license.
- (2) **Engineered construction drainage.** Engineered construction drainage shall be performed in compliance with approved plans and specifications prepared by a civil engineer.

TABLE 9-812.030: CONSTRUCTION DRAINAGE DESIGNATION		
<i>Parameter</i>	<i>Threshold¹</i>	
	<i>Regular Construction Drainage</i>	<i>Engineered Construction Drainage</i>
Cross-sectional area of drainage facility	Does not exceed 2 square feet	Exceeds 2 square feet
1. Examples: a. Circular: Diameter is less than or equal to 19 inches or 1.6 feet, effectively 18 inches or 1.5 feet. b. Vee-ditch: Depth of 1 foot and top width equal to 4 feet (assumes 2:1 side slopes).		

(c) **Exemptions from permit requirements.** The following construction drainage activities are exempt from the provisions of this section and may be conducted without obtaining a construction drainage permit, provided that these activities shall still be subject to the standards in Chapter 9-704, Grading and Excavation.

- (1) **Drainage facilities for construction grading, buildings or structures, septic systems, or within a public right-of-way.** Where authorized by a valid construction grading, building, septic, or encroachment permit, construction or modification of drainage facilities for construction grading, buildings or structures, septic systems, or within a public right-of-way.
- (2) **Emergency construction drainage alteration.** Construction or modification of drainage facilities necessary to protect life or property, or to implement erosion prevention or control measures, where a situation exists that requires immediate action; provided that only the work necessary to abate an immediate hazard may be performed prior to obtaining a construction

drainage permit. The person performing the emergency construction drainage alteration or the property owner shall:

- (A) Notify the Zoning Administrator and provide evidence acceptable to the Zoning Administrator of the scope and necessity of the emergency construction drainage alteration on or before the next business day after the onset of the emergency situation; and
 - (B) Apply for a construction drainage permit within 10 days after the commencement of the emergency construction drainage alteration.
 - (C) The Zoning Administrator may order emergency construction drainage alteration to be stopped or restricted in scope based upon the nature of the emergency.
- (3) **Maintenance, repair, or replacement of existing private drainage facilities.** Maintenance, repair, or replacement of existing, lawfully constructed private drainage facilities, where the location and design capacity are not changed.
- (4) **Minor pipe and vee-ditch swale systems.** Construction or modification of pipe and vee-ditch swale systems that meet all of the following criteria:
- (A) The drainage area is less than one-half acre for a smooth-walled pipe or vee-ditch swale system, or less than one-quarter acre for a corrugated pipe system.
 - (B) The pipe or vee-ditch swale system is not located in the flood hazard area.
 - (C) The pipe system is a single run, with a minimum diameter of eight inches and installed slopes between two and four percent or the vee-ditch swale system is made of earth, grass, or rock, with side slopes no greater than fifty percent, maximum depth of nine inches, and installed slopes between two and four percent.
- (5) **Public projects.** Where a public agency takes full responsibility for the work, construction or modification of drainage facilities for public projects on public property, including public trails. The Zoning Administrator shall be notified in writing at least 30 days prior to the commencement of the work.
- (6) **Resource conservation, restoration, or enhancement projects.** Where a public agency assumes full responsibility for the work, construction or modification of drainage facilities for soil, water, wildlife, or other resource conservation, restoration, or enhancement projects. The Zoning Administrator shall be notified in writing at least 30 days prior to the commencement of the work.

9-812.040 PROCEDURES

- (a) **Application Requirements.** Applications for construction grading and construction drainage permits may be initiated by the property owner or the owner's authorized agent. Applications shall be filed with the Community Development Department on the prescribed application forms in accord with Chapter 9-802, Common Procedures. In addition to any other application requirements, the application must include specifications, maps, reports, and other information and materials required by the department's list of required application contents for the specific type of application, and any other reports necessary to verify compliance with this chapter.
- (1) A permit application may include a request for relief from the standards in Chapter 9-704, Grading and Excavation. The request shall state in writing each standard proposed to be varied, the proposed substitute measure, when it would apply, and its advantages. The director may require additional information to evaluate the requested relief.
- (2) A fee, as specified by resolution of the Board of Supervisors, shall be required.
- (b) **Discretionary Review; Environmental Review.** An application for a relief from the standards in Chapter 9-704, Grading and Excavation, is considered a discretionary permit application and is subject to environmental review under Section 9-802.060.

9-812.050 REQUIRED FINDINGS; CONDITIONS OF APPROVAL; DISTRIBUTION OF PLANS

- (a) **Findings for approval.** The Zoning Administrator may approve a permit application and issue a construction grading or drainage permit when the Zoning Administrator makes the following determinations.
- (1) **Ministerial approvals.** A permit application shall be approved ministerially and a ministerial construction grading or drainage permit issued when the Zoning Administrator determines that the proposed construction grading or drainage complies with all the provisions of this Chapter and any applicable permit for development.
- (2) **Discretionary approvals.** A permit application may be approved as a discretionary action and a discretionary construction grading or drainage permit issued when the Zoning Administrator determines that:
- (A) There are special circumstances affecting the site that make the strict application of the standards in Chapter 9-704 impractical;
- (B) The proposed construction grading or drainage is consistent with the purpose and intent of the standards in Chapter 9-704 and does not

diminish the health, safety, and environmental protection benefits that would be obtained from the strict application of those standards; and

- (C) The proposed construction grading or drainage complies with all other provisions of this Chapter and any applicable permits for development.
- (b) **Conditions of Approval for Discretionary Permits.** For approval of any application for a relief from the standards in Chapter 9-704, Grading and Excavation, the Zoning Administrator may impose any conditions deemed reasonable and necessary to protect the public health, safety, and welfare; prevent adverse environmental impacts, or the creation of hazards to site or adjacent land uses; and ensure proper completion of the work. The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.
- (c) **Distribution and use of approved plans and specifications.** The Zoning Administrator shall retain one or more sets of the approved permit and dated plans and specifications for inspection and record keeping. Two sets of the approved permit and dated plans and specifications shall be provided to the permittee. The permittee shall maintain one set of the approved permit and dated plans and specifications on the site at all times during the work.

9-812.060 APPEALS; EXPIRATION, EXTENSIONS, AND MODIFICATIONS

- (a) **Appeals.** A decision of the Zoning Administrator on a discretionary permit may be appealed to the Planning Commission in accordance with Section 9-802.140. All other decisions of the Zoning Administrator are final and not appealable.
- (b) **Expiration, Extensions and Modifications.** Construction grading and construction drainage permit are effective and may only be extended or modified as provided for in Chapter 9-802, Common Procedures.
- (c) **Time limits.** A construction grading or construction drainage permit shall expire three years from the effective date of the permit, unless an extension has been granted in writing, provided that the Zoning Administrator may limit a permit to a lesser time period where the permit is required to abate dangerous or hazardous conditions. All work for which a construction grading or construction drainage permit is issued shall be completed and finalized prior to expiration of the permit or any extension granted.

9-812.070 PERFORMANCE OF WORK

All work for which a construction grading or drainage permit is required shall be subject to the following requirements.

- (a) **Pre-construction consultation.** The permittee and the Zoning Administrator shall have a pre-construction consultation prior to the commencement of the work.

- (b) **Responsibility for the work.** The permittee shall be responsible for ensuring that the work is performed in compliance with the approved plans and specifications and the standards in Chapter 9-704.
- (c) **Notification of change in ownership.** The permittee shall notify the Zoning Administrator of any change in ownership of the site prior to completion of the work.
- (d) **Inspections.** All work shall be subject to inspection as required by the Zoning Administrator.
 - (1) **Site access.** The permittee shall provide adequate access to the site for inspection by inspectors designated by the Zoning Administrator during the performance of all work and for a minimum of one year after final inspection.
 - (2) **Type of inspections and certifications.** The Zoning Administrator may require the permittee to have a California-licensed civil engineer, soils engineer, or engineering geologist perform inspections of work in progress, identify any work done that does not comply with approved plans and specifications and recommend corrective measures, as needed, and certify completion of work.
 - (3) **Transfer of responsibility for approval.** If a required civil engineer, soils engineer, engineering geologist, or other professional is changed during the course of the work, the work shall be stopped until the permittee notifies the Zoning Administrator in writing of the change of professional and the new professional notifies the Zoning Administrator in writing of their agreement to accept responsibility for approval of the completed work within the area of their technical competence.
 - (4) **Field changes.** After permit issuance, no change to the approved work shall occur without the prior written approval of the Zoning Administrator. If the Zoning Administrator determines that the changes are minor, the changes shall be shown on as-built plans. If the Zoning Administrator determines that the changes are major, a request for a modification to the approved plans and specifications shall be filed as provided in Section 9-802.120.
 - (5) **Protection of utilities.** As required by Government Code section 4216.2, the permittee shall contact the Underground Service Alert (USA) prior to starting any excavation that will be conducted in an area that is known, or reasonably should be known, to contain subsurface utility installations. Contact shall occur at least two working days, but not more than fourteen calendar days, before the excavation starts. If practical, the excavator shall delineate with white paint or other suitable markings the area to be excavated.

(6) **Stop work orders.** The Zoning Administrator may order that any work performed contrary to the requirements of this chapter, other applicable provisions of this code, the approved plans and specifications, or any permit conditions, or any work that has otherwise become hazardous to property or the public, be immediately stopped. It shall be unlawful and a violation of this chapter for any person to resume work that was ordered to be stopped by the director, unless the director has required and the permittee has agreed to any necessary corrective measures, and the director has authorized resumption of the work in writing.

(e) **Completion of work.**

(1) **Final reports.** Upon completion of all work for which a construction grading or drainage permit is required, the Zoning Administrator may require the following plans, records, and declarations to be submitted to the Department.

(A) *As-built plans.* A set of as-built plans including original and finished contours at intervals acceptable to the Zoning Administrator, parcel drainage patterns with directional arrows, locations and elevations of all surface and subsurface drainage facilities, and locations of all post-development stormwater best management practices.

(B) *Testing records.* A complete record of all field and laboratory tests, including the location and elevation of all field tests and any soils reports prepared for the site.

(C) *Declarations about completed work.* Declarations by any civil engineer, soils engineer, engineering geologist, or other professional retained by the permittee, that all work was done in compliance with the approved plans and specification.

(2) **Final inspection.** No permittee shall be deemed to have complied with this Chapter until a final inspection of the work has been completed and approved by the Zoning Administrator. Final approval shall not be given until all work has been completed in compliance with the approved plans and specifications and any materials required by Subsection (1) have been submitted and accepted.

Chapter 9-813 Quarry Excavation Permits

This chapter carries forward existing procedures for quarry excavation permits, with minor editing for clarity and conformance with this updated Development Title.

Sections:

9-813.010	Purpose
9-813.020	Permitted Zones
9-813.030	Requirements for Application
9-813.040	Review Procedures
9-813.050	Findings Required
9-813.060	Development Standards
9-813.070	Expansion of an Existing Quarry Excavation
9-813.080	Surface Mining and Reclamation Act

9-813.010 PURPOSE

The purpose of this Chapter is to provide a permitting procedure to:

- (a) Allow the extraction of mineral resources, while at the same time protecting people, property, and the environment from potential hazards associated with excavations; and
- (b) Ensure the reclamation of excavation sites.

9-813.020 PERMITTED ZONES

Quarry Excavation Permit applications may be accepted in the following zones:

- (a) I-G Zone;
- (b) C-R Zone; and
- (c) AG and AU Zones, provided that:
 - (1) Areas for excavation are designated "Resource Conservation" on the County's General Plan Land Use Map and the State Mines and Geology Board has identified the areas as construction aggregate deposits of regional significance; and
 - (2) The portion of the property to be excavated contains substantial deposits of mineral resources, or a portion of a deposit of substantial mineral resources; or
 - (3) For areas zoned AG, the Farmland Mapping and Monitoring Program's soil classification for that portion of the property to be excavated is neither Prime Farmland, Farmland of Statewide Significance, nor Unique Farmland.

9-813.030 REQUIREMENTS FOR APPLICATION

An application for a Quarry Excavation Permit shall include the following:

- (a) A Site Plan prepared and stamped and signed by a California-registered civil engineer;
- (b) An Excavation/Reclamation Plan, including identification of haul routes that will be used to remove excavated materials and a schedule prepared by a California-registered civil engineer;
- (c) Proposed methods of financial guarantees of performance; and
- (d) The required fee as specified by the Board of Supervisors.

9-813.040 REVIEW PROCEDURES

The review procedure for Quarry Excavation Permit applications shall be the same as for a Conditional Use Permit under Chapter 9-804, Use Permits. The Public Hearing shall be noticed and conducted as specified in Chapter 9-802, Common Procedures.

9-813.050 FINDINGS REQUIRED

Prior to approving an application for a Quarry Excavation Permit, the Planning Commission shall find that the following are true:

- (a) The proposal is for the removal of regionally significant or scarce deposits of mineral resources and not for the removal of prime farmland;
- (b) The proposed reclamation of the property upon completion of the excavation will leave the property in a condition which will allow its reuse; and
- (c) Issuance of the permit shall not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity.

9-813.060 DEVELOPMENT STANDARDS

Approved Quarry Excavation Permits shall be subject to the development standards specified in Chapter 9-702.

9-813.070 EXPANSION OF AN EXISTING QUARRY EXCAVATION

Existing excavations subject to a Quarry Excavation Permit may be expanded pursuant to this Section.

- (a) **Required Criteria.** In those instances involving excavations that require a Quarry Excavation Permit and a Quarry Excavation Permit has been approved, the Zoning Administrator may approve plans for the expansion of the existing permit when the expansion complies with all of the following criteria:
 - (1) The excavation expansion is incidental to the existing excavation;

- (2) No building expansion involves more than a 25 percent increase in building floor area covered by existing structures associated with the excavation;
 - (3) No use expansion involves more than an increase of 25 acres, or more than a ten percent (10%) increase in the overall site area covered by the existing Quarry Excavation Permit, whichever is less;
 - (4) The excavation expansion, in the opinion of the Zoning Administrator, would not have a substantial adverse effect on significant biotic resources on the site;
 - (5) The excavation expansion, in the opinion of the Zoning Administrator, would not have a substantial adverse effect on adjacent property;
 - (6) The excavation expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Zoning Administrator; and
 - (7) A Public Improvement Plan is submitted pursuant to Chapter 9-514, Public Improvement Plans.
- (b) **Criteria Not Met.** If a proposed expansion does not meet with the above criteria in Subsection (a), a new Quarry Excavation Permit shall be required.

9-813.080 SURFACE MINING AND RECLAMATION ACT

Approved Quarry Excavation Permits shall be subject to the regulations adopted by the State Mining and Geology Board as authorized by the California Surface Mining and Reclamation Act (SMARA) of 1975 (Public Resource Code Section 2710 *et seq.*), as amended; Public Resource Code Section 2207; and the California Code of Regulations adopted pursuant thereto (Title 14, Section 3500 *et seq.*).

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Chapter 9-814 Development Agreements

This Chapter carries forward existing requirements for development agreements, with minor editing and technical additions for greater clarity and conformance to State law. The contents of an application to enter into an agreement are prescribed in greater detail; many sections now considered optional would be required. This is best practice.

Sections:

9-814.010	Purpose
9-814.020	Applicability
9-814.030	Authority and Duties
9-814.040	Procedure
9-814.050	Review Procedures: Public Notice and Hearing
9-814.060	Findings Required
9-814.070	Execution; Recordation
9-814.080	Annual Review
9-814.090	Amendment or Cancellation
9-814.100	Effect of Approved Agreement
9-814.110	Enforcement
9-814.120	Emergency Situations

9-814.010 PURPOSE

This Chapter establishes procedures and requirements for considering and entering into legally binding agreements with applicants for development projects, as provided for in State law. Such agreements may provide a greater degree of certainty than the normal permit approval process by granting assurance that an applicant may proceed with development in accord with policies, rules, and regulations in effect at the time of approval subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.

9-814.020 APPLICABILITY

A Development Agreement may be considered for a large, multi-phase development project that will require a developer to make a substantial investment at the early stages of the project for planning and engineering for the entire project and for public facilities and services. In order to be considered for a Development Agreement, a project must be consistent with the General Plan and any applicable Master Plan, Special Purpose Plan, Specific Plan, or Planned Development zone, unless the applicant has submitted an application for any necessary amendments to the General Plan, Master Plan, Special Purpose Plan, Specific Plan, or Planned Development zone.

9-814.030 AUTHORITY AND DUTIES

- (a) The Director, in consultation with the County Administrator, will negotiate the specific components and provisions of the Development Agreement on behalf of the County for recommendation to the Board of Supervisors.
- (b) The Board of Supervisors has the exclusive authority to approve a Development Agreement.

9-814.040 PROCEDURE

An applicant for a development project may request that the County review the application as a Development Agreement application in accordance with the following procedures. The County incorporates by reference the provisions of Government Code Sections 65864-65869.5. In the event of any conflict between these statutory provisions and this section, State law controls.

- (a) **Application Requirements.** An applicant must submit an application for a Development Agreement on a form prescribed by the Director, accompanied by the required fees. The Director must identify submittal requirements for applications for Development Agreements and may require an applicant to submit such additional information and supporting data as considered necessary for environmental review and to process the application. In addition to any other information that the Director requires, each application for a Development Agreement must be accompanied by the general terms and conditions of the agreement proposed by the applicant and must include the contents required in subsection (b) below.
- (b) **Contents of Development Agreements.**
 - (1) **Required Contents.** A Development Agreement must specify its duration; the permitted uses of the subject property; the general location and density or intensity of uses; the general location, maximum height and size of proposed buildings; and provisions for reservation or dedication of land for public purposes. It must contain provisions concerning its transferability.
 - (2) **Improvements and Fees.** A Development Agreement may include requirements for construction and maintenance of on-site and off-site improvements or payment of fees in lieu of such dedications or improvements.
 - (3) **Conditions.** A Development Agreement may also include conditions, terms, restrictions, and requirements for subsequent discretionary actions but does not eliminate the applicant's responsibility to obtain all required land use approvals.

- (4) **Environmental Mitigation.** A Development Agreement may include, without limitation, conditions and restrictions imposed by the County with respect to the project, including those conditions, restrictions and mitigation measures proposed in any Mitigated Negative Declaration or Final Environmental Impact Report applicable to the project that eliminate or mitigate adverse environmental impacts of the project.
 - (5) **Phasing.** A Development Agreement may provide that the project be constructed in specified phases, that construction be commenced within a specified time, and that the project or any phase thereof be completed within a specified time.
 - (6) **Financing.** If the Development Agreement requires applicant financing of necessary public facilities, it may include terms relating to subsequent reimbursement over time for such financing.
 - (7) **Indemnity.** A Development Agreement must contain an indemnity clause requiring the applicant to indemnify and hold the County harmless against claims arising out of or in any way related to the actions of applicant in connection with the application or the development process, including all legal fees and costs.
 - (8) **Performance Obligation Fees.** A Development Agreement may include provisions to guarantee performance of obligations stated in the agreement.
- (c) **Initial Review of Application.** The Director will review each application to determine whether it is complete. If the application is found to be incomplete, the Director will reject the application and inform the applicant of the items necessary to properly complete the application. If the application is complete, the Director will determine whether an environmental review is required for the project, in compliance with applicable State and local requirements.
 - (d) **Negotiations.** The Director must negotiate the specific components and provisions of the Development Agreement on behalf of the County for recommendation to the Board of Supervisors.
 - (e) **Recommendation by Director.** The Director must make his/her recommendation in writing to the Board of Supervisors. The recommendation must include the Director's determination and supporting reasoning whether or not the proposed Development Agreement satisfies the findings specified in Section 9-814.060, Findings Required.

9-814.050 REVIEW PROCEDURES: PUBLIC NOTICE AND HEARING

The review procedure for a Development Agreement shall include a Public Hearing before the Board of Supervisors with notice as set forth in Chapter 9-802, Common Procedures, with the following additional requirements:

- (a) **Notice of Intent.** The Director must publish a notice of intent to consider adoption of a Development Agreement as provided in Section 65090 and 65091 of the Government Code.
- (b) **Signed Agreement Required.** The Applicant must execute a proposed Development Agreement before it is placed before the County Council for consideration at a public hearing.
- (c) **Decision by Board of Supervisors.** Final action on the Development Agreement shall be taken by the Board of Supervisors at a Public Hearing.

9-814.060 FINDINGS REQUIRED

Prior to approving a Development Agreement, the Board of Supervisors shall find that all of the following are true:

- (a) **Consistency.** The provisions of the Development Agreement are consistent with the General Plan and any applicable Master Plan, Public Financing Plan, Special Purpose Plan, and Specific Plan for the area; and
- (b) **Development Title.** The proposed development complies with all provisions of this Title.

9-814.070 EXECUTION; RECORDATION

No later than 10 days after the final approval of a Development Agreement, the Clerk of the Board shall record with the County Recorder a copy of the agreement, which shall describe the land subject thereto.

9-814.080 ANNUAL REVIEW

- (a) **Frequency of Review.** The Director shall cause the Development Agreement to be reviewed annually on the anniversary date of its adoption. A more frequent review may be undertaken at the direction of the Board of Supervisors.
- (b) **Finding of Compliance.** If the Director, on the basis of substantial evidence, finds compliance by the applicant with the provisions of the Development Agreement, the Director will issue a finding of compliance, which will be in recordable form and may be recorded with the County Clerk-Recorder's Office after the conclusion of the review.
- (c) **Finding of Non-compliance.** If the Director finds the applicant has not complied with the provisions of the Development Agreement, the Director may issue a

finding of noncompliance that may be recorded by the County Clerk-Recorder's Office. The Director must specify in writing to the applicant the respects in which the applicant has failed to comply and must set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement will be subject to termination or modification pursuant to this Chapter.

- (d) **Termination or Modification.** If the County finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with the terms or conditions of the agreement, the County may terminate or modify the Agreement.
- (1) Action to terminate or modify the Agreement may be initiated only by the Board of Supervisors; and
 - (2) No action to terminate or modify the Agreement shall be taken without a Public Hearing Review noticed and conducted pursuant to Chapter 9-802, Common Procedures.
- (e) **Payment of Periodic Review.** The cost of the annual review of the Development Agreement shall be paid for by the party (or the party's successor in interest) who entered into the Development Agreement with the County. The payment shall cover the actual cost to the County of conducting said annual review, including employee salaries and benefits, overhead, and materials.

9-814.090 AMENDMENT OR CANCELLATION

A Development Agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the Agreement or their successors in interest. An Agreement shall be amended or canceled using the same process as was used for its adoption.

- (a) **Recordation.** If the parties to the Agreement or their successors in interest amend or cancel the Development Agreement, or if the County terminates or modifies the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the Clerk of the Board will record notice of such action with the County Clerk-Recorder's Office.
- (b) **Rights of the Parties after Cancellation or Termination.** In the event that a Development Agreement is cancelled or terminated, all rights of the applicant, property owner, or successors in interest under the Development Agreement will be terminated. If a Development Agreement is terminated following a finding of noncompliance, the County may, in its sole discretion, determine to return any and all benefits, including reservations or dedications of land, and payments of fees, received by the County.

9-814.100 EFFECT OF APPROVED AGREEMENT

- (a) **Existing Rules and Regulations.** Unless otherwise specified in the Development Agreement, the County's rules, regulations and official policies governing permitted uses of the property, density and design, and improvement standards and specifications applicable to development of the property shall be those County rules, regulations and official policies in force on the effective date of the Development Agreement. The applicant will not be exempt from otherwise applicable County ordinances or regulations pertaining to persons contracting with the County.
- (b) **Future Rules and Regulations.** A Development Agreement must not prevent the County, in subsequent actions applicable to the property, from applying new rules, regulations and policies that do not conflict with those rules, regulations and policies applicable to the property as set forth in the Development Agreement. A Development Agreement will not prevent the County from denying or conditionally approving any subsequent land use permit or authorization for the project on the basis of such existing or new rules, regulations, and policies. Unless otherwise specified in the Development Agreement, a Development Agreement will not exempt the applicant from obtaining future discretionary land use approvals.
- (c) **State and Federal Rules and Regulations.** In the event that any regulation or law of the State of California or the United States, enacted or interpreted after a Development Agreement has been entered into prevents or precludes compliance with one or more provisions of the Development Agreement, then the Development Agreement may be modified or suspended in the manner and pursuant to the procedures specified in the Development Agreement, as may be necessary to comply with such regulation or law.

9-814.110 ENFORCEMENT

The procedures for enforcement, amendment, modification, cancellation or termination of a Development Agreement specified in this section and in Government Code Section 65865.4 or any successor statute, are non-exclusive. A Development Agreement may be enforced, amended, modified, cancelled or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.

9-814.120 EMERGENCY SITUATIONS

The County may suspend the issuance of Building Permits for the development project after a noticed public hearing if it finds in good faith that a clear and present emergency situation requires the suspension.

Chapter 9-815 Enforcement

This chapter carries forward existing provisions.

Sections:

9-815.010	Purpose
9-815.020	Enforcement Official
9-815.030	Hearing Officer
9-815.040	Investigation/Inspections
9-815.050	Inspection Warrant
9-815.060	Inspection Warrant Exception
9-815.070	Duty of Owners
9-815.080	Violations
9-815.090	Notice of Violation and Order to Abate
9-815.100	Administrative Fines
9-815.110	Settlement Agreement
9-815.120	Civil Liability; Criminal Penalties
9-815.130	Abatement
9-815.140	Attorney's Fees and Costs
9-815.150	Appeal of Statement of Expense
9-815.160	Late Charges and Interest
9-815.170	Enforcement by Civil Action
9-815.180	No Duty to Enforce

9-815.010 PURPOSE

Pursuant to the authority granted to the Board of Supervisors in Government Code Sections 25845 and 53069.4, this Chapter sets forth the provisions for the enforcement of this Title in addition or as an alternative to Title 1. The procedures set forth in this Chapter are designed to ensure the due process rights of any affected property owner or other person having possession or control of the real property involved. This Chapter provides remedies which are in addition to those in Title 1 and does not limit, preclude, waive or supersede any other criminal or civil remedy available by law for the enforcement of this Title or to abate any violation of this Title.

9-815.020 ENFORCEMENT OFFICIAL

The Enforcement Official appointed pursuant to Title 1 is responsible for enforcing this Title. The Enforcement Official's duties include but are not limited to the investigation of reported or suspected violation of this Title, determination of whether any violation of this Title has occurred and, pursuant to this Chapter or Title 1, correcting or abating any violation of this Title.

9-815.030 HEARING OFFICER

The Hearing Officer appointed pursuant to Title 1 shall conduct hearings on appeals from notice of violation and order to abate and statements of expense issued by the Enforcement Official pursuant to San Joaquin County Code, Division 3, Chapter 5, Code 2-3300 *et seq.*

9-815.040 INVESTIGATION/INSPECTIONS

The Enforcement Official may, upon presentation of proper credentials, enter private or public property to inspect and/or investigate to obtain information relative to any reported or discovered nuisance that exists or was reported to have existed on that property, including but not limited to a physical inspection of the property and/or review of the owner or other person in possession or control of the property's records (whether stored on or off the property). The Enforcement Official may also take statements of witnesses and review any other evidence that they believe may assist in making a decision regarding any reported or discovered nuisance. The Enforcement Official's inspection and/or investigation of the property and/or related evidence shall be with the goal of determining whether the reported or discovered violation of this Title occurred and/or is on-going and obtaining information on parties responsible for the reported or discovered violation of this Title.

9-815.050 INSPECTION WARRANT

Where there is a report of the existence of a violation of this Title or other reason to believe that a violation of this Title exists or occurred on a property, but the owner or other person in possession or control of the property refuses to allow the Enforcement Official onto the property to inspect and/or investigate, or when circumstances justify not first seeking consent to inspect, the Enforcement Official may seek an inspection warrant pursuant to California Code of Civil Procedure Section 1822.50 *et seq.* to enter and inspect the property. If forcible entry is allowed by the inspection warrant, then the inspection warrant must so state.

