



County of Yuba

Community Development & Services Agency

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PLANNING COMMISSION STAFF REPORT

Hearing Date: November 17, 2021

Case Number: Ordinance Amendment OA2021-0001 (Yuba County Development Code and Zoning Map Update)

Request: A request to consider minor amendments, modifications, and corrections to the County of Yuba's Development Code (DC), Official Zoning Map of the County of Yuba (Zoning Map), and associated land use regulations.

Location: Countywide, applicable to all land within the unincorporated area of Yuba County.

Applicant: Yuba County Planning Department

Recommendation: Recommending the Board of Supervisors repeal and reenact Title XI Development Code, amend the zoning map, and determine the project is exempt from CEQA review in accordance with CEQA Section 15183.

Background: In June of 2011 the Yuba County Board of Supervisors (the Board) adopted the Yuba County 2030 General Plan and EIR. Zoning and land use ordinances are used to implement the goals and policies of the General Plan. On July 21, 2015 the Board adopted the Yuba County Development Code (DC) and Zoning Map. This was a wholesale update (last major update was 1983) to the zoning code and map to better reflect the goals of the County's General Plan.

At the time of the 2015 DC adoption, the Board asked that staff pay close attention during the first years of the DC and Zoning Map implementation to determine if any needed amendments were necessary. In the spring of 2016 staff brought back a number of minor amendments, clarifications, and zoning map changes to the Planning Commission for recommendations that the Board ultimately adopted. Given the success of the 2016 DC update, it was determined that reviewing the DC annually would be a thoughtful endeavor for all parties involved in the implementation of the DC and it would ensure that the DC was a more active and living document rather than a document bound by the time and date of its initial adoption.

The last Development Code amendment was reviewed and recommended for approval by the Planning Commission on November 18, 2020 and was approved by the Board on December 8, 2020. The 2020 DC update centered around the addition of custom farming regulations, changing residential minimum lot width, area, and rear yard setbacks, supplemental fencing

guidelines, changes to the hearing bodies for a Certificate of Compliance and Conditional Certificate of Compliance, and minor changes to the Definitions Section.

Discussion: The majority of the proposed clarification and minor amendments to the 2022 DC update center around addressing State mandated changes and Staff led changes. These changes are as follows:

State Mandated Changes:

- ADUs: In 2019 and 2020, the California Legislature found and declared that, among other things, accessory dwelling units and junior accessory dwelling units in zones in single-family and multifamily will be approved ministerially if certain conditions are met. Accessory dwelling units and junior accessory dwelling units were added to the DC in the subject residential districts, parking standards, Standards for Specific Uses, and to Uses Classifications. The accessory dwelling units replaced secondary dwelling units within the Standards for Specific Uses.
- Agricultural Housing (AB1783 H-2A Worker Housing): This legislation creates a streamlined process to build farmworker housing on agricultural land and set standards to ensure the new housing is dignified. In the DC, agricultural labor housing uses have reduced the permit requirements in certain zoning districts have been included in new zoning districts, and reduced the need approvals needed.
- SB 35: This legislation streamlines the process and changes it from a discretionary to ministerial approval for a multifamily housing. In the DC, added to the Use Permits that projects that qualify for SB 35 that require Minor Use Permits be reviewed under objective standards in compliance with law, and to the subject zoning districts a limitation that standards for review of multifamily housing are required to be objective in compliance with SB 35.
- Emergency Shelters: In the DC, it was removed for emergency shelters to be 300 feet from another emergency shelter, and regulations around proximity to schools or daycare facilities, as well as a few other regulations.
- Low-Barrier Navigation Center: Senate Bill 48 requires that a low barrier navigation center, which is a housing first, low barrier housing or shelter for residents who are homeless or at risk of homeless, development be a use by right in nonresidential zones if a zoning designation is not possible where residential uses is a permitted use. In the DC, Low-Barrier Navigation Centers were added to Medium and High Density Residential, and most of the districts within Commercial and Mixed Use.
- Supportive Housing: Assembly Bill 2162 requires that supportive housing, affordable rental with services promoting housing stability, be a use by right in zones where multifamily and mixed uses are permitted. Transitional and Supportive Housing was added as a use to medium and high density residential, and to many of the Commercial and Mixed-Use Districts, and was added to Standards for Specific Uses.
- Reasonable Accommodation: Senate Bill 520 (2002) amends the DC Waivers and Modifications Chapter to provide the county to remove governmental constraints for housing designated for persons with disabilities.
- Bonus Density Incentive Program: California Government Code Sections 65915 to 65918 were amended to increase the strength of density bonuses for affordable housing. The DC Density Bonus Incentive Program was amended to reflect these changes.

Staff Led Changes:

- The majority of the proposed clarification and minor amendments to the 2020 DC update center around the addition of an Administrative Use Permit for custom farming regulations in agricultural districts, allowing Agricultural Industrial zoning for ground mount solar, removal of personal storage from residential districts, and the addition of Neighborhood Services definition.
- Custom Farming now requires Conditional Use on agricultural properties outside of the Valley Growth Boundary (VGB) and industrial properties within the VGB. This change is to permit farming operations that request greenhouses and/or agricultural power on vacant properties. Custom Farming will give Staff the ability to require a permit for farming operations on a vacant lot, notify the neighbors of the proposed use, and condition the project.
- Agricultural Industrial (AI) was added as a district that can allow power consumption from personal solar energy systems for onsite consumption, as well as other offsite consumption associated with the business or agency within Yuba County. The AE, IG, IL, PF, and EX zoning districts currently allow onsite and offsite consumption. The AI zone is similar in nature to the aforementioned zoning districts. Moreover, the allowed uses in the zoning district are compatible and would benefit from having onsite and offsite consumption of a personal energy system.
- Personal Storage in the Residential Districts (RS, RM, and RH) in the Valley Growth Boundary will no longer allow personal storage. When personal storage was added due to slow market conditions post-recession, and there was a lower demand for housing. Currently the market has shifted, and there is a high demand for housing. Allowing personal storage within residential districts is no longer a compatible use.
- Neighborhood Services definition replaced Convenience Commercial in Terms and Definitions. Neighborhood services is a use within Rural Community and Valley Neighborhood districts, but did not have any definition. For most commercial uses that went under Convenience Commercial, it could also go under General Commercial. For these reasons, we altered and replaced Convenience Commercial with Neighborhood Services to suit the intended use.
- Changed Large Format Retail in General Commercial, Commercial Mixed Use, Neighborhood Mixed Use and Employment Center to a principally permitted use with board direction to make the county more business friendly and allow large format retail into those districts that have compatible uses.
- Attached to the staff report is a document summarizing all of the tracked changes associated with the proposed amendments, and below is a bulleted list of the proposed amendments:

Proposed DC Amendments:

- 11.05.020 Added Accessory Dwelling Unit and Junior Accessory Dwelling Unit to uses
- 11.05.020 Removed Secondary Dwelling Unit as a use
- 11.05.030(B) Changed secondary dwelling unit to accessory dwelling unit
- 11.06.020 Added Accessory Dwelling Unit and Junior Accessory Dwelling Unit to uses
- 11.06.020 Removed Secondary Dwelling Unit as a use
- 11.06.030(D) Changed secondary dwelling unit to Accessory Dwelling Unit
- 11.07.020 Added Accessory Dwelling Unit and Junior Accessory Dwelling Unit to uses
- 11.07.020 Removed Secondary Dwelling Unit as a use

- 11.07.020 Added Low-Barrier Navigation Center as a use
- 11.07.020 Added Supportive & Transitional Housing as a use
- 11.07.020 Added Agricultural Labor Housing as a use
- 11.07.020 Removed Personal Storage
- 11.07.030(B) Changed Secondary Dwelling Unit to Accessory Dwelling Unit
- 11.08.020 Added Accessory Dwelling Unit and Junior Accessory Dwelling Unit to uses
- 11.08.020 Removed Secondary Dwelling Unit as a use
- 11.08.020 Added Low-Barrier Navigation Center as a use
- 11.08.020 Added Supportive & Transitional Housing as a use
- 11.08.020 Added Agricultural Labor Housing as a use
- 11.08.030(B) Added Accessory Dwelling Unit
- 11.08.020 Changed Large Format Retail in General Commercial, Commercial Mixed Use, Neighborhood Mixed Use and Employment Center to a principally permitted use
- 11.09.020 Added Accessory Dwelling Unit as a use
- 11.09.020 Removed Secondary Dwelling Unit as a use
- 11.08.020 Added Low-Barrier Navigation Center as a use
- 11.09.030(B) Added Accessory Dwelling Unit density exemption
- 11.25.040 Replaced Secondary Dwelling Unit with Accessory Dwelling Unit and added parking requirements
- 11.25.040 Added Junior Accessory Dwelling Unit and added parking requirements
- 11.25.100 Added Accessory Dwelling Unit Design Standards
- 11.30 Amended Density Bonus Incentive Chapter
- 11.32.060 Replaced Secondary Dwelling Unit with Accessory Dwelling Unit
- 11.32.030 Added Accessory Dwelling Unit
- 11.32.240 Removed Second Dwelling Unit
- 11.32.160 Added Low-Barrier Navigation Center
- 11.32.040 Amended Agricultural Labor Housing
- 11.32.100 Amended Emergency Shelters
- 11.32.270(B)(1)(a) Added Agricultural Industrial
- 11.32.310 Added Supportive and Transitional Housing
- 11.72.020 Replaced Secondary Dwelling Unit with Accessory Dwelling Unit
- 11.72.020 Added Efficiency Kitchen
- 11.72.020 Added Junior Accessory Dwelling Unit
- 11.72.020 Added Low-Barrier Navigation Centers
- 11.72.020 Added Agricultural Employee Housing to Residential Boarding Facility term
- 11.72.020 Replaced Convenience Retail with Neighborhood Services
- 11.73.020 Added Affordable housing
- 11.73.020 Added Affordable Housing Benefits
- 11.73.020 Added Affordable Housing Cost
- 11.73.020 Added Affordable Housing Developer
- 11.73.020 Removed dormitory from Farmworker Housing Complex
- 11.73.020 Added Childcare Facility
- 11.73.020 Added Common Interest Development
- 11.73.020 Added Density Bonus
- 11.73.020 Added Density Bonus Units

- 11.73.020 Added Development Standard
- 11.73.020 Added Eligible Housing Development
- 11.73.020 Added Floor Area Ratio
- 11.73.020 Added Floor Area Ratio Bonus
- 11.73.020 Added Housing Development
- 11.73.020 Added Incentive
- 11.73.020 Added Located within one half-mile of a major transit stop
- 11.73.020 Added Major Transit Stop
- 11.73.020 Added Market Rate Unit
- 11.73.020 Added Maximum Allowable Residential Density
- 11.73.020 Added Minimum Affordable Housing Component
- 11.73.020 Other Incentives of Equivalent Financial Value
- 11.73.020 Added Persons and/or Families of Lower Income
- 11.73.020 Added Qualified Housing Development
- 11.73.020 Added Qualified Land
- 11.73.020 Added Senior Citizen Housing Development
- 11.73.020 Added Senior Citizen Housing Development Unit
- 11.73.020 Added Specific, Adverse Impact
- 11.73.020 Added Total Units and Total Dwelling Units
- 11.74 Replaced Secondary Dwelling Unit with Accessory Dwelling Unit
- 11.74 Added Junior Accessory Dwelling Unit
- 11.74 Added Supportive & Transitional Housing
- 11.74 Added Low-Barrier Navigation Center
- 11.74 Removed Personal Storage from Residential Districts
- 11.74 Added an Administrative Use Permit for Custom Farming in Agricultural Districts and Residential Estate outside the Valley Growth Boundary.

Proposed Zoning Map Changes: In addition to minor amendments, modifications, and corrections to the DC text there are a number of changes proposed to the Official Zoning Map. These changes are a result of rezoning the properties on either side of Arboga Road between Pasado Road and Grand Avenue from Single Family Residential to Medium-Density Residential. This rezone is to conform to surrounding and existing parcels, and to reduce burdens and provide opportunities for infill development in the area.

Environmental Review: The Development Code and Zoning Map Update implement several action items of the 2030 General Plan. An Environmental Impact Report (EIR) was prepared and certified for the 2030 General Plan on June 7, 2011. Staff determined that the Development Code and Zoning Map edits are exempt from further environmental review in accordance with the California Environmental Quality Act, Section 15183. Projects consistent with the development density established by existing zoning, community plan, or general plan policies for which the 2030 Yuba County General Plan EIR was certified shall not require additional environmental.