9-815.060 INSPECTION WARRANT EXCEPTION

No inspection warrant or consent shall be required when the Enforcement Official believes there is an immediate threat or danger to the public health or safety and immediate abatement of any violation of this Title is justified under Section 9-1905.21 of this Chapter. Entry pursuant to this section includes and allows forcible entry if necessary to abate an immediate threat or danger to the public health or safety.

9-815.070 DUTY OF OWNERS

It is the duty of every owner of real property or other person in possession or control of real property within the unincorporated area of the County to prevent a violation of this Title from arising from or existing on any real property they own or control.

9-815.080 VIOLATIONS

It is a violation of this Title and County Ordinance Code Section 1-2000 for a property owner and/or other person in control of a property to maintain or permit a nuisance or a violation of this Title on real property. Any use or condition on real property which is in violation of this Title or in violation of permits approved pursuant to the provisions of this Title shall constitute a violation of this Title and, if not abated, may be subject to the enforcement procedures outlined in this Chapter or Title 1.

9-815.090 NOTICE OF VIOLATION AND ORDER TO ABATE

- (a) **Order to Abate.** When the Enforcement Official determines that a condition constituting a violation of this Title has occurred, they may provide a written notice and order pursuant to Section 9-1905.11 to the owner(s) of the real property involved and any other person in possession or control of the real property pursuant to County Ordinance Code Sections 1-2010 and 1-2011. If delivery of the notice/order to abate cannot be accomplished pursuant to County Ordinance Code Sections 1-2010 and 1-2011 despite diligent effort then notice may be given by posting copies of the notice/order to abate at the real property involved and recording the notice/order to abate in the official records of the County.
- (b) **Failure to Receive Notice.** The failure of an addressee to receive the notice/order to abate provided to them in compliance with this Section shall not affect in any manner the validity of any proceedings taken under this Chapter or Title 1.
- (c) **Date of Notification.** The date of notification is presumed to have occurred as follows:
 - (1) Pursuant to County Ordinance Code Section 1-2006 Notice by mail shall be deemed served at the time of deposit in the United States mail; or
 - (2) On the date the notice/order was personally served; or
 - (3) On the date the notice/order was posted at the real property involved.
- (d) **Contents of Notice of Violation and Order to Abate—Contents.** The notice of violation and order to abate ("notice/order to abate") shall include at least the following information, as applicable, unless otherwise determined by the Enforcement Official:
 - (1) Address and parcel number of the real property involved including the location of the real property.
 - (2) Determination by the Enforcement Official that a violation of this Title existed or currently exists on the real property involved.
 - (3) Description of the action(s) or condition(s) that did or currently are constituting a violation of this Title, and the section of this Title and/or any

other ordinance, code, statute, act, regulation, or law that the action or condition(s) were or are in continuing violation of.

- (4) Statement of any administrative fines ordered to be paid by the property owner and/or person in possession or control of the real property for the violation described in the notice/order to abate.
 - (5) Statement that the violation(s) must be addressed, corrected, or abated within 30 calendar days from the date of the notice/order to abate.
 - (6) Statement that the County may take legal action to address, correct, or abate the violation(s) up to and including criminal action pursuant to San Joaquin County Code of Ordinances Title 1, Division 2, Chapter 1.
 - (7) Statement that the addressee(s) of the notice/order to abate has a right to appeal the Enforcement Official's determination of a violation of this Title and/or imposition of administrative fines by filing a written notice of appeal with the issuing department within 30 calendar days of the date of notification of the notice/order to abate. Imposition of administrative fines will be stayed pending resolution of the appeal.
 - (8) Statement that unless the owner and/or person in possession or control of the real property involved voluntarily abates a continuing violation of this Title or timely appeals the notice/order to abate, then the County may take action to abate a continuing violation of this Title.
 - (9) Statement that the owner of the real property involved may be responsible for the cost of abatement. These costs will be calculated and provided to the owner in a statement of expenses.
 - (10) Statement that the owner of the real property involved has a right to appeal the Enforcement Official's accounting of costs for abatement in writing within 30 calendar days of receiving the statement of expense. Collection pursuant to the statement of expense will be stayed pending resolution of the appeal.
 - (11) Statement that if the owner of the real property involved fails to pay the cost of abatement, then a special tax may be assessed on the property tax of the real property involved which shall have the same priority as other taxes and be collected at the same time and manner as other County taxes.
 - (12) Statement that in the event that the violation of this Title poses an imminent health, safety, or fire hazard the Enforcement Official may reduce the 30 calendar days' notice time and take action to abate pursuant to this Chapter.
- (e) **Appeal of Determination of Violation.** If the owner or other person in possession or control of the real property involved objects to the Enforcement Official's findings

and conclusions in the notice/order to abate, the owner or person in possession or control may, within 30 calendar days of the date of notification of the notice/order to abate, file a written appeal with the County department that issued the notice/order to abate. The appellant shall then select a Hearing Officer pursuant to Division 3, Chapter 5 of this Code. The Hearing Officer shall conduct a hearing on the appeal pursuant to the Hearing Officer's Administrative Procedures.

- (1) The County's findings and orders in the notice/order to abate shall remain in full force and effect until modified or rescinded by the Enforcement Official or until modified, vacated, or superseded by order of the Hearing Officer.
 - (2) If a timely appeal is filed, then the orders in the notice/order to abate shall be stayed pending such appeal.
 - (3) The Board of Supervisors may, by resolution, establish a fee for filing an appeal pursuant to this section.
 - (4) Within 10 days of the completion of the appeal proceeding, the Hearing Officer shall mail the final written decision on the appeal to the parties and the Clerk of the Board of Supervisors. The written decision shall be final and shall be enforceable 31 days after the Clerk of the Board of Supervisors receives the written decision. Receipt will be presumed to have occurred five days after the Hearing Officer mailed the decision.
 - (5) If the Hearing Official's final written decision is in favor of the County and against the owner or person in control and possession of the real property involved, the costs incurred by the County in holding the hearing with the Hearing Officer or, alternatively, with an Administrative Law Judge from the Office of Administrative Hearings of the State of California, shall be added to the other costs of abatement and included in the statement of expense which may be billed to the owner.
- (f) **Appeal of Hearing Officer's Decision.** The Enforcement Official and/or the party that appealed the Enforcement Official's determination of violation(s) constituting a violation of this Title may appeal the Hearing Officer's decision to the Board of Supervisors within 30 days of receipt of the Hearing Officer's written decision. Receipt will be presumed to have occurred five days after the Hearing Officer mailed the decision.
- (1) The Hearing Officer's written decision shall be final unless a timely appeal is filed.
 - (2) If a timely appeal is filed, then the Hearing Officer's written decision shall be stayed pending such appeal.

- (3) The Board of Supervisors may, by resolution, establish a fee for filing an appeal pursuant to this Section.
- (4) The Board of Supervisors may set a hearing on the appeal or shall make a decision based on the official record from the appeal.
- (5) The Board of Supervisors shall issue a decision that affirms, reverses, or modifies the Hearing Officer's written decision.
- (6) If the Board of Supervisors affirms in whole or in part the Hearing Officer's decision and finds that a violation occurred, the owner and/or person in possession or control of the real property involved must take the action(s) ordered in the notice/order to abate within 15 days of the resolution. If the violation of this Title is not abated, then the Enforcement Official may record the notice/order to abate against the property and take action to enforce the notice/order to abate.

9-815.100 ADMINISTRATIVE FINES

If an owner and/or person in possession or control of the real property involved has been found to have committed a violation of this Title and/or has failed to abate the violation and/or to comply with action(s) ordered in the notice/order to abate, by the Hearing Officer, or the Board of Supervisors, then the Enforcement Official may impose an administrative fine as follows:

- (a) Each violation of this Title is subject to an administrative fine, not to exceed \$100.00 for a first violation; not to exceed \$200.00 for a second violation of the same section of this Title within one year of the date of the first notice/order to abate, and not to exceed \$500.00 for each additional violation of the same section of this Title within one year of the date of the first notice/order to abate.
- (b) In determining the amount of the fine up to the maximum possible fine the Enforcement Official may take into account the facts and circumstances of the violation, including without limitation the following relevant factors:
 - (1) The number of violations included in the notice/order to abate;
 - (2) The number of previous violations of the same or related type committed by the violator in the previous 24 months;
 - (3) The good faith efforts of the violator to avoid and/or to address, correct, or abate the violation(s) of this Title;
 - (4) The impact of the violation(s) on neighboring properties and the community;
 - (5) The financial gain by the violator in violating this Title;
 - (6) The seriousness of the violation; and/or

- (7) The deterrent value of the administrative fine.
- (c) Payment of the administrative fines in whole or part shall not excuse the failure to take the action(s) ordered in the notice/order to abate nor shall it bar further enforcement action by the Enforcement Official.
- (d) The Enforcement Official may stay the imposition of the fine temporarily or reduce, suspend, or eliminate an administrative fine if they determine that:
 - (1) Substantial progress is being made toward completing the action(s) ordered in the notice/order to abate and a stay, reduction, suspension, or elimination of the fine would further the goal of completing the action(s) ordered in the notice/order to abate; and/or
 - (2) Circumstances exist that are either beyond the control of the violator or were unknown at the time the administrative fines were imposed; and/or
 - (3) The correction of the violation is not feasible, and the violation does not present a threat to public health or safety.
- (e) Imposition of an administrative fine is in addition to any other remedies provided by County code or state law.
- (f) Nothing in this chapter shall prevent the District Attorney from commencing an action for a violation of this Title.
- (g) All administrative fines collected under the provisions of this Chapter, not including the reimbursement for costs of abatement pursuant to the statement of expense, shall be paid into the County treasury, to the credit of the general fund.

9-815.110 SETTLEMENT AGREEMENT

No provision in this Title precludes the property owner from entering into a settlement agreement with the Enforcement Official at any time

9-815.120 CIVIL LIABILITY; CRIMINAL PENALTIES

- (a) **Criminal Penalties.** Enforcement of violations of this Title may be subject to criminal penalties as follows:
 - (1) **Notice to Appear Citation.** If an owner and/or person in possession or control of the real property involved has committed a violation of this Title and/or has failed to take the action(s) ordered in the notice/order to abate within the time allowed by the notice/order to abate, Hearing Officer, or Board of Supervisors, then law enforcement agencies or the Enforcement Official may issue a notice to appear citation to the owner and/or person in possession or control of the real property.

- (2) **Infraction or Misdemeanor.** Every violation of this Title is either an infraction or a misdemeanor and, regardless of the number of violations of any section of this Title, each violation may be charged as either an infraction or misdemeanor at the discretion of the District Attorney. Each day, or portion thereof, that the violation exists shall be a new and separate violation.
 - (3) **Infraction.** If the violation is determined to be an infraction pursuant to subsection (b), multiple violations of the same section of this Title on the same property shall be punished as follows:
 - (A) For the first violation, a fine of \$100.00, plus any additional penalties assessed by the Court.
 - (B) For the second violation of the same section within one year of the first violation, a fine of \$200.00, plus any additional penalties assessed by the Court.
 - (C) For the third and all subsequent violations of the same section within one year of the first violation, a fine of \$500.00, plus any additional penalties assessed by the Court.
 - (4) **Misdemeanor.** If the violation is determined to be a misdemeanor pursuant to subsection (b), the property owner shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as follows:
 - (A) By a fine of not more than \$500.00; or
 - (B) By imprisonment in the County Jail for a term of not more than six months.
 - (5) **Action by County.** Nothing in this Chapter shall prevent the District Attorney or County Counsel from seeking any legal or equitable relief permitted under law for any violation of this Title.
- (b) **Civil Liability.** There shall be no civil liability on the part of, and no cause of action shall arise against, any County official or personnel acting pursuant to this Chapter and within the scope of their authority.

9-815.130 ABATEMENT

- (a) **Abatement—Voluntarily.** The property owner and/or person in possession or control of the real property involved may voluntarily abate the violation of this Title at any time. That person may then request the Enforcement Official to inspect the real property involved to confirm the voluntary abatement. If upon inspection or other review of evidence the Enforcement Official determines that the violation of this Title has been abated, then the Enforcement Official will cease all enforcement actions under this Title. Voluntary abatement does not preclude the

Enforcement Official, or any other party allowed by law, from pursuing legal or equitable action against the property owner and/or person in possession for the violation of this Title or from pursuing actual cost of all time, services, and materials associated with enforcement and/or abatement of the violation of this Title.

- (b) **Abatement—Involuntary.** If the property owner and/or person in possession or control of the real property involved has failed to voluntarily abate any ongoing violation(s) of this Title within 30 days of the notice/order to abate, no appeal has been filed, or the final decision on appeal upholds the Enforcement Official's findings in the notice/order to abate, then the County may commence involuntary abatement. Involuntary abatement includes but is not limited to one or more of the following actions:
- (1) Seeking written consent to enter the real property to enter and perform work to abate the violation of this Title;
 - (2) County Counsel or District Attorney commencing a civil action in the name of the people of the State of California to abate the violation of this Title pursuant to California Code of Civil Procedure 731; and/or
 - (3) District Attorney commencing action to abate the violation of this Title pursuant to Title 1, Division 2, Chapter 1, of this Code.
- (c) **Abatement—Subsequent.** Pursuant to California Government Code Section 25845.5, on a second or subsequent determination within two years from notice of a finding that an owner of property is responsible for a condition that may be abated in accordance with this Title, except for conditions abated pursuant to Health and Safety Code Section 17980, the property owner may be liable for triple the costs of the abatement.
- (d) **Abatement—Emergencies.** Notwithstanding any other provision of this Title, if the Enforcement Official determines that a violation poses an immediate threat of life, limb, health, property, safety, or welfare of anyone, the Enforcement Official may act to immediately notify the owner of the real property involved orally or in writing that the violation must be abated immediately.
- (1) If, despite diligent effort, the Enforcement Official is unable to notify the owner of the real property within a reasonable period of time, or after notification the owner has failed to abate the violation, the Enforcement Official may cause the abatement of the condition which poses an immediate threat.
 - (2) Immediately following abatement, the owner of the real property involved shall be notified of the abatement.

- (3) The notice to the owner of the real property involved may include a Statement of Expense and a demand that the Statement of Expense be paid within 90 days of the date of notice.

9-815.140 ATTORNEY'S FEES AND COSTS

The prevailing party in any civil action to abate a violation of this Title may recover reasonable attorney's fees and costs. No party's fees shall be awarded at an hourly rate greater than the hourly rate charged by the County for a Deputy County Counsel.

- (a) **Recovery of Enforcement Costs.** The County may be reimbursed for the actual cost of all time, services, and materials associated with voluntary and involuntary abatement of the violation of this Title. Reimbursement of these costs shall be in addition to and shall not limit the prevailing party's right to recover costs pursuant to Code of Civil Procedure Sections 1032 and 1033.5 or any other provision of law. If the Enforcement Official seeks reimbursement, then they shall compile the enforcement costs into a statement of expense, which shall be an itemized statement explaining all costs incurred by the Enforcement Official and any other County Department in abating any violation of this Title that the Enforcement Official seeks to recover.
 - (1) Any time spent on enforcement that the Enforcement Official seeks reimbursement for shall be charged by County personnel at an hourly rate determined by the Enforcement Official.
 - (2) Any costs of time, services, and/or materials spent on enforcement that the Enforcement Official seeks reimbursement for may be calculated from the time a violation of this Title is reported or discovered through and including successful abatement of the violation of this Title or any portion thereof.
- (b) **Mailing to Owner.** The statement of expense shall be mailed to the property owner of the real property involved with a demand for payment within 30 days of the date the statement was mailed.
- (c) **Right to Appeal.** The statement of expense shall advise the owner that they may appeal the statement of expense in writing within 30 days of the date the statement was mailed.
- (d) **Nonpayment** If the owner does not pay the amount due under the statement of expense within the time specified by the Statement, Hearing Officer, or Board of Supervisors the Enforcement Official may request placement on the consent calendar of the Board of Supervisors for a resolution approving the amount due under the statement of expense or under the written decision of the Hearing Officer. The resolution shall direct the Auditor to cause a special tax lien to be assessed on the property tax of the subject property. Said assessment shall have the same priority as other taxes. A notice of release may not be recorded with the

office of the County Recorder until all assessments for the cost of abatement are paid. When the assessment in question is collected, it shall be credited to the Community Development Department.

- (e) **Lien on Property.** If the tax lien has not been recorded prior to the transfer to the real property involved before the date on which the first installment of County taxes becomes delinquent, then the cost of abatement shall not be a lien on the property but shall be transferred to the unsecured roll for collection. For the purposes of this Section, a transfer must be to a bona fide purchaser for value

9-815.150 APPEAL OF STATEMENT OF EXPENSE

- (a) **Appeal of Statement of Expense (Hearing Officer).** If the owner of the real property involved objects to the statement of expense, the owner may, within 30 days of notification of the statement of expense, file a written appeal with the County department that issued the statement of expense. The appellant shall then select a Hearing Officer. The Hearing Officer shall conduct a hearing on the appeal pursuant to the Hearing Officer's administrative procedures.

- (1) The statement of expense will be final and owing unless a timely appeal is filed.
- (2) If a timely appeal is filed, then the requirement to pay the statement of expense shall be stayed pending such appeal.
- (3) The Board of Supervisors may, by resolution, establish a fee for filing an appeal pursuant to this section.
- (4) Within ten days of the completion of the appeal proceeding, the Hearing Officer shall mail the final written decision on the appeal to the parties and the Clerk of the Board of Supervisors. The written decision shall be final and shall be enforceable 31 days after the Clerk of the Board of Supervisors receives the written decision. Receipt will be presumed to have occurred five days after the Hearing Officer mailed the decision.
- (5) If the matter is resolved in whole or in part in favor of the County and against the appellant, the costs incurred by the County in holding the hearing with the Hearing Officer shall be added to the statement of expense.

- (b) **Appeal of Hearing Officer's Decision.** If the owner does not agree with the Hearing Officer's decision, the owner may file a written request to have the matter heard before the Board of Supervisors. Such written request must be filed with the Clerk of the Board within 30 days from the date of receipt of the Hearing Officer's decision. Receipt will be presumed to have occurred five days after the Hearing Officer mailed the decision.

- (1) The Hearing Officer's determination will be final unless a timely appeal is filed.

- (2) The Board of Supervisors may, by resolution, establish a fee for filing an appeal pursuant to this Section.
- (3) At the Board of Supervisors' hearing, the only issue shall be the amount of costs due to the County. The existence or nonexistence of a violation of this Title shall not be an issue.
- (4) The Board of Supervisors may, by resolution uphold, modify, or reverse the statement of expense. Any amount determined by the Board of Supervisors to be due under the Statement of Expense must be paid within 15 days from the date a copy of the Board's resolution is mailed to the owner.
- (5) If complete payment pursuant to the Board of Supervisor's resolution is not made within 15 days of the resolution, a copy of the resolution, and the Statement of Expense, shall be forwarded to the Auditor of San Joaquin County. The Auditor shall cause a special tax to be assessed on the property tax of the affected parcel. Said assessment shall have the same priority as other taxes. A notice of release shall not be recorded in the office of the County Recorder until all amounts stated in the resolution are paid. When the amounts stated in the resolution are collected, they shall be credited to the Community Development Department.

9-815.160 LATE CHARGES AND INTEREST

Late charges and interest may be charged for fines and/or the statement of expense not paid by the required date. These charges and interest, if any, shall be the same as those established by the Board of Supervisors for the Revenue and Recovery Department.

9-815.170 ENFORCEMENT BY CIVIL ACTION

As an alternative to the procedures set forth in this Chapter the County may abate any violation of this Title by the prosecution of a civil action through the office of the County Counsel, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this Title or requiring compliance with other terms.

9-815.180 NO DUTY TO ENFORCE

Nothing in this Chapter shall be construed as imposing on the Enforcement Official or the County any duty to issue a notice to abate any violation of this Title, nor to take any other action with regard to any violation of this Title, and neither the enforcing officer nor the County shall be held liable for failure to issue a notice of violation and order to abate any violation of this Title, nor for failure to take any other action with regard to any violation of this Title.

Chapter 9-816 Abandoned Vehicles

This Chapter carries forward existing provisions.

Sections:

9-816.010	Purpose; Findings and Declarations
9-816.020	Enforcement Officials
9-816.030	Unlawful to Abandon, Park, Store, Or Leave Vehicle; Exceptions
9-816.040	Abandoned Vehicle Removal Procedures
9-816.050	Assessment of Costs
9-816.060	Unlawful to Refuse to Comply With Order
9-816.070	Reporting Requirements for Licensed Dismantlers
9-816.080	Violations

9-816.010 PURPOSE; FINDINGS AND DECLARATIONS

The intent of this Chapter is to prescribe regulations pertaining to abandoned vehicles. In addition to, and in accordance with, the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the Board of Supervisors hereby makes the following findings and declarations:

- (a) **Deleterious Effects.** The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof creates a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare; and
- (b) **Public Nuisance.** The presence of an abandoned, wrecked, dismantled, or inoperative vehicle or parts thereof, except as expressly hereinafter permitted, shall constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter. A public nuisance as described shall include a vehicle that creates a deteriorating environmental condition, reduces the value of private property, promotes deterioration of a business district or neighborhood, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes health, safety and general welfare.

9-816.020 ENFORCEMENT OFFICIALS

The Director is designated as the official responsible for the administration of this Chapter. In the administration of this Chapter, the Director may, upon presentation of proper credentials, enter upon private or public property to examine a vehicle or part thereof, or obtain information as to the identity of a vehicle, and to remove or cause the removal

of a vehicle or part thereof declared to be a nuisance pursuant to this Chapter and to Section 22663 of the Vehicle Code.

9-816.030 UNLAWFUL TO ABANDON, PARK, STORE, OR LEAVE VEHICLE; EXCEPTIONS

It shall be unlawful for any person to abandon, park, store, or leave, or permit the abandonment, parking, storing, or leaving, of any vehicle or part thereof which is in an abandoned, wrecked, dismantled, or inoperative condition within the unincorporated area of the County for a period in excess of seven days.

This Chapter shall not apply to:

- (a) **Vehicle's Enclosed Within Building.** A vehicle or part thereof which is completely enclosed within a building where it is not visible from the street or other public or private property;
- (b) **Vehicles that are Part of Business.** A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise; or
- (c) **Historic Vehicles.** A vehicle or part thereof which qualifies as a vehicle of historic value and has special identification plates for a historical vehicle as described in Section 5004 of the California Vehicle Code.
- (d) **General Agriculture.** Parcels that are a minimum of five acres in any General Agriculture zone.

9-816.040 ABANDONED VEHICLE REMOVAL PROCEDURES

The Director shall proceed as follows in the investigation and enforcement of violations of this Chapter as follows:

- (a) **Notice of Intention to Abate and Remove Vehicle.** When the Director determines that a violation of this Chapter exists, the owner of the property in violation, as shown on the latest assessment roll, and the last registered and legal owner of the vehicle, shall be notified by registered or certified mail of the intention to abate and remove the vehicle or part thereof as a public nuisance. The Notice shall state that the owner of the property and/or vehicle has ten business days in which to correct the violation or appeal the determination of the Director to the Planning Commission for a public hearing. This required Notice may be waived by the owner(s) of the property and/or vehicle with a signed release authorizing removal and waiving further interest in the vehicle or part thereof.

- (b) **Statement of Non-responsibility.** If a vehicle was abandoned without the consent or knowledge of the property owner, and he/she has direct control of the property, the property owner may submit a Statement of Non-responsibility within 10 business days of the mailing of the Notice of Intention to Abate and Remove the Vehicle. If the Director determines the property owner is not responsible for the abandoned vehicle, the administration fee will be waived. If staff determines the owner is responsible for the abandoned vehicle, he/she will be so advised. This determination can be appealed pursuant to Chapter 9-802
- (c) **Appeals.** Appeals of the Notice of Intention to Abate and Remove Vehicle shall be filed pursuant to Section 9-802.150, Appeals, except that the owner of the vehicle and/or the owner of the property may file this appeal.
- (d) **Public Hearing Procedure.** The public hearing shall allow for the submittal of oral and written evidence relative to the existence of a violation of this Chapter on the property and whether the property owner is responsible for or has consented to the placement of the vehicle on the property. The property owner may appear in person or submit a sworn statement denying responsibility for the presence of the vehicle on the property. At the conclusion of the public hearing, the existence of a violation shall be determined and if a violation exists, it shall be determined whether the property owner is responsible for such violation. If it is found that a violation exists but the property owner is not responsible, the County shall not assess costs of administration or removal of the vehicle against the property owner. The decision of the hearing official shall be final and may not be appealed.
- (e) **Removal of the Vehicle.** If an appeal has not been filed within the required time period or the Planning Commission has made a determination that a violation exists and the vehicle or part thereof remains on the property, the vehicle or part thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. The removal shall be performed by the County or a licensed automobile dismantler authorized by the County, either of which may enter private or public property to remove the vehicle or part thereof declared to be a nuisance pursuant to this Chapter. The Director is authorized to select licensed automobile dismantlers pursuant to policies and procedures adopted by the Board of Supervisors.
- (f) **Vehicle Not to be Reconstructed.** Any vehicle removed as a result of this Chapter shall not be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates.
- (g) **Notice to the Department of Motor Vehicles.** Within five business days after the removal, notice shall be given to the Department of Motor Vehicles that identifies the vehicle or part thereof, and evidence shall be submitted of all available registration, including but not limited to the registration card, certificates of ownership, or license plates.

9-816.050 ASSESSMENT OF COSTS

The Board of Supervisors shall establish fees for administrative and vehicle removal costs. These costs are the joint and several personal obligations of the last registered owner and the owner of the parcel of land from which the vehicle was removed, provided, however, that the last registered owner who can satisfy the requirements of Vehicle Code Section 22524 (b) shall not be personally liable for the costs and provided, further, that it has been found that the owner is not responsible for the location of the vehicle on his or her property. If the fees are not paid within 30 days of the date of the order or the final disposition of an appeal therefrom, such fees shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other taxes.

9-816.060 UNLAWFUL TO REFUSE TO COMPLY WITH ORDER

It is unlawful for any person to fail or refuse to remove an abandoned, wrecked, dismantled, or inoperative vehicle or part thereof, or to refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this Chapter or state law where applicable.

9-816.070 REPORTING REQUIREMENTS FOR LICENSED DISMANTLERS

Licensed dismantlers or commercial enterprises acquiring vehicles removed pursuant to this Chapter shall be excused from the reporting requirements of Section 11520 of the Vehicle Code, and any fees and penalties which would otherwise be due the Department of Motor Vehicles are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantlers' or commercial enterprises' business records.

9-816.080 VIOLATIONS

Any violation of a provision of this Chapter shall be a misdemeanor punishable by imprisonment in the County Jail for a term not to exceed six months, or by a fine not to exceed \$500 dollars, or both.

Series 900: General Terms

Chapter 9-900 Key Terms and Definitions

Sections:

- 9-900.010 Key Terms
- 9-900.020 Definitions

9-900.010 KEY TERMS

- A-Weighted Sound Level
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- Annual State License
- Annular Space
- Antenna
- Antenna, Radio/TV Dish
- Antiquated Subdivision
- Apartment
- Applicant
- Approval
- Approval Authority
- Aquifer
- Arcade
- Archaeological Resource

Architectural Feature
Area Facilities Plan
Area Median Income
Area of Benefit
Area of Special Flood Hazard
Arterial Road
As-Built Plans
Asphalt Concrete
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Auction, Agricultural Machinery
Awning
Balloon
Banner
Barn
Basement
Bay Window
Bay
Bedrock
Bedroom
Bench
Bikeway
Bikeway Classes
 Class I Bikeway (Bike Path)
 Class II Bikeway (Bike Lane)
 Class III Bikeway (Bike Route)
 Class IV Bikeway (separated bikeway)
Billboard
Bioenergy
Biomass Energy Production
Block Face
Block
Board of Supervisors or Board
Boarding School
Boardinghouse
Boathouse, Private
Boutique Sale
Buffer Zone
Buffer
Build-to Line
Building Code
Building Coverage
Building Height
Building Official
Building Site
Building
 Accessory Building
 Main or Principal Building
 Public Building
 Quasi-public Building
California Building Code
Cannabis Business Park
Car Share Vehicle
Caretaker Residence
Carport
Car Wash
Car Wash, Private
Casing
Cathodic Protection Well
Cemetery
Cesspool
Chip Seal
Civil Engineer
Clearance
Club
Collocation or Colocation
Combination Truck
Commercial Cannabis Activity
Commercial Cannabis Development Agreement
Commercial Cannabis License
Commercial Cannabis Licensee
Commercial Coach
Commercial Filming
Commercial Project
Common Interest Development
Community Land Trust
Compaction
Condition of Approval
Conditional Use
Conditions of Overcrowding
Condominium
Consistency
Construction
Construction Drainage
Construction Grading
Construction Installations
Contamination
Contiguous
Contour

Convalescent Home	Development Agreement
Coop	Direct Benefit
Corporation Yard	Director
Corral	Director of Environmental Health
Cottage Food Employee	Director of Public Works
Cottage Food Operation	Discretionary Permit
Cottage Food Operator	Disposal
Cottage Food Products	Distilled Spirits
County Maintained Road	Distilled Spirits Storage
County Procedures	Distributor License
County Standards	District
County Surveyor	Dock, Private
County	Dock, Public
Court	Drainage Facility
Creamery	Drainage
Cul-de-sac Street	Drip Line
Cultivator License	Drive-Through Facilities
Custom Slaughtering	Dwelling Cluster
Cut	Dwelling Unit
Cutoff Angle	Dwelling, Second Unit
Cutoff	Dwelling
Dairy	Easement
Dangerous Building	Eave
Day/Night Average Sound Level (Ldn)	Educational Animal Project
Days	Effective Date
Deck	Efficiency Kitchen
Decibel (Db)	Efficiency Unit
Decision-making Body	Electrified Security Fence
Deferred Infrastructure Charge Agreement	Embankment
Demolition	Emergency Work
Density Bonus	Encroachment Permit
Department	Encroachment
Depth of Excavation (cut)	Enforcement Official
Depth of Fill	Engineering Geologist
Design	Engineering News Record Construction Cost Index
Design Standards	Environmental Constraints
Design Storm Runoff	Environmental Health Department
Designated Fund	Environmental Impact Report (EIR)
Detached Structure	Environmental Impact
Detention Basin	Equivalent Sound Level (Leq)
Developer	Erosion
Development	Establishment
	Evacuation Plan

Exaction
Excavation (Cut)
Existing Manufactured Home Park
or Subdivision
Existing Structure
Exotic Animals
Expansive Soil
Expert Professional
Exterior Storage
Extraction Well
Family Food Production
Family
Farm Cooperative
Farmers' Market
Farm Office
Farmland Conservation Easement
Farmstay
Feasible
Feedlot
Fence, Open
Fence
Fill
Final Grade
Final Map
Findings
Fireworks
Flag
Flea Market
Flood Control Engineer
Flood Control Facilities
Flood Elevation
Flood Fringe
Flood Hazard
Flood Height
Flood Insurance Maps
Flood Insurance Rate Map or FIRM
 FIRM Zone AH
 FIRM Zone AO
Flood Insurance Study
Flood or Flooding
 Base Flood
 Fifty-Year Flood
 100-Year Flood
Flood Variance
Floodplain Administrator
Floodplain Encroachment Permit
Floodplain Management
Floodproofing
Floodway
Floor Area
Food Establishment
Food Preparation
Freestanding Structure
Front Wall
Frontage
Frontage, Primary
Frontage, Secondary
Frontage Road or Service Road
Garage, Private
Garage, Public
Garage/Yard Sale
General Plan
Geotechnical Engineer
Glare
Government Code
Grade
 Adjacent Grade
 Average Grade
 Existing Grade
 Finished Grade
Grading
Grading Excavation
Grading Plan
Grease Trap
Greenhouse, Private
Ground Disturbance
Ground Water
Grout
Guesthouse
Habitable Room
Hazardous Materials
Hazardous Waste
Hazardous Waste Facility
Health and Safety Code
Heliport
Heritage Oak Tree
Highest Adjacent Grade
Historic Preservation Terms
 *California Register of Historical
Resources*

<i>Character Defining Feature</i>	Infrastructure Reimbursement
<i>Certified Local Government</i>	Charge
<i>Contributing Structure</i>	Inoperative Vehicle
<i>Exempt Alteration(s)</i>	Interested Person
<i>Exterior Architectural Feature</i>	ITE Trip Generation Manual
<i>Historic Preservation District</i>	Junk
<i>Historic Landmark</i>	Junkyard
<i>Historic Resource</i>	Kennel
<i>Integrity</i>	Keyway
<i>Major Alteration</i>	Kitchen
<i>Minor Alteration</i>	L1 - L90
<i>National Register of Historic Places</i>	Land Area, Net
<i>Preservation</i>	Land Disposal Facility
<i>Qualified Historic Property</i>	Land Leveling Operation
<i>Reconstruction</i>	Landscape-Related Terms
<i>Rehabilitation</i>	<i>Applied Water</i>
<i>Restoration</i>	<i>Automatic Irrigation Controller</i>
<i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i>	<i>Backflow Prevention Device</i>
<i>Substantial Deterioration or Decay</i>	<i>Compost</i>
Historical Tree	<i>Drip Irrigation</i>
Hog Farm, Hog Farming	<i>Estimated Total Water Use (ETWU)</i>
Home Occupation	<i>Flow Rate</i>
Homeowner's Association	<i>Graywater</i>
Homesite Parcel	<i>Hydrozone</i>
Horse Raising	<i>Invasive Plant Species</i>
Hospital, Animal	<i>Landscape Area</i>
Hours of Operation	<i>Landscaping</i>
Household, Low Income	<i>Maximum Applied Water Allowance</i>
Household, Moderate Income	<i>Mulch</i>
Household, Very Low Income	<i>Pervious</i>
Household Pets	<i>Plant Factor or Plant Water Use Factor</i>
Improvement Plan	<i>Recycled Water</i>
Improvement Standards	<i>Runoff</i>
Improvements	<i>Station</i>
Impulsive Noise	<i>Turf</i>
Industry Event	<i>Valve</i>
Industry, Extractive	<i>Water Conserving Plant Species</i>
Industrial Project	<i>Water Feature</i>
Infill	Large-scale Accessory Winery
Infrastructure	Event
	Limited Retail Sales

Living Area
Loading Space
Lot
 Corner Lot
 Flag Lot
 Interior Lo
 Reverse Corner Lot
 Substandard Lot
 Through Lot
Lot Area
 Gross Lot Area
 Net Lot Area
Lot Depth
Lot Equivalent
Lot Line
 Front Lot Line
 Rear Lot Line
 Side Lot Line
Lot Line Adjustment
Lot Width
Low Income
Lower Income
Lower Income Student
Lowest Floor
Luminaire
Major Intersection
Major Subdivision
Major Transit Stop
Manufactured Home
Manufactured Home Park or Subdi-
vision
Manufacturing License
Marina
Marketing Calendar
Marketing Event
Maximum Demand
Maximum Sound Level (Lmax)
Median
Medical Marijuana Dispensary
Merger
Merger, Voluntary
Micro-business
Mined Lands
Mineral Resources
Minimum Parcel Size
Ministerial Permit or Approval
Ministerial permit application
Minor Subdivision
Mitigation Fee Act
Mixed Use Development
Mobile Home, Caretaker
Mobile Home, Temporary
Mobile Home Park
Mobile Home Site or Space
Monumentation
Native Oak Tree
Natural Bank
Noise Contour
Noise-Sensitive Land Uses
Nonconforming Lot
Nonconforming Structure
Nonconforming Use
Nuisance
Nursing Home
Object
Objective Standards
Off-Site Use
Ordinary Maintenance
Official Notices
Open Space, Common
Open Space, Private
Open Space, Public
Outdoor Goods Display
Outdoor Storage
Overburden
Overflow Parking
Owner
Owner-Operator
Owner-Operator Truck Parking
Packing Shed
Parcel
Parcel Map
Parking Attendant
Parking Lot
Parking Space or Stall
Parkway
Pasture
Pathway
Pedestrian Way
Peak Hour

Pen	Recreational Vehicle
Permanent Residency	Recreational Vehicle Park
Permitted Use	Recreational Vehicle Site or Space
Person	Recycling
Pet Grooming and Training	Residence, Primary
Planning Commission	Residential
Planting Strip	Residential Development
Pollution, Water	Residential Solar Energy System, Small
Portland Cement Concrete	Residual Repository
Poultry Ranch or Farm	Resource Recovery
Pre-existing	Retailer License
Premises	Retention Basin
Prepackaged Food	Review Authority
Private Rights-of-Way	Ridge Line
Process Equipment	Right-of-Way
Produce	Riparian Corridor
Produce Stand	Riparian Habitat
Project	Riparian Woodland
Protective Barrier	Road
Protected Zone	<i>Part-Width Road</i>
Public	<i>Private Road</i>
Public Building	<i>Public Road</i>
Public Display of Fireworks	Road System
Public Facilities	<i>Rural Road</i>
Public Improvement Plan	<i>Rural Residential Road</i>
Public Sanitary Sewer	<i>Local Residential Road</i>
Public Transit	<i>Local Commercial/Industrial</i>
Public Water System	<i>Road</i>
Pump/Pumphouse	<i>Collector Road</i>
Qualifying Entity	<i>Minor Arterial</i>
Qualifying Nonprofit Corporation	<i>Principal Arterial</i>
Quarry Excavation	<i>Expressway</i>
Quarry, Idle	<i>Freeway</i>
Rainy Season	Roadbed
Rare and Endangered Species	RWQCB
Real Estate Sales	Salute Fireworks
Reasonable Accommodation	Sanitary Disposal of Process Water
Record Title Ownership	Sanitary Landfill
Recreation	School Districts
Recreation Area	Screening
Recreation Facility	Seal, Sanitary
Recreation, Commercial	Seasonal Sales
Recreation, Private	Second Unit Dwelling
Recreation, Public	

Sediment
Seepage Pit or Vertical Drain
Semi-truck
Senior Citizen
Septic System
Septic Tank
Servants' Quarters
Setback Line
Sign-Related Terms
 A-frame Sign
 Abandoned Sign
 Advertising Display, Outdoor
 Animated Sign
 Awning Sign
 Banner Sign
 Changeable Copy
 Clearance of Sign
 Commemorative Sign
 Commercial Message
 Construction/Development Sign
 Copy Area of Sign
 Digital Display
 Electronic Message Center Sign
 Electronic Sign
 Exempt Sign
 Externally Illuminated Sign
 Face
 Flag
 Freestanding Sign
 General Advertising for Hire
 Height of Sign
 Illegal Sign
 Indirectly Illuminated Sign
 Inflatable Sign
 Institutional/Public Sign
 Internally Illuminated Sign
 Mansard Sign
 Marquee Sign
 Master Sign Plan
 Monument Sign
 Noncommercial Message
 Nonconforming Sign
 Off-premises Sign
 On-premises Sign
 Pennant

 Pole Sign
 Political Sign
 Portable Sign
 Produce Sign
 Projecting Sign
 Pylon Sign
 Readerboard Sign
 Real Estate Sign
 Residential Identification Sign
 Roof Sign
 Sign
 Sign Area
 Sign Copy
 Sign Exclusions
 Sign Maintenance
 Sign Structure
 Special Events/Holiday Sign
 Supplemental Tenant Sign
 Temporary Sign
 Tenant Sign
 Traffic Sign
 Utility Sign
 Wall Sign
 Wind Sign
 Window Sign

Silo
Single Tone Noise
Site
Site, Excavation or Grading
Slope
Slope Stability
Small-scale Accessory Winery Event
Small Lot Single-Unit Development
Snipe
Soil
Soils Report
Solar Energy System
Solid Waste
Solid Waste Facility
Source Capacity
Special Events and Sales
 Special Indoor Event
 Special Outdoor Event
Specific Plan
Stable, Boarding

Stable, Private	Terrace
Stacking Distance	Testing Laboratory License
Start of Construction	Topsoil
State	Towing Service
Statement of Expense	Townhouse Development
Stationary Noise Source	Transfer Station
Stock Cooperative	Transfer/Processing Station
Storage Building, Private	Transit Corridor
Storage Building, Public	Transitional Housing
Storage Structure	Transportation Noise Source
Stormwater Runoff	Traveled-Way
Story	Treatment
Story, Half	Treatment Facility
Streets and Highways Code	Tributary Watershed
Street Frontage	Truck, Heavy
Stub Street	Truck, Light
Structural Alteration	Truck, Medium
Structure	Truck Parking
<i>Accessory Structure</i>	Truck Terminal
<i>Primary Structure (Main Structure)</i>	Truck Trailer
<i>Temporary Structure</i>	Urban Area
Subdivider	Urban Cluster
Subdivision	Urban Use
Subdivision Map Act	Use
Subdivision Sales Office	<i>Accessory Use</i>
Subsequent Permit	<i>Incidental Use</i>
Substantial Damage	<i>Primary Use</i>
Substantial Deposits	Use Permit
Substantial Improvement	Use Type
Subsurface Boring	Variance
Supportive Housing	Vegetation removal
Surface Water	Vehicle
Swimming Pool & Equipment	Vehicle, Heavy Duty
Swine	Vendee
Tandem Parking	Vernal Pool
Target Population	Very Low Income
Temporary Real Estate Sales	Vesting Tentative Map
Temporary Structure	Veteran
Temporary Work Trailer	Vineyard
Tentative Map	Visible
Tentative Parcel Map	Wall
Terminal Drainage or Terminal Drain	Waste
Terminal Waterway	Waste Disposal Facilities
	Wastewater

Wastewater Disposal, On-Site	Antenna
Wastewater Disposal System	Antenna, Amateur Radio
Wastewater Treatment Plant	Antenna, Ground Mounted
Water Main or Water Line	Antenna, Panel
Water Quality	Antenna, Satellite Earth Station
Water Source	Antenna Array
Water Storage Facility	Antenna Structure
Water System	Base Station
Watercourse	Camouflaged Facility
Welfare and Institutions Code	Collocation
Well	Co-Location
Abandoned Well	Concealment
Destroyed Well	Eligible Facilities Request
Dewatering Well	Eligible Support Structure
Domestic Water Well	Equipment Shelter
Extraction Well	Mast
Geophysical Well	Microcell Facility
Injection Well	Monopole
Monitoring Well	Personal Wireless Service Facility
Recharge Water Well	Readily Visible
Sewer Well	Radio Frequency
Well Pit	Related Equipment
Well Pit	Satellite Dish
Windfarm	Shot Clock
Wind Energy System, Commercial	Stealth Facility
Wind Energy Machine, Private	Substantial Change
Windmill	Tolling
Wine Cellar, Off-Site	Tower
Wine Cellar, On-Site	Wireless Communications Facility
Wine Premises, Bonded	Wireless Communications Facility, Small Cell
Wine-Related Production Operation	Workshop/Hobby Shop
Wine Release Event	Work Trailer
Wine Tasting Room	Writing
Winery	Yard
Large Winery	Front Yard
Medium Winery	Rear Yard
Small Winery	Side Yard
Winery Tours	Street Side Yard
Wireless Communications-Related	Zone
Terms	
Accessory Equipment	

9-900.020 DEFINITIONS

A-Weighted Sound Level. The sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network. Sounds measured with an A-weighted filter are abbreviated dBA or dB(A).

Abatement. The correction or elimination of a violation of this Title.

Involuntary Abatement. The correction or elimination of a use or condition of land constituting a violation of this Title by, under the direction of, or at the initial expense of the County.

Subsequent Abatement. A second or subsequent determination of a violation of this Title within two years from notification of violation of this Title on the same property.

Voluntary Abatement. The correction or elimination of a use or condition of land constituting a violation of this Title by the owner, other person in possession or control of the property, or designee after notification by the County that a violation of this Title exists and must be abated.

Abutting. Having a common boundary.

Access. The right of an owner of land to go and return from his own land to a public road.

Approved Access. A way or means of approach for a pedestrian or vehicle to a property or use from either an abutting public road or from a private road, street, or right-of-way approved by the County.

Restricted Access. A right of access to a parcel that has been dedicated to the County and that, as a consequence, a property owner no longer has a right to go to and from his property over that right-of-way line.

Accessory. A building or a use that is compatible with, and incidental or subordinate to, the main structure or the main use of the land and is located on the same lot.

Accessory Building. A subordinate structure on the same lot as the main structure or main use of the land, of which the use is incidental to that of the main structure or main use of the land and is used exclusively by the occupants or owners of the main structure. Accessory structures may contain kitchen facilities but are not designed for sleeping except for guesthouses, Accessory Dwelling Units, and Second Unit Dwellings.

Accessory Dwelling Unit (ADU). An attached or a detached dwelling unit that provides living facilities for one or more persons and is located on a lot with a proposed or existing primary single-family dwelling. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also may be an efficiency unit, as provided for in Section 65852.22 of the Government Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code, so long as the standards of this Title are met.

Attached ADU. A new ADU is constructed as a physical expansion or addition and is attached to a Single Unit Dwelling by one or more common walls.

Converted ADU. An ADU constructed within the interior of an Existing Structure that occupies part of the floor area of the Existing Structure. A Converted ADU does not include an ADU that would increase the height of an Existing Structure; require removal of more than 50 cubic yards of earth as part of the excavation of an Existing Structure; or increase the floor area of the Existing Structure by more than 150 square feet beyond its existing physical dimensions for the purpose of accommodating ingress and egress.

Detached ADU. A new ADU that is located on the same lot as a Single Unit Dwelling but does not share any walls with that dwelling.

Interior ADU. An ADU that is contained entirely within an existing Single Unit Dwelling.

Junior ADU (JADU). An Interior ADU that does not exceed 500 square feet in size. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

Accessory Short-Term Rentals. Rentals of one or more bedrooms in a dwelling unit, or the complete dwelling unit, on a daily or weekly basis. This use is also known as a "home-share" business.

Accessory Structure. A structure that is accessory and incidental to a dwelling unit located on the same lot.

Accessory Use. A use that is incidental and subordinate to the principal use of the parcel of land on which it is located.

ADU/JADU Application. A form created by the Community Development Department that shows all of the information that must be provided on plans

submitted with building permit applications for ADUs and JADUs in order to have these plans accepted for a plan check.

Adjacent. Having a boundary or lot property line(s) in common or bordering directly, or separated by a natural barrier, street, or other public right-of-way.

Administrative Review. The process for permit/project review with a formal decision by the Zoning Administrator or designated County Staff with approval authority.

Adult Book Store. A retail establishment selling publications and other materials of a sexual nature. Such establishments exclude minors by reason of age.

Affordable Housing. Housing that can be rented or purchased by those of moderate, low, and very low incomes as specified in the California Code of Regulations (Title 25, Sections 6922 and 6924).

Agency. A public entity empowered to provide those services necessary to support a particular development.

Agent. A person who has been given written authorization by the property owner to represent and act for a property owner in contacts with the County.

Aggregate Base. A mixture of sand and crushed rocks up to three-quarters inch in size. Also known as "AB" or "Road Base."

Agri-Tourism. Also known as agricultural tourism, the act of visiting a working farm or ranch of other commercial agricultural enterprise for the purpose of enjoyment, education, or active involvement in the activities of the farm, range, or agricultural operation.

Agricultural Building. A building used for storing agricultural equipment, supplies, stock, or tools or housing equipment or machinery used for farming or animal raising.

Agricultural Drainage. Any drainage alteration to prepare new cropland or maintain existing cropland. Agricultural drainage does not include drainage alteration for roads, dams, reservoirs, lakes, ponds, or structures.

Agricultural Equipment Storage. A building or structure used to store agricultural equipment, tools, and supplies. It may be open or enclosed.

Agricultural Experience. Activities offered to visitors of a working ranch or farm that may include hikes, walks, picnics, tours, u-pick programs, agricultural demonstrations, classes, or educational forums, and other similar activities, but

not events, which are conducted in support of the General Plan Policy to promote agri-tourism.

Agricultural Grading. Any grading to prepare new cropland or maintain existing cropland. Agricultural grading does not include grading for roads, dams, reservoirs, lakes, ponds, or structures.

Agricultural Homestay. A type of working farm or ranch operation that is partially oriented towards visitors or agri-tourism by providing guest accommodations. The agricultural homestay may include interactive activities where guests participate in farm or ranch operations, such as collecting eggs and feeding animals, or a work exchange agreement where the guest works a set number of hours in exchange for free or reduced rate accommodation.

Agricultural Land or Farmland. Land designated in the General Plan for agricultural uses unless a final approval for a non-agricultural use has been granted by the County.

Agricultural Land, Nonprime. Land classified as "farmland of local importance, (sub-type grazing land)" by the California Department of Conservation Farmland Mapping and Monitoring Program.

Agricultural Land, Prime. Land classified as either "prime farmland," "farmland of statewide importance, (sub-type non-grazing land)," "unique farmland," or "farmland of local importance" by the California Department of Conservation Farmland Mapping and Monitoring Program.

Agricultural Mitigation Land. Land encumbered by a farmland conservation easement or other farmland conservation mechanism acceptable to the County.

Agricultural Operation. Any land-related activity on agriculturally zoned lands whose purpose is cultivating or raising plants or animals or conserving or protecting lands for such purposes and is not a surface mining or burrow pit operation.

Agricultural Products. The product that results from any operation or process that changes the form, flavor, or consistency of produce. Agricultural products include, but are not limited to, condiments, pies, candied or flavored nuts, wine, and pickled peppers.

Agriculture. The growing of crops for food or fiber and/or the raising of animals for commercial purposes.

Aircraft. Aircraft includes helicopters, fixed-wing airplanes, and gliders, but not hang-gliders.

Airport Hazard. Any structure, tree, or use of land which obstructs the required air space or is otherwise hazardous to the flight of aircraft in landing or taking off at an airport.

Airport Imaginary Surface. A surface defined in Title 14, Subsection C of Part 77, of the Code of Federal Regulations, as amended.

Airport Reference Point. The point established and designated as the approximate geographic center of the airport landing area.

Airport. Any landing area, runway, airstrip, or other facility designed, used, or intended to be used for the landing and taking off of aircraft, helicopters, and balloons, including all necessary taxiways, aircraft storage and tiedown areas, hangars, and other necessary buildings and open spaces.

All-Weather Surfacing. The hard surfacing of a road, driveway, loading area, or parking area with materials, such as asphalt or Portland concrete cement, that create a durable pavement suitable for year-round use.

Alley. A public way permanently reserved primarily for secondary vehicular service access to the rear or side of properties otherwise abutting on a street.

Allowed Use. A use of land as a permitted or conditional use that may be established with zoning compliance review (for an "as-of-right" or permitted use) or a use permit for a conditionally permitted use and, where applicable, building permit approval, subject to compliance with all applicable provisions of this Title

Alteration. Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

Alternative Surfacing Materials. Materials other than asphalt concrete or Portland cement concrete including, but not limited to, brick or cut (cobble) stone, treated or untreated aggregate base, treated or untreated gravel, or spraying the existing surface with water or dust palliatives.

Ambient Noise Level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

Animals, Domestic (Household Pets). Small pets such as cats, dogs, and birds. This definition excludes large animals, such as horses, goats, swine and similar size animals, and farm animals, such as chickens, ducks, and rabbits.

Annual State License. An annual commercial cannabis business license issued by the California Bureau of Cannabis Control, California Department of Food and Agriculture, or California Department of Public Health.

Annular Space. The space between two concentric well casings or between the casing and the wall of the drilled hole.

Antenna. Any system of poles, panels, rods, reflecting discs or similar devices that transmits or receives radio frequency signals for commercial, wireless telecommunication establishments.

Antennae, Radio/TV Dish. An antenna and supporting structure that is designed specifically for receiving radio frequency and television frequency signals.

Antiquated Subdivision. A subdivision that (1) was approved prior to October 1961, (2) is underdeveloped or only partially developed, and (3) could not be approved as a subdivision now because of more stringent or different requirements.

Apartment. A room or suite of rooms in a Multi-Unit Dwelling, designed for, intended for, and/or occupied by one household.

Applicant. Any entity or person who applies for a discretionary permit, certificate of compliance, zoning approval, or other entitlement.

Approval. A favorable action on a map or development project, with or without conditions by a Review Authority.

Approval Authority. The decision-making body or official responsible for approving, approving with conditions, or denying an application. For example, the Planning Commission is the Approval Authority for a Conditional Use Permit, and the Zoning Administrator is the Approval Authority for an Administrative Use Permit.

Aquifer. A geologic formation, group of formations, or part of a formation that is water bearing and which transmits water in sufficient quantity to supply springs and pumping wells.

Arcade. Any establishment operating or exhibiting more than five amusement devices. An amusement device is a machine operated for the purpose of gaming as a contest of skill, or for amusement, and for which a fee is charged to play.

Archaeological Resource. Any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to the Archaeological Resources Protection Act of 1979.

Architectural Feature. An exterior building feature, including a roof, walls, windows, doors, porches, posts, pillars, recesses or projections, and exterior articulation or walls, and other building surfaces.

Area Facilities Plan. A plan adopted by the Board of Supervisors that shows the infrastructure facilities to be constructed and the geographical area that will benefit from such facilities.

Area Median Income (AMI). The median household income of a geographic area of the state, as determined annually by the California Department of Housing and Community Development within the state income limits.

Area of Benefit. A geographical area created to spread the cost of a service or improvement to properties benefiting from the service or improvement.

Area of Special Flood Hazard. An area having special flood hazards as identified by the Federal Emergency Management Agency (FEMA), the Federal Insurance Administration, or the Floodplain Administrator.

Identified by FEMA. The areas of special flood hazard identified by the Federal Emergency Management Agency or the Federal Insurance Administrator are those areas indicated in a scientific and engineering report entitled "Flood Insurance Study for County of San Joaquin, November 1979," as amended, and shown on the accompanying Flood Insurance Rate Maps as Zones A, A0, A1-30, AE, A99, or AH, or on the Floodway Maps as floodways;

Identified by Floodplain Administrator. The areas of special flood hazard identified by the Floodplain Administrator include those areas, not identified by the Federal Emergency Management Agency or the Federal Insurance Administration in Subsection (a), that the Floodplain Administrator considers a risk from flooding.

Arterial Road. A road classified as an Arterial in the General Plan.

As-Built Plans. Plans or drawings that depict the final installed configuration of construction grading or drainage (whether physical or functional). The plans or drawings shall indicate any construction deviations and show all features as actually built. The plans or drawings are intended to provide a permanent record of as-built conditions and aid as key references for future maintenance processes.

Asphalt Concrete. A commercially premixed surfacing material using a black, bituminous tar like binding agent that is placed on top of a base material such as aggregate base, sand, or concrete. It is also known as AC, blacktop, paving or asphalt.

Auction, Agricultural Machinery. The sale of agricultural equipment by auction to the general public in an open or enclosed space.

Auction, Livestock. The sale of large farm animals, including beef cattle, cows, goats, heifers, and pigs, by auction to the general public in an open or enclosed space.

Awning. An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

Balloon. A large airtight bag that rises into the air when filled with a gas that is lighter than air.

Banner. A sign constructed of light weight, non-rigid materials with no enclosing framework.