The proposed Project would make revisions, additions, corrections and clarifications to various sections of the County Code to ensure consistency with and successful implementation of the

2030 General Plan. The Development Code project also includes a Zoning Map that has also been identified in the 2030 General Plan as implementation tools for various goals and policies. This IS/ND, which is ultimately required to be adopted by the Yuba County Board of Supervisors in accordance with CEQA, is intended as an informational document. This IS/ND addresses all environmental issues listed in Appendix G of the CEQA Guidelines. Future land uses allowed pursuant to the proposed Development Code will be subject to permitting and project specific use, development and design conditions as governed by the Development Code, as edited. Additionally, future land uses would be subject to review on a project-by-project basis to determine compliance with CEQA. If necessary, project-level CEQA review will be required to determine project-specific impacts. Evaluation of future project-level impacts would be too speculative to include in this IS/ND (see CEQA Guidelines Section 15145).

Prior Environmental Documents: The Yuba County 2030 General Plan Program EIR, from which this ND is tiered with, evaluated impacts associated with the 2030 General Plan, including cumulative impacts associated with future development occurring under the 2030 General Plan. The 2030 General Plan Program EIR is available for public review at the County of Yuba Community Development and Services Agency, located at 915 8th Street, Suite 123; Marysville, California.

County of Yuba 2030 General Plan Program Environmental Impact Report (EIR), June 2011, State Clearinghouse No. SCH #20100625

Attachments:

1. Resolution
2. Proposed Development Code Amendments- Tracked Changes Format
3. Proposed Zoning Map Changes- Summary Table by APN
4. Recommended Zone Change Exhibit

Report Prepared By:



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Planner I

Report Reviewed By:



Kevin Perkins,
Principal Planner

**BEFORE THE COUNTY OF YUBA
PLANNING COMMISSION**

RESOLUTION RECOMMENDING)
THE BOARD OF SUPERVISORS)
ADOPT ORDINANCE AMENDMENT)
OA 2021-0001: YUBA COUNTY) **RESOLUTION NO.:** _____
DEVELOPMENT CODE AND)
OFFICIAL ZONING MAP EDITS AND)
FINDING THE PROJECT EXEMPT)
FROM ENVIRONMENTAL REVIEW)

WHEREAS, Section 65300 of the State of California Government Code states that each planning agency shall prepare and the legislative body of each county shall adopt a comprehensive, long-term general plan for the for the physical development of the county and any land outside its boundaries, which, in the planning agency’s judgment, bears relation to its planning; and,

WHEREAS, the Board of Supervisors adopted the Yuba County 2030 General Plan on June 7, 2011; and,

WHEREAS, Section 65860 of the State of California Government Code states that a County zoning ordinance shall be consistent with the general plan of the County. A zoning ordinance shall be deemed consistent with a county general plan if the county has officially adopted a zoning ordinance and the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the general plan; and

WHEREAS, the Board of Supervisors adopted the Yuba County Development Code and Zoning Map Update on July 20, 2015; and,

WHEREAS, the adopted Development Code and Zoning Map Update have been in effect for approximately six years during which time it has been determined that a number of edits including corrections, clarifications, and minor amendments need to be made to the Development Code and Zoning Map Update; and,

WHEREAS, Section 65354 of the State of California Government Code states that the local agency’s planning commission shall make a written recommendation on the adoption or amendment of a zoning ordinance (Development Code) and Zoning Map; and,

WHEREAS, the County determined that the Development Code and Zoning Map edits (the “Project”) was exempt from further environmental review in accordance with the California Environmental Quality Act, Section 15183. Projects consistent with the development density established by existing zoning, community plan, or general plan policies for which the 2030 Yuba County General Plan EIR was certified shall not require additional environmental review and,

WHEREAS, the Planning Commission considered the Project during a noticed public hearing on November 17, 2021, and considered recommendations to the Board of Supervisors regarding the Project;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Planning Commission bases its recommendation upon the testimony and information presented at the hearing, including consideration of the exemption from further environmental review in accordance with the California Environmental Quality Act, Section 15183 and all evidence in the whole record pertaining to the Project.
3. The Planning Commission recommends that the Board of Supervisors finds that the Development Code and Zoning Map edits implement and are consistent with the objectives, policies, general land uses, and programs specified in the 2030 General Plan for future development of the County.
4. The Planning Commission hereby recommends that the Yuba County Board of Supervisors adopt the Development Code and Zoning Map Update edits.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Yuba, State of California, on the _____ day of _____ 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIR

Yuba County Planning Commission

ATTEST:

Planning Commission Secretary

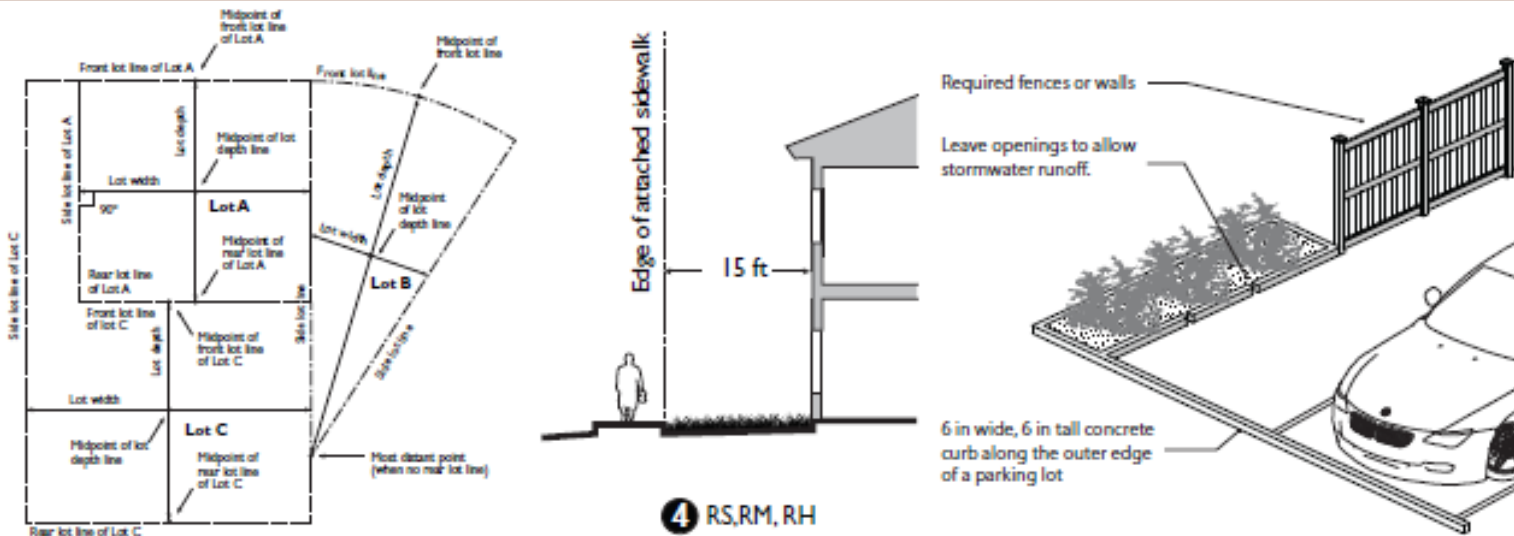
APPROVED AS TO FORM:

County Counsel

BY: _____

BY: _____

Yuba County Development Code



Development Code
Adopted July 21, 2015



County of Yuba

DEVELOPMENT CODE

ORDINANCE #1545

Adopted: July 21, 2015 (Effectuated August 21, 2015)

Amended

Date	Ordinance number
June 28, 2016	1556
June 27, 2017	1567
December 8, 2020	1598

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Yuba County Development Code

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Chapter 11.01 Title, Purpose, and Authority

Sections:

11.01.010	Title and Authority
11.01.020	Purpose
11.01.030	Structure of Development Code Regulations
11.01.040	General Rules for Applicability of Zoning Regulations
11.01.050	Consistency with the General Plan
11.01.060	Effect on Previously Approved Projects and Projects in Progress
11.01.070	Severability
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11.01.010 Title and Authority

Title 11 of the Yuba County Ordinance Code shall be known and cited as the "Yuba County Development Code," "Development Code of Yuba County," "Development Code," or "Code."

The Yuba County Development Code is adopted pursuant to the authority contained in Section 65850 of the California Government Code. In addition, the provisions of this Code relating to the regulation and control of subdivisions are adopted pursuant to the authority contained in Title 7, Division 2 of the California Government Code, commencing with Section 66410, hereinafter referred to as the "Subdivision Map Act," as may be amended from time to time.

11.01.020 Purpose

The purpose of this Code is to implement the County's General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the Code is adopted to achieve the following objectives:

- A. To provide a precise guide for the physical development of the County in a manner as to progressively achieve the arrangement of land uses depicted in the Yuba County General Plan, consistent with the goals and policies of the General Plan.
- B. To foster a harmonious, convenient and workable relationship among land uses and ensure compatible development, consistent with the General Plan.
- C. To ensure that public and private lands ultimately are used for purposes which are appropriate and most beneficial for the County.
- D. To support economic development and job creation.
- E. To provide for the housing needs of all economic segments of the community.
- F. To promote high quality development, consistent with the General Plan.
- G. To protect the character and the social and economic stability of agricultural, residential, commercial, industrial, recreational, and other areas within the County.

- H. To facilitate the appropriate location of community facilities, institutions, parks, and other recreational areas.
- I. To define duties and powers of administrative bodies and officers responsible for implementation of the Code.

11.01.030 Structure of Development Code Regulations

- A. **Organization of Regulations.** This Code consists of six divisions:
 - Division I – Introductory Provisions
 - Division II – Zoning and Overlay Districts
 - Division III – Regulations Applying to Some or All Districts
 - Division IV – Land Divisions
 - Division V – Administration and Permits
 - Division VI – General Terms
- B. **Types of Regulations.** Four types of development code regulations control the use and development of property:
 1. ***Land Use Regulations.*** These regulations specify land uses permitted, conditionally permitted or specifically prohibited in each zoning district, and include special requirements, if any, applicable to specific uses. Land use regulations for base and overlay zoning districts are in Division II of this Code. Certain regulations, applicable in some or all of the districts, and performance standards which govern special uses, are in Division III.
 2. ***Development Regulations.*** These regulations control the height, bulk, location and appearance of structures on development sites. Development regulations for base and overlay zoning districts are in Division II of this Code. Certain development regulations, applicable to some or all districts are in Division III. These include regulations for specific uses, development and site regulations, performance standards, parking, signage, antennas and wireless communications and nonconforming uses.
 3. ***Land Division Regulations.*** These regulations control the division of land and specify the design, improvement, and survey data of subdivisions as well as the procedures to be followed to secure final approval for subdivision maps. Land division regulations are in Division IV of this Code.
 4. ***Administrative Regulations.*** These regulations contain detailed procedures for the administration of this Code, and include common procedures, processes and standards for discretionary entitlement applications and other permits. Administrative regulations are in Division V.
 5. ***General Terms and Use Classifications.*** Division IV provides a list of use classifications and a list of terms and definitions used in the Code.

11.01.040 General Rules for Applicability of Zoning Regulations

- A. **Applicability to Property.** This Code shall apply, to the extent permitted by law, to all property within the unincorporated limits of Yuba County, including all uses, structures and land owned by any private person, firm, corporation or organization, or Yuba County or other local, State or federal agencies. Any governmental agency shall be exempt from the provisions of this Code only to the extent that such property may not be lawfully regulated by Yuba County.
- B. **Compliance with Regulations.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished or moved in any zoning district, except in accordance with the provisions of this Code.
- C. **Relation to Other Regulations.**
 - 1. **General.** The regulations of this Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the Yuba County Board of Supervisors, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Code and any other County ordinance, chapter, resolution, guideline or regulation, the more restrictive provisions shall control, unless otherwise specified.
 - 2. **Permit Streamlining Act.** It is the intent of this Code that all actions taken by the decision-making authority pursuant to this Code that are solely adjudicatory in nature be within a time frame consistent with the provisions of Government Code Section 65920 et. seq. (the Permit Streamlining Act). Nothing in this Code shall be interpreted as imposing time limits on actions taken by the decision-making authority pursuant to this Code that are legislative in nature or that require both adjudicatory and legislative judgments.
- D. **Relation to Private Agreements.** This Code shall not interfere with or annul any recorded easement, covenant, development agreements, or other agreement now in effect, provided that where this Code imposes greater restriction than imposed by an easement, covenant, or agreement, this Code shall control.
- E. **Relation to Prior Code.** The provisions of this Code supersede all prior Codes and any amendments. No provision of this Code shall validate any land use or structure established, constructed or maintained in violation of the prior Code, unless such validation is specifically authorized by this Code and is in conformance with all other regulations.
- F. **Application During Local Emergency.** The Board of Supervisors may authorize a deviation from a provision of this Code during a local emergency declared and ratified under the Yuba County Ordinance Code. The Board of Supervisors may authorize a deviation by resolution without notice or public hearing.

11.01.050 Consistency with the General Plan

Any permit, license or approval issued pursuant to this Code must be consistent with the Yuba County General Plan and all applicable specific plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall prevail.