Barn. A large farm building primarily used for storing farm products or feed, vehicles, and equipment or for housing livestock, including cattle and horses.

Basement. A non-habitable space beneath the first or ground floor of a building, the ceiling of which does not extend more than four feet above finished grade.

Bay Window. A window or a series of windows forming a bay in a room and projecting outward from the exterior wall.

Bay. A paved area where one trailer truck can back up to a loading dock.

Bedrock. The solid undisturbed rock in place either exposed at the ground surface or beneath surface deposits of loose rock or soil.

Bedroom. Any room having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room.

Bench. A relatively level step excavated into sloping natural ground on which engineered fill or embankment fill is to be placed.

Bikeway. A right-of-way, either of or off the street, where bicycle travel is the designated use. Bikeway includes bike paths and bike lanes.

Bikeway Classes.

Class I Bikeway (Bike Path). Provides a completely separated right of way for the exclusive use of bicycles and pedestrians with crossflow by motorists minimized.

Class II Bikeway (Bike Lane). Provides a striped lane for one-way bike travel on a street or highway.

Class III Bikeway (Bike Route). Provide a right-of-way designated by signs or pavement markings for shared use with pedestrians or motor vehicles. While a basic Class III route may simply have signs and markings, a Bicycle Boulevard is a special type of shared route that optimizes bicycle travel. Bike boulevards can have a variety of traffic calming elements to improve safety and comfort for bicyclists.

Class IV Bikeway (separated bikeway). On-street bikeway for the exclusive use of bicycles and includes a separation required between the separated bikeway and the through vehicular traffic. The separation may include, but is not limited to, grade separation, flexible.

Billboard. See Off-Premises Sign under Sign-Related Terms.

Bioenergy. Renewable energy made available from materials derived from feedstocks that consist of recently living organisms or their metabolic by-products from sources such as farming, forestry, and biodegradable industrial and municipal waste.

Biomass Energy Production. The conversion of plant material or plant or animal waste to a useable source of energy for on-site use.

Block Face. One side of a street located between two intersections.

Block. Property bounded on all sides by a public right-of-way.

Board of Supervisors or Board. The Board of Supervisors of San Joaquin County.

Boarding School. A school providing both lodging and meals for its pupils.

Boardinghouse. A dwelling with not more than five guestrooms where, for compensation, meals are provided.

Boathouse, Private. A structure with a dock located on a waterway that is used to store boats and other watercraft.

Boutique Sale. The sale of handcrafted items from residential property.

Buffer Zone. An area of land surrounding a hazardous waste facility and on which certain land uses and activities are restricted to protect the public health and safety and the environment from existing or potential hazards caused by the migration of hazardous waste.

Buffer. An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Build-to Line. A line parallel to the lot line where the façade of the building is required to be located.

Building Code. The regulations adopted by the County governing the type and method of construction of buildings and structures.

Building Coverage. The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

Building Frontage. An exterior wall of a building that faces a public street (not including a freeway). If no exterior wall of a building faces a public street, the exterior wall of the building containing the main entry is the building frontage. The length of frontage shall be measured at the base of the building wall.

Building Height. The vertical measure of a building from the average finished ground level of the building pad to the highest point of the roof.

Building Official. The Director of Building Inspection of San Joaquin County, acting either directly or through authorized deputies.

Building Site. The ground area occupied or to be occupied by a building or a group of buildings together with all open spaces required by this Title.

Building. Any structure having a roof and supported by columns or walls that is used for or intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Accessory Building. A subordinate building that is an incidental and related use to that of the main building or main use of the land on the same lot.

Main or Principal Building. A building in which the principal use of the parcel on which it is located is conducted.

Public Building. A building owned and operated by a public agency of the United States of America, the State of California, or any of their political subdivisions, districts, or municipal corporations.

Quasi-public Building. Any structure or building, other than a public building or a residence but including a public utility building or structure, which is exempt from property tax.

California Building Code. The current edition of the Building Code published by the California Building Standards Commission and adopted by the County.

Cannabis Business Park. A contiguous area that is specially designated, designed, and landscaped to safely allow and accommodate Commercial Cannabis Licensees in compliance with this Title and State law.

Car Share Vehicle. An automobile that can be rented on a short-term basis for round-trip or one-way use from a carsharing network, or an exclusive car provided by a development project. These vehicles typically are located in a designated area where vehicles are returned to a dedicated or reserved parking location

Caretaker Residence. A residence used only by an individual whose presence on the property is necessary to prevent vandalism, pilferage, damage, or destruction to property, structures, or equipment located on the same parcel. A caretaker residence may be a permanent residence or a temporary mobile home.

Carport. An accessible and usable covered space enclosed on not more than two sides, designed, constructed, and maintained for the parking or storage of one or more vehicles.

Car Wash. An open or enclosed facility or open area with hoses and equipment used for washing, cleaning and drying cars or other vehicles.

Car Wash, Private. An event, typically a fundraiser, in which cars or other vehicles are washed by hand.

Casing. A tubular retaining structure installed in a bore hole to maintain the well opening.

Cathodic Protection Well. Any artificial excavation constructed by any means for the purposes of installing equipment or facilities for the electrical protection of metallic equipment in contact with the ground.

Cemetery. Land used or intended to be used for the burial of animal or human dead and associated structures dedicated for cemetery purposes, including columbaria, crematoriums, mausoleums, and mortuaries.

Cesspool. An excavation into the earth used for the reception of sewage or drainage from plumbing fixtures, effluent from septic tanks, together with the water used in carriage of said sewage or drainage, but which does not have watertight walls and bottom.

Chip Seal. A layer of aggregate base covered by a layer of liquid asphalt topped with a layer of pea size gravel.

Civil Engineer. A professional engineer registered and licensed as a civil engineer by the State of California.

Clearance. The smallest vertical distance between grade and the lowest point of any sign, structure, framework, or architectural feature extending over the grade.

Club. An association, whether incorporated or unincorporated, of persons organized for some common nonprofit purpose, not including a group organized solely or primarily to render a service customarily carried on as a business.

Collocation or Colocation. The sharing of a wireless telecommunications support structure between two or more service providers.

Combination Truck. A commercial vehicle that includes a tractor and semi-trailer. Also known as a Semi-truck.

Commercial Cannabis Activity. The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products or any other activity provided for in the Medicinal and Adult Use Cannabis Safety and Regulation Act.

Commercial Cannabis Development Agreement. A development agreement for commercial cannabis activity adopted by the Board pursuant to the Government Code.

Commercial Cannabis License. A Cultivator License, Distributor License, Manufacturer License, Retailer License, or Testing Facility License issued by the County.

Commercial Cannabis Licensee. Any Person holding a valid Commercial Cannabis License.

Commercial Coach. A structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes; required to be moved under permit; and not intended to be used as a residence.

Commercial Project. A development project that involves the distribution and sale or rental of goods and/or the provision of services.

Common Interest Development. A community apartment project (apartment), a condominium project, a planned development, or a stock cooperative.

Community Land Trust. A nonprofit corporation that: 1) has, as its primary purpose, the creation and maintenance of permanently affordable single-family or multifamily residence; sells dwellings or units to qualified owners as a primary residence or rents to persons and families of low or moderate income; and 3) leases land from a qualified nonprofit corporation for a renewable term of 99 years.

Compaction. The increase of density of a soil or rock fill by mechanical means.

Condition of Approval. A performance standard, required change in a project, environmental mitigation measure, or other requirement imposed by the decision-making body to alter or modify a project in any manner from the description in the application originally submitted for County approval.

Conditional Use. A use that is generally compatible with other uses permitted in a zoning district, but that requires individual review of its location, design, configuration, and intensity and density of use and structures, and may require the imposition of conditions pertinent thereto to ensure the appropriateness of the use at that location.

Conditions of Overcrowding. When the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing body of the district.

Condominium. A subdivision as defined in Civil Code Section 1350.

Consistency. Conformity to a plan or regulation.

Construction. The erection, enlargement, alteration, conversion, or movement of any building, structure, or land.

Construction Drainage. Any drainage alteration except drainage alteration undertaken as part of agricultural drainage.

Construction Grading. Any grading except agricultural grading.

Construction Installations. Materials installed temporarily to facilitate the construction of permanent structures and includes but is not limited to scaffolding, shoring, caissons, cribbing, diversion dams and formwork with an intended period of use, not exceeding three years.

Contamination. An impairment of the quality of waters to a degree which creates a hazard to the public health through poisoning or the spread of disease. Contamination includes any equivalent effect resulting from the disposal of waste, whether or not water of the County is affected.

Contiguous. To be in actual contact, touching, bounded or traversed by, even though separated by roads, streets, easements, or railroad rights-of-way. Parcels or units of land sharing a common boundary.

Contour. A line representing the configuration of the ground at a certain elevation.

Convalescent Home. See Nursing Home.

Coop. A cage or pen for poultry or other fowl.

Corporation Yard. A service yard or contractor's storage yard that includes but is not limited to temporary buildings used for offices and the temporary storage of equipment, materials, and other items involved in construction or maintenance of permanent physical facilities

Corral. A space, other than a building, that is unless than one acre in area and used for the confinement of animals.

Cottage Food Employee. An individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food

product, or otherwise works for the cottage food operation. An employee does not include an immediate family member or household member of the cottage food operator.

Cottage Food Operation. An enterprise engaged in the production of cottage food products within a private home where the cottage food operator resides and where the products are prepared or packed for direct or indirect sales to consumers.

Cottage Food Operator. An individual who owns and operates a cottage food operation.

Cottage Food Products. Foods on a list of food products as established by the California Department of Health that are prepared for sale in the kitchen of a cottage food operation.

County Maintained Road. A road for which the County has accepted rights-of-way and maintenance responsibilities.

County Procedures. Any procedures adopted by the Board.

County Standards. Any infrastructure or building improvement standards or design standards set forth in this Title or adopted by the Board

County Surveyor. The Surveyor of San Joaquin County.

County. San Joaquin County.

Court. An open, unoccupied space, other than a yard, located on the same lot with a building or buildings and bounded on two or more sides by such building or buildings.

Creamery. A commercial establishment for the manufacture or processing of dairy products.

Cul-de-sac Street. A road open at one end only, with provisions for turning around at the opposite end.

Cultivator License. A license issued by the County to plant, grow, harvest, dry, cure, grade, or trim cannabis.

Custom Slaughtering. An operation in which livestock is slaughtered and prepared for the owners of the livestock, for a fee, either at the site on which the livestock is raised or at an off-site facility for that purpose.

Cut. See Excavation.

Cutoff Angle. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Cutoff. The point at which all light rays emitted by a lamp, light source, or luminaire are eliminated (cutoff) at a specific angle above the ground.

Dairy. Any premises where milk is produced from cows or goats for sale or distribution.

Dangerous Building. As defined in Section 302 of the Uniform Code for the Abatement of Dangerous Buildings or the California Building Code.

Day/Night Average Sound Level (Ldn). The average sound level (also referred to as DNL) over a 24-hour period. The noise between 10pm and 7am is artificially increased by 10 dB to take into account the decrease in community background noise of 10 dB during this time period.

Days. Calendar days, unless indicated otherwise.

Deck. A platform, either freestanding or attached to a building that is supported by pillars or posts. See also Balcony.

Decibel (Db). A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base of ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

Decision-making Body. See Approval Authority.

Deferred Infrastructure Charge Agreement. An agreement between the County and the owner of property that establishes the conditions allowing an Infrastructure Reimbursement Charge to be deferred to a future time when a direct benefit is established.

Demolition. The intentional destruction and removal of 50 percent or more of the enclosing exterior walls and 50 percent of the roof of any structure.

Density Bonus. An increase in residential units over the maximum number of normally allowed units within a General Plan or zoning designation.

Department. The San Joaquin County Community Development Department.

Depth of Excavation (cut). The vertical dimension from the exposed cut surface to the original ground surface.

Depth of Fill. The vertical dimension from the exposed fill surface to the original ground surface.

Design. Design means:

- (a) Street alignments, grades, and widths;
- (b) Drainage and sanitary facilities, utilities, and flood control projects, including sizes, alignments, and grades thereof;
- (c) Location and size of all required easements and rights-of-way (existing or future);
- (d) Fire roads and firebreaks;
- (e) Lot size and configuration;
- (f) Access;
- (g) Grading;
- (h) Land to be dedicated for park or recreational purposes;
- (i) Land to be dedicated for public access to public resources; and
- (j) Such other specific physical requirements as may be necessary to ensure consistency with, or implementation of, the General Plan or an applicable Specific Plan or Master Plan.

Design Standards. The design requirements established by this Title or by the Board by resolution and applicable at the time of approval of a project.

Design Storm Runoff. The runoff produced by a theoretical design storm of a specified duration and a specified return frequency. The type of drainage facility being designed determines what return frequency storm applies.

Designated Fund. The named fund established for a specific Area Facilities Plan.

Detached Structure. A structure, no part of which is attached by any means to any other structure.

Detention Basin. A drainage basin that has the capacity to store storm water runoff temporarily and has outlet facilities capable of emptying the basin into a terminal drain.

Developer. Any person or persons, partnership, firm, corporation, or other business entity financially responsible for the work involved on a given project, either directly or through the services of any employee, agent, or independent contractor.

Development. The placement or erection of any solid material or structure on land, in, or under water; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, without limitation, subdivision of land, including lot splits; the change in the intensity of use of water, or of access thereto; construction, reconstruction, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation.

Development Agreement. An agreement between the County and a person having a legal or equitable interest in real property for the development that complies with the applicable provisions of the Government Code for such agreements.

Direct Benefit. The condition that exists when public facilities are in place and available for a service connection or the facilities are in place and provide storm drainage for an area.

Director. The Director of the Community Development Department of San Joaquin County or the Director's designee.

Director of Environmental Health. The Director of the Environmental Health Department of San Joaquin County or the Director's designee.

Director of Public Works. The Director of the Public Works Department of San Joaquin County or the Director's designee.

Discretionary Permit. Any permit required before the development or use of real property can proceed, which the Review Authority may approve, deny, or approve subject to conditions the permit applications. Discretionary permits include, but are not limited to, Major and Minor Subdivisions, Parcel Maps, Administrative Use Permits, Conditional Use Permits, Temporary Use Permits, Variances, Waivers, and Zone Reclassifications.

Disposal. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent of the waste may enter the ground, be emitted into the air, or be discharged into any waters, including groundwater.

Distilled Spirits. An alcoholic beverage obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use and includes, but is not limited to, vodka, tequila, whisky, rum, brandy, and gin, including all dilutions and mixtures thereof.

Distilled Spirits Storage. A building used to store alcoholic beverages, such as brandy, gin, or rum, for commercial distribution or eventual sale.

Distributor License. A license issued by the County to procure, sell, and transport cannabis and cannabis products.

District. Any special district empowered to operate and maintain water or wastewater infrastructure or other public services and facilities.

Dock, Private. A dock or basin providing water dockage for small craft for use by only the property owner, adjacent property owners or club members.

Dock, Public. A boat launching facility, such as dock, basin, piers or launching pad designed for loading and unloading recreational watercraft, that is open to the public.

Drainage Facility. Any structure or feature, either natural or artificial, that causes or allows water to flow intermittently or continuously from one place to another and lies partly or wholly along, within, or across any County highway or affects any County highway.

Drainage. The collection, conveyance, containment, and/or discharge of stormwater runoff.

Drip Line. An area delineated by projection of the periphery of the crown area of a tree down to the ground surface.

Drive-Through Facilities. Facilities designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies, and other commercial uses.

Dwelling Cluster. Two or more dwelling structures on a site in single ownership, with frontage on a public street.

Dwelling Unit. Any building or portion thereof containing living facilities, including provisions for sleeping, eating, cooking, and sanitation for no more than one family.

Dwelling, Second Unit. A detached or attached dwelling unit, located on the same parcel as another primary dwelling.

Dwelling. Any building or portion thereof that contains one or more dwelling units.

Easement. The right to use another's property. Easements are usually over a defined area and for a specific use, such as public utilities, drainage facilities, roads, sewers, or access.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Educational Animal Project. An animal husbandry activity supervised by an educationally oriented youth program or organization connected to a school or nonprofit organization.

Effective Date. The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Efficiency Kitchen. An area with a kitchen sink, cooking appliance and refrigeration facilities and a clear working space of not less than 30 inches in depth, also known as a kitchenette or partial kitchen.

Efficiency Unit. A dwelling unit with a minimum floor area of 220 square feet and a kitchen or efficiency kitchen, living and sleeping areas, a separate bathroom, and a separate closet.

Electrified Security Fence. A permanent fence with a battery powered, low voltage, pulsed current.

Embankment. See Fill.

Emergency Work. The use of any machinery, equipment, vehicle, manpower or other activity in a short-term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

Encroachment Permit. A permit issued by the Department of Public Works authorizing certain work within a publicly maintained right-of-way.

Encroachment. The act of constructing, excavating, improving, or installing improvements within a County right-of-way. Encroachment also means the improvement, excavation, or facility constructed or installed within a County right-of-way.

Enforcement Official. The Director of the Community Development Department, the Director of the Environmental Health Department, the Agricultural Commissioner, or their deputy or designee, or any person authorized by law or ordinance.

Engineering Geologist. A registered geologist certified as an Engineering Geologist by the State of California.

Engineering News Record Construction Cost Index. The twenty-city average cost index for materials and labor published in the *Engineering News Record*.

Environmental Constraints. Environmental factors that limit or inhibit the potential for development such as flood hazards, seismic hazards, air quality, and water supply.

Environmental Health Department. The San Joaquin County Environmental Health Department.

Environmental Impact Report (EIR). A report that may be required under the California Environmental Quality Act to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.

Environmental Impact. The projected long-term or short-term effects (adverse or beneficial) which a development project or plan may have on the natural and built environment if the project or plan is carried out.

Equivalent Sound Level (Leq). "Equivalent sound level" or "Leq" means the sound level containing the same total energy as a time-varying sound level over a given sample period, typically computed for a one-hour sample period.

Erosion. The wearing away and transportation of earth material as a result of the movement of wind, water, or ice.

Establishment. A single, physical location at which economic activity occurs, such as a store, a factory, or a farm.

Evacuation Plan. A plan for the evacuation of mobile homes and recreational vehicles in a mobile home or recreational vehicle parks or for the evacuation of recreational vehicle parks during time of flood hazards.

Exaction. A requirement that a development dedicate parkland or pay an in lieu fee or pay a tax levied on new housing units pursuant to the Mello-Roos Community Facilities Act of 1982. An exaction does not include fees or charges associated with approving a permit for development or as a condition of approval of a proposed development.

Excavation (Cut). The removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed was completed before October 3, 1980.

Existing Structure. An existing Single Unit Dwelling (including all fully enclosed areas such as a partial basement, attic, or an attached garage) or other accessory structure that can be converted into habitable space under the County's Building and Fire codes.

Exotic Animals. Animals considered wild or not normally domesticated, including, but not necessarily limited to, chinchillas, foxes, wolves and wolf-dog hybrids, and game animals.

Expansive Soil. Any soil that exhibits significant expansive properties as determined by a Geotechnical Engineer or the Building Inspector.

Expert Professional. A person who meets federal or State standards for professional qualification standards, including experience required to perform identification, evaluation, analysis, design, and related activities.

Exterior Storage. The outdoor placement or keeping of materials in an area not fully enclosed by a storage structure.

Extraction Well. A boring or a well that is constructed for the purpose of extracting contaminants from the soil or ground water.

Family Food Production. The raising or keeping of small animals or fowl on the same lot as the primary residence of the family.

Family. One or more persons, related or unrelated, living together as a single housekeeping unit.

Farm Cooperative. A group of two or more growers or producers who associate for the purpose of selling farm produce for the mutual benefit of its members.

Farmers' Market. A temporary or short-term outdoor market without permanent structures for direct retail sales by farms to the public, which is certified by the State or County Agricultural Commissioner. The market may include sale of handmade and craft items.

Farm Office. A building or a portion of building used as the administrative or business center of an agricultural enterprise.

Farmland Conservation Easement. An easement over agricultural land for the purpose of restricting its use to primarily agricultural and agricultural-compatible uses.

Farmstay. See Agricultural Homestay.

Feasible. Capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, social and technological factors.

Feedlot. A pen, corral, shelter, or other similar confinement used exclusively to fatten animals for market and in which supplemental feeding is provided.

Fence, Open. A fence constructed of materials that allow a clear view between the property that is fenced and a road or adjoining properties. Materials used to build an open fence may include wire, wood rails, chain link, and wrought iron.

Fence. A wall or barrier constructed of boards, masonry, wire, or any other material for the purpose of enclosing space or separating parcels of land. This term excludes retaining walls but does include fence gates and gateposts.

Fill. The deposit of soil, rock, or other materials placed by man.

Final Grade. See Finished Grade.

Final Map. A map showing a subdivision for which a tentative and final map are required by the Subdivision Map Act or this Title, prepared in accordance with the provisions of this Title and the Subdivision Map Act and designed to be recorded in the San Joaquin County Clerk-Recorder's Office, County Recorder Division.

Findings. A set of conclusions required before specified permits or other entitlements may be granted by the Review Authority.

Fireworks. Any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation. This term does not include ammunition used for target shooting or hunting or cap pistol caps.

Flag. A piece of cloth or bunting, often attached to a staff or pole, representing emblems of the USA, State of California, or civic, philanthropic, educational, or religious organizations.

Flea Market. A building or portion of a building where individual market stalls or spaces are provided for persons to display, buy, sell, exchange, or deal in new or used goods.

Flood Control Engineer. The engineer appointed by the Board of Supervisors to supervise and administer the County Flood Control and Water Conservation District.

Flood Control Facilities. Levees, dredger cuts, retention basins, dams, and flood channels.

Flood Elevation. The elevation of the water surface of the 100-year flood shown on the Flood Insurance Maps or the elevation of flood water in an area having a one percent or greater probability of flood in any given year, as determined by the Floodplain Administrator.

Flood Fringe. The area of the 100-year flood, exclusive of the floodway, as shown on the Flood Insurance Maps and any area determined by the Floodplain Administrator to have a one percent or greater probability of flood in any given year.

Flood Hazard. The danger of damage to persons or property from overflow water resulting from a 100-year flood or from the accumulation or flow of water determined to be hazardous by the Floodplain Administrator.

Flood Height. The depth of the floodwater during the 100-year flood, computed as the difference between the elevation of the 100-year floodwater surface and the elevation ground surface at a given point in the flooded area.

Flood Insurance Maps. Maps prepared by the Federal Emergency Management Agency as part of a report entitled "Flood Insurance Study for County of San Joaquin, November 1979," as amended. These include Flood Insurance Rate Maps.

Flood Insurance Rate Map or FIRM. The map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the County. (e.g., AO, AH, etc.)

FIRM Zone AH. Areas of 100-year shallow flooding where depths are between one and three feet; base flood elevations are shown, but no flood hazards are determined.

FIRM Zone AO. Areas of 100-year shallow flooding where depths are between and three feet; average depths of inundation are shown, but no flood hazards are determined.

Flood Insurance Study. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations prepared by the Federal Emergency Management Agency as part of a report entitled "Flood Insurance Study for County of San Joaquin, November 1979," as amended.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas.

Flood, Base. The flood having a one percent chance of being equaled or exceeded in any given year.

Flood, Fifty Year. The flood having a two percent chance of being equaled or exceeded in any given year.

Flood, 100-Year. See Flood, Base.

Flood Variance. A grant of relief from the requirements of this Title that permits construction in a manner that would otherwise be prohibited.

Floodplain Administrator. The person appointed by the Board of Supervisors to administer and implement the flood prevention provisions of this Title.

Floodplain Encroachment Permit. A permit issued by the Department of Public Works for any project that would alter a watercourse.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments that reduce or eliminate flood damage to properties, utilities, structures, and their contents.

Floodway. Floodway means:

- (a) the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot;
- (b) the floodway shown on the Flood Insurance Maps;

- (c) the designated floodway of the State Reclamation Board, if the Flood Insurance Maps do not indicate the floodway;
- (d) the river or other watercourse itself, between its levees or banks, to the elevation of the 100-year flood, if the Flood Insurance Maps do not indicate the floodway and the State Reclamation Board has not established a designated floodway; or
- (e) the channel necessary to carry a flood with a one percent or greater probability of occurring in any given year established by the Floodplain Administrator if the above criteria do not determine the floodway.

Floor Area. The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or structure, including basements, mezzanines, interior balconies, and upper stories or levels in a multi-story building unless otherwise stipulated.

Food Establishment. Any location or portion thereof, any room or any building that is maintained, used, or operated for the purpose of storing, preparing, packaging or otherwise handling food that is engaged in retail trade.

Food Preparation. Packaging, processing, assembling, portioning or any operation that changes the form, flavor, or consistency of food, excluding the trimming of produce.

Freestanding Structure. A monopole, lattice tower, or other vertical support that is not a building and is used for wireless telecommunication or radio or television broadcasting.

Front Wall. The nearest wall of a building or other structure to the street which the building faces.

Frontage. That side of a lot abutting a public road or waterway.

Frontage, Primary. That side of a lot abutting a street where the main building entrance is located and in the general direction in which the principal building faces.

Frontage, Secondary. That side of a lot abutting a street which is to the side or in the opposite direction from which the principal building faces.

Frontage Road or Service Road. A road immediately adjacent to a freeway, expressway, or arterial. The frontage road provides access to lots that would otherwise front on the freeways, expressways, or arterials.

Garage, Private. A building or portion of a building in which motor vehicles or pleasure type vehicles used by the owners or tenants of the building or buildings are stored or kept.

Garage, Public. A building or portion thereof, other than a private garage, available for public use in which one or more vehicles are stored, repaired, or kept.

Garage/Yard Sale. The sale of household articles or personal possessions incidentally accumulated during normal and conforming residential use of the property on which the sale is held.

General Plan. The San Joaquin County General Plan as adopted by the Board.

Geotechnical Engineer. A civil engineer registered by the State of California who is qualified in the field of soil mechanics and soil engineering and uses the title "soil engineer."

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Government Code. The Government Code of the State of California.

Grade. The location of the ground surface.

Adjacent Grade. The lowest elevation of ground surface within five feet of the building exterior wall.

Average Grade. A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building. Average grade is calculated separately for each building.

Existing Grade. On vacant parcels before any land development activities are undertaken, the elevation of the ground at any point on a lot as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.

Finished Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building.

Grading. Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition.

Grading Excavation. The levelling or excavating of property where the finished grade has an average elevation equal to or greater than the natural grade or the finished grade has an average elevation equal to or greater than the existing grade, if the natural grade cannot be determined.

Grading Plan. A plan prepared that shows excavation and reclamation work.

Grease Trap. A watertight receptacle which separates grease or oils from sewage prior to being discharged into a septic tank or other treatment facility.

Greenhouse, Private. A glass building in which plants are grown for personal use. It may range in size from a small shed to a large structure with internal equipment for climate control.

Ground Disturbance. Any work, operation, or activity that results in the penetration or compaction of the ground, including land clearing, vegetation removal, grading, storage of supplies and equipment, use of hand tools, heavy equipment, and heavy trucks, and any other similar activities.

Ground Water. That part of subsurface water that is in the zone of saturation.

Grout. A fluid mixture of cement or other approved material and water of a consistency that can be forced through a pipe and placed as required to form a watertight seal. Various additives, such as sand, bentonite, and hydrated lime, are used to meet certain requirements.

Guesthouse. A separate dwelling structure, not exceeding 400 square feet, located on a lot with one or more dwellings, used for housing guests, relatives, caregivers, or servants, not containing kitchen facilities, and not rented, leased, or sold separately from the main dwelling. This definition excludes Accessory Dwelling Units, which are separately defined and regulated.

Habitable Room. A space intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches. Specifically excluded are balconies, bathrooms, foyers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used for storage, and water closets.

Hazardous Materials. Any substance, waste, or material defined as an "extremely hazardous waste" or "hazardous waste" by the Health and Safety Code, and any material listed or cited in Title 22 of the California Code of Regulations. This term also includes any substance, waste or material meeting any of the following criteria:

Toxic - capable of producing injury, illness, or damage to humans, livestock, or wildlife through ingestion, inhalation, or absorption through any body surface;

Corrosive - capable of destroying by chemical action living tissue through contact;

Irritants - capable of causing a local inflammatory reaction;

Strong sensitizers - capable of causing allergic or hypersensitive reactions; or

Flammable - capable of burning during normal handling and which may produce harmful gas or particles.

Hazardous Waste. Any waste, or combination of wastes, as specified in Title 22 of the California Code of Regulations, which because of its quantity, concentration, physical, chemical, or infectious characteristics may either:

(a) Cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible, or incapacitating, reversible illness; or

Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed.

This term includes extremely hazardous waste and acutely hazardous waste.

Hazardous Waste Facility. Any structure, other appurtenance, improvements on the land, and all contiguous land used for the treatment, storage, disposal, resource recovery, transfer, or recycling of hazardous wastes. It may consist of treatment, transfer, storage, resource recovery, disposal, or recycling waste management units, or combination of these units.

Health and Safety Code. The Health and Safety Code of the State of California.

Heliport. An area of land or water or a structural surface which is used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas used, or intended for use, for heliport buildings and other heliport facilities.

Heritage Oak Tree. A native oak tree that has a single trunk diameter of 32 inches or greater measured at four and one-half feet above the average ground elevation of the tree.

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

Historic Preservation Terms.

California Register of Historical Resources. The official listing of California's historical resources, including those of local, state, and national significance.

Character Defining Feature. The architectural, street and landscape features of a building, structure, object, or historic preservation district that convey historical significance.

Certified Local Government. A city or town that has met specific standards enabling its participation in certain National Historic Preservation Act programs administered by the National Park Service and the State Office of Historic Preservation.

Contributing Structure. A structure in an historic district that by its age, historical integrity, or historical significance is an essential part of the historic fabric of a designated historic district or would reduce the integrity of the district by its inappropriate alteration or removal. A building not contributing to the historic significance of a historic district is one that does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship, feeling and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost. Ordinarily, buildings that have been built within the past 50 years shall not be considered to contribute to the significance of a district unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.

Exempt Alteration(s). Activities that do not require a County building permit and/or work that requires a building permit but that does not have potential to impair the historic significance of the historical resource, including plumbing, electrical, and mechanical improvements or repairs, and interior improvements (unless such improvements are contributing elements of the historic resource's historic significance).

Exterior Architectural Feature. The architectural elements embodying style, design, general arrangement, and components of the outer surfaces of an improvement, including but not limited to, the kind, color, and texture of the building materials and the type and style of windows, doors, lights, signs, and other fixtures.

Historic Preservation District. A geographically definable area within the County possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. Buildings, structures, objects, and sites within a historic district are normally divided into two categories, contributing and non-contributing. Included in this designation are County-designated districts and districts on the National Register of Historic Places or the California Register.

Historic Landmark. One or more historic resources having significant scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to the citizens of the County and designated as such by the Board of Supervisors. Historic landmarks include individual historic resources that are listed in or eligible for the National Register of Historic Places or the California Register of Historic Resources or listed as Registered California State Historic Landmarks.

Historic Resource. Any building, structure, sign, feature, site, place, area, or other improvement of scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to citizens of the County.

Integrity. The authenticity of a property's historic identity evidenced by the survival of physical characteristics that existed during the property's historic period.

Major Alteration. Those alterations that are not exempt or do not qualify as minor alterations, including: a) demolition; b) installation or alteration of windows, doors, or other historic features where the original opening is proposed to be enlarged, reduced or altered; c) additions to a structure or site that exceed 499 square feet; d) new construction within a designated historic district; e) additions that exceed 499 square feet within a designated historic district; f) relocation; and g) reconstruction.

Minor Alteration. Alterations that require a building permit but do not affect the historic significance of the historic resource. Minor alterations include: a) the installation of exterior features such as awnings and garage doors; b) installation or alteration of windows, doors or other historic features where the original opening will not be enlarged, reduced or altered; and c) additions that are less than 499 square feet.

National Register of Historic Places. The official listing of the United States' historic resources maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966.

Preservation. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, limited upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional may occur within a preservation project.

Qualified Historic Property. A privately-owned property that is on the National Register of Historic Places or the California Register of Historical Resources. A qualified historic property may also be a property designated by the County as a Landmark or by the State of California as a Historic Landmark or a Point of Historic Interest.

Reconstruction. The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific time.

Rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Restoration. The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. Upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional may occur within a restoration project.

Secretary of the Interior's Standards for the Treatment of Historic Properties. The latest edition of the standards and guidelines provided by the National Park Service for preservation, rehabilitation, restoration, and reconstruction of historic properties.

Substantial Deterioration or Decay. Those conditions of the structure or property that are not so serious as to constitute demolition by neglect but nevertheless threaten the structural or historical integrity of the resource. concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development.

Historical Tree. Any tree or group of trees given special recognition by the Planning Commission because of the size, age, location, or history.

Hog Farm, Hog Farming. Place for the keeping or raising of six or more swine.

Home Occupation. Any occupation conducted within a dwelling or an accessory building that is incidental and secondary to the principal residential use of the dwelling for dwelling purposes.

Homeowner's Association. A community association, composed of individual owners of a development, created for the purpose of holding title to common property, managing and maintaining the common property, and/or enforcing certain covenants and restrictions for the overall benefit of its members.

Homesite Parcel. A parcel between two and five acres in size (ten acres for property under Williamson Act contract) that has been split from a parcel designated General Agriculture on the General Plan to serve as a building site for a home.

Horse Raising. Stables, yards, pastures, equipment sheds, and other facilities for keeping, exercising, and raising horses for personal use or for hire or sale.

Hospital, Animal. Any structure or facility used for treating, boarding, or otherwise caring for domesticated animals or birds commonly accepted as household pets.

Hours of Operation. The time from when a business opens and serves customers or patrons to the time when it closes, and the last customer or patron departs.

Household, Low Income. A household that meets the qualifications for Low Income Household as defined in Section 50079.5 of the Health and Safety Code.

Household, Moderate Income. A household that meets the qualifications for Moderate Income Household as defined in Section 50093 of the Health and Safety Code.

Household, Very Low Income. A household that meets the qualifications for Very Low Income Household as defined in Section 50105 of the Health and Safety Code.

Household Pets. Domestic animals ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and birds.

Improvement Plan. See Public Improvement Plan.

Improvement Standards. The current San Joaquin County Department of Public Works Improvement Standards.

Improvements. Improvements means additional roadway, drainage, water, flood control and wastewater facilities required to adequately serve development projects. More specifically, this term refers to:

- (a) Any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, bridges, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic, flood control, and drainage needs as a condition precedent to the approval and acceptance of the final map; and
- (b) Any other specific infrastructure, such as streets and sidewalks, driveways, curbs and gutters, trails, drainage and flood control, landscaping, pipelines, utilities, water and wastewater disposal systems, or other types of physical improvements, including parks and recreation facilities, the installation of which, either by the subdivider, public agencies, private utilities, any other entity approved by the County, or a combination thereof, is necessary to ensure consistency with or implementation of the General Plan or any applicable specific plan.

Impulsive Noise. Noise of short duration, usually less than one second, with an abrupt onset and rapid decay, such as the discharge of firearms.

Industry Event. A regional event where the wineries and/or off-site wine cellars in the area are participating and includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery, or off-site wine cellar. Industry events always include wine tasting and the sale of wine.

Industry, Extractive. An industry that exploits mineral resources through the operation of facilities including, but not limited to, mines, quarries, and pits.

Industrial Project. A development project that involves the on-site production of goods or commodities and/or the processing of raw materials.

Infill. Development on a site where at least 75 percent of the perimeter adjoins parcels that are developed for urban uses. Parcels that are only separated by a street or highway are considered adjoining for purposes of this definition.

Infrastructure. Facilities and services needed to sustain industrial, residential, and commercial activities, including water, drainage, and sewer lines; streets and roads; communications; and public facilities.

Infrastructure Reimbursement Charge. The dollar amount set by the County for properties within an Area Facilities Plan service area as an apportioned share of the cost of Area Facilities Plan facilities.

Inoperative Vehicle. A vehicle that mechanically is incapable of being driven, including a vehicle which is missing any part essential for movement or where such essential parts are broken or defective; or a vehicle prohibited from being operated on a public street or highway pursuant to the California Vehicle Code.

Interested Person. Interested person means the approving authority, any person who testified or offered evidence at a hearing or other proceeding at which a discretionary permit or appeal is being considered, and any member of the public.

ITE Trip Generation Manual. A manual of multimodal trip generation data based on land use for urban, suburban, and rural applications, published by the Institute of Transportation Engineers (ITE).

Junk. Any cast-off, damaged, discarded, junked, salvaged, scrapped, worn out or wrecked thing or material, including magazines, books, cardboard boxes, wood boxes, scrap lumber, trash, litter, refuse, paper, glass, cans,

bottles, rags, ashes, trimmings from lawns, trimmings from plants, trimmings from trees, discarded furniture, scrap metal, used tires, materials from demolition or alteration or construction of buildings or structures, or solid waste.

Junkyard. The use of any lot, or portion of a lot, for the sale, storage, keeping, or abandonment of junk, including scrap metals or salvageable material, or for the dismantling, wrecking, or abandonment of automobiles or other vehicles.

kennel. A place where four or more dogs or four or more cats are kept for commercial or noncommercial purposes, excluding animal control shelters operated by governmental agencies or veterinary hospitals.

Keyway. A backfilled excavation constructed beneath the toe area of a planned fill slope on sloping ground to improve the stability of the slope.

Kitchen. Any habitable room, all or any part of which is designed or used for cooking and preparation of food.

L1 - L90. Designations that refer to statistical descriptors of noise: the noise level exceeded one percent to ninety percent (1% - 90%) of the time.

Land Area, Net. See Lot Area, Net.

Land Disposal Facility. A hazardous waste facility where hazardous waste is disposed on or under the land.

Land Leveling Operation. The physical movement of rock or soil which results in a change in the topography of the land.

Landscape-Related Terms

Applied Water. The portion of water supplied by the irrigation system to the landscape.

Automatic Irrigation Controller. An automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

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

Compost. The safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

Drip Irrigation. Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Drip irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Estimated Total Water Use (ETWU). The total water used for the landscape.

Flow Rate. The rate at which water flows through pipes, valves, and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

Graywater. Untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wasters. Graywater includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs but does not include wastewater from kitchen sinks or dishwashers.

Hydrozone. A portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

Invasive Plant Species. Species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources.

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

Landscaping. The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, and hedges), earth patterning and bedding materials, and other like site improvements, for an aesthetic or functional purpose.

Maximum Applied Water Allowance. The upper limit of annual applied water for the established landscaped area.

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

Pervious. Any surface or material that allows the passage of water through the material and into the underlying soil.

Plant Factor or Plant Water Use Factor. A factor that estimates the amount of water needed by plants. Plant factors are derived from the University of California publication "Water Use Classification of Landscape Species" known as WUCOLS. Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations.

Recycled Water. Treated or recycled wastewater of a quality suitable for nonpotable uses such as landscape irrigation and water features.

Runoff. Water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. Runoff may result from water applied at too great a rate to be absorbed on-site or when there is a slope.

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

Turf. A ground cover surface of mowed grass.

Valve. A device used to control the flow of water in the irrigation system.

Water Conserving Plant Species. A plant species having a very low or low plant water use factor.

Water Feature. A design element where open water performs an aesthetic or recreational function. Water features include ponds, fountains, artificial streams, spas, and swimming pools. Constructed wetlands used for on-site wastewater treatment or stormwater retention that are not irrigated are not water features.

Large-scale Accessory Winery Event. An event hosted by the on-site winery or off-site wine cellar and that includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery, or off-site wine cellar. Large-scale accessory winery events may include but are not limited to wine club activities and wine education seminars and always include

wine tasting and the sale of wine. Large-scale accessory winery events do not include events where the facility is rented (or otherwise made available) to a second party. Marketing of wine as a large-scale accessory winery event may include food service and/or food and wine pairings provided all such food service is provided on a fixed cost basis.

Limited Retail Sales. The sale of items other than fresh produce and shell eggs in an area that may be limited in size.

Living Area. The interior area of a dwelling unit that is used for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes, but does not include a garage, accessory structure, storage or utility spaces, or similar area that is not considered a habitable space.

Loading Space. An off-street space or berth used for loading or unloading commercial vehicles.

Lot. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

Corner Lot. A lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

Flag Lot. An "L"-shaped or "T"-shaped lot in which one arm of the lot fronts on a public road and is used solely as a driveway.

Interior Lot. A lot other than a corner lot.

Reverse Corner Lot. A corner lot in which the rear yard abuts the side yard of an interior lot.

Substandard Lot. A lot that does not meet the minimum area, width, or depth required by this Title for the zone in which the lot is located.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

Lot Area. The total horizontal area included within the property lines of a lot.

Gross Lot Area. The lot area, including existing and/or proposed rights-of-way.

Net Lot Area. The lot area, excluding the land area required for public rights-of-way and public easements.

Lot Depth. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot Equivalent. An area within a parcel or development site that has the dimensions of a standard lot for the zone related to lot width and depth. Lot equivalents are used for unsubdivided land to assess compliance with dimensional standards that otherwise would apply to a building, a sign or other structure on a lot

Lot Line. A line of record bounding a lot that divides that lot from another lot or from a public or private street or any other public space.

Lot Line Adjustment. A minor relocation of a property line between the existing parcels that would create no new parcels.

Front Lot Line. The lot line separating an interior lot from a street. For flag lots, the front lot line is defined as follows:

- (1) Where a lot's driveway will not be needed to serve more than one parcel, the front lot line is the lot line closest to the public street, excluding the lot lines defining the driveway;
- (2) Where a lot's driveway may be needed as part of a future public road, the front lot line is a line extended from the end of the driveway straight through the parcel which will be parallel to the rear lot line and nearest to the location of the proposed dwelling.

Rear Lot Line. The lot line opposite and most distant from the front lot line or, in the case of triangular or otherwise irregularly shaped lots, a line of no less than ten feet in length within the lot, parallel to and at a maximum distance from, the front lot line.

Side Lot Line. Any lot line other than a front or rear lot line.

Lot Width. The distance between the side lot lines, measured at such distance back from the front lot line as is required for the depth of the front yard.

Low Income. Households earning 50 to 80 percent of the Area Median Income (AMI).

Lower Income. Households earning 80 percent or less of the Area Median Income (AMI).

Lower Income Student. A student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients set in the Education Code.

Lowest Floor. The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure below the lowest floor that is useable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor.

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Major Intersection. An intersection where an arterial road intersects with either a minor arterial or arterial road.

Major Subdivision. A subdivision of land creating five or more parcels, five or more condominiums, or a community apartment project containing five or more units.

Major Transit Stop. A site containing a rail transit station or the intersection of two or more public transit bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods

Manufactured Home. A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used as a dwelling, with or without a permanent foundation, when connected to utilities.

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing License. A license to conduct the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

Marina. A facility for storing, servicing, fueling, berthing, and securing pleasure boats and which may include eating, sleeping, and retail facilities for owners, crews, and guests.

Marketing Calendar. A document that identifies all events a winery or off-site wine cellar may have on-site, including dates of events, numbers of attendees, hours of events and whether outdoor amplified sound will be used.

Marketing Event. The congregation of persons for the purpose of promoting the wine industry and marketing wine, including wine tasting and the sale of wine and, as appropriate, the selling and serving of beer. Promotional activities

or events may include but are not limited to non-profit community fund raising, weddings, concerts, and/or any other event where the winery or off-site wine cellar facility is rented or otherwise made available to a second party and wine is served. Marketing events may include food service.

Maximum Demand. The maximum momentary load placed on a water source, pump station, or distribution system. This demand is usually the maximum average load in one day (maximum day demand) or one hour (peak hour demand).

Maximum Sound Level (Lmax). The maximum sound level during a noise event.

Median. That portion of a divided highway separating the traveled way for traffic in opposite directions. A median may be raised, landscaped, or painted.

Medical Marijuana Dispensary. A dispensing facility where medical marijuana is made available pursuant to Health and Safety Code Sections 11362.5 (The Compassionate Use Act of 1996) and Sections 11362.7 through 11362.83 (Medical Marijuana Program).

Merger. The process by which the County initiates an action to combine contiguous parcels or units of land under the same ownership.

Merger, Voluntary. The process by which an owner initiates an action to combine contiguous parcels of land owned by that owner.

Micro-business. A business licensed to cultivate cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer under this Title..

Mined Lands. The surface and subsurface of land and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private roads appurtenant to any such area; land excavations; soil, rock, liquid, vegetation, equipment, or other materials or property resulting from or displaced by surface mining operations; and areas in which structures, facilities, equipment, or other materials that are used in surface mining operations are located.

Mineral Resources. Any naturally occurring chemical element or compound, or group of elements and compounds, formed from inorganic processes and from organic and inorganic substances and present in sufficient quantities to permit commercial extraction. Included in this definition are peat, bituminous rock and aggregate minerals; excluded are geothermal resources, natural gas, and petroleum.

Minimum Parcel Size. The smallest unit of land permitted through the subdivision process within a zoning designation, as established in this Title.

Ministerial Permit or Approval. Any permit or approval required before the development or use of real property can proceed, in which the Review Authority is required to approve the permit if specified standards or requirements will be or have been met. Ministerial permits and ministerial approvals include, but are not limited to, final subdivision maps, encroachment permits, grading permits, zoning clearance reviews, and building permits.

Ministerial permit application. A permit application that does not include a request for discretionary review and relief from the standards in this Title.

Minor Subdivision. A subdivision of land where:

- (a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body; or
- (b) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a County maintained road, street, or highway; or
- (c) The land consists of a parcel or parcels of land that have approved access to a public road, street, or highway and which compose part of a tract of land zoned for industrial or commercial development and which have the approval of the governing body as to street alignments and widths; or
- (d) The subdivision would create four parcels or less, or condominiums or community apartments containing four units or less; or
- (e) Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter-section.

Mitigation Fee Act. Regulations established in Chapters 5,6,7,8, and 9 of the Government Code, commencing with Section 66000.

Mixed Use Development. Two or more uses that are integrated and developed under a coherent plan.

Mobile Home, Caretaker. A mobile home used to provide complete living facilities for an individual whose presence on the property is necessary to prevent vandalism, pilferage, damage, or destruction to property, structures, or equipment located on the same parcel.

Mobile Home, Temporary. A mobile home used as a residence during the construction of a permanent dwelling on the same property.

Mobile Home Park. Any parcel of land composed of a lot or contiguous lots used, designed, or intended to accommodate more than four mobile homes.

Mobile Home Site or Space. A portion of a mobile home park designated or used for the occupancy of one mobile home.

Monumentation. A stone shaft or other object set in the earth to mark a boundary.

Native Oak Tree. A valley oak (*Quercus lobata*) or an interior live oak (*Quercus wislizenii*), California live oak (*Quercus agrifolia*), or blue oak (*Quercus douglasii*) tree.

Natural Bank. The bank of a waterway that does not have a levee or that has a levee that does not provide protection from a 50-year flood.

Noise Contour. A line passing through points where the same sound intensity level prevails. Contours form bands of varying width emanating from a noise source.

Noise-Sensitive Land Uses. Uses that may be adversely affected by high noise levels, including residential dwelling units, day care centers and family day care homes, assembly, group residential, mobile home parks, colleges and schools, cultural institutions, offices, recreational facilities, social service centers, and transient lodging,

Nonconforming Lot. A legally-created parcel of land having less area, frontage, or dimensions than the zoning regulations require for the zone in which it is located.

Nonconforming Structure. A building or structure that was legal when brought into existence but does not conform to the current height, setback, density, or building intensity requirements of the zone where it is located.

Nonconforming Use. A use that was legal when brought into existence but does not conform to the current uses allowed in the zone where it is located.

Nuisance. Anything resulting from unreasonable or unlawful practices or from neglect that is, or tends to be, injurious to health, safety, or public welfare, including an accumulation of junk, or is so unsightly or offensive to the senses as to interfere with the comfortable enjoyment of life or property.

Nursing Home. A facility for the accommodation of convalescents or other persons who are not acutely ill or in need of hospital care, but who require skilled nursing care and related medical services, which is operated in conjunction with a hospital or in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine in California.

Object. A construction that is primarily artistic in nature of relatively small scale and simple construction. Although it may be, by nature or design, movable, an object is typically associated with a specific setting or environment, such as a boundary marker, fountain, sculpture, or statuary.

Objective standards. Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Objective standards may be established in regulations for individual zones, regulations for overlay zones, master plans, and specific plans, regulations for subdivisions and improvements, and additional and supplemental development regulations applicable countywide.

Off-Site Use. An activity or accessory use that is related to a primary use but is not located on the same lot as the primary use.

Ordinary Maintenance. Repair and maintenance activities that are periodic and do not involve a change to the architectural or historic value, style or design of the building, structure, or object. This definition includes in-kind replacement or repair.

Official Notices. Public notices and signs posted by County officials in performance of their duties.

Open Space, Common. Areas for outdoor living or recreation, not individually owned or dedicated for public use, that are designed and intended for common use or enjoyment of residents or guests. Common open space includes swimming pools, putting greens, and other recreational facilities and hiking, riding, or off-street bicycle trails.

Open Space, Private. Outdoor living area directly adjoining a dwelling unit that is intended for the private enjoyment of the residents of the unit and their guests.

Open Space, Public. Areas of open space that are readily accessible to the public and specifically designed for the use and enjoyment of the public.

Outdoor Goods Display. An outdoor display of the goods or merchandise of a commercial establishment.

Outdoor Storage. The keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Overburden. All materials lying on top of mineral resources which must be removed in order to extract those resources.

Overflow Parking. An area that is temporarily used for additional parking or maneuvering purposes for an event or activity to supplement permanent parking spaces.

Owner. The real party in interest in a property or the holder of record title to the property.

Owner-Operator. An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in a site to exert direct control over its use, development, and day-to-day operations.

Owner-Operator Truck Parking. Parking or keeping of trucks, semi-trucks, truck trailers, or trailers by the owner or operator. Excluded is the parking or keeping of trucks and trailers for third parties.

Packing Shed. A structure used for preparing harvested fruits, vegetables, and/or nuts from the farming site for private or commercial use. Operations typically associated with a packing shed include removal of unmarketable materials, storage, sorting by maturity and/or size, grading and packaging. Packing sheds that exceed 5,000 square feet are classified as a facility for Agricultural Industry and regulated as that use type.

Parcel. See Lot.

Parcel Map. The map and recording instrument for minor subdivisions of land and other subdivisions described in the Subdivision Map Act.

Parking Attendant. A person who is dedicated to managing and directing traffic during a marketing event, industry event, wine release event, or accessory winery event at a winery or off-site wine cellar, to ensure there is no parking on highways, public or private streets, or neighboring properties.

Parking Lot. An open area, other than a street, used for the parking and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

Parking Space or Stall. A space within a building, lot, or parking facility for the parking or storage of one automobile.

Parkway. The area adjoining the outer edge of the roadbed, extending to the right-of-way line in which sidewalks, plantings, utilities, bank slopes, and related facilities may be located.

Pasture. A lot, or portion of a lot, used for the grazing and confinement of animals.

Pathway. A pathway is a public facility designed for use by pedestrians, animals, and bicyclists and that is not for use by motor vehicles.

Pedestrian Way. A right-of-way designed for use by pedestrians and not intended for use by motor vehicles.

Peak Hour. The hour when the greatest daily traffic volume occurs; this generally happens during morning and afternoon commute times.

Pen. A small enclosure for animals.

Permanent Residency. A residence that is occupied for at least 90 days a year.

Permitted Use. Any use that is allowed in a zone without a requirement for approval of a use permit, but subject to any restrictions applicable to that zone or use.

Person. An individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, group, or combination acting as a unit.

Pet Grooming and Training. Facilities used for occasional grooming and training of cats and dogs.

Planning Commission. The Planning Commission of San Joaquin County.

Planting Strip. The area between the curb, or in the case where there is no curb the edge of the roadway and the abutting property line, that is not improved by surfacing intended for the use of pedestrians, is designed to separate the sidewalk from the roadway or to prevent access to abutting properties and is planted with trees or other landscape materials.

Pollution, Water. An alteration of the quality of the waters by waste to a degree that affects:

- (a) The value of such water for beneficial uses; or
- (b) Facilities that serve such beneficial uses.

Portland Cement Concrete. A commercially premixed surfacing material using a cement powder and water binding agent poured on top of a base material such as aggregate or sand.

Poultry Ranch or Farm. A facility for the keeping or raising of game fowl or poultry, ostriches, and other ratites.

Pre-existing. In existence before the effective date of the ordinance updating this Title

Premises. A structure or structures and land that is owned, leased, or otherwise controlled and used for a specific purpose or activity.

Prepackaged Food. Any properly labeled food, prepackaged by the manufacturer to prevent any direct human contact with the food product.

Private Rights-of-Way. Any of the following:

- (a) Any right-of-way offered for dedication that has not been accepted by the County.
- (b) A legally established private easement for access.
- (c) A navigable waterway.
- (d) Roads shown on antiquated subdivision plats that are not County-maintained roads.
- (e) Public roads for which there are not legally established rights-of-way or easement.

Process Equipment. Equipment used in the research, development, or production of manufactured products such as heaters, furnaces, reactors, incinerators, vaporizers, steam generators, boilers, pipes, ducts, pumps, pressure vessels, heat exchangers, compressors, and boilers.

Produce. Shell eggs and any fruit or vegetable in its raw or natural state.

Produce Stand. A food establishment that sells only produce, cut flowers, or shell eggs directly to the consumer.

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this Title. This term includes, but is not limited to, any action that qualifies as a "project" under the California Environmental Quality Act.

Protective Barrier. An exterior fence or wall, restricting direct access to an electrified security fence.

Protected Zone. An area commencing at a point outside the drip line of a native oak tree or heritage tree and extending inward to the trunk of the tree.

Public. A use or facility that is operated and/or maintained by governmental agency or by public utility.

Public Building. See Public Facilities.

Public Display of Fireworks. An entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks. Examples include fireworks displays at public venues, private venues, wineries, ballparks and schools.

Public Facilities. Any facility operated by a public entity, including but not limited to:

- (a) Public buildings, including schools and related facilities;
- (b) Sewage collection, treatment, and disposal facilities;
- (c) Facilities for the supply, storage, treatment, and distribution of nonagricultural water for municipal and industrial uses;
- (d) Facilities for the collection and disposal of storm waters for drainage and/or flood control purposes;
- (e) Facilities for the generation of electricity and the distribution of gas and electricity;

- (f) Transportation and transit facilities including, but not limited to, streets, roads, ports, airports, and related facilities;
- (g) Parks and recreation facilities;
- (h) Police stations and fire stations; and
- (i) Hospitals and medical centers.

Public Improvement Plan. A plan that includes descriptions, dimensions, profiles, specifications, and engineering estimates of improvement costs for on-site and off-site public improvements and all necessary details of the improvements proposed for installation or modification consistent with the County's Improvement Standards. Also known as an Improvement Plan.

Public Sanitary Sewer. Any sewage disposal system operated and maintained by any municipality, district, or public corporation.

Public Transit. A location, including but not limited to, a bus stop or train station where the public may access buses, trains, and other forms of transportation that charge a set fare and run on fixed routes

Public Water System. Any potable water supply system owned, operated, and maintained by a public agency, and approved by, or under the supervision of, a public health agency of the State of California or the County.