11.01.060 Effect on Previously Approved Projects and Projects in Progress

Any building or structure for which a Building Permit was issued under the prior ordinance code may be completed in accordance with plans, specifications, and permits upon which the Building Permit was granted, provided at least one inspection had been requested prior to adoption of this ordinance and provided that construction is diligently pursued. Upon completion of the structure, the occupancy permit shall allow the uses allowed under the project's permits and conditions of approval. No extensions of time shall be granted for commencement of construction unless it complies with the provisions of this Code.

11.01.070 Severability

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

11.01.080 Fees

The Board of Supervisors shall establish by resolution, and may amend and revise from time to time, fees for processing the discretionary entitlement applications and other permits authorized or required by this Code. All fees shall be paid at the time an application is filed, and no processing shall commence or when applicable hearing scheduled until the fees are paid in full.

Chapter 11.02 Rules for Construction of Language

Sections:

11.02.010	Purpose
11.02.020	Rules for Construction of Language
11.02.030	Rules of Interpretation

11.02.010 Purpose

The purpose of this chapter is to provide precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this chapter apply throughout the Code, except where the context indicates a different meaning.

11.02.020 Rules for Construction of Language

In interpreting the various provisions of the Code, the following rules of construction shall apply:

- A. The particular controls the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. “And” indicates that all connected words or provisions shall apply.
 - 2. “And/or” indicates that the connected words or provisions may apply singly or in any combination.
 - 3. “Or” indicates that the connected words or provisions may apply singly or in any combination.
 - 4. “Either . . . or” indicates that the connected words or provisions shall apply singly but not in combination.
- C. In case of conflict between the text and a diagram or graphic, the text controls.
- D. All references to departments, committees, commissions, boards, or other public agencies are to those of Yuba County, unless otherwise indicated.
- E. All references to public officials are to those of Yuba County, and include designated deputies or designees of such officials, unless otherwise indicated.
- F. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the County offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business (public office hours) on the last day of the period.
- G. The words “shall,” “will,” “must” and “is to” are always mandatory and not discretionary. The words “should” or “may” are permissive.
- H. The present tense includes the past and future tenses, and the future tense includes the past.
- I. The singular number includes the plural, and the plural, the singular.
- J. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

11.02.030 Rules of Interpretation

The CDSA Director shall make the interpretation for any definition not expressly identified in this Code or provide clarification and determination of these rules. In cases where a specific land use or activity is not defined, the CDSA Director shall assign the land use or activity to a classification that is substantially similar in character to other use classifications listed in Chapter 11.72: Use Classifications. Use classifications and subclassifications not listed in the land use regulation tables found in Division II: Zoning and Overlay Districts or not found to be substantially similar to the listed uses are prohibited in said zone district. The CDSA Director shall maintain a written record of all such determinations. The CDSA Director may forward questions about permitted uses directly to the Planning Commission for an interpretation at a public meeting. Determinations by the CDSA Director or Planning Commission may be appealed pursuant to Section 11.53.150; Appeals and Calls for Review. The following findings shall be made when making a zoning interpretation:

- A. The common functional product or compatibility characteristics and activities associated with the proposed use are consistent with one of the use classifications listed as an allowed use (principally permitted or upon approval of a use permit or zoning clearance) within the zone district;
- B. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to the character of the zone district or surrounding properties; and
- C. The proposed use is consistent with the goals, policies, and objectives of the General Plan and any applicable adopted specific plan or community plan.

Chapter 11.03 Rules of Measurement

Sections:

11.03.010	Purpose
11.03.020	General Provisions
11.03.030	Fractions
11.03.040	Measuring Distances
11.03.050	Measuring Height
11.03.060	Measuring Lot Area
11.03.070	Measuring Lot Width and Depth
11.03.080	Determining Floor Area
11.03.090	Determining Floor Area Ratio
11.03.100	Determining Lot Coverage
11.03.110	Determining Lot Frontage
11.03.120	Determining Setbacks (Yards)
11.03.130	Measuring Signs
11.03.140	Measuring Parking Lot Landscaping
11.03.150	Measuring Pedestrian Clearance

11.03.010 Purpose

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

11.03.020 General Provisions

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

11.03.030 Fractions

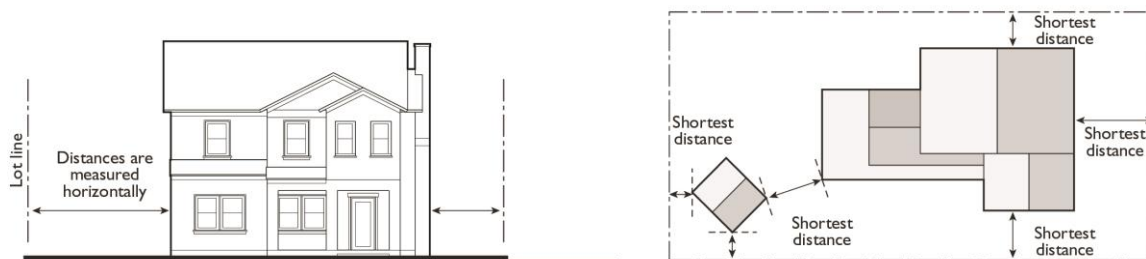
Whenever this Code requires consideration of distances, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

- A. **General Rounding.** Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
- B. **Exception for State Affordable Housing Density Bonus.** For projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute, and Chapter 11.30, Density Bonus Incentive Program, any fractional number of permitted bonus density units shall be rounded up to the next whole number.

11.03.040 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 wall of the structure. For structures that do not have a wall such as porches and patio covers, the measurement is from the closest vertical support. 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. **Measurements Involving Different Land Uses.** 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 instances where the setback is from a structure, the minimum distance is measured in a straight line from the two closest points between the structures.

FIGURE 11.03.040: MEASURING DISTANCES



11.03.050 Measuring Height

- A. **Measuring Building Height.** Building height is measured from the average level of the highest and lowest points where the vertical plane of the exterior walls would touch the natural grade level of the site to the highest point on the ridge of the roof.

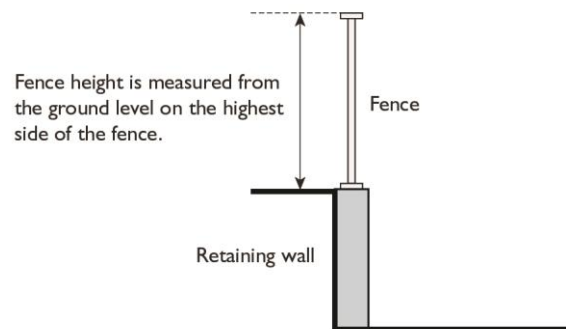
FIGURE 11.03.050(A): MEASURING BUILDING HEIGHT



- B. **Measuring Height of Other Structures.** The height of other structures such as fences is the vertical distance from the ground level immediately under the structure to the top of the structure. Special measurement provisions are also provided below.

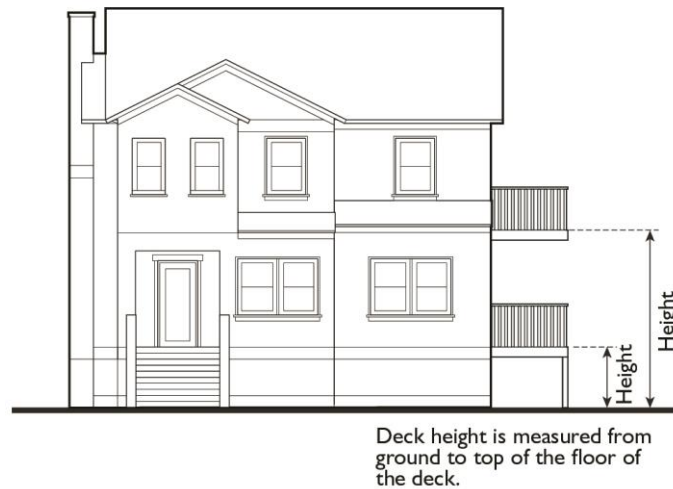
1. ***Measuring the Height of Fences on Retaining Walls.*** The height of a fence that is on top of a retaining wall is measured from the ground level on the highest side of the fence and wall.

FIGURE 11.03.050(B)(1): MEASURING HEIGHT OF FENCES ON RETAINING WALLS



2. ***Measuring the Height of Decks.*** Deck height is determined by measuring from the ground to the top of the floor of the deck.

FIGURE 11.03.050(B)(2): MEASURING HEIGHT OF DECKS



3. ***Measuring the Height of Signs.*** Measuring the height of signs is described in Chapter 11.27, Signs.

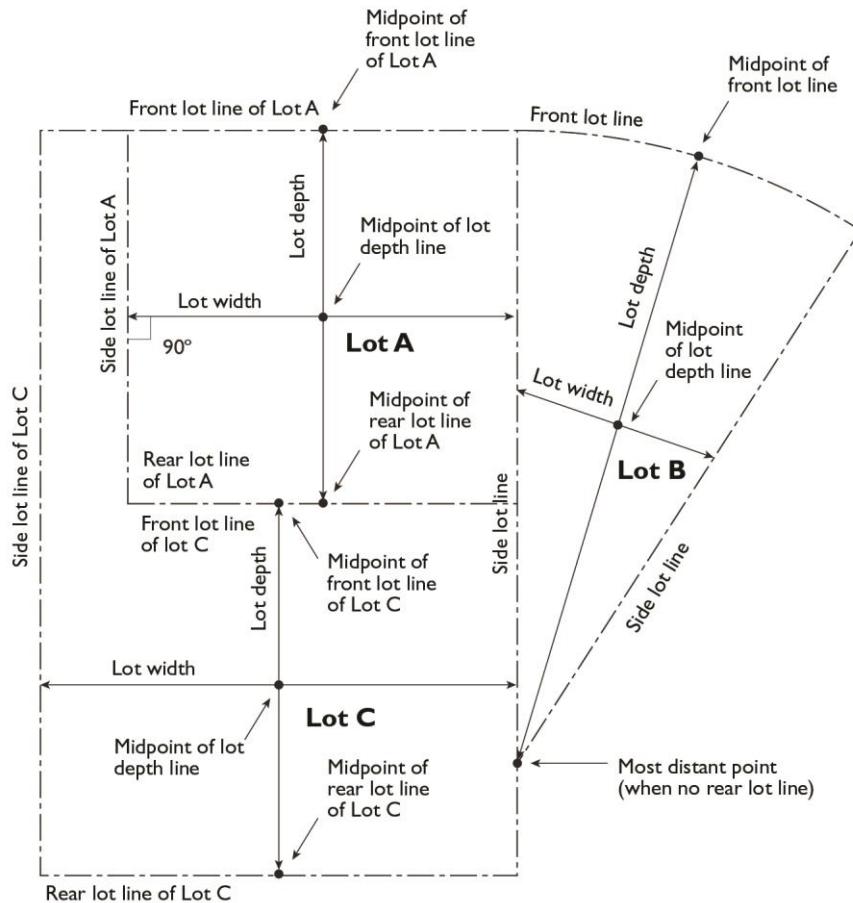
11.03.060 Measuring Lot Area

Lot area shall consist of the gross square footage of the lot or parcel.

11.03.070 Measuring Lot Width and Depth

- A. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines for rectangular shaped lots. Lot width on cul-de-sac lots shall be measured at the front setback line. Measuring lot widths for non-rectangular and non-cul-de-sac lots, commonly referred to as irregular shaped lots, will be as determined by the Planning Director, with the intent of having the average width of the buildable portion of the lot be the lot width.
- B. **Lot Depth.** Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

FIGURE 11.03.070: MEASURING LOT WIDTH AND DEPTH



11.03.080 Determining Floor Area

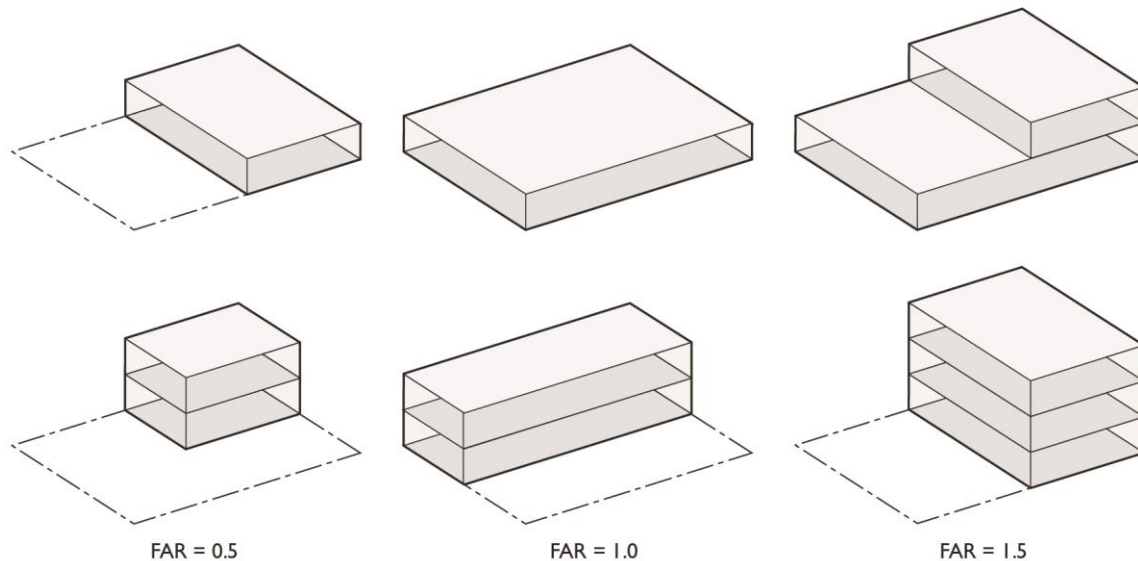
The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure.