Pump/Pumphouse. A structure where one or more pumps for water supply or irrigation and their appurtenances are located, operated, and stored.

Qualifying Entity. A nonprofit public benefit (501(c)(3)) corporation or other appropriate legal entity operating in the County for the purpose of conserving and protecting land in agriculture. The County may be designated as a Qualifying Entity.

Qualified Nonprofit Corporation. A nonprofit corporation, qualifying for a federal tax exemption, that is organized and operated for the specific and primary purpose of building and rehabilitating single or multifamily residences for sale at cost to low-income families, with financing in the form of a zero-interest rate loan and without regard to religion, race, national origin, or the sex of the head of household.

Quarry Excavation. All, or part, of the process involved in the surface mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the

auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations includes, but are not limited to:

- (a) In place distillation or retorting or leaching; and
- (b) The production and disposal of mining waste.

Quarry, Idle. A quarry whose excavation operations have been curtailed for a period of one year or more by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those operations at a future date.

Rainy Season. The period of the year during which there is a substantial risk of rainfall, typically from November 1 to April 15.

Real Estate Sales. The sale, purchase, or exchange of real estate, including leasing or renting, by an individual, association, or corporation.

Rare and Endangered Species. A plant or animal species designated as rare, endangered, or threatened by the California Fish and Game Commission or the US Department of Interior Fish and Wildlife Service.

Reasonable Accommodation. Any deviation requested and/or granted from the strict application of the regulations and standards in this Title and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law. This term also includes accommodations for religious institutions.

Record Title Ownership. Either the fee title of record or, when a leasehold interest is to be divided, the ownership of record of the leasehold interest.

Recreation. Any activity, voluntarily engaged in, that contributes to the physical, mental, or moral development of an individual or group, including any activity in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports, athletics, or informal play.

Recreation Area. Any land, water, or combination thereof used for recreation.

Recreation Facility. Any building, structure, development, or improvement constructed or used for recreational purposes, whether or not located in a recreation area.

Recreation, Commercial. Any recreation area or facility under the control of an individual, group, association, corporation, club, or fraternal organization and open to the public.

Recreation, Private. Any recreation area or facility operated and controlled by an association, corporation, or nonprofit group and limited to members or owners and their guests.

Recreation, Public. Any recreation area or facility controlled by a public authority.

Recreational Vehicle. A motorhome, travel trailer, truck camper, camping trailer, boat, or boat trailer with or without motive power, designed for human recreational use only, that:

- (a) Contains less than 320 square feet of internal living room area, excluding built-in wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
- (b) Contains no more than 400 square feet when measured at the largest horizontal projection;
- (c) Is built on a single chassis and designed to be either self-propelled, truck-mounted or permanently towable by a light-duty truck; and
- (d) Is designed primarily as a temporary living quarters for recreational, camping, travel, or seasonal use and not for use as a permanent dwelling.

Recreational Vehicle Park. Any parcel of land composed of a lot or contiguous lots used, designed, or intended as a campground to accommodate recreational vehicles.

Recreational Vehicle Site or Space. Any portion of a recreational vehicle park designated or used for the occupancy of one recreational vehicle.

Recycling. The process by which waste products are reduced to raw materials and transformed into new and often different products. Recycling may include redirecting or utilizing a hazardous waste and recovery of resources from a hazardous waste.

Residence, Primary. A dwelling unit intended for occupancy by a family, excluding accessory dwelling units, second unit dwellings, guest houses, and farm labor housing.

Residential. Places where people live and sleep, including single-unit dwellings, duplexes, multi-unit dwellings, group quarters, hotels and motels, residential care facilities, convalescent hospitals, and rest homes.

Residential Development. A project containing residential dwellings, including mobile homes, or a subdivision for residential dwelling units.

Residential Solar Energy System, Small. A solar energy system that is install on the rooftop of a single unit dwelling or duplex dwelling and is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

Residual Repository. A hazardous waste disposal facility for collection of residuals from hazardous waste treatment facilities and other irreducible, stabilized, or detoxified hazardous wastes.

Resource Recovery. The reclamation or salvage of wastes for reuse, conversion to energy, or recycling. Resource recovery does not include automotive wrecking yards or junkyards.

Retailer License. A license issued by the County to sell cannabis to qualified individuals.

Retention Basin. A drainage pond with no outlet facilities for terminal drainage that is capable of storing stormwater runoff volume for a specified time.

Review Authority. The decision-making body or official responsible for approving, approving with conditions or denying an application for a subdivision or map approval or a development project or interpreting, implementing, and enforcing this Title. The Review Authority includes:

- (a) Board of Supervisors;
- (b) Planning Commission;
- (c) Director of the Community Development Department;
- (d) Zoning Administrator; and
- (e) Community Development Department.

Ridge Line. The intersection of two roof surfaces forming the highest horizontal line of the roof.

Right-of-Way. An easement for the use of roads, water and wastewater facilities, flood and drainage works, overhead and underground utilities, or any related improvements.

Riparian Corridor. A strip or generally contiguous area of riparian habitat.

Riparian Habitat. The banks and other terrestrial environs of freshwater bodies, watercourses, estuaries, and surface waters where mesic vegetation grows.

Riparian Woodland. A riparian habitat characterized by trees 20 feet or taller that compose the dominant vegetation element of the plant community.

Road. A street or highway along with all slopes, shoulders, side ditches, curbs, gutters, sidewalks, and all other related facilities within the right-of-way. The terms streets, roads, roadways, and highways are used interchangeably.

Road, Part-Width. Any street in which the improved width is less than the width necessary for a normal full-width street.

Road, Private. A roadway within a private development or planned development where the street improvements remain in private ownership.

Road, Public. Any road that is open for unrestricted travel by the general public. A public road may or may not be dedicated to or maintained by the County.

Road System. The classification in the General Plan of streets and highways by their diverse functions and design. The following is a hierarchy of roads in the County.

Rural Road. A two-lane undivided road providing access to agricultural properties and connecting rural communities with each other and the urban communities.

Rural Residential Road. A two-lane undivided road providing access to rural residential lots.

Local Residential Road. A two-lane undivided road providing direct access to abutting residential lots.

Local Commercial/Industrial Road. A two-lane undivided road providing direct access to commercial and industrial properties.

Collector Road. A two-lane undivided road that funnels traffic from local residential, commercial, and industrial roads to arterial roads.

Minor Arterial. A four-lane undivided road with access limited to abutting commercial, industrial, and multi-family properties only.

Principal Arterial. A multi-lane divided road with major access to abutting property limited to major commercial and industrial developments.

Expressway. A multi-lane divided roadway providing no direct access to abutting properties that is designed to carry through traffic with minimum interference with adjacent development. Intersections are limited to freeways, arterials, and rural roads.

Freeway. A multi-lane divided highway providing no access to adjoining property that is designed to accommodate high speed, high volume, through traffic and traffic between urban areas. Freeways connect to the local road system at interchanges with arterial roads and with some rural roads in rural county areas.

Roadbed. That portion of the road between curb-faces or between the outside line of improved shoulders.

RWQCB. The Regional Water Quality Control Board created by the Porter-Cologne Water Quality Control Act.

Salute Fireworks. Fireworks designed to produce an explosive sound as their primary effect, such as "aerial salutes" and "ground salutes" as defined in the California Fire Code.

Sanitary Disposal of Process Water. An approved and permitted method of disposal for wastewater generated from onsite operations or processes.

Sanitary Landfill. A disposal site employing an engineered method of disposal of solid wastes that minimizes environmental hazards by spreading, compacting to the smallest volume practical, and applying cover material over all exposed wastes.

School Districts. School districts located in whole or in part within the unincorporated areas of the County.

Screening. A wall, fence, hedge, informal planting, or berm provided to buffer a building or activity from neighboring areas or from the street.

Seal, Sanitary. A grout, mastic, or mechanical device used to make a watertight joint between the pump and casing or the concrete base.

Seasonal Sales. The retail sale of seasonal products, such as food during or after the growing season, Christmas trees, pumpkins, and live plants, for a limited time period.

Second Unit Dwelling. Second unit dwellings are now considered and regulated as Accessory Dwelling Units.

Sediment. Any material transported or deposited by water, including soil debris or other foreign matter.

Seepage Pit or Vertical Drain. A pit extending into porous stratum, other than a subterranean water bearing stratum, that is filled with rock for the purpose of receiving wastewater.

Semi-truck. See Combination Truck.

Senior Citizen. A person at least 62 years of age, or a person at least 55 years of age who meets the qualifications in Section 51.3 of the California Civil Code.

Septic System. An on-site wastewater disposal system utilizing a septic tank for wastewater processing and a subsurface drainage system for the disposal of treated effluent.

Septic Tank. A watertight receptacle that receives the discharge of a building drainage system and is designed and constructed to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge into the soil outside the tank through a sub-surface drainage system.

Servants' Quarters. A dwelling unit intended for occupancy by a person employed as a household servant that is attached to the primary residence and does not exceed 25 percent of the floor area of the primary residence.

Setback Line. A line representing the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which a principal structure or accessory structure must be erected or placed.

Sign. Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising, directing attention, or identifying any establishment, product, goods, services, or entertainment. Graphics, artwork, and seasonal decorations that do not relate to the use of a site or structure are not considered signs.

Sign-Related Terms.

A-Frame Sign. A temporary freestanding sign that is composed of two panels hinged at the top and capable of standing on its own frame without external support or attachment. Sandwich board sign and sidewalk sign have the same meaning as A-Frame sign.

Abandoned Sign. A sign that:

- (1) has not been used for a period of 12 months; or

(2) was erected for an occupant or business unrelated to the present occupant or business; or

(3) relates to an event or purpose which no longer exists.

Advertising Display, Outdoor. A sign that directs attention to a business, profession, commodity, service or entertainment that is conducted, sold, or offered elsewhere than the lot where the sign is located. Also known as an Outdoor Advertising Sign or a Billboard.

Awning Sign. A sign painted, printed, stenciled, sewn, or stained into the surface of an awning or canopy.

Banner Sign. A sign that is painted or printed on lightweight flexible material and hung from a staff or other device by ropes, wires or similar means in a manner to minimize movement. A banner sign may be temporary or permanent. This definition includes feather banners.

Changeable Copy. A sign that is constructed or designed to allow for periodic changes of copy. Examples include signs for an auditorium, theater, school, church, meeting hall, or similar uses characterized by public assembly and changing programs or events, or gas station prices. This definition does not include animated signs, digital displays, or electronic signs.

Clearance of Sign. The smallest vertical distance between grade and the lowest point of any sign, including any structure or framework extending over the grade.

Commercial Message. A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discussion in the marketplace of goods and services.

Commemorative Sign. A sign designed to recognize or observe a significant historical or memorial event.

Construction/Development Sign. A sign announcing a future use of the site and identifying businesses affiliated with the project, such as architectural, engineering, or construction firms.

Copy Area of Sign. The area of the sign in which copy appears.

Digital Display. A method of displaying a visual image that uses liquid crystal cells, other types of light emitting diodes (LEDs), or their functional equivalent to allow for the message or image to be easily changed. This definition applies to signs displaying a series of still images and to laser-projected signs.

Electronic Message Center Sign. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed.

Electronic Sign. A sign that is capable of presenting variable message displays by projecting an electronically controlled pattern. See also Digital Display.

Exempt Sign. A sign which may be legally displayed, erected, or maintained, but is not subject to review and approval pursuant to this Division.

Externally Illuminated Sign. Any sign that is lit by a light source that is external to the sign directed towards and shining on the face of the sign.

Face. That portion of a sign upon which the copy is mounted or displayed.

Flag. A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol, which is capable of movement, or fluttering in moving air or wind.

Freestanding Sign. A sign that is self-supporting on the ground and is in no part supported by a permanent structure. This term includes pole signs and monument signs.

General Advertising for Hire. The advertising or promoting of other businesses, establishments, or causes using methods of advertising, typically for a fee or other consideration but not always, in contrast to self-promotion or on-site advertising.

Height of Sign. The vertical distance measured from the highest point of the sign to the grade immediately beneath the sign.

Illegal Sign. A sign that was installed contrary to the laws and ordinances in effect at the time of its installation or that is unsafe, poses a danger to the public, or is a traffic hazard.

Indirectly Illuminated Sign. A sign with an external light source that is separate from the sign face or cabinet and is directed to shine solely on the sign.

Inflatable Sign. A form of inflatable device that includes a commercial or non-commercial message or commercial mascot displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside of a building. This sign type includes balloon signs.

Institutional/Public Sign. A sign erected and maintained for municipal and regulatory purposes or to identify schools, hospitals, historical sites, public services, or other public institutions, or to identify public service events, such as festivals and spectacles.

Internally Illuminated Sign. A sign with an internally concealed light source within the sign or sign structure.

Mansard Sign. A sign attached below the deck line or principal roofline of a mansard roof or similar roof-like façade.

Marquee Sign. A sign attached in any manner to, made part of, or painted on a hood or permanent construction that projects more than 18 inches from the wall of the building to which it is attached, usually above the entrance.

Master Sign. A sign that identifies a multi-tenant development project.

Master Sign Plan. A comprehensive plan for signage for a commercial, mixed use, office, or industrial project to establish a coordinated theme of design elements, such as color, lettering style, and placement that creates an identity for the project. Signage may vary from the standards in this Title pertaining to maximum height, area, setbacks, placement on buildings and other locational requirements

Monument Sign. A sign anchored to or attached at grade.

Noncommercial Message. A message or image on a sign, or portion of a sign that is not a commercial message. See Commercial Message.

Nonconforming Sign. A sign that was legally installed under the ordinances and law in effect at the time but is now in conflict with the provisions of this Title.

Off-premises Sign. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

On-premises Sign. A sign that directs attention to a business, community, service, or entertainment conducted, sold, or offered on the premises.

Pennant. Any lightweight plastic, fabric, or other material designed to move in the wind and attract attention. Flags and banners are not included in this definition.

Pole Sign. A sign mounted on a pole or other support so that the bottom edge of the sign face is at least five feet above grade.

Political Sign. A sign used in connection with local, state, or national elections, campaigns, or referendums.

Portable Sign. A sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Produce Sign. A sign associated with farm produce stands.

Projecting Sign. A sign attached to and projecting from a building wall.

Pylon Sign. A freestanding sign that is supported and in direct contact with the ground, monumental structures, or pylons, and that typically has a sign face with a vertical dimension that is greater than its horizontal dimension.

Readerboard Sign. A sign structure or mounting device on which at least a portion of the face may be used for changeable copy.

Real Estate Sign. A sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Residential Identification Sign. A sign identifying a subdivision, condominium complex, or other residential development.

Roof Sign. A mounted or painted on a building roof or parapet, or which is wholly dependent on a building for support and projects above the roof eave.

Sign Area. The entire area within a single, continuous, rectangular perimeter enclosing the extreme limits of writing, representation, emblem, or figure of similar character, together with any frame or other material

or color forming an integral part of the display or used to differentiate such sign from its surroundings.

Sign Copy. Words and symbols found on the sign surface, either in permanent, removable, or electronically changeable form.

Sign Exclusions. "Sign exclusions" are items that are not signs and are excluded from the definition of sign:

Architectural Features. Decorative or architectural features of buildings (not including lettering, trademarks, or moving parts), that do not perform a communicative function; foundation stones, cornerstones, architectural lighting;

Cemetery Markers. Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased;

Certain Insignia on Vehicles, Boats, and Vessels. On vehicles, boats, and vessels as defined in the Code Title 4, Division 4, Chapter 1: license plates, license plate frames, registration insignia, non-commercial messages, and messages relating to the business of which the vehicle, boat, or vessel is an instrument or tool;

Fireworks. The legal use of fireworks otherwise regulated by this Code; and

Symbols Embedded in Architecture. Non-commercial messages permanently integrated into the structure of a permanent building, including windows, doors, or walls.

Sign Maintenance. The normal care needed to keep a sign functional, such as cleaning, painting, replacing, or repairing parts or portions of a sign made unusable by ordinary wear, tear, or damage, or the reprinting of existing copy.

Sign Structure. A structure intended for supporting, bracing, or containing a sign.

Special Events/Holiday Sign. A temporary sign announcing a special event associated with the premises, a community, or holiday.

Supplemental Tenant Sign. A projecting sign over a pedestrian walkway that is designed to inform pedestrians of either a product sold or the name of individual shops.

Temporary Sign. Any sign, banner, pennant, valance or display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other like materials, with or without a frame, and any other type of sign not permanently attached to the ground or a structure, that is intended to be displayed for a limited period of time only.

Tenant Sign. A sign that identifies an individual tenant space in a development project.

Traffic Sign. A sign pertaining to official traffic control and safety.

Utility Sign. A sign identifying conduits, cables, danger, and/or providing service or safety information.

Wall Sign. A sign painted on, or attached parallel to, a building wall.

Wind Sign. A display of streamers, pennants, whirligigs, windsocks, or similar devices designed to move in response to air pressure. Banner signs and flags are not wind signs.

Window Sign. A sign painted on or attached to a window and intended to be viewed principally from outside the business.

Silo. A tower or pit on a farm used to store grain or silage.

Single Tone Noise. Noise that is distinctly audible as a single pitch (frequency) or set of pitches.

Site. A lot, or group of contiguous lots, that is proposed for development and is in a single ownership or under unified control.

Site, Excavation or Grading. Any site where excavation or grading is to be performed or has been performed.

Slope. An inclined ground surface, the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

Slope Stability. The maximum stable inclination of an unsupported slope under the most adverse conditions that it will likely experience.

Small-scale Accessory Winery Event. An event hosted by the on-site winery or off-site wine cellar and that includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, the winery, or an off-site wine cellar. Small-scale accessory winery events may include, but are not limited to, wine club activities and wine education seminars and include wine

tasting and the sale of wine. They do not include events where the facility is rented (or otherwise made available) to a second party.

Small Lot Single-Unit Development. Detached single-unit dwellings located on lots less than 5,000 square feet in area.

Snipe. The triangular area formed at the intersection of either a) the projection of the right-of-way lines of two streets or b) the projection of the right-of-way of a street and a driveway whose sides are approximately equal distance from the intersection of the street lines or street and driveway lines.

Soil. All earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock which can be excavated readily by mechanical equipment.

Soils report. A soils report prepared by a soils engineer, which identifies the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Solar energy system. A system of photo-voltaic cells, panels or arrays and accessory structures designed to collect and convert solar power into energy for on-site or off-site use

Solid Waste. Any unwanted or discarded material, including garbage, with insufficient liquid content to be free flowing.

Solid Waste Facility. A disposal facility, disposal site, or solid waste transfer/processing station.

Source Capacity. The maximum amount of water that can be reliably provided by a water source. In most cases, the source capacity must be at least equal to the maximum day demand.

Special Events and Sales, A temporary indoor or outdoor event that may include activities, exhibits, and sales.

Special Indoor Event. Any temporary event or activity generally attracting large numbers of people, that is conducted within a structure, is subject to compliance with specific Uniform Building and Fire Code requirements and is not separately defined as an allowable temporary use in the zoning regulations.

Special Outdoor Event. Any temporary event or activity generally attracting large numbers of people, requiring the importation of temporary facilities, such as portable bleachers, food stands, and portable toilet facilities, conducted out-of-doors and not separately defined as an allowable temporary use in the zoning regulations.

Specific Plan. A plan for all or part of the area covered by the General Plan that is prepared to implement the General Plan pursuant to the provisions of Government Code, Section 65450 et seq.

Stable, Boarding. A structure for the feeding, housing, and exercising of horses not owned by the owner of the premises.

Stable, Private. A structure for the keeping of horses owned by the occupants of the premises and operated other than for remuneration, hire, or sale.

Stacking Distance. The private driveway distance from the right-of-way edge of pavement to the first point of cross traffic (intersection or parking stall).

Start of Construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. For an improvement to an existing structure, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State. The State of California.

Statement of Expense. An itemized statement explaining all enforcement costs incurred by the Enforcement Official and any other County Department in abating any violation of this Title that the Enforcement Official seeks to recover.

Stationary Noise Source. Any fixed or mobile noise source not preempted from local control by existing Federal or State regulations, including, but not necessarily limited to, industrial and commercial facilities, and vehicle movements on private property.

Stock Cooperative. A development in which a corporation is formed or availed of, primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders

of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation.

Storage Building, Private. An accessory structure designed to permit the storage of personal goods and materials.

Storage Building, Public. A commercial facility open to the public whose buildings are designed to permit the storage of personal goods and materials, boats and recreational vehicles.

Storage Structure. An open or enclosed structure used to store equipment, feed, grain, supplies, tools, or vehicles used in a commercial, industrial, or agricultural activity or for personal use.

Stormwater Runoff. Water that results from precipitation that is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and flows over the ground surface.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above.

Story, Half. A story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

Street Frontage. That portion of a lot that faces an abutting street, road, path or public right-of-way (but not freeway).

Streets and Highways Code. The Streets and Highways Code of the State of California.

Stub Street. A street open at one end only, without permanent provisions for turning around.

Structural Alteration. Any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Accessory Structure. A detached subordinate structure used only as incidental to the main structure on the same lot.

Primary or Main Structure. A structure housing the principal use of a site or functioning as the principal use.

Temporary Structure. A structure without any foundation or footings, and which is intended to be removed when the designated time, activity, or use for which the temporary structure was erected has ceased.

Subdivider. A person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or herself or for others, except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."

Subdivision. The division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes. Subdivision includes a condominium project, a community apartment project, or the conversion of five or more existing dwelling units to a stock cooperative.

Subdivision Map Act. Title 7, Division 2 of the Government Code of the State of California, as amended.

Subdivision Sales Office. An office, which may be freestanding or within a building with other uses, where lots and buildings in subdivisions are offered for immediate or future sale or rent.

Subsequent Permit. Any permit required subsequent to receiving a ministerial approval or a qualifying housing development through a Zoning Clearance, including a grading permit, building permit, or encroachment permit.

Substantial Damage. A damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the replacement value of the structure before the damage occurred.

Substantial Deposits. A deposit at the site of mineral resources with a minimum gross selling price value of at \$5,000,000.

Substantial Improvement. A reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the replacement value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

Subsurface Boring. Any subsurface soil boring that is drilled or driven for testing or logging strata or to obtain data from the underground.

Supportive Housing. Dwelling units with no limit on length of stay that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Act (Division 4.5 of the Welfare and Institutions Code) and that are linked to onsite or offsite services that assist supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community and where no onsite medical care is provided. Supportive housing may be provided in a multi-unit dwelling or a group residential facility. Facilities may operate as licensed or unlicensed facilities.

Surface Water. Rivers, creeks, sloughs, irrigation ditches, irrigation conduits, drainage ditches, and natural or unnatural impoundments.

Swimming Pool & Equipment. A structure built into the ground or above ground that is designed to hold water for swimming or other leisure activities. Ancillary facilities may include a diving board and storage area.

Swine. A pig or a hog eight weeks of age or older.

Tandem Parking. A type of parking where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Target Population. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Temporary Real Estate Sales. Offering buildings or land or individual dwelling units for sale, lease, or rent by real estate brokers or salespersons or by the property owner or leaseholder.

Temporary Structure. A structure or building without any foundation or footing, such as a portable office, shed, trailer, tent, or enclosure, erected for commercial or business purposes or for personal use, which is intended for temporary occupancy for a limited period of time after which it will be removed.

Temporary Work Trailer. A trailer transported to a worksite for use as an on-site mobile office or for storage of construction materials and equipment for a limited period of time.

Tentative Map. A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

Tentative Parcel Map. A map made for the purpose of showing the design and improvements of a proposed division of land into four or fewer parcels and the existing conditions in and around it.

Terminal Drainage or Terminal Drain. A storm drainage system or a portion thereof which conveys storm runoff into a terminal waterway.

Terminal Waterway. A natural or man-made channel which has the capacity to contain a 50-year storm and which, by gravity, carries storm water ultimately to the ocean.

Terrace. A relatively level step constructed in the face of a graded slope surface for drainage, maintenance, or other purposes.

Testing Laboratory License. A license issued to a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products.

Topsoil. The upper part of the soil profile that is relatively rich in humus, known in agronomy as the A-horizon.

Towing Service. A commercial service in which a truck is used to tow or transport another vehicle.

Townhouse Development. A group of two or more attached units where each unit has its own front access and individual garage, and no unit is located over another unit.

Transfer Station. Any waste facility where hazardous wastes are loaded, unloaded, pumped, or packaged.

Transfer/Processing Station. A facility utilized to receive solid wastes; to temporarily store, separate, convert, or otherwise process the materials in the solid wastes; or to transfer the solid wastes directly from smaller to larger vehicles for transport. Transfer/processing station does not include any facility whose principal function is to receive, store, separate, convert, or otherwise process manure or wastes that have already been separated for reuse and are not intended for disposal.

Transit Corridor. A transportation corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

Transitional Housing. Dwelling units configured as rental housing but operated under program requirements that require the termination of assistance and re-circulating of the assisted unit to another eligible program recipient at a pre-determined future point in time. Transitional housing may be designated for homeless or recently homeless individuals or families transitioning to permanent housing as defined in Section 50675.2 of the California Health and Safety Code. Facilities may be linked to on-site or off-site supportive services designed to help residents gain skills needed to live independently.

Transportation Noise Source. Noise from traffic on public roadways, railroad line operations and aircraft in flight.

Traveled-Way. That portion of the road for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Treatment. Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste in order to neutralize such waste, to recover energy or material resources from the waste, or to render such waste nonhazardous or less hazardous; to make it safer to transport, store, or dispose of; or to make it amenable for recovery, amenable for storage, or reduced in volume.

Treatment Facility. Any facility at which hazardous waste is subjected to treatment or where a resource is recovered from a hazardous waste.

Tributary Watershed. The area that contributes storm water runoff to a given point.

Truck, Heavy. A commercial truck with a gross vehicle weight over 26,000 pounds.

Truck, Light. A commercial truck with a gross vehicle weight of 10,000 pounds or less.

Truck, Medium. A commercial truck with a gross vehicle weight of 10,001 to 26,000 pounds.

Truck Parking. The parking, storing, or keeping of trucks, semi-trucks, truck trailers, or trailers, excluding the transferring, storing, assembling, or sorting of cargo.

Truck Terminal. An area and buildings used by motor freight vehicles or trucks of common carriers for purposes of transferring, storing, assembling, and sorting cargo or for purposes of storing and maintaining the trucks used for such purposes on a regular basis.

Truck Trailer. A vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and constructed so that some part of its weight and that of its load rests upon, or is carried by, another vehicle, or a vehicle designed to carry persons or property on its own structure and to be drawn by a motor vehicle constructed so that no part of its weight rest upon any other vehicle.

Urban Area. An area that meets minimum population density requirements established by the U.S Census Bureau, along with adjacent land containing non-residential urban land uses. An urban area must encompass at least 50,000 people.

Urban Cluster. An area established by the U.S. census Bureau with residential, commercial, and other non-residential uses with at least 2,500 and less than 50,000 people.

Urban Use. A residential, commercial, industrial, institutional, public or civic use in an urban area.

Use. The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

Accessory Use. A use that is customarily associated with, and is incidental and subordinate to, the primary use, is located on the same lot as the primary use and occupies no more than 30 percent of the gross floor area.

Incidental Use. A secondary use of a lot and/or building that is located on the same lot but is not customarily associated with the primary use.

Primary Use. A primary, principal or dominant use established, or proposed to be established, on a lot and that occupies at least 70 percent of the gross floor area of the tenant space or building.

Use Permit. A discretionary permit, such as an Administrative Use Permit or a Conditional Use Permit, that provides for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, that are not permitted "as-of-right" but may be approved upon completion of a review process and, where necessary, the imposition of conditions of approval.

Use Type. A category that classifies similar uses based on common functional, product, or compatibility characteristics.