- A. **Included in Floor Area.** Floor area includes, but is not limited to, habitable (as defined in the California Building Code) basements and cellars that are below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two feet within the roof line of any structure 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.
- B. **Excluded from Floor Area.** Floor area does not include 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; and areas below the finish grade of the property that are used for off-street parking spaces or loading.

11.03.090 Determining Floor Area Ratio

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 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.

FIGURE 11.03.90: DETERMINING FLOOR AREA RATIO

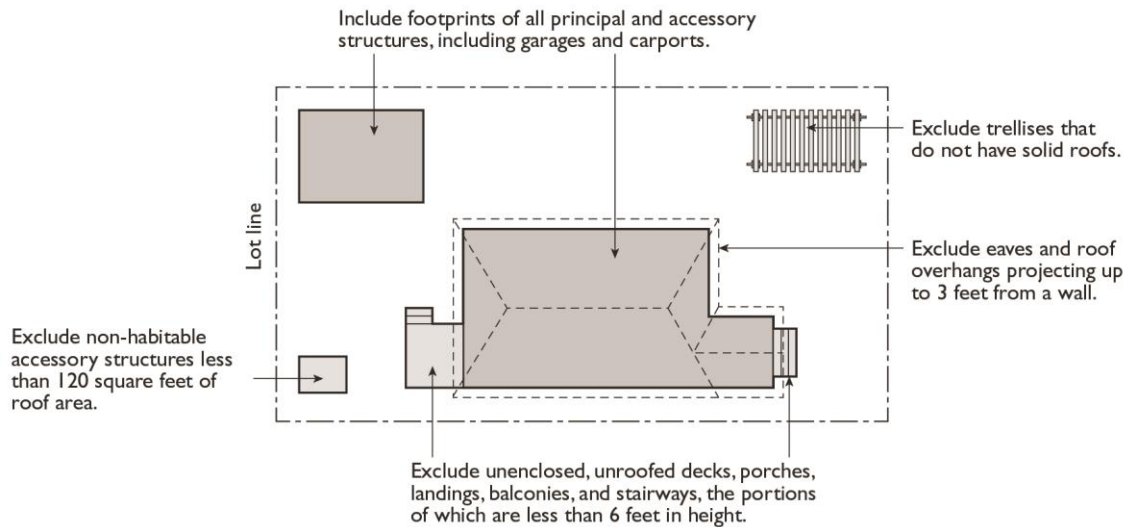


11.03.100 Determining Lot Coverage

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches, shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculation:

- A. Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies and stairways less than six feet in height;
- B. Eaves and roof overhangs projecting up to three feet from a wall;
- C. Trellises and similar structures that have roofs that are at least 50 percent open to the sky through uniformly distributed openings;
- D. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and
- E. One non-habitable accessory structure under 120 square feet in area and under eight feet in height.

FIGURE 11.03.100: DETERMINING LOT COVERAGE



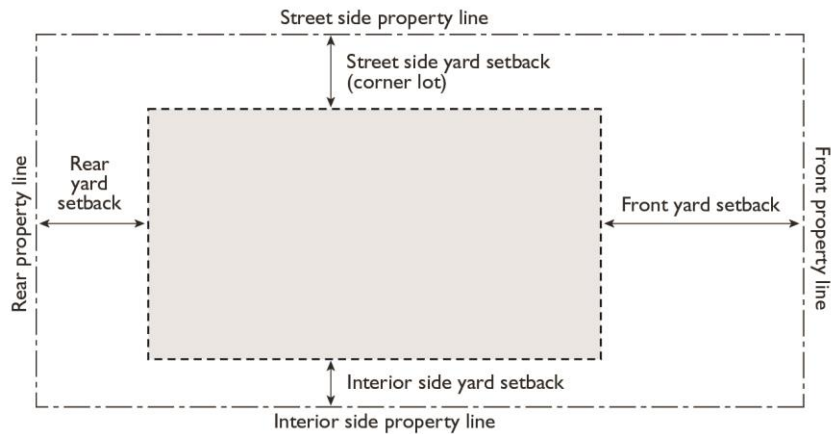
11.03.110 Determining Lot Frontage

- A. **Corner Lot.** The front of a lot is the narrowest dimension of the lot with street frontage. In the event that the lot lines with street frontage are equal dimensions, the lot frontage shall be determined by the Planning Director.
- B. **Through Lot (Double Frontage Lot).** The front yard borders the street primarily used as frontage by neighboring lots.

11.03.120 Determining Setbacks (Yards)

A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line or back edge of the street curb, whichever results in a greater setback. The following special regulations for determining yards apply when a lot abuts an alley or Official Plan Line.

- A. **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 (street side).
 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.
- B. **Yards Abutting Official Plan Lines.** If a property abuts an Official Plan Line, the required setback shall be established from the Official Plan Line or the property line, whichever results in a greater setback.

FIGURE 11.03.120: DETERMINING SETBACKS (YARDS)**11.03.130 Measuring Signs**

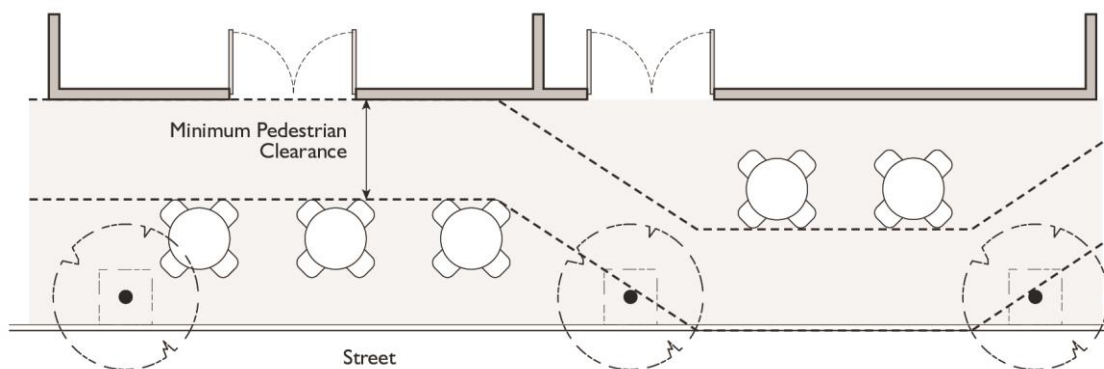
Calculation of sign area and the measurement of sign height are described in Chapter 11.27, Signs.

11.03.140 Measuring Parking Lot Landscaping

For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces and maneuvering areas, but not including entry access ways. Parking lot area does not include enclosed vehicle storage areas or covered parking areas that do not have landscape planters when calculating landscape requirements.

11.03.150 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 or outdoor display area to any obstruction within the sidewalk area.

FIGURE 11.03.150: MEASURING PEDESTRIAN CLEARANCE

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Division II: Zoning and Overlay Districts

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Yuba County Development Code

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Chapter 11.04 Zones and Districts

Sections:

11.04.010	Placetypes and General Plan Land Use Designations
11.04.020	Zoning Districts
11.04.030	Official Zoning Map and District Boundaries
11.04.040	Zoning Boundary Interpretations

11.04.010 Placetypes and General Plan Land Use Designations

The General Plan provides broad land use and design guidance through the designation of Land Use Designations and Placetypes. General Plan policies on Placetypes relate to the form and placement of buildings and the public realm, and guide planning, zoning, and development efforts. The General Plan establishes the following Placetypes:

- A. **Rural Center.** The General Plan provides for Rural Centers throughout the foothill and mountain portions of the County. Land use, design, and location of Rural Centers would be the subject of new or revised Rural Community Plans. The County's intent for Rural Centers is to provide a variety of activities and services needed or anticipated to be needed by the local population. The Rural Center Placetype is located within the Rural Community General Plan Land Use Designation.
- B. **Neighborhood Center.** The intent is to develop and redevelop neighborhoods in a way that allows most residents to be within walking or bicycling distance of daily destinations (school, shops, parks, etc.). To meet this goal, the County intends for higher-activity land uses, such as schools, parks, retail and commercial services, offices, civic uses, and apartments to be clustered together in an area serving the surrounding existing or planned neighborhood. Neighborhoods developed within the Valley Growth Boundary will focus higher-density residences and destination land uses in Neighborhood Centers. Neighborhood Centers will be developed in both infill and new growth neighborhoods. The Neighborhood Center Placetype is located within the Valley Neighborhood General Plan Land Use Designation.
- C. **Commercial Center.** In the vicinity of the areas where a Commercial Center is identified, important design features include bicycle lanes or pathways, sidewalks, and transit access, in addition to vehicular access. The location of parking is important, in order to ensure multi-modal access, as is a highly connected transportation network with shorter block lengths. The Commercial Center Placetype is primarily located within the Commercial Mixed-use General Plan Land Use Designation.
- D. **Mixed-Use Corridor.** There is a mix of residential, commercial, and civic uses along North Beale Road, McGowan Parkway, Lindhurst Avenue, and Olivehurst Avenue where the County envisions additional infrastructure improvements to encourage new development and redevelopment. The County's intent is to coordinate with transit providers, school districts, water and wastewater providers, and other agencies to improve infrastructure capacity and public services in and around these Mixed-Use Corridors, with a focus on providing high-quality bicycle, pedestrian, and transit facilities. These public investments will be designed to support additional mixed-use development in and around these corridors. The Mixed-Use Corridor Placetype is located within the Valley Neighborhood General Plan Land Use Designation.
- E. **Employment Center.** Employment Centers are intended to be located within areas designated "Employment" on the County's Land Use Diagram. Employment Village areas would also have one or more Employment Centers, as well. The precise location and design of Employment Centers

depends on follow-on detailed planning and project entitlement review. There will be safe and convenient bike, pedestrian, and transit access to and from Employment Centers and surrounding planned development areas, and surrounding communities.

- F. The following table identifies the General Plan Land Use Designation and Zoning Districts by Placetype. These placetypes may also be created as part of a specific plan, community plan, area plan, planned development or cluster development.

TABLE 11.04.010: GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT BY PLACETYPE					
Land Use Designation	Placetype				
	Rural Center	Neighborhood Center	Commercial Center	Mixed Use Corridor	Employment Center
Rural Community	RR				
	RC				
	PF				
	RE				
Valley Neighborhood		RM		RM	
		RH		RH	
		GC		GC	
		NMX		CMX	
		DC		NMX	
		IL		IL	
		PF		PF	
Commercial Mixed Use			GC		
			CMX		
			IC		
			PF		
Employment					EC
Employment Village		SP	SP		SP
					AI

11.04.020 Zoning Districts

The County shall be classified into districts or zones, the designation and regulation of which are set forth in this Code and as follows.

- A. **Base Zoning Districts.** Base zoning districts into which the County is divided are established as shown in Table 11.04.020, Base and Overlay Zoning Districts.
- B. **Overlay Zoning Districts.** Overlay zoning districts, one or more of which may be combined with a base district, are established as shown in Table 11.04.020, Base and Overlay Zoning Districts.

TABLE 11.04.020: BASE AND OVERLAY ZONING DISTRICTS			
Zoning District		General Plan Land Use Designation(s)	Previous Zoning
Agricultural Districts			
AE	Exclusive Agricultural	Natural Resources	AE
AR	Agricultural/Rural Residential	Natural Resources	A/RR
AI	Agricultural Industrial	Natural Resources, Employment Village, Rural Community	N/A

Division II: Zoning and Overlay Districts

TABLE 11.04.020: BASE AND OVERLAY ZONING DISTRICTS			
Zoning District		General Plan Land Use Designation(s)	Previous Zoning
Rural Community Districts			
RC	Rural Commercial	Rural Community, Natural Resources	RC
RR	Rural Residential	Rural Community	A/RR
RE	Residential Estate (outside VGB)	Rural Community, Natural Resources	RRE
Residential Districts			
RE	Residential Estate (within VGB)	Valley Neighborhood	RRE
RS	Single Family Residential	Valley Neighborhood	R-1
RM	Medium Density Residential	Valley Neighborhood	R-2
RH	High Density Residential	Valley Neighborhood	R-3
Commercial and Mixed-Use Districts			
GC	General Commercial	Commercial Mixed Use, Valley Neighborhood	C
CMX	Commercial Mixed-Use	Commercial Mixed Use, Valley Neighborhood	N/A
NMX	Neighborhood Mixed-Use	Valley Neighborhood	NC
DC	Downtown Core	Valley Neighborhood	N/A
EC	Employment Center	Employment Village	N/A
Industrial Districts			
IC	Industrial Commercial	Employment	IC
IG	General Industrial	Employment, Employment Village	M-1
IL	Light Industrial	Employment, Employment Village, Valley Neighborhood	M-3
Special Purpose Districts			
PF	Public Facilities	Public/Quasi-Public, County wide ¹	PF
SP/CP	Specific Plan/Community Plan	Countywide	Specific Plan
SE	Sports and Entertainment	Employment, Valley Neighborhood ²	SE
Natural Resource Districts			
EX	Extractive	Natural Resource	M-2
TP	Timberland Production	Natural Resource, Rural Community	TPZ
RPR	Resource Preservation & Recreation	Countywide	RPZ, RZ
Other Districts			
PD	Planned Development	Countywide	PUD
Overlay Districts			
AP	Airport Environs	Public/Quasi-Public	A, BAPZ
FP	Flood Plain	Countywide	FP-1
NPDES	National Pollution Discharge Elimination System	Countywide	N/A
PR	Planning Reserve	Valley Neighborhood	PR
<ol style="list-style-type: none"> 1. Major public facilities such as Beale Air Force Base and Yuba College are designated as Public/Quasi-Public in the 2030 General Plan. Other types of public facilities such as but not limited to emergency service facilities, schools, and libraries may be located throughout the County. 2. Existing facilities within the Valley Neighborhood that meet the intent of a regional sports or entertainment center may be designated as SE. 			

C. References to Classes of Base Districts. Throughout the Ordinance, the following references apply:

1. “A district” or “Agricultural district” means one or more of the following zoning districts: AE Exclusive Agricultural, AR Agricultural/Rural Residential, or AI Agricultural Industrial.
2. “Rural Community district” means one or more of the following zoning districts: RC Rural Commercial, RR Rural Residential, or RE Residential Estate (located outside the Valley Growth Boundary).
3. “R district” or “Residential district” means one or more of the following zoning districts: RE Residential Estate (within the Valley Growth Boundary), RS Single Family Residential, RM Medium Density Residential, or RH High Density Residential.
4. “Non-residential district” means any base zoning district except Residential districts, RR Rural Residential, and RE Residential Estate (outside Valley Growth Boundary).
5. “MX district” or “Mixed-Use district” means one or more of the following zoning districts: DC Downtown Core, EC Employment Center, CMX Commercial Mixed-Use or NMX Neighborhood Mixed-Use.
6. “C district” or “Commercial district” means one or more of the following zoning districts: GC General Commercial.
7. “I district” or “Industrial district” means one or more of the following zoning districts: IC Industrial Commercial, IG General Industrial, or IL Light Industrial.
8. “NR district” or “Natural Resource district” means one or more of the following zoning districts: EX Extractive, TP Timberland Production, or RPR Resource Preservation and Recreation.
9. “S district” or “Special Purpose district” means one or more of the following zoning districts: PF Public Facility, SP Specific Plan, CP Community Plan, or SE Sports and Entertainment.

11.04.030 Official Zoning Map and District Boundaries

The boundaries of the zoning districts established by this Code are not included in this Code but are shown on the Official Zoning Map maintained by the Planning Director. The Official Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, have been adopted by the Board of Supervisors and are hereby incorporated into this Code by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

11.04.040 Zoning Boundary Interpretations

If an uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of alleys, lanes, streets, highways, streams or railroads shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following lot lines, county limits, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.

Division II: Zoning and Overlay Districts

- C. In the case of unsubdivided property or where a district boundary divides a lot and no dimensions are indicated, the following shall apply.
 - 1. ***Lots Greater than One Acre.*** The location of such boundary shall be determined by the use of the scale appearing on the Official Zoning Map.
 - 2. ***Lots Less than One Acre.*** The lot shall be deemed to be included within the zone which is the more restrictive.
- D. In the case of any remaining uncertainty, the Planning Director shall determine the location of boundaries.
- E. Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- F. Where any private right-of-way or easement of any railroad, railway, transportation or public utility company is vacated or abandoned and said property is unclassified, said property shall be automatically classified as being in the Public Facilities District.

Chapter 11.05 Agricultural Districts

Sections:

11.05.010	Purpose
11.05.020	Land Use Regulations
11.05.030	Development Regulations

11.05.010 Purpose

The specific purpose of the Agricultural Districts is to support, protect, and maintain a viable, long-term agricultural sector in Yuba County.

- A. Agriculture represents the single most important economic activity and most prevalent land use in Yuba County. Agriculture directly contributes to the local economy through job development, production, and exports.
- B. Agricultural zoning strives to preserve productive agricultural land and the character and quality of the rural environment by scaling roads and other public facilities to meet rural needs.
- C. Agricultural zoning districts and standards can prevent the fragmentation of farms, prevent land-use conflicts, and protect agricultural producers from nonfarm intrusion into agricultural areas. Further, they can provide a mechanism to allow for support services and uses that are necessary and/or complimentary to the long term sustainability of agricultural operations.
- D. Agricultural zoning districts include foothill as well as valley areas of the County that are intended for intensive and/or extensive agricultural uses such as but not limited to grazing lands, livestock raising, dairies, orchards, row crops, and other types of commercial agriculture and where it is desirable to retain agriculture as the primary land use.
- E. **Exclusive Agricultural (AE).** The purpose of the AE district is to:
 - 1. Eliminate the encroachment of land uses that are incompatible with the long term agricultural use of land.
 - 2. Preserve agricultural land in order to conserve the County's economic resources that are vital for a healthy agricultural economy within the County.
 - 3. Create standards for the AE district that maintain the vitality of the agricultural sector by retaining parcel sizes necessary to sustain viable agricultural operations, protecting agricultural practices and activities by minimizing land-use conflicts, and protecting agricultural resources by regulating land uses and development intensities in agricultural areas.
 - 4. Prevent the unnecessary conversion of agricultural land to urban or other uses.
- F. **Agricultural/Rural Residential (AR).** The purpose of the AR district is to:
 - 1. Recognize parcels located within the Natural Resources General Plan designation that have previously been subdivided into parcels less than 20 acres in size (AR-5 and AR-10) that are predominantly utilized for very low density rural residential uses and small agricultural operations.

Division II: Zoning and Overlay Districts

2. Allows for a 20 acre minimum district (AR-20) in foothill agricultural areas where smaller parcels already exist or to serve as transition between rural community boundaries and other natural resource uses.
 3. Recognizes that these smaller agricultural parcels are a vital component of the County's overall agricultural economy by providing opportunities for specialty crops, boutique farming, and agritourism.
 4. Prevent further encroachment of residential and other incompatible uses into agricultural and natural resource areas.
 5. Serve as a transition between agricultural and natural resource lands and rural residential or urban development.
- G. **Agricultural Industrial (AI).** This zone district is primarily located within the Natural Resource areas of the County and Employment Village, but is also an allowed zoning designation within Rural Community districts consistent with the overall purposes of the AI designation. The purpose of the AI district is to:
1. Protect, maintain, promote, and enhance agriculture as a viable, long-term economic sector by accommodating agricultural uses or compatible industrial uses that directly support agricultural activities within the County.
 2. Create standards intended to allow most agricultural uses allowed in the AI district while also encouraging new compatible support industries and operations, and to protect agricultural and other neighboring land uses by minimizing conflicts.
- H. **Residential Estate (RE).** The RE district recognizes parcels with the Natural Resources and Rural Community General Plan designations that have been subdivided into parcels less than five (5) acres in size. The regulations pertaining to these RE designated properties is located within Chapter 11.06, Rural Communities as they have the same development requirements as RE designated properties located within rural communities.

11.05.020 Land Use Regulations

Table 11.05.020 prescribes the land use regulations for Agricultural Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

TABLE 11.05.020: LAND USE REGULATIONS—AGRICULTURAL DISTRICTS				
Use Classification	AE	AR	AI	Additional Regulations
Residential Use Classifications				
Residential Housing Types	See subclassifications below			
Second Accessory Dwelling Unit	ZP	ZP	-A	See Section 11.32.240030
Junior Accessory Dwelling Unit	P	P	P	See Section 11.32.030
Single-Unit Dwelling Detached	P	P	A	

TABLE 11.05.020: LAND USE REGULATIONS—AGRICULTURAL DISTRICTS				
Use Classification	AE	AR	AI	Additional Regulations
Family Day Care	See subclassifications below			
<i>Large</i>	-	A	-	See Section 11.32.1240
<i>Small</i>	P	P	P(1)	
Caretaker Residence	-	-	P	See Section 11.32.0870
Employee Housing	A	A	A	See Section 11.32.1190
Residential Boarding Facilities	M	M	-	
Residential Care & Social Service Facilities	See subclassifications below			
<i>General (more than 10 persons)</i>	-	C	-	See Section 11.32.2530
<i>General (7-10 persons)</i>	-	M	-	
<i>Limited (6 or fewer persons)</i>	P	P	P(1)	
Home Occupation	P	P	P	See Section 11.32.1430
Public & Semi-Public Use Classifications				
Cemetery	C	C	-	
Colleges/Trade Schools	-	C	C	
Community Assembly	-	C	-	
Community Garden/Urban Agriculture	P	P	M(4)	
Cultural Institutions	-	C	-	
<i>Outdoor & Large Scale Cultural Institutions</i>	-	C	-	
Day Care Centers	-	C	-	
Detention Facility	C	C	C	
Elderly/Long-Term Care	-	C	-	
Essential/Emergency Service Facilities	M	M	M	
Government Offices	M	M	M	
Park & Recreation Facilities; Public	See subclassifications below			
<i>Passive Recreation</i>	P	P	P	
<i>Active Recreation</i>	M	M	M	
Schools	-	C	-	
Commercial Use Classifications				
Adult-Oriented Business	-	-	-	
Animal Care: Sales and Services	See subclassifications below			
<i>Pet Sales & Associated Services</i>	M	M	-	
<i>Kennels</i>	A	A	-	See Section 11.32.0540
<i>Veterinary Services</i>	-	C	-	
Entertainment & Recreation	See subclassifications below			
<i>Campground</i>	C	C	-	See Section 11.32.0760
<i>Hunting/Fishing Club</i>	A	M	-	
<i>Incidental Hunting and Fishing</i>	P	P	P	
<i>Outdoor Entertainment</i>	M(2)	C(2)	-	
<i>Outdoor Sports & Recreation</i>	M(2)	C(2)	-	

TABLE 11.05.020: LAND USE REGULATIONS—AGRICULTURAL DISTRICTS				
Use Classification	AE	AR	AI	Additional Regulations
Temporary Uses & Special Events	See Section 11.32.31 90			
Food & Beverage Sales	See subclassifications below			
Farmers Market	See Section 11.32.13 20			
Food Preparation	-	-	A	
Lodging	See subclassifications below			
Agricultural Homestays	*	*	-	See Section 11.32.15 40
Bed & Breakfast	*	*	-	
Health Resort & Retreat Center	C	C	-	
Hotels & Motels	-	C	-	
Personal Services	See subclassifications below			
Instructional Services	-	M	-	
Retail Sales	See subclassifications below			
Building Materials & Services	-	-	M	See Section 11.32.19 70
Nurseries & Garden Centers	M(3)	M(3)	M(3)	
Vehicle Sales & Services	See subclassifications below			
Repair: Major	-	-	M	See Section 11.32.06 50
Service & Repair: Minor	-	-	M	
Trucks & Heavy Equipment Sales, Service & Rental	-	-	P	
Service Station	-	-	M	
Towing & Impound	-	-	M	
Washing	-	-	M	
Industrial Use Classifications				
Construction & Material Yards	-	-	P	
Custom Manufacturing	-	M	M	
General Industrial	-	-	C	
Limited Industrial	-	-	M	
Warehousing, Storage & Distribution	See subclassifications below			
Auction Facilities	P(4)	-	P(4)	
Chemical, Mineral & Explosive Storage	C	-	C	
Outdoor Storage	P(5)	P(5)	P(5)	See Section 11.19.070
Personal Storage	-	M	M	See Section 11.32.20 180
Transportation, Communications & Utilities Use Classifications				
Airports & Helicopters	C	C	C	
Agricultural Runways & Airport Facilities	P	P	P	
Communications Facilities	See Section 11.32.30 290			
Freight/Truck Terminals & Warehouses	-	-	C	
Major Utilities	C	C	C	
Minor Utilities	A	A	P	
On-site Biomass Facility	Z ⁸	A ⁸	P ⁸	