Variance. A discretionary permit allowing a departure from specific provisions of a zoning ordinance such as setbacks, side yards, frontage requirements, and lot size, but not involving the actual use or structure, thus relieving a property owner from strict adherence to development standards when some special circumstances exist which deprive the property owner from developing the property in a manner enjoyed by similar properties.

Vegetation removal. The cutting, breaking, burning, or uprooting of vegetation, the application of herbicide to vegetation, the covering over of vegetation with earth, or the compacting of the soil under and around vegetation. Vegetation removal does not include removal of invasive plant species.

Vehicle. A device by which any person or property may be propelled, moved, or drawn, not including a device drawn by human power or used exclusively upon stationary rails or tracks.

Vehicle, Heavy Duty. A vehicle with a gross vehicle weight that is over 8,500 pounds.

Vendee. A person, corporation, or other legal entity to whom real property is sold. The buyer of real property.

Vernal Pool. A shallow depression in poorly drained soil that fills with water during rain, gradually shrinks in the spring, usually dries out in the summer, and often supports a unique population of organisms.

Very Low Income. A household earning less than 50 percent of the area median income (AMI).

Vesting Tentative Map. Any tentative map that, when filed with the County, has conspicuously printed on its face the words "Vesting Tentative Map."

Veteran. A person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable or who graduated from one of the military service academies.

Vineyard. Land that contains grapevines producing a wine grape crop capable of being harvested and then sold for processing.

Visible. Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

Wall. Any vertical exterior surface of building or any part thereof, including windows.

Waste. Sewage and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to and for purposes of disposal.

Waste Disposal Facilities. Facilities used or intended to be used for the transport, treatment, or disposal of wastewater.

Wastewater. Water that includes waste substances, liquid or solid, associated with human habitation, or contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

Wastewater Disposal, On-Site. The treatment and disposal of wastewater within the confines of the same parcel of land as the development. This may include a septic system or other acceptable treatment method.

Wastewater Disposal System. A facility used or intended to be used for the collection, transport, treatment, and disposal of wastewater.

Wastewater Treatment Plant. Those lands, structures, and equipment necessary for the processing and disposal of wastewater. A septic tank is not a wastewater treatment plant.

Water Main or Water Line. A water supply pipe conveying potable water for public use.

Water Quality. The chemical, physical, radiological, and biological characteristics of water with respect to its suitability for a particular purpose. The same water may be of good quality for one purpose or use, and bad or poor for another, depending upon its characteristics and the requirements for the particular use.

Water Source. Either groundwater or surface water used to supply water.

Water Storage Facility. A natural or constructed facility for holding water in a contained area for a period of time. The facility may be used for storing portable water for consumption or non-potable water for use in agriculture.

Water System. Wells, pumps, tanks, filters, water treatment equipment, valves, water mains, water service lines, fire hydrants, fire hydrant piping, and all appurtenances to the system.

Watercourse. Any natural or manmade channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay, or storage of waters, and which functions at any time to convey or store storm-water runoff.

Welfare and Institutions Code. The Welfare and Institutions Code of the State of California.

Well. A deep hole or shaft, dug or drilled.

Abandoned Well. A well whose use has been permanently discontinued or which is in such a state of disrepair that no water can be produced.

Destroyed Well. A well that has been properly filled so that it cannot produce water nor act as a vertical conduit for the movement of ground water.

Dewatering Well. A well installed for the purpose of dewatering an excavation during construction or any other purpose to lower the water table.

Domestic Water Well. A water well that is used or intended to be used for domestic needs.

Extraction Well. A boring or well constructed for the purpose of extracting contaminants from the soil or ground water.

Geophysical Well. A well used for testing or logging strata or to obtain data from the underground.

Injection Well. Any bored, drilled, or driven shaft, dug pit, or hole in the ground into which waste or fluid is discharged, the depth of which is greater than the circumference of the shaft, pit, or hole, and any associated subsurface appurtenances.

Monitoring Well. A well constructed to monitor the ground water quality.

Pit Well. An excavation in which the well head or top of well casing is installed below the ground surface.

Recharge Water Well. A well constructed to introduce water into the underground as a means of replenishing ground water basins.

Sewer Well. This term includes:

- (1) Any hole dug or drilled into the ground and intended for use as a water supply and which has been abandoned and is being used for the disposal of sewage; and
- (2) Any hole dug or drilled into the ground and used or intended to be used for the disposal of sewage or wastewater and extending to or into a subterranean water bearing stratum that is used, may be used, or is suitable for a source of water supply for domestic purposes.

Windfarm. A facility which cultivates wind for the purposes of energy production.

Wind Energy System, Commercial. A wind driven machine that converts the kinetic energy in the wind into electrical energy for sale for off-site use.

Wind Energy Generator, Private. A wind driven machine that converts the kinetic energy in the wind into electrical energy for the primary purpose of on-site use and incidental sale to an electric utility for off-site use.

Windmill. A wind driven machine which converts the kinetic energy in the wind into mechanical energy for the purpose of on-site use.

Wine Cellar, Off-Site. A type of bonded premises that is located on a parcel or parcels of land under the same ownership with a vineyard, and where wine made from the grapes of the vineyard(s) is stored.

Wine Cellar, On-Site. A type of bonded wine premises that is located on the same parcel or parcels of land as a boutique, small, medium, or large winery. Wine produced at the winery may be stored in the wine cellar.

Wine Premises, Bonded. A place that is bonded by the Bureau of Alcohol, Tobacco and Firearms where wine related production operations occur.

Wine-Related Production Operation. Any of the component activities and structures that are needed to produce a bottle of wine, such as crushing, pressing, fermenting, clarifying, aging, bottling, labeling, storing and distribution.

Wine Release Event. An event hosted by the winery or off-site wine cellar that includes the congregation of persons for the purpose of releasing wines produced by the permitted facility and providing an opportunity for wine club members to pick up their wine. Wine release events may be open to the public. Excluded are events where the facility is rented (or otherwise made available to) a second party.

Wine Tasting Room. An individual structure dedicated for the tasting of wine or an area within a multipurpose structure that is used for tasting wine and for retail sales of wine related products.

Winery. A bonded wine premises that is composed of an agricultural processing facility where the primary purpose is to produce wine on-site by fermenting grape juice that results in an alcoholic beverage ready for consumption. A winery includes crushing, fermenting, bottling, blending, and aging of wine and may include shipping, receiving, tasting room(s), laboratory equipment, maintenance facilities, conference rooms, and sales and administrative offices.

Large Winery. A winery that has a minimum annual production capacity of more than 555 tons of grapes or 100,000 gallons of wine.

Medium Winery. A winery that has an annual production capacity of 201 to 555 tons of grapes or approximately 36,001 to 99,999 gallons of wine.

Small Winery. A winery that has a maximum annual production capacity of 200 tons of grapes or approximately 36,000 gallons of wine.

Winery Tours. Any supervised visit at a winery facility for educational purposes. It may be held for private individuals, for employees, for members of the trade or for members of the public.

Wireless Communications-Related Terms.

Accessory Equipment. Any equipment installed, mounted, operated, or maintained in close proximity to a personal wireless telecommunication facility to provide power to the personal wireless telecommunication facility or to receive, transmit or store signals or information received by or sent from a personal wireless communication facility.

Antenna. Any system of poles, panels, rods, reflecting discs, wires or similar devices used for the transmission or reception of electromagnetic signals, including, but not limited to radio waves and microwaves. An antenna does not include the support structure the antenna(s) is mounted upon.

Antenna, Amateur Radio. An antenna operated by a federally-licensed amateur radio operator.

Antenna, Ground-Mounted. An antenna that is not mounted on a pole, a structure, or the roof or wall of a building.

Antenna, Panel. An antenna shaped like a panel that is usually one-directional and is attached to a mounting bracket, which may then be affixed to a building or other structure such as a pole.

Antenna, Satellite Earth Station. An antenna designed and used to receive and/or transmit radio frequency signals directly to and/or from orbiting communications satellites.

Antenna Array. A group of antennas with dimensions, spacing, and illumination sequence arranged and interconnected so that the fields for the individual elements combine to produce a maximum intensity in a particular direction and minimum field intensities in other directions.

Antenna Structure. An antenna array and its associated support structure, such as a pole, mast, or tower, but not including a suspended wire antenna.

Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network¹. This definition does not encompass a tower, or any equipment associated with a tower. A base station includes, without limitation:

- (i) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

¹ As an illustration and not a limitation, this definition refers to any structure that supports wireless equipment even though it was not originally intended for that purpose. Examples include, but are not limited to, wireless facilities mounted on buildings, utility poles and transmission towers, light standards, or traffic signals. A structure without wireless equipment replaced with a new structure designed to bear the additional weight from wireless equipment constitutes a base station.

- (ii) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
- (iii) Any structure other than a tower that supports or houses wireless communications equipment.

Camouflaged Facility. A wireless communications facility located and designed so as to be of minimal visibility, such as being incorporated within an architectural feature such as a steeple or parapet, or in the open but disguised as a tree or other natural feature so that the antenna and supporting antenna equipment are either not readily visible beyond the property on which they are located, or, if visible, appear to be part of the existing landscape or environment rather than identifiable as a wireless communication facility.

Collocation. The sharing of a wireless telecommunications support structure between two or more service providers, including the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Co-Location. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, including the location of two or more wireless communications facilities on a single support structure or otherwise sharing a common location. Co-location also includes the location of wireless communications facilities with other facilities such as buildings, water tanks, light standards, and other utility facilities and structures.

Concealment. The act of making wireless communications facilities be least visible by integrating them into a structure to which they are attached or making them indistinguishable from the build or natural environment of the surrounding area. This may be done by camouflaging methods, by integrating a facility into a structure, by covering or painting antennas or equipment, or screening the facility so it's not readily visible from the street or surrounding land uses.

Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

Eligible Support Structure. Any tower or base station that it is existing at the time an application for a wireless communications facilities permit is filed with the County.

Equipment Shelter. A cabinet or structure designed to enclose equipment used in connection with a wireless communications facility.

Mast. A pole of wood or metal or a tower fabricated of metal that is used to support an antenna and maintain it at the proper elevation.

Microcell Facility. A wireless communication facility serving a single carrier and consisting of a small antenna, or a networked set of antennas connected with each other and to a wireless service source.

Monopole. An antenna structure, often tubular in shape, usually made of metal, reinforced concrete, or wood. A monopole may also be an alternative antenna structure designed to replicate a tree or other natural feature.

Personal wireless service facility. A facility that transmits and/or receives electromagnetic signals for cellular radio telephone service, personal communications services, enhanced specialized mobile services, paging systems, and related technologies. Such facilities include antennas, microwave dishes, parabolic antennas, and equipment used in the transmission or reception of such signals; telecommunication towers; associated equipment cabinets; and accessory structures used for provision of personal wireless services.

Readily Visible. An object that can be identified as a wireless telecommunications facility when viewed with the naked eye from a public right-of-way or neighboring property.

Radio Frequency. Electromagnetic emission in the frequency range of 300 kHz—300 gigahertz.

Related Equipment. All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.

Satellite Dish. Any device incorporating a reflective surface that is solid, open or mesh or bar configured and is in the shape of a shallow dish, cone, horn cornucopia or flat plate used to receive or transmit radio or electromagnetic waves. This term includes satellite earth stations, satellite receivers, satellite discs, direct broadcast systems, television reception only systems and satellite microwave antennas.

Shot Clock. The time period in which the County must approve or deny a proposed wireless communications facilities as required by Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) and prescribed by 47 C.F.R. § 1.6100(c) (2) and related federal regulations.

Stealth Facility. A facility that is not immediately recognizable as a wireless communications facilities and concealed from view either by being integrated into another physical feature or designed as a structure, improvement, or facility that is consistent with the surrounding environment, such as a flagpole, barn, silo, or windmill, chimney, parapet, or art feature or a natural feature, such as a boulder.

Substantial Change. A collocation or modification that:

- (1) Increases the overall height more than either (i) 10 percent or the height of one additional antenna array not to exceed 20 feet (whichever is greater) for towers on private property, or (ii) 10 percent or 10 feet (whichever is greater) for towers in the public rights-of-way and base stations;
- (2) Increases the width more than either (i) 20 feet or the width of the tower at the level of the appurtenance (whichever is greater) for towers on private property, or (ii) 6 feet from the edge of the support structure for towers in the public rights-of-way and base stations;
- (3) For towers on private property, involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four;
- (4) For towers in the public rights-of-way and base stations, involves the installation of (i) any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets, or (ii) any new ground-mounted equipment cabinets that are 10 percent larger in height or volume than any existing ground-mounted equipment cabinets;

- (5) For towers on private property, involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site;
- (6) For towers in the public rights-of-way and base stations, involves excavation or deployment of equipment outside the area in proximity to the structure and other transmission equipment already deployed on the ground;
- (7) Would defeat the existing concealment elements of the support structure as determined by the Approval Authority; or
- (8) Violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change.

The thresholds for a substantial change outlined above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012—the date that Congress passed the Middle Class Tax Relief and Job Creation Act.

Tolling. Pausing the shot clock or adding a time period that does not contribute to the finite shot clock as required by Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) and related federal regulations.

Tower. Any structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles, mono-trees and lattice towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

Wireless Communications Facility. Any unstaffed facility which is commercially licensed by the Federal Communications Commission and/or the California Public Utilities Commission for the transmission and/or reception of microwave/radio signals. Included in this definition are facilities such as commercial radio-telephone towers, personal communication service towers, and commercial satellite and receiving dishes. Excluded from this definition are radio and television broadcasting towers.

Wireless Communications Facility, Small Cell. Small cell antennas and other wireless communications equipment, including facilities that operate on unlicensed frequencies and FCC-approved frequencies in the bands authorized for commercial wireless communication services by the FCC, and all associated equipment, meeting the following size criteria: a) the total volume of all small cell antennas on a single facility or property shall not exceed six cubic feet; b) any individual piece of associated equipment on a single facility or property shall not exceed nine cubic feet in volume; and c) the cumulative total of all associated equipment from all wireless communications providers, including antennas, for a single facility or property shall not exceed 28 cubic feet in volume.

Workshop/Hobby Shop. A space, either freestanding or within a building, used for woodworking, home repair, hobbies, or similar activities but not for commercial purposes.

Work Trailer. A portable structure, such as a mobile home, that can be transported to a construction site for use as a temporary office. A work trailer may be installed on a foundation system.

Writing. A recorded message capable of comprehension by ordinary visual means.

Yard. An open space, other than a court, on a lot also occupied by a building. A yard is unoccupied and unobstructed from the ground upward and does not include any portion of a road, alley, or road right-of-way.

Front Yard. A yard extending across the front of the lot between the side lot lines, measured from the front lot line to a depth required by the zone in which the lot is situated.

Rear Yard. A yard extending along the back of the lot between the side lot lines, measured from the rear lot line to a depth required by the zone in which the lot is situated.

Side Yard. A yard extending from the front yard to the rear yard, measured from the side lot line to a width required by the zone in which the lot is situated.

Street Side Yard. A yard along a side street extending from the front yard to the rear yard, measured from the side lot line to a width required by the zone in which the lot is situated.

Zone. A portion of the unincorporated area of San Joaquin County which is specifically designated in this Title and delineated on the Zoning Map where

Chapter 9-901 Use Type Classifications

These updated use type classifications reflect current uses in the County and respond to recently adopted ordinances, such as for veterans' housing, as well as use types established in State law that are protected and must be regulated separately.

Sections:

9-901.010	Purpose
9-901.020	Classification Rules
9-901.030	Authority and Responsibility
9-901.040	Residential Use Types
9-901.050	Non-Residential Use Types

9-901.010 PURPOSE

The intent of this Chapter is to classify uses according to a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public health, safety, and general welfare. These classifications shall apply throughout this Title.

9-901.020 CLASSIFICATION RULES

All uses shall be classified according to the use types described in this Chapter. The classifications shall comply with the provisions of this Section.

- (a) **Types of Uses Regulated.** Only principal uses are included within the Use Type Classification System. Accessory uses and temporary uses are separately defined in Chapter 9-900, Terms and Definitions.
- (b) **Typical Uses Within Use Types.** The description of use types often contain typical uses classified within that use type. These typical uses are examples and are not meant to include all uses that may properly be classified within the use type.
- (c) **Classifying New Uses.** New uses shall be classified into use types based upon the description of the use types and upon characteristics similarly classified.
- (d) **Classifying Several Uses on the Same Parcel.** Each principal use conducted on a single parcel shall be classified separately.

- (e) **Capitalization of Use Types.** The names of use types are capitalized throughout this Title.
- (f) **Relation to Land Use Regulations Tables.** These classifications are organized into residential and non-residential groupings and presented alphabetically. In the tables of land use regulations in the 200 Series, the non-residential use type is further separated into the following categories: Public, Institutional and Community Facilities; Commercial Use Types; Industrial Use Types; Transportation, Communications and Utilities; and Agricultural Use Types.

9-901.030 AUTHORITY AND RESPONSIBILITY

The Zoning Administrator and the Director shall have the following authority and responsibilities with respect to the Use Type Classification System:

- (a) **Classifying Uses.** The Zoning Administrator and the Director shall have the authority to classify uses according to use types or to determine that a use does not fit under any use type and, therefore, is not permitted.
- (b) **List of Uses.** The Zoning Administrator and the Director shall develop and maintain an administrative list of common uses and the use types into which they are classified.
- (c) **Procedure.** The classification of a use for purposes of reviewing an application is an administrative decision without notice and hearing, except that an applicant can appeal the Zoning Administrator's decision pursuant to Section 9-802.150, Time Limit on Approvals.

9-901.040 RESIDENTIAL USE TYPES

Day Care. The following are the categories of this use type.

Day Care Centers. An establishment licensed by the State of California that provides non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults.

Large Family Day Care. A day-care facility licensed by the State of California that is in the provider's own home and provides care, protection, and supervision for 9 to 14 children for periods of less than 24 hours a day, including children who reside at the home and are under the age of 10. The facility may be in a single unit dwelling, a dwelling unit within a dwelling, a townhouse, or a dwelling unit within a multi-unit residential building.

Small Family Day Care. A day-care facility licensed by the State of California that is in the provider's own home and provides care, protection, and supervision for up to 8 children for periods of less than 24 hours a day, including children who reside at the home and are under the age of 10. The facility may be in a Single Unit Dwelling, a Duplex, or a Multi-Unit Residential building.

Emergency Shelter. A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less. Medical assistance, counseling, and meals may be provided.

Farm Employee Housing.

Large. Farm employee housing consisting of more than 36 beds in group quarters used exclusively for farm employees, or more than 12 units or spaces designed for use by a single family or household with one or more farm employees.

Small. Farm employee housing consisting of no more than 36 beds in group quarters used exclusively for farm employees, or 12 units or spaces designed for use by a single family or household with one or more farm employees.

Group Residential. Shared living quarters with shared bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories and other types of organizational housing, private residential clubs, and extended stay hotels intended for long-term occupancy (30 days or more) but excludes Hotels and Motels, and Residential Care Facilities.

Congregate Housing. A residential facility with shared kitchen facilities, which may be restricted for occupancy by low- or moderate-income households, designed for occupancy for periods of six months or longer, and providing services that may include meals, housekeeping, and personal care assistance as well as common areas for residents of the facility.

Senior Group Residential. A residential facility that provides residence for a group of senior citizens with a central kitchen and dining facilities and a separate bedroom or private living quarters.

Mobile Home Park. An area or tract of land where two or more lots are rented or leased to accommodate manufactured homes or mobile homes that is not used to provide employee housing or housing for the landowner.

Residential Care Facility. Facilities licensed by the State of California that provide 24-hour primarily non-medical care permanent living accommodations for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including convalescent facilities, group homes for minors, persons with disabilities, people in recovery from alcohol or drug additions, rehabilitation facilities, and hospice facilities.

Large. A State-licensed Residential Care Facility licensed by the State of California providing care for six or fewer persons or a hospice that provides residential living quarters for more than six dependent persons.

Small. A State-licensed Residential Care Facility licensed by the State of California providing care for six or fewer persons or a hospice that provides residential living quarters for up to six dependent persons.

Senior. A State-licensed facility that provides housing chosen voluntarily by senior citizens, the citizen's guardian, conservator or other responsible person, where varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing care retirement communities and life care communities licensed for residential care.

Residential Housing Types. The following are the categories of this use type.

Single-Unit Dwelling. One dwelling unit located on a single lot and that is not attached to any other primary dwelling unit (see Duplex). This classification includes individual manufactured housing units installed on a foundation and classified as real property.

Bungalow Court. Single-Unit Dwellings on individual lots arranged around a common, shared courtyard that is wholly open to the street.

Duplex. A single building on a lot that contains two dwelling units. This use is distinguished from a Second Dwelling Unit, an Accessory Dwelling Unit, or a Junior Accessory Dwelling Unit.

Multi-Unit Residential. Three or more attached dwelling units on a site or lot. Types of multiple unit dwellings include townhouses, garden apartments, senior housing developments, and multi-story apartment buildings.

Single Room Occupancy. A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room and a maximum floor area of 350 square feet, that are rented to one or two-person households on a weekly or monthly basis. This use classification is distinct from a Transient Lodging, which is a commercial use type, and Supportive Housing, which offers services for residents.

Supportive Housing. Dwelling units with no limit on length of stay, that are occupied by the target population as defined in the California Health and Safety Code, and that are linked to onsite or offsite 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, where possible, work in the community.

Transitional Housing. Dwelling units configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient.

Veterans Supportive Housing. Dwelling units designed and operated specifically for occupancy by veterans.

9-901.050 NON-RESIDENTIAL USE TYPES

Adult Businesses. Any commercial activity, whether conducted intermittently or full time, which primarily involves the sale, display, exhibition or viewing of books, magazines, films, videos, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing or relating to human sex acts, or by an emphasis on genitals, buttocks or breasts. Such activity includes adult bookstores, adult arcades, adult entertainment, adult movie theaters, sexual encounter establishments, adult cabarets, and adult theaters, which exclude minors.

Aerial Facilities. Public or private facilities for commercial aviation, general aviation, or specialty services. The following are the categories of this use type.

Agricultural. A landing strip or heliport for agricultural crop dusting that is not available for public use and has no commercial service operations for general aviation.

Airfield. A privately-owned landing strip or heliport which may be for personal use or reserved for the owners or tenants of units within a specific development, industrial area, or institution.

Commercial Airport. A public facility for commercial and general aviation aircraft take-off and landings and helicopter take-off and landings, including appurtenant areas for airport buildings, aircraft operations, and related facilities (aprons and taxiways, control towers, passenger terminals, storage hangers, safety lights, and structures). Public airports may include aircraft sales and dealerships, retail sales, professional and personal services, hotels and motels, restaurants and bars, and other similar commercial uses serving the air-traveling public and airport employees.

Agricultural Excavation. The removal or recovery by any means of soil, rock, or organic substances for farming activities. This classification is distinct from Quarry Operations. The following are the categories of this use type.

Small. Excavation of less than 100,000 cubic yards.

Large. Excavation of 100,000 cubic yards or more.

Agricultural Industry. Facilities used for manufacturing and processing agricultural crops, with the intent of preparing them for market or further processing. Typical uses include: alfalfa cubing; bean cleaning; breweries; corn shelling and sorting; canning of fruits and vegetables; cheese manufacturing; custom milling of flour, feed, and grain; manufacturing of food oil; slaughter houses, sorting, grading and packing of fruit and vegetables; tree nut hulling and shelling; manufacturing of food and prepared meat products; and support services related to these activities.

Agricultural Sales. Establishments engaged in the sale of agricultural supplies such as feed, grain, and fertilizers, but excludes uses classified under the Produce Sales and Nursery Sales use types. The following are the categories of this use type.

Agricultural Chemical Sales. The sale and on-site storage of agricultural chemicals and pesticides for farm production purposes. Typical uses include establishments engaged in the sale of fertilizers and pesticides.

Feed and Grain Sales. The sale of feed and grain and the accessory sale of garden fertilizers and other chemicals sold in small quantities which are classified for home garden use. Typical uses include feed and grain stores.

Agricultural Warehousing. The storage of raw and bulk farm products and processed food products on a fee or contract basis, including refrigerated storage. Typical uses include storage of grains, beans, meats, milk products, cheese, and wine.

Animal Care, Sales, and Services. Retail sales and services related to the boarding, grooming, and care of animals. The following are the categories of this use type.

Boarding and Breeding. The provision of shelter and care of animals on a commercial basis, including keeping, feeding, exercising, grooming, training, breeding, and incidental medical care. This classification includes animal rescues, kennels, pet motels, and shelters, but excludes Stables, which are separately classified.

Large. Facilities for 10 or more dogs, cats, and other domesticated animals.

Small. Facilities for less than 10 dogs, cats, and other small, domesticated animals.

Grooming and Sales. Retail sales and services of dogs, cats, birds, and similar domestic animals, including grooming, on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, pet supply stores, and temporary boarding of domestic animals for a maximum period of 48 hours completely within a structure. This classification excludes dog walking and similar pet care services not performed at a fixed location.

Stables. A boarding and training facility for horses. A horse stable may include, but is not limited to, a feed room, a dressing room, a tack room, a staff area, watering place, and may permit ancillary horse shows.

Veterinary. Medical and health services for animals. Grooming and temporary boarding of domestic animals may be included if incidental to the hospital use. This use type excludes Animal Boarding.

Large Animal. Establishments providing services for large animals such as cattle and sheep, or horses. Typical uses include cattle spraying operations, sheep dipping and sheering services, and veterinary offices for livestock.

Small Animal. Establishments providing services for household pets, such as dogs and cats. Typical uses include veterinary offices, pet clinics, and animal hospitals.

Animal Feeding and Sales. Temporary holding of livestock on a fee or contract basis preparation for slaughter, market, shipping, or sales. Typical uses include livestock auction yards, stockyards, animal sales yards, and feedlots for cattle, hogs, or sheep.

Animal Raising. Any establishment engaged in the raising of animals but excludes animals commonly raised as pets. The following are the categories of this use type.

Exotic. Raising animals generally considered as wild or not normally domesticated for commercial purposes or personal use This category includes chinchilla farms, fox farms, and game farms.

Family Food Production/Education. Raising animals for family food production or education. Typical uses include 4H or FFA.

General. Raising animals for personal use, for animal products, or for commercial purposes, but excluding uses classified under other Animal Raising use types. Typical uses include farms or ranches raising cattle, horses, sheep, goats, chickens, and fowl.

Hogs. Raising hogs for breeding purposes or meat production in numbers large enough to constitute a hog farm.

Other. Raising animals not elsewhere classified. Including small animal farm or poultry farm, or raising aquatic animals, for either breeding purposes or for meat, fish, or egg production. Typical uses include chicken farms, turkey farms, duck farms, pigeon farms, fish and frog farms, fish hatcheries, and rabbit farms.

Artist's Studio. Workspace for an artist or artisan, including individuals practicing arts or crafts. It does not include joint living and working units (see Live-Work).

Large. The workspace may include use of large tools and equipment, such as for custom metal fabrication and woodworking and incidental display and retail sales of items produced on the premises and instructional space for small groups of students

Small. Small-scale, custom art production that is generally done by hand and of a low impact. Typical uses include painting, photography, jewelry, textile, and pottery studios.

Assembly. Facilities for public or private events, including meetings and related activities. The following are the categories of this use type.

Community. Facilities for public and private events and community meetings, including functionally-related space, such as kitchens, multi-purpose rooms, and storage.

Veteran and Service Organizations. Facilities for members and their guests but not open to the public at large. These facilities may serve food, meals, and alcoholic beverages. This classification includes Veterans of Foreign Wars, The American Legion, Disabled Veterans, Am Vets, Rotary, and Masonic Lodges.