TABLE 11.05.020: LAND USE REGULATIONS—AGRICULTURAL DISTRICTS				
Use Classification	AE	AR	AI	Additional Regulations
Renewable Energy Systems	See subclassifications below			
Personal Hydro Energy System	P	P	P	See Section 11.32.2760
Personal Solar Energy System	P	P	P	
Large Solar Generation Facility	C	C	C	
Small Solar Generation Facility	M	M	M	
Personal Wind Energy System	P	P	P	See Section 11.32.2870
Large Wind Generation Facility	C	C	C	
Small Wind Generation Facility	M	M	M	
Agricultural & Extractive Use Classifications				
Agricultural Labor Housing	P	P	P	See Section 11.32.0430
Agricultural Processing	M	M	P	
Animal Raising - Imported Feed	P	P	P	See Section 11.32.0540
Crop Production	P	P	P	
Custom Farming	AP	A	AP	
Dairy	P	M	P	
Farm Machinery & Equipment, Sales & Service	M	M	P	
Feed & Farm Supply Store	M	M	P	
Grazing (Animal Raising)	P	P	P	
Mining	SMP	SMP	SMP	See Section 11.32.2980
Agricultural Packing & Storage	See subclassifications below			
On-site Products	P	P	P	
Off-site Products	M	M	P	
Produce Stand	P	P	P	See Section 11.32.2200
Ranch Marketing	See Section 11.32.2340			
Resource Protection & Restoration	P(6)	P(6)	P(6)	
Sales Lot, Feed Lot, Stockyard	C	C	C	
Slaughterhouse	C	C	C	
Wineries & Tasting Rooms	See Section 11.32.3320			
Timber Production & Harvesting	P	P	P	
Timber Processing	M	M	P	
Specific Limitations: 1. When located within an existing legally permitted single family residence. 2. Recreation and entertainment uses directly related to agricultural and natural resource uses such as but not limited to equestrian and rodeo facilities. 3. Wholesale nursery operations only. 4. Livestock & Farm Equipment Auctions only. Limited to 2 events per year not to exceed 3 days per event. Additional events allowed through approval of a TUP. 5. Agricultural vehicles and equipment only and must be associated with on-site agricultural operation or business 6. Copies of any easements or land development restrictions shall be submitted to the Planning Department 7. When it will not impact on-site or adjacent agricultural operations.				

TABLE 11.05.020: LAND USE REGULATIONS—AGRICULTURAL DISTRICTS			
Key To Permit Requirements			
Principally Permitted Use	P	Conditional Use Permit Required	C
Zoning Clearance Required	Z	Surface Mining Permit Required	SMP
Administrative Use Permit Required	A	See Numbered Footnote For Additional Limitations	(#)
Minor Conditional Use Permit Required	M	As Outlined In Additional Regulations Section	*
		Use Is Not Allowed	–

11.05.030 Development Regulations

Table 11.05.030, Development Regulations—Agricultural Districts, prescribes the development standards for Agricultural Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code, while individual letters refer to subsections that directly follow the table. The numbers in the “#” column refer to the numbers in Figure 11.05.030: Development Regulations—Agricultural Districts.

FIGURE 11.05.030: DEVELOPMENT REGULATIONS—AGRICULTURAL DISTRICTS

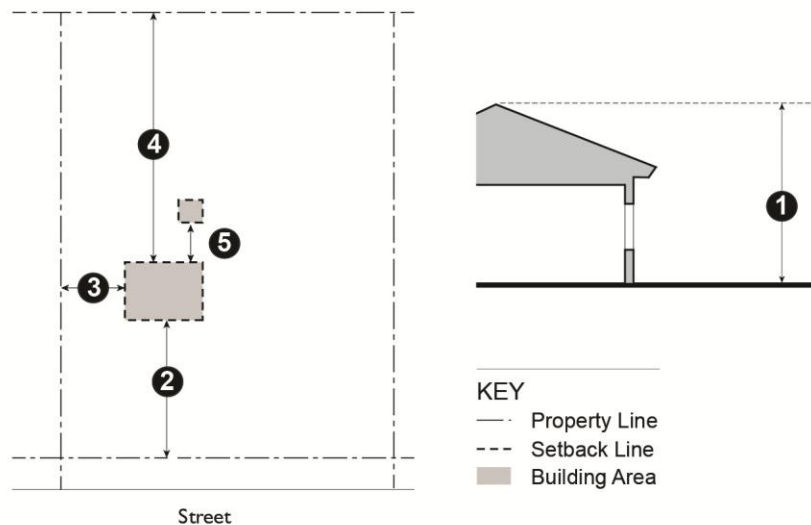


TABLE 11.05.030: DEVELOPMENT REGULATIONS—AGRICULTURAL DISTRICTS									
Standard	AE			AR			AI	Additional Regulations	#
		40	80	5	10	20			
Lot and Density Standards									
Minimum Lot Area (acres)		40	80	5	10	20	5	(A)	
Minimum Lot Width		120		120			120		

TABLE 11.05.030: DEVELOPMENT REGULATIONS—AGRICULTURAL DISTRICTS									
Standard	AE			AR			AI	Additional Regulations	#
		40	80	5	10	20			
Maximum Density	1 unit/ parcel (agricultural labor housing does not count towards density) (B)						No new primary residences allowed. (agricultural labor housing and caretaker units do not count towards density)		
Building Form and Location Standards									
Maximum Height (ft)	35 for residential structures, 50 otherwise							11.19.050 Height Exceptions	❶
Minimum Setbacks (ft)	Measured from PL or ROW whichever distance is greater from center line of road								
Front	30							11.19.090 Setbacks and Yards	❷
Side	Lots less than one acre: 25 or 10% of lot width, whichever is less, but not less than 5 Lots one acre or larger: 30								❸
Rear	30								❹
Parking & Loading								11.25 Parking & Loading	

Additional Development Regulations

A. **Reduced Lot Area.** Reduced lot area is allowed in the Agricultural Districts as follows:

1. Lot area in the AE-40 and AE-80 districts may be reduced from the required minimum lot area to allow lot lines to correspond to natural or manmade features if the Review Authority, based on information from the Agricultural Commissioner finds that the proposed parcel sizes are of adequate size and design to ensure the long term protection of agricultural resources.
2. To allow separation of Commercial or Industrial uses (i.e. creation of an agricultural industrial park) and agricultural homesteads (subject to development deed restrictions), parcel sizes of less than five acres may be created providing the resulting parcels comply with all other applicable provisions of the Yuba County Ordinance Code.
3. As allowed by Chapter 11.21, Clustered Development.

B. **Density.** Approved ~~second-~~ accessory dwelling units do not count towards the maximum density restrictions.

Chapter 11.06 Rural Community Districts

Sections:

11.07.010	Purpose
11.07.020	Land Use Regulations
11.07.030	Development Regulations

11.06.010 Purpose

The purpose of the Rural Community Districts is to provide rural residential opportunities with supportive services and agritourism oriented uses consistent with the General Plan and as defined in any adopted rural community plan.

- A. **Rural Residential (RR).** The purpose of the RR district is to:
 - 1. Allow for the appropriate development of very low density, large-lot single family homes and related uses in the rural community areas of the County.
 - 2. Create standards to preserve and protect the character of existing rural residential areas and ensure that future rural residential development is compatible with the surrounding community and adjacent Natural Resources designated lands.
- B. **Residential Estate (RE).** The purpose of the RE district is to:
 - 1. Recognize parcels located within the Natural Resources and Rural Community General Plan designations that have previously been subdivided into parcels less than five (5) acres in size that are predominantly utilized for very low density rural residential uses.
- C. **Rural Commercial (RC).** This zone district is primarily located within rural communities, but is also an allowed zoning designation in the Natural Resource areas of the County when located along major roadways consistent with the overall purpose of the Rural Commercial designation. The purpose of the RC district is to:
 - 1. Provide for the location of commercial uses within a limited and appropriate area of a rural community.
 - 2. Enhance rural community identity.
 - 3. Create standards that increase rural residents' access to retail products and services and reduce the need for residents of remote communities to drive long distances to meet basic needs.

11.06.020 Land Use Regulations

Table 11.06.020 prescribes the land use regulations for Rural Community Districts.

The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

TABLE 11.06.020: LAND USE REGULATIONS—RURAL COMMUNITY DISTRICTS				
Use Classification	RE Outside VGB	RR	RC	Additional Regulations
Residential Use Classifications				
Residential Housing Types	See subclassifications below			
Accessory Second Dwelling Unit	ZP	PZ	ZP	See Section 11.32.03240
Junior Accessory Dwelling Unit	P	P	P	See Section 11.32.030
Single-Unit Dwelling Detached	P	P	Z	
Family Day Care	See subclassifications below			
Large	A	A	A	See Section 11.32.1240
Small	P	P	P(4)	
Caretaker Residence	-	-	P	See Section 11.32.0870
Employee Housing	-	A	A	See Section 11.32.1100
Mobile Home Park	-	C	C	See Section 11.32.21190
Residential Boarding Facilities	M	M	M	
Residential Care & Social Service Facilities	See subclassifications below			
General (more than 10 persons)	-	C	C	See Section 11.32.2530
General (7-10 persons)	M	M	M	
Limited (6 or fewer persons)	P	P	P	
Home Occupation	P	P	P	See Section 11.32.1430
Public & Semi-Public Use Classifications				
Cemetery	-	C	C	
Colleges/Trade Schools	-	C	C	
Community Assembly	C	C	P	
Cultural Institutions	C	C	P	
Outdoor & Large Scale Cultural Institutions	C	C	C	
Day Care Centers	C	C	P	
Elderly/Long-Term Care	-	C	M	
Emergency Shelter	-	-	M	
Essential/Emergency Service Facilities	C	M	A	
Government Offices	-	M	P	
Hospitals/Clinics	See subclassifications below			
Clinic	-	-	P	
Hospital	-	-	C	
Park & Recreation Facilities; Public	See subclassifications below			
Passive Recreation	P	P	P	
Active Recreation	M	M	M	
Parking: Public or Private	-	-	P	
Schools	C	C	C	
Commercial Use Classifications				
Animal Care: Sales and Services	See subclassifications below			

Division II: Zoning and Overlay Districts

TABLE 11.06.020: LAND USE REGULATIONS—RURAL COMMUNITY DISTRICTS				
Use Classification	RE Outside VGB	RR	RC	Additional Regulations
Grooming	-	-	P	
Pet Sales & Associated Services	-	-	P	
Kennels	C	M	M	See Section 11.32.0540
Veterinary Services	-	C	A	
Banks & Financial Institutions	-	-	P	
Bars & Drinking Establishments	-	-	P	
Business Services	-	-	P	
Drive-In & Drive Thru Facilities (retail establishments)	-	-	Z	
Entertainment & Recreation	See subclassifications below			
Campground	-	C	C	See Section 11.32.0760
Indoor Entertainment & Recreation	-	-	P	
Hunting/Fishing Club	-	M	-	
Incidental Hunting and Fishing	P	P	P	
Outdoor Entertainment	-	C(1)	C	
Outdoor Sports & Recreation	-	C(1)	C	
Temporary Uses & Special Events	See Section 11.32.3260			
Food & Beverage Sales	See subclassifications below			
Farmers Market	See Section 11.32.1320			
General Grocery Market	-	-	P	
Liquor Stores	-	-	P	
Food Preparation	-	-	P	
Funeral Parlors & Internment Services	-	-	A	
Lodging	See subclassifications below			
Agricultural Homestays	*	*	-	See Section 11.32.1540
Bed & Breakfast	*	*	*	
Health Resort & Retreat Center	-	C	C	
Hotels & Motels	-	-	P	
Maintenance & Repair Services	-	-	P	
Manufactured Home Sales Lots	-	-	M	
Neighborhood Services	A	A	P	
Professional Services				
Business & Professional	-	-	P	
Medical & Dental	-	-	P	
Personal Services	See subclassifications below			
General	-	-	P	
Instructional Services	-	-	P	
Tattoo or Body Modification Parlor	-	-	P	
Restaurants	See subclassifications below			
With Drive Thru	-	-	M	

TABLE 11.06.020: LAND USE REGULATIONS—RURAL COMMUNITY DISTRICTS				
Use Classification	RE Outside VGB	RR	RC	Additional Regulations
Without Drive-Thru	-	-	P	See Sections 11.32.0980 & 11.32.1860
Retail Sales	See subclassifications below			
Building Materials & Services	-	-	P	See Section 11.32.1970
Convenience Retail	-	-	P	
General Retail	-	-	P	
Nurseries & Garden Centers	-	M(2)	P	
Vehicle Sales & Services	See subclassifications below			
Rentals, Sales, & Leasing	-	-	P	See Section 11.32.0650
Repair: Major	-	-	M	
Service & Repair: Minor	-	-	P	
Trucks & Heavy Equipment Sales, Service & Rental	-	-	C	
Service Station	-	-	P	
Towing & Impound	-	-	M	
Washing	-	-	P	
Industrial Use Classifications				
Construction & Material Yards	-	-	M	
Custom Manufacturing	-	-	A	
Limited Industrial	-	-	C	
Recycling Facilities	See subclassifications below			
Recycling Collection Facility	-	-	P	
Recycling Processing Facility	-	-	M	
Research & Development	-	-	M	
Warehousing, Storage & Distribution	See subclassifications below			
Chemical, Mineral & Explosive Storage	-	-	C	
Outdoor Storage	-	-	C	
Personal Storage	-	C	A	See Section 11.32.20180
Transportation, Communications & Utilities Use Classifications				
Communications Facilities	See Section 11.32.290			
Light Fleet-Based Services	-	-	M	
Transportation Passenger Terminals	-	-	C	
Major Utilities	-	C	C	
Minor Utilities	C	M	M	
Renewable Energy Systems	See subclassifications below			
Personal Hydro Energy System	-	P	P	See Section 11.32.2679
Personal Solar Energy System	P	P	P	
Large Solar Generation Facility	-	C	C	

TABLE 11.06.020: LAND USE REGULATIONS—RURAL COMMUNITY DISTRICTS				
Use Classification	RE Outside VGB	RR	RC	Additional Regulations
Small Solar Generation Facility	M	M	M	See Section 11.32.2870
Personal Wind Energy System	-	P	P	
Large Wind Generation Facility	-	C	C	
Small Wind Energy Generation Facility	-	M	M	
Agricultural & Extractive Use Classifications				
Agricultural Labor Housing	-	PA	ZA	See Section 11.32.0430
Agricultural Processing	-	-	M	
Animal Raising - Imported Feed	P	P	P(5)	See Section 11.32.0540
Crop Production	P	P	P(5)	
Custom Farming	A-	A	A	
Farm Machinery & Equipment, Sales & Service	-	-	P	
Feed & Farm Supply Store	-	M	A	
Grazing (Animal Raising)	P	P	P	
Agricultural Packing & Storage	See subclassifications below			
On-site Products	A	A	A	
Off-site Products	-	C	M	
Produce Stand	P	P	P	See Section 11.32.2200
Ranch Marketing	See Section 11.32.210			
Resource Protection & Restoration	M (3)	P(3)	P(3)	
Sales Lot, Feed Lot, Stockyard	C	-	C	
Slaughterhouse	-	-	C	
Wineries & Tasting Rooms	See Section 11.32.3320			
Timber Production & Harvesting	-	P	-	
Specific Limitations: 1. Uses that are typically associated with rural communities such as but not limited to equestrian facilities and shooting/archery ranges as determined by the Zoning Administrator. 2. Wholesale nursery operations only. 3. Copies of any easements or land development restrictions shall be submitted to the Planning Department. 4. When located within an existing legally permitted single family residence. 5. Permitted on parcels that are at least five acres in size unless a Waiver is approved.				
Key To Permit Requirements				
Principally Permitted Use	P	Conditional Use Permit Required		C
Zoning Clearance Required	Z	Surface Mining Permit Required		SMP
Administrative Use Permit Required	A	See Numbered Footnote For Additional Limitations		(#)
Minor Conditional Use Permit Required	M	As Outlined In Additional Regulations Section		*
		Use Is Not Allowed		-

11.06.030 Development Regulations

Table 11.06.030, Development Regulations—Rural Community Districts, prescribes the development standards for Rural Community Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code. The numbers in the “#” column refer to the numbers in Figure 11.06.030: Development Regulations—Rural Community Districts.

FIGURE 11.06.030: DEVELOPMENT REGULATIONS—RURAL COMMUNITY DISTRICTS

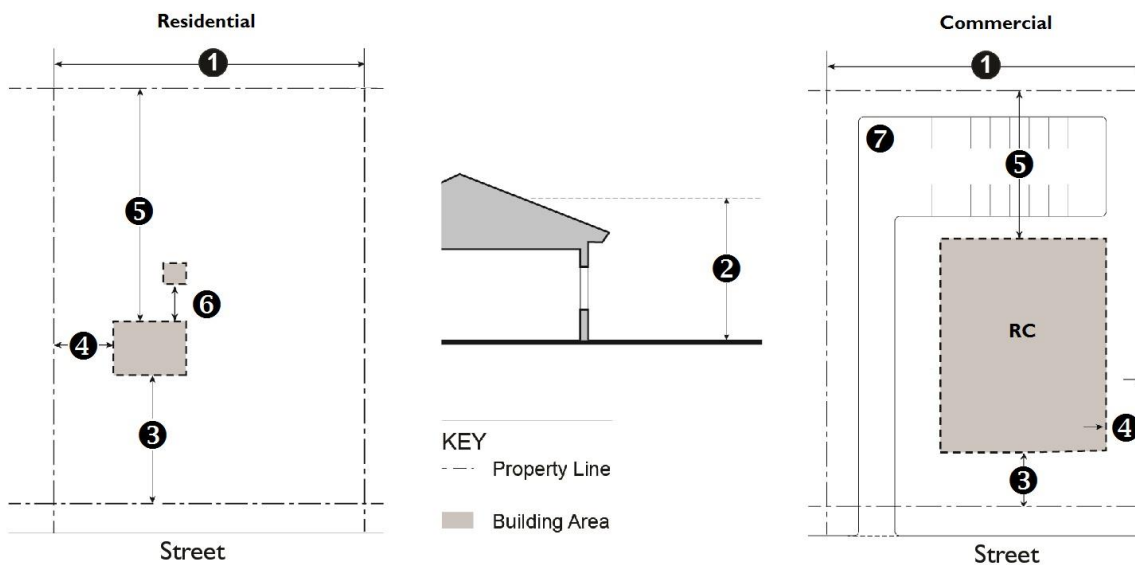


TABLE 11.06.030: DEVELOPMENT REGULATIONS—RURAL COMMUNITY DISTRICTS						
Standard	RE	RR		RC	Additional Regulations	#
	Outside VGB	5	10			
Lot and Density Standards						
Minimum Lot Area (acres)	1(A)	5	10	0.46 (20,000 s.f.) (B)		
Minimum Lot Width (ft)	120 (C)	120 (C)	120(C)	100		❶
Maximum Density	1 unit/ parcel (D)					
Maximum Floor Area Ratio (FAR)	N/A			0.5		
Building Form and Location Standards						
Maximum Height (ft)						
Primary Structure	35			35	11.19.050 Height Exceptions	❷
Accessory Structure	35			35		
Minimum Setbacks (ft.) Measured from PL or ROW whichever distance is greater from the center line of road						

TABLE 11.06.030: DEVELOPMENT REGULATIONS—RURAL COMMUNITY DISTRICTS							
Standard	RE		RR		RC	Additional Regulations	#
	Outside VGB		5	10			
Front or Street Side	30			15 (E)		11.19.090 Setbacks and Yards	③
Interior Side	Lots less than 1 acre: 10 (E) Lots 1 acre or larger: 20 (E)			5 (E)			④
Rear Primary Structure	25 (E)	30 (E)		20 (E)			⑤
Rear Accessory Structure	20 (E)	25 (E)		20 (E)			
Maximum Lot Coverage	Less than 1 acre: 40% Greater than 1 acre: 25%	15%		N/A			
Parking & Loading						11.25 Parking & Loading	

Additional Regulations

- A. **No Further Subdivision.** Parcels in the RE District within the Natural Resource land use designation of the General Plan cannot be further subdivided. Parcels in the RE district located within Rural Community Boundaries may be further subdivided consistent with the County's sewage disposal and water supply requirements. No parcels less than 1 acre in size shall be created and average parcel size shall be consistent with other RE parcels within the Rural Community.
- B. **Sewage Disposal and Water Supply.** Parcels between one acre and 2.5 acres in size shall provide either a public sewer service or water supply as determined by the Environmental Health Director. Setback requirements equivalent to those that would be required on a five acre parcel shall apply to any parcel between one acre and 2.5 acres in size that has either a well or septic system. Parcels smaller than one acre in size shall provide both a public sewer service and public water supply.
- C. **Lot Width.** The lot width at the primary street frontage for cul-de-sac and knuckles may be reduced to no less than 35 feet provided the minimum lot width for the zone district is met at the front yard setback line. Flag lots shall also meet the minimum lot width at the front yard setback line.
- D. **Density.** Additional regulations pertaining to the maximum density allowed by zone district are as follows:
1. **~~Accessory Second Dwelling Units.~~** Where ~~accessory second~~ dwelling units are permitted they do not count towards the maximum density restrictions of the zone district.
 2. **Rural Commercial.** A residential unit may be allowed on the second story of a commercial building or on the back portion of the lot. The residential unit shall be ancillary to the primary rural commercial use of the parcel.
- E. **Increased Setbacks in High Fire Severity Zone.** Parcels located within a high fire severity zone shall have a minimum setback of 30 feet from all property lines. Upon written clearance from Cal Fire the setback may be reduced.

Chapter 11.07 Residential Districts

Sections:

11.07.010	Purpose
11.07.020	Land Use Regulations
11.07.030	Development Regulations
11.07.040	Supplemental Regulations

11.07.010 Purpose

The purpose of the Residential Districts is to promote healthful and convenient distribution of the County's population with sufficient densities to maintain a high standard of physical design and community service.

- A. To provide for a variety of dwelling types and densities and to offer housing choices at various economic levels. The intent is to further establish various densities of residential developments in order to efficiently and effectively provide for necessary public services and facilities.
- B. To provide appropriate space for those educational, religious, recreational, health, and similar facilities that serve the needs of the nearby residents and do not create objectionable impacts.
- C. To promote stability of residential development so as to protect the character of a district and the suitability of particular uses; to conserve the values of land and buildings; and to protect the County's tax revenues.
- D. To provide for state authorized family care homes, foster homes, group homes, and transitional/supportive housing as a residential use of property.
- E. **Residential Estate (RE).** The purpose of the RE district is to:
 - 1. Allow for larger lots within valley neighborhoods that would be conducive to the development of custom and semi-custom homes.
 - 2. Create standards that may allow limited numbers of horses and other livestock to be kept for noncommercial purposes.
- F. **Single Family Residential (RS).** The purpose of the RS district is to:
 - 1. Allow for a mixture of housing types in a low density setting where public water and sewage facilities are available. The predominant housing type consisting of single-unit dwellings.
 - 2. Provide space for community facilities and neighborhood services needed to complement residential areas and for institutions which require a residential environment.
- G. **Medium Density Residential (RM).** The purpose of the RM district is to:
 - 1. Allow for a diversity of housing types in a medium density setting where public water and sewage facilities are available.
 - 2. Provide space for community facilities and neighborhood services needed to complement residential areas and for institutions which require a residential environment.
- H. **High Density Residential (RH).** The purpose of the RH district is to:

Division II: Zoning and Overlay Districts

1. Allow for a mixture of housing types in a high density setting.
2. Ensure adequate light, air privacy, and open space for each dwelling unit.
3. Provide space for community facilities and neighborhood services needed to complement residential areas and for institutions which require a residential environment.

11.07.020 Land Use Regulations

Table 11.07.020 prescribes the land use regulations for Residential Districts.