Religious. Facilities for religious services and activities involving public assembly. Typical uses include churches, synagogues, and temples.

Auction Sales. The sale of merchandise by auction but excludes the sale of food products and animals. Typical uses include antique, automotive, equipment, and art auction houses.

Indoor. Typical uses include antique and art auctions contained within a structure.

Outdoor. Typical uses include open air auto and equipment auctions.

Automotive Services. Establishments or places of business primarily engaged in automotive-related sales or services. The following are the categories of this use type.

Alternative Fuels and Recharging Facility. A facility offering motor vehicle fuels not customarily offered by commercial refueling stations as well as equipment to recharge electric-powered vehicles. This classification excludes Liquefied Natural Gas (LNG) Truck Fueling Stations.

Rentals. Rental of automobiles and light trucks. Typical uses include car rental agencies and truck rental leasing without drivers.

Repairs, Limited. Repair services for automobiles and light trucks conducted within an enclosed building, and the sale, installation, and servicing of automobile equipment and parts. Typical uses include muffler shops, automobile repair garages, automobile glass shops, car alarm, navigation, and vehicle radio installation and repair, tire sales and installation, and tire retreading or recapping. Excluded are uses included under the Automobile Repairs, Major category.

Repairs, Major. Repair of automobiles, trucks, motorcycles, and recreational vehicles including incidental sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission repair, wheel and brake shops, auto glass services, and vehicle painting, but excludes vehicle dismantling or salvaging.

Sales. The sale or leasing of automobiles and light and medium trucks, including storage and incidental maintenance and repair.

Washing/Detailing. Washing and polishing of automobiles and light trucks. Typical uses include car washes and auto detailers.

Towing and Impound. Parking or storage of operable vehicles by a towing or impound service. This use type includes storage of parking tow-ways, impound yards, and storage lots for buses and recreational vehicles, but does not include vehicle dismantling (see Salvage and Wrecking) and Vehicle Storage under Warehouse, Storage and Distribution).

Catering and Delivery. A business that prepares and delivers food for off-site consumption. Typical uses include catering services and commercial kitchens with on-call and delivery services. This classification does not include businesses involved in the processing or manufacturing of wholesale food products or restaurants (See Agricultural Industry, Limited Industry, and Eating and Drinking Establishments).

Cinema/Theater. Facilities for indoor display of films and motion pictures and theatrical spaces designed and used for entertainment, including plays, comedy, and music.

Colleges. Accredited institutions of higher education, including public and private colleges providing curricula of a general, religious, or professional nature, including conference centers and academic retreats associated with such institutions. This classification includes junior college. These facilities typically offer classrooms, laboratories, and staff offices within a shared office building, often containing typical business and professional office suites. This classification may include student housing (e.g., dormitories, fraternities, multi-family housing, or sororities), administrative centers, student unions, libraries, and cafeteria facilities. It does not include Trade Schools, which are separately classified.

Commercial Cannabis. Any commercial cannabis activity for which a commercial cannabis license is required. The following are the categories of the Commercial Cannabis use type:

Cultivation. The Cannabis Cultivation use type refers to any activity allowed pursuant to a Cultivator License. Such activities may only be performed by a person with a valid Cultivator License issued by the County pursuant to Title 4, Division 10, Chapter 1. No outdoor cannabis cultivation shall be permitted.

Distribution. The Cannabis Distribution use type refers to any activity allowed pursuant to a Distributor License. Such activities may only be performed by a person with a valid Distributor License issued by the County pursuant to Title 4, Division 10, Chapter 1.

Manufacturing. The Cannabis Manufacturing use type refers to any activity allowed pursuant to a Manufacturer License. Such activities may only be performed by a person with a valid Manufacturer License issued by the County pursuant to Title 4, Division 10, Chapter 1.

Non-storefront Retail Sales. The Cannabis Retail Sales use type refers to any activity allowed pursuant to a Retailer License, including a delivery service. Such activities may only be performed by a person with a valid Retailer License issued by the County pursuant to Title 4, Division 10, Chapter 1.

Laboratory Testing. The Cannabis Laboratory Testing use type refers to any activity allowed pursuant to a Testing Laboratory License. Such activities may only be performed by a person with a valid Testing Laboratory License issued by the County pursuant to Title 4, Division 10, Chapter 1.

Communication Facilities. Facilities for the provision of broadcasting, wireless communications, and other information relay services using electronic and telephonic mechanisms.

Towers. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, and associated equipment cabinets and enclosures.

Building-Related. Includes telephone switching centers, internet server facilities, and building solely devoted to wireless communications facilities. Radio and television studios are classified as Offices.

Co-Locations. Wireless communications facilities that integrated into or are attached to buildings (co-locations) but excludes uses classified as Towers.

Community Garden. An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food, flowers, or herbs and related medicinal crops, excluding cannabis. Community gardens may be farmed as separate plots collectively by members of the group and may include common areas maintained and used by group members. This use type includes the accessory sale of produce and flowers produced on-site.

Construction Services. The following are the categories of this use type.

General. A business engaged in construction of buildings, public facilities, or infrastructure. This use types includes general and trade contractors, building contractors, landscape contractors, sign contractors, and indoor storage services, including contracting for plumbing, heating, electrical, and air conditioning.

Heavy Infrastructure. Includes general and trade contractors engaged in heavy construction other than buildings, such as highway and street construction; water, sewer, and pipeline construction; and bridge and tunnel construction

Outdoor Storage. Includes storage of construction and landscaping materials and construction equipment on a site other than a construction site, including scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as repair facilities. This use type does not include lumber yards (see Building Materials and Services under Retail Sales).

Correctional or Detention Facility. Institutions for the confinement and correction of offenders sentenced by a court. This use type includes county jails, federal and state prisons, and secure re-entry facilities, but does not include facilities at a police department or sheriff's office for temporarily holding persons taken into custody prior to release or transfer to another confinement facility. The use does not include halfway houses or residential drug rehabilitation facilities.

Crop Production. The Crop Production use type refers to growing plant crops for private or commercial purposes in fields or orchards. Typical uses include growing field crops, fruit or nut trees, and vineyards. The use also includes greenhouses and containerized crop production and associated crop

preparation services and harvesting activities. This classification does not include Produce Sales, Commercial Cannabis Cultivation, or Industrial Hemp Production.

Cultural Institutions. A facility for the preservation and exhibition of objects of permanent interest in the arts and sciences, and library collections of books, manuscripts, and similar materials for study and reading. This use type includes museums and museum-like buildings; buildings for cultural institutions of a charitable or philanthropic nature; and accessory uses, such as art galleries, zoos, and botanical gardens.

Dairies and Creameries. Facilities for collecting and processing milk from animals, which may include making cheese and other dairy products, and temporarily storing the milk and dairy products prior to sale. Typical uses include cow dairy farms, goat dairy farms and creameries associated with a dairy.

Eating and Drinking Establishments. Businesses primarily engaged in the selling and serving of prepared food and beverages for consumption on or off premises. Typical uses include restaurants, bars, brewpubs, and tasting rooms, but excludes adult entertainment. The following are the categories of this use type.

Bars. Licensed establishments that sell beer, wine, and distilled spirits for consumption on the premises but do not necessarily sell food. This use type includes licensed bars, brewpubs and tasting rooms.

Restaurant, Full Service. A licensed establishment providing food and beverage services to patrons who order and are served while seated. Take-out service may also be provided. Full-service restaurants include eating places that may be authorized to sell beer, wine, and distilled spirits for consumption on-site.

Restaurant, Limited Service. An establishment where food and beverages is consumed on the premises, taken out, or delivered, and where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, drive-in and fast-food restaurants, ice cream parlors, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. Limited-service restaurants include eating places that may be authorized with a State license to sell, beer, wine, and distilled spirits for consumption on-site.

Equipment Sales, Repair and Storage. Establishments that sell, rent, service, repair, or store equipment. The following are the categories of this use type.

Aircraft. The sale, rental, servicing, and repair of aircraft. Typical uses include aircraft dealers.

Farm Machinery, Sales. The sale, rental, and minor, incidental repair of farm machinery. Typical uses include tractor sales yard.

Farm Machinery, Repair. The repair of farm implements and equipment. Typical uses include welding shops and tractor repair shops.

Heavy Equipment, Sales. Sale of heavy construction equipment or major facility equipment such as large-scale furnaces or boilers. Typical uses include bulldozer or crane sales yards.

Heavy Equipment, Repair. Repair of heavy construction equipment or major facility equipment like large-scale furnaces or boilers. Typical uses include bulldozer or crane repair shops.

Leisure, Sales and Repair. Sale/rental, servicing, and repair of boats, trailers, recreational vehicles, and mobile homes. Typical uses include recreational vehicle dealers, boat dealers, and mobile home dealers.

Leisure, Storage. Storage of boats, trailers, recreational vehicles, and mobile homes. Typical uses include storage lots for recreational vehicle dealers, boat dealers, and mobile home dealers.

Small Equipment Rental. Establishment engaged in rental of equipment, such as medical devices and party equipment to individuals and businesses, and whose activities may include storage and delivery of items to customers.

Freight and Truck Terminals. Facilities for freight, courier, and postal services. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services) and Liquefied Natural Gas (LNG) Truck Fueling Stations.

Fuel Sales. An establishment selling gasoline or alternative fuels, which may include the sale of related items and services. The following are the categories of this use type.

Service Stations. Gasoline sales with incidental sale of tires, batteries, replacement items, lubricating services, state inspections ("smog checks"), and minor repair services. Typical uses include automobile service stations.

Combination. Gasoline sales combined with the retail sales of other items, including wine, beer, and other alcoholic beverages for off-site consumption. Typical uses include convenience markets that also sell gasoline.

Alternative. A facility offering motor vehicle fuels not customarily offered by commercial refueling stations. Typical uses include Liquefied Natural Gas fueling stations.

Recharging Facility. A facility offering equipment to recharge electric-powered vehicles.

Funeral/Interment Services. An establishment providing services involving the care, preparation, or disposition of human remains for burial including arranging and managing funerals. This use type includes cemeteries and crematories.

Cemetery. Establishments engaged in operating sites or structures reserved for the interment of human or animal remains, including columbariums, mausoleums, burial places, crematories, and memorial gardens. A cemetery may be public or private.

Crematory. A State-licensed establishment offering services for the cremation of a human body.

Mortuary. A State-licensed funeral establishment offering services for the preparation and arrangement of funerals, transportation, burial, and other disposition of human remains.

General Industry. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes the manufacturing of apparel; leather and allied products; wood products; paper; chemicals; plastics and rubber products metal; fabricated metal products; automotive and heavy equipment; bulk concrete; prefabricated concrete products; ready-mix concrete; lime products; and gypsum products, such as plasterboard. This classification excludes Biomass Conversion Facilities, which are separately classified under Renewable Energy.

Government Buildings. Administrative, clerical, or public offices of a government agency, including postal facilities and courts, along with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide

maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

Industrial Hemp Production. The Industrial Hemp Production use type refers to a County-licensed facility for the cultivation of industrial hemp, which may be indoors or outdoors.

Instructional Services. Services for the purpose of personal enrichment. Typical uses include classes or instruction in dance, music, health, athletics, art, or academic tutoring. Instructional Services includes rehearsal studios as an accessory use. This use type excludes traditional educational services (see Colleges, Trade Schools and Schools, Public or Private).

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of vehicles. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (see Automobile Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on-site (see Retail Sales and Services - Business Services).

Limited Industry. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture; and related product manufacturing; visual arts and communications media production facilities; and support services related to these activities. For more intensive or extensive industrial uses, see General Industry.

Live-Work. A unit that combines a workspace and residential occupancy in a structure that has been constructed for residential use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the Building Code. The working space is reserved for and regularly used by the resident occupants.

Marinas. Facilities for the docking of boats and related accessory uses, including boat rentals, boat repairs, boat fueling facilities, retail sales and rentals of marine supplies and equipment, full service or limited restaurants, and a harbor

master's office. Typical uses include recreational boat marinas, boat rental establishments, and boat launch pads.

Medical Services. State-licensed facilities providing medical, surgical, mental health, or emergency medical services. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. The following are the categories of this use type.

Hospital. An in-patient facility providing medical, surgical, mental health, or related services including ancillary facilities for outpatient and emergency treatment, clinics, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

Clinic. A facility providing medical, mental health, or surgical services exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks, plasma, dialysis centers, and emergency medical services offered exclusively on an out-patient basis.

Skilled Nursing Facility. A State-licensed facility or a distinct part of a hospital that provides continuous skilled nursing care and supportive care to patients whose primary need is for the availability of skilled nursing care on an extended basis. These facilities provide 24-hour inpatient care and include physician and nursing services with ancillary dietary, pharmaceutical, and activity program services. This classification includes intermediate care programs that provide skilled nursing and supportive care for patients.

Nursery Sales and Landscaping Services. Establishments primarily engaged in selling nursery and garden products including trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere, or offering landscaping services. Fertilizer and soil products are stored and sold in packaged form. This classification includes wholesale and retail nurseries and landscape service contractors.

Offices. Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic

design, interior design, investment, and legal offices. This classification also includes banks, check cashing facilities, employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials, and offices in a mixed use building for medical and dental services provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals but excludes Laboratories and Medical Services.

Parks and Open Space. The following are the categories of this use type.

Parks. Outdoor areas used for recreational activities that involve large amounts of open space with minimal development and specialized facilities, such as picnic areas, boat docks, boat ramps, and fishing piers. Typical uses include neighborhood, community, regional parks, and regional sports complexes with softball and soccer fields. See Recreation Facilities for commercial recreation uses.

Wildlife Preserves. Outdoor areas used for limited impact recreational activities such as hiking, picnicking, and fishing, which involve large amounts of land in its agricultural or natural state. A preserve may include wildlife habitat and wetlands areas.

Parking Facility. A publicly or privately owned lot or structure where parking is offered to the public when such use is not incidental to another activity.

Personal Services. Establishments offering a variety of services to individuals. The following are the categories of this use type.

General. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, tattoo or body modification parlors, and travel agencies mainly intended for the consumer. This use type excludes gyms and similar types of training and instruction facilities.

Massage Establishment. Any establishment that provides massages and health treatments involving therapeutic massages as regular functions.

Health and Fitness Facility. A commercial fitness center, gym, exercise club, health and athletic club, or studio offering martial arts, physical exercise, yoga training and similar types of instruction to classes, small groups, or individuals. The facility may include exercise machines, weight training equipment, group exercise rooms, sauna, spa or hot tub

facilities, indoor tennis, handball, racquetball, other indoor sports activities, and indoor or outdoor pools.

Petroleum and Gas Extraction. Facilities for the extraction of oil and natural gas from the ground and the temporary storage of oil at the well site. Typical uses include oil and gas wells.

Produce Sales. The sale of produce and agricultural products, including shell eggs, as the primary economic activity of produce stands, agricultural stores, and farmers' markets. The following are the categories of this use type.

Agricultural Store, Small. An establishment that sells produce, agricultural food products in a space within a building that does not exceed 1,500 square feet where a maximum of 25 percent of the store's floor area or 250 square feet, whichever is greater, may be used for retail sales of packaged foods, alcoholic and non-alcoholic beverages, crafts, prepared food, and merchandise.

Agricultural Store, Large. An establishment that sells produce, agricultural products, prepared food and limited retail merchandise in a space that exceeds 1,500 square feet in size with a maximum of a maximum of 25 percent of the store's floor area or 500 square feet, whichever is greater, for retail sales of packaged foods, non-alcoholic beverages, crafts, prepared food, and merchandise. Food preparation areas are not counted as part of the retail sales area.

Farmers' Market, Certified. An outdoor market without permanent structures for direct retail sales by farms to the public, which is certified by the State or County Agricultural Commissioner. This use type may include sale of handmade and craft items.

Produce Stand. A small agricultural stand for the sale of produce, cut flowers, or shell eggs that are grown or raised in the County in a space that does not exceed 750 square feet.

Public Safety Facility. A facility for public safety and emergency services, including police and fire protection, with incidental storage, training, and maintenance facilities. This use includes facilities used by the armed services, law enforcement and fire departments.

Quarry Operations. The extraction and processing of rocks and minerals from the ground, excluding uses classified under the Petroleum and Gas Extraction use type. Typical uses include sand and gravel pits, metal mining, and coal mining.

Recreation Facilities. Establishments engaged in the provision of participant or spectator entertainment or recreation to the public or reserved for members of an organization. The following are the categories of this use type.

Campgrounds. Areas and services for campsites, accommodating either tents or camping vehicles, which are used by the public as temporary living quarters for recreational purposes. Typical uses include recreational vehicle campgrounds and group tent campgrounds.

Large-scale Outdoor Facility. This classification includes large outdoor recreation and entertainment facilities, such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, , large tennis club facilities, miniature golf courses.

Large-scale Indoor Facility. This classification includes large indoor facilities on two acres or more, such as multi-purpose fitness centers, gymnasiums, handball, racquetball, or indoor tennis club facilities; ice- or roller-skating rinks; swimming or wave pools; bowling alleys; and indoor archery or shooting ranges.

Outdoor Sports. Sports using open space or agricultural land. Typical uses include duck clubs, hunting clubs, skeet clubs, gun and rifle ranges, fishing, golf courses, equestrian show facilities, off-highway motor vehicle recreation, paintball facilities, and outdoor archery ranges.

Resort. A facility for transient guests where the primary attraction is generally recreational features or activities. Typical uses include summer camps, dude ranches, and health spas.

Small-scale Facility. This classification includes small, generally indoor facilities that occupy less than two acres, such as billiard parlors, card rooms, game arcades, small tennis club facilities, poolrooms, and amusement arcades. It also includes small outdoor playing or practice areas for individual sports operated on a commercial basis.

Recycling Facilities. Collection, recycling, or processing of materials or items. The following are the categories of this use type.

Agricultural. Facilities used exclusively for the recycling of materials generated from production of agricultural activities, including, plastic sheeting used for soil fumigation or covering of silage, plastic pipe used for irrigation systems, or similar products used in agriculture.

Sorting. A sorting point for recyclable materials such as paper, metal, plastic, and glass that are dropped off or collected.

Processing. An industrial facility where recycled materials are processed into new materials or products.

Renewable Energy. The following are the categories of this use type.

Biomass Conversion. Bioenergy facilities to produce heat, fuels, or electricity by the controlled combustion of, or the use of other non-combustion thermal conversion technologies on specific materials when separated from other solid waste. Materials used for biomass conversion include agricultural crop residues, bark, yard, lawn and garden clippings, leaves, silviculture residue, tree and brush pruning, wood, wood chips, wood waste, nonrecyclable pulp, and nonrecyclable paper materials.

Small-Scale Solar Energy System. A device or devices with accessory equipment or structures that converts solar energy into electrical or thermal energy primarily for on-site use. A small-scale solar energy system may be affixed either to the ground or to a structure. Energy generated by a small-scale solar energy system that exceeds the on-site energy demand may be used off-site. This use types excludes small residential rooftop energy systems, which are classified as Minor Utilities.

Small-Scale Wind Energy System. A tower-mounted wind turbine with accessory equipment or structures that converts wind energy into electrical energy primarily for on-site use. A small-scale wind energy system may be affixed either to the ground or to a structure. Such system has a rated capacity of no more than 50 kilowatts. Any excess energy not used on-site may be used offsite.

Utility-Scale Solar Energy Facility. An array of solar modules or panels affixed to the ground or mounted on structures with accessory equipment that converts solar energy into electrical or thermal energy primarily for off-site use.

Utility-Scale Wind Energy Facility. A tower or towers with one or more wind turbines and any accessory equipment or structures that converts wind energy into electrical energy primarily for off-site use or exceeds a rated capacity of 50 kilowatts.

Repair Service. Establishments engaged in the maintenance or repair of small appliances and furniture such as computers, office machines, household appliances, tables and chairs, and similar small items.

Research and Development. Establishments engaged in basic or applied research or the development of high technology products and related services. The following are the categories of this use type.

High Technology. An establishment for scientific research and the design, development, testing, and production testing of digital, electrical, electronic, magnetic, and chemical materials and products, including visible and infrared optical components and biotechnology.

Laboratory. An establishment providing commercial laboratory facilities for contract research or dental or medical services or an establishment providing analytical, photographic, optical, pharmaceutical, or testing services. This classification includes soils and materials testing laboratories.

Retail Sales and Services. The following are the categories of this use type.

Building Materials and Supplies. Sales or rental of building supplies or equipment, paint, fixtures, hardware, or other materials and equipment used in the construction of buildings. This classification generally involves large outdoor storage areas and includes incidental sales of plants and garden supplies, lumberyards, and tool and equipment sales or rental establishments. This definition does not include Construction Services, Yards, small hardware and garden supply stores classified as General Retail Sales, and freestanding Nursery Sales and Garden Centers.

Business Services. The business services use type refers to establishments primarily engaged in the provisions of goods and services to other businesses, including clerical, employment, equipment rental, custodial, janitorial, and protective or minor processing. Typical uses include secretarial services, quick-printing services, blueprint services, and taxi or delivery services with two or fewer vehicles on-site.

Convenience Store. A retail store that carries a range of merchandise oriented to daily convenience and travelers' shopping needs, including a limited line of groceries, prepackaged food items, tobacco,

magazines, and other household goods, primarily for off-premises consumption. Alcohol may also be permitted for sale if Retail Sales and Services - Liquor Sales, Off-Premises is permitted in the same zone.

General Market. A retail store selling food and beverages for off-site preparation or consumption. This use may also include bakeries and the provision of other services (e.g., banks, copy services, dry cleaners, film processing, food take-outs, pharmacies, etc.) under one roof. The use includes neighborhood grocery stores selling fresh fruits, vegetables, and other items for off-site preparation and consumption.

General Retail Sales. A retail store offering a broad range of merchandise, which may include goods not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, small hardware and garden supply stores, pawn shops, secondhand stores, and businesses retailing goods. Retail sales may be combined with repair services.

Liquor Sales, Off-Premises. A retail establishment licensed by the State Department of Alcoholic Beverage Control to sell alcoholic beverages for off-site consumption. This use type includes stores operating under a license authorizing sale of distilled spirits, beer, wine, and other alcoholic beverages for consumption off the premises and stores operating under a license authorizing sale of beer and wine for consumption off the premises.

Mobile Food Vendor, On-Premises. Commercial vending of food and beverages from vehicles parked on-premises that provide outdoor seating and restrooms.

Salvage and Wrecking. Storage and dismantling of scrap metal products and vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

School. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools. This classification is distinguished from Colleges, Instructional Services, and Trade Schools, which are listed separately.

Social Service Center. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (See Day Care Center), clinics (see Medical Services, Clinic), and emergency shelters providing 24-hour or overnight care (See Emergency Shelter).

Trade School. Public or private institutions teaching specific skills or trades. This classification includes business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons. These facilities typically offer classrooms, laboratories, and staff offices within a shared office building, often containing typical business and professional office suites and conference centers and academic retreats associated with such institutions. This classification may include ancillary uses such as an administrative center, library, and cafeteria.

Transient Lodging. Transient lodging refers to establishments primarily engaged in the provision of lodging services with incidental food, drink and other sales and services intended for the convenience of guests. The following are the categories of this use type.

Bed and Breakfast. A dwelling containing a single living unit that serves as the residence for the owner or manager and not more than six guest rooms that, for compensation, provide temporary night to night lodging with or without meals.

Hotel and Motel. An establishment providing temporary lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motels, apartment hotels, extended stay hotels, hostels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs, or single-room occupancy housing.

Recreational Vehicle Park. A facility that provides short-term rental spaces for recreational vehicles for overnight use with support facilities. Recreational vehicle (RV) parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. This use type may include accessory retail uses where they are clearly incidental and intended to serve RV Park patrons only.

Short-Term Rental. A dwelling that is rented for lodging on a less than monthly basis, in whole or in part, with or without the presence of the owner or an owner's representative and with no meal service.

Truck Services. Establishments that provide services for the trucking industry, including sales and repair of heavy trucks, trailers, and related equipment. The following are the categories of this use type.

Parking. A commercial operation for the parking or storage of heavy trucks and trailers. Typical uses include truck storage yards.

Repairs. Repair of heavy trucks, including incidental sale, installation, and servicing of related equipment and parts. This classification includes truck repair shops, body repair and painting, transmission repair, wheel and brake services, auto glass services, and installation of alarms, radios, and navigation systems.

Sales and Rentals. The sale or rental of heavy trucks, tractors, trailers, and similar equipment, including storage and incidental maintenance and repair. Typical uses include trucker dealerships, truck rental agencies, and truck rental leasing without drivers. For sales of boats, motor homes, and recreation vehicles, see Equipment Sales and Repair, Leisure.

Stops. Truck facilities containing two or more services for the traveling public on the same parcel. Truck stops may include minor servicing and repair of trucks, the direct dispensing of motor fuel, sale of truck accessories, and provision of overnight accommodations and restaurant facilities.

Washing. A commercial operation for cleaning and detailing of trucks and trailers.

Utilities. The following are the categories of this use type.

Major. Large-scale operations for public and quasi-public agencies and utilities. Typical uses include electric substations, cogeneration facilities, battery storage facilities, water or wastewater treatment plants, and similar facilities.

Minor. Small-scale operations necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines. This use type includes small residential rooftop solar energy systems, as defined and regulated by Government Code Section 65850.5.

Warehouse, Storage, and Distribution. Storage and distribution facilities with incidental on-site sales to the public or public storage in small individual spaces exclusively and directly accessible to a specific tenant. Small showrooms may be included as an accessory use. The following are the categories of this use type.

Chemical, Mineral, and Explosives. Storage of hazardous materials including but not limited to bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

Indoor. Storage of products within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of commercial and industrial equipment, products, and materials, including but not limited to farm equipment, feed, and lumber and janitorial and restaurant supplies.

Outdoor. Storage of products in an open lot prior to their distribution to wholesale and retail outlets and the storage of commercial and industrial equipment, products, and materials, including but not limited to automobiles, farm equipment, feed, and lumber.

Personal. Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Vehicle. Indoor or outdoor storage of operable or inoperable vehicles, including automobiles, and trucks. This classification is distinguished from Automobile Sales and Services, Towing and Impound, because it is limited to storage on a contract basis.

Waste Facilities. Collection, disposal, or processing of materials or items. The following are the categories of this use type.

Agricultural. The storage, stockpiling, sacking, and sale of waste products and by-products from plant crops and animals, and organic materials, including composting operations, but excludes tallow rendering and similar uses requiring additional processing. Typical uses include establishments selling chicken manure, cattle manure, compost from urban yard refuse, or removed grapevines.

Hauling and Transfer. Facilities operated by private companies doing waste hauling and transfer, including storing, sorting and/or processing of solid and liquid waste and recyclable materials.

Water Storage. The intentional collection of water in a tank or reservoir for more than 30 days for later use. This use type excludes the containment by a levee of an island adjacent to tidal waters in the Sacramento-San Joaquin Delta.

Wine Facilities. Facilities used for the production or storage of wine, which may also be used for marketing events. The following are the categories of this use type:

Large Winery. A winery that has a minimum production capacity of more than 555 tons of grapes or approximately 100,000 gallons of wine per year.

Medium Winery. A winery that has a minimum production capacity of 201 tons of grapes or approximately 36,000 gallons of wine and a maximum production capacity of 555 tons of grapes or approximately 99,999 gallons of wine per year.

Small Winery. A winery that has a minimum production capacity of 1.1 tons of grapes or approximately 201 gallons of wine and a maximum production capacity of 200 tons of grapes or approximately 36,000 gallons of wine per year.

Off-Site Wine Cellar. A wine cellar involving a structure or area used for the storage of wine. No wine is produced on-site, but these facilities are always associated with a vineyard.

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Urban and Regional Planners

1330 Broadway Ste. 604 Oakland, CA 94612
415 956 4300 | www.dyettandbhatia.com