The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

TABLE 11.07.020: LAND USE REGULATIONS—RESIDENTIAL DISTRICTS					
<i>Land Use Classification</i>	<i>RE Within VGB</i>	<i>RS</i>	<i>RM</i>	<i>RH</i>	<i>Additional Regulations</i>
Residential Use Classifications					
Residential Housing Types	See subclassifications below				
<i>Duplex/Two-Unit</i>	-	M(1)	P	P	
<i>Multi-Unit</i>	-	-	P	P	
Accessory Second Dwelling Unit	PZ	PZ	PZ	P-	See Section 11.32.03240
Junior Accessory Dwelling Unit	P	P	P	-	See Section 11.32.030
<i>Single-Unit Dwelling, Attached</i>	-	P	P	-	
<i>Single-Unit Dwelling, Detached</i>	P	P	P	-	
Family Day Care	See subclassifications below				
<i>Large</i>	A	A	A	-	See Section 11.32.1240
<i>Small</i>	P	P	P	P	
Residential Boarding Facilities	M	M	M	M	
Mobile Home Parks	-	-	M	P	See Section 11.32.21490
Residential Care & Social Service Facilities	See subclassifications below				
<i>General (more than 10 persons)</i>	-	-	C	M	See Section 11.32.2530
<i>General (7-10 persons)</i>	M	M	M	P	
<i>Limited (6 or fewer persons)</i>	P	P	P	P	
Single Room Occupancy	-	-	-	P	See Section 11.32.2650
Low-Barrier Navigation Center	-	-	P	P	See Section 11.32.160
Home Occupation	P	P	P	P	See Section 11.32.1430
Supportive & Transitional Housing	-	-	P	P	See Section 11.32.310
Public & Semi-Public Use Classifications					
Community Assembly	C	C	C	C	
Community Garden/Urban Agriculture	M(2+)	M(2+)	M(2+)	M(2+)	
Cultural Institutions	C	C	C	C	
Day Care Centers	C	C	C	C	
Elderly/Long-Term Care	-	-	C	C	

TABLE 11.07.020: LAND USE REGULATIONS—RESIDENTIAL DISTRICTS					
Land Use Classification	RE Within VGB	RS	RM	RH	Additional Regulations
Essential/Emergency Service Facilities	C	C	C	M	
Park & Recreation Facilities; Public	See subclassifications below				
Passive Recreation	P	P	P	P	
Active Recreation	M	M	M	M	
Schools	C	C	C	C	
Commercial Use Classifications					
Animal Care: Sales and Services	See subclassifications below				
Kennels	C	-	-	-	See Section 11.32.0540
Entertainment & Recreation	See subclassifications below				
Temporary Uses & Special Events	See Section 11.32.3100				
Food & Beverage Sales	See subclassification below				
Farmers Market	See Section 11.32.1320				
Lodging	See subclassifications below				
Bed & Breakfast	*	-	-	-	See Section 11.32.1540
Neighborhood Services	A	A	A	A	
Industrial Use Classifications					
Warehousing, Storage & Distribution	See subclassification below				
Personal Storage	€	€	€	-	See Section 11.32.20480
Transportation, Communications & Utilities Use Classifications					
Communications Facilities	See Section 11.32.290				
Minor Utilities	C	C	C	C	
Renewable Energy Systems	See subclassifications below				
Personal Solar Energy System	P	P	P	P	See Section 11.32.2760
Agricultural & Extractive Use Classifications					
<u>Agricultural Labor Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>See Section 11.32.040</u>
Animal Raising - Imported Feed	*				See Section 11.32.0540
Resource Protection & Restoration	M	M	M	M	
Specific limitations: 1. <u>Standards for review of multifamily housing are required to be objective in compliance with Government Code § 65913.4. (Senate Bill 35).</u> 2. <u>Community Gardens/Urban Agriculture: as an interim land use on vacant property.</u>					
Key To Permit Requirements					
Principally Permitted Use	P	Conditional Use Permit Required			C
Zoning Clearance Required	Z	Surface Mining Permit Required			SMP
Administrative Use Permit Required	A	See Numbered Footnote For Additional Limitations			(#)
Minor Conditional Use Permit Required	M	As Outlined In Additional Regulations Section			*
		Use Is Not Allowed			-

11.07.030 Development Regulations

Table 11.07.030, Development Regulations—Residential Districts, prescribes the development standards for Residential Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code. The numbers in the “#” column refer to the numbers in Figure 11.07.030: Development Regulations—Residential Districts.

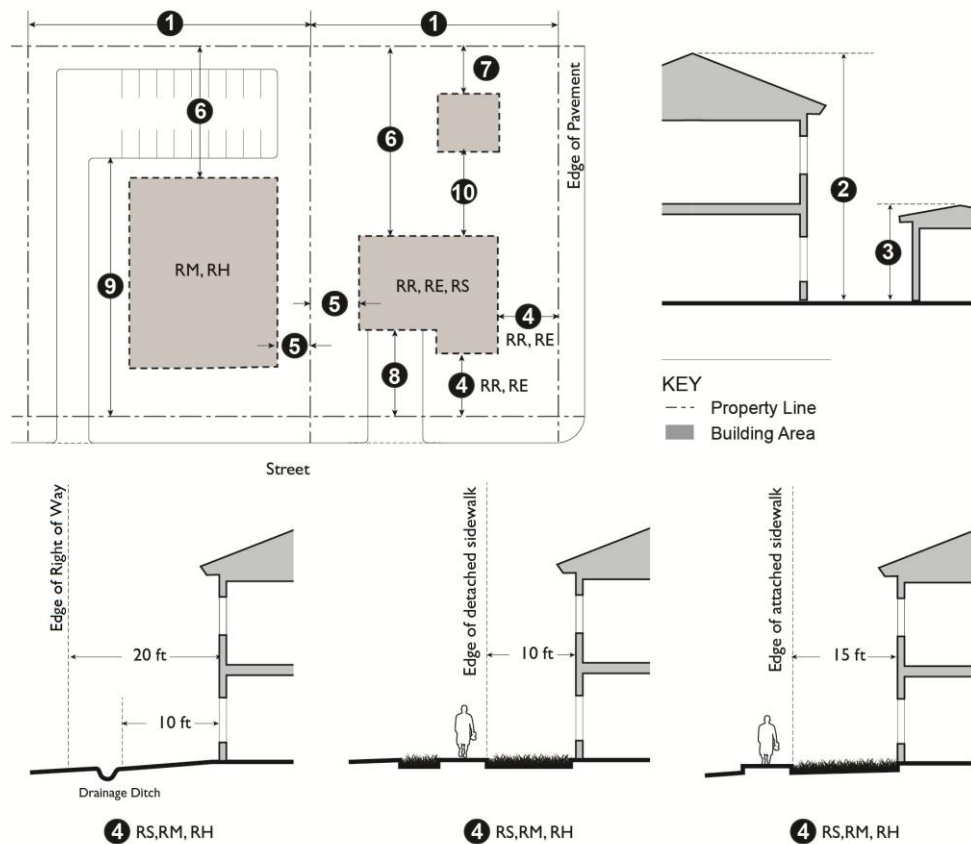
FIGURE 11.07.030: DEVELOPMENT REGULATIONS—RESIDENTIAL DISTRICTS

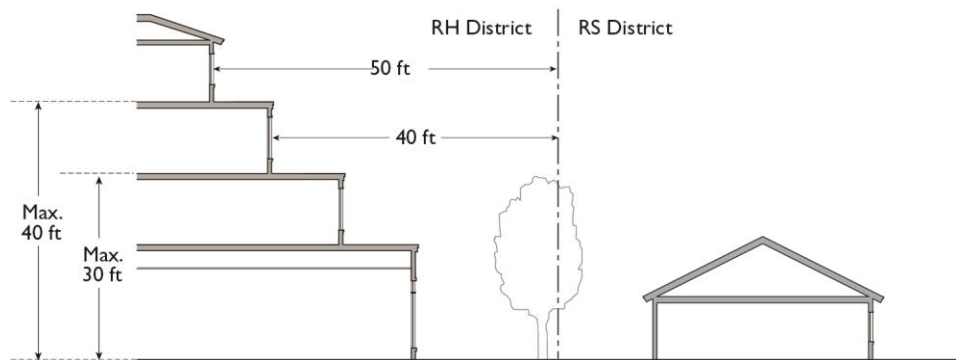
TABLE 11.07.030: DEVELOPMENT REGULATIONS—RESIDENTIAL DISTRICTS						
Standard	RE Within VGB	RS	RM	RH	Additional Regulations	#
Lot and Density Standards						
Minimum Lot Area (square feet)	21,000	4,500	3,000	10,000		
Minimum Lot Width (ft)	80(A)	50(A)	40(A)	100(A)		1
Density (units/acre)						
Minimum	0.5(E)	3	6	15	11.07.030(B) and (E)	
Maximum	2	8	17	30		

TABLE 11.07.030: DEVELOPMENT REGULATIONS—RESIDENTIAL DISTRICTS						
Standard	RE Within VGB	RS	RM	RH	Additional Regulations	#
Building Form and Location Standards						
Maximum Height (ft)						
Primary Structure	35	30	35	50(C)	11.19.050 Height Exceptions	②
Accessory Structure	20	15	15	15	11.19.030, Accessory Structures	③
Minimum Setbacks (ft, measured from property line unless otherwise indicated)						
Front or Street Side	Detached sidewalk: 10 ft from edge of sidewalk Attached sidewalk: 15 ft from edge of sidewalk No sidewalk: 15 ft from edge of ultimate right of way and 10 feet from edge of drainage ditch if present				11.19.090 Setbacks and Yards	④
Interior Side	10	5 (D)	5 (D)	5 (D)		⑤
Rear, Primary Structure	25	15	10	10		⑥
Rear, Accessory Structure	10	5	5	5	11.19.030, Accessory Structures	⑦
Garage	A minimum 20 ft driveway apron shall be provided for front loaded garages				11.07.040(A), Residential Single Family Development	⑧
Parking, from street facing property line	n/a	n/a	40	40	11.07.040(B), Residential Multi-Family Development	⑨
Parking & Loading					11.25 Parking & Loading	

Additional Regulations

- A. **Lot Width.** The lot width at the primary street frontage for cul-de-sac, knuckles, and irregular shaped lots may be reduced to no less than 35 feet provided the minimum lot width for the zone district is met at the front yard setback line. Flag lots shall also meet the minimum lot width at the front yard setback line.
- B. **~~Second-Accessory~~ Dwelling Units.** Where ~~accessorysecond~~ dwelling units are permitted they do not count towards the maximum density restrictions of the zone district.
- C. **Transitional Standards.** When an RH District is adjacent to an RS District, the following standards apply:
1. The maximum height is 30 feet within 40 feet of an RS District; and
 2. The maximum height is 40 feet within 50 feet of an RS District.

FIGURE 11.07.030(C): TRANSITIONAL STANDARDS—RESIDENTIAL DISTRICTS

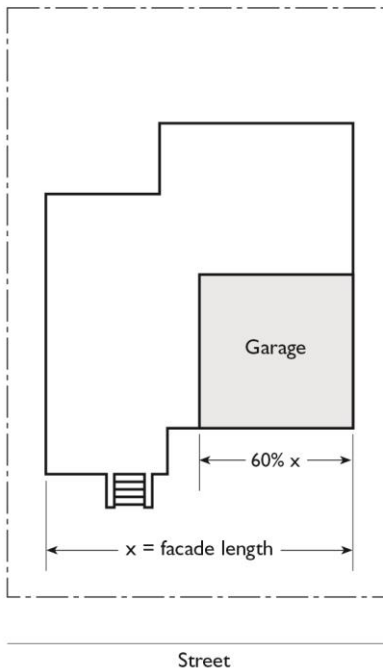


- D. **Interior Side Yards, Attached Single-Family Dwellings.** Required setbacks apply to the ends of rows of attached single-family dwellings.
- E. **Additional Density.** Within the Residential Estate zoning designation (within Valley Growth Boundary) density is 0.5 to 2 units per acre. Additional density up to a maximum of 4 units per acre may be approved with a minor conditional use permit. In addition to the findings for use permits in Section 11.57.060, the following additional findings shall be made:
1. The increased density will not adversely affect adjoining uses and is compatible with the existing neighborhood characteristics; and,
 2. An adequate buffer is provided between the project site and the edge of the Valley Growth Boundary.

11.07.040 Supplemental Regulations

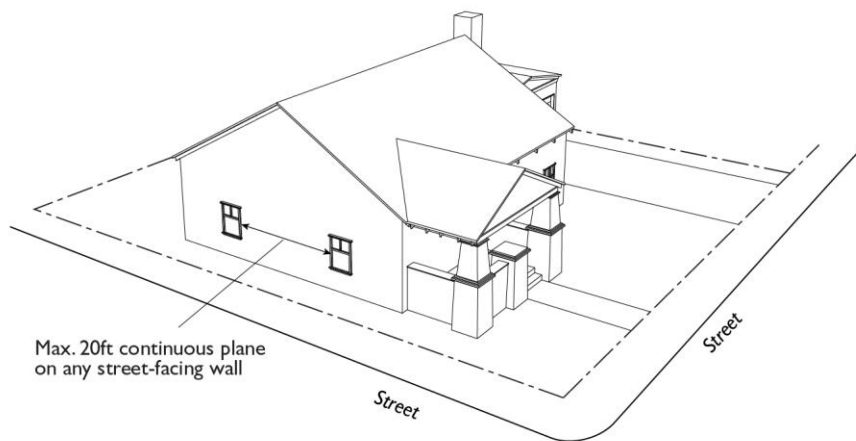
- A. **Residential Single-Family Development.** Residential single-family structures within the Valley Growth Boundary shall be developed in accordance with the following standards.
1. ***Garage Frontage and Location.***
 - a. Where garage doors face a street, garage width shall not exceed 60 percent of the width of the front façade of the building.
 - b. Garages with three or more doors, at least one garage front must be separated from the remaining garage fronts by at least two feet.

FIGURE 11.07.040(A)(1): RESIDENTIAL GARAGE FRONTAGE & LOCATIONS



2. **Corner Lots.** Dwellings on corner lots shall include windows on any façade facing a street. No street-facing wall shall run in a continuous plane of more than 20 feet without a window or a projection, offset, or recess of the building wall at least one foot in depth.

FIGURE 11.07.040(A)(2): RESIDENTIAL CORNER LOTS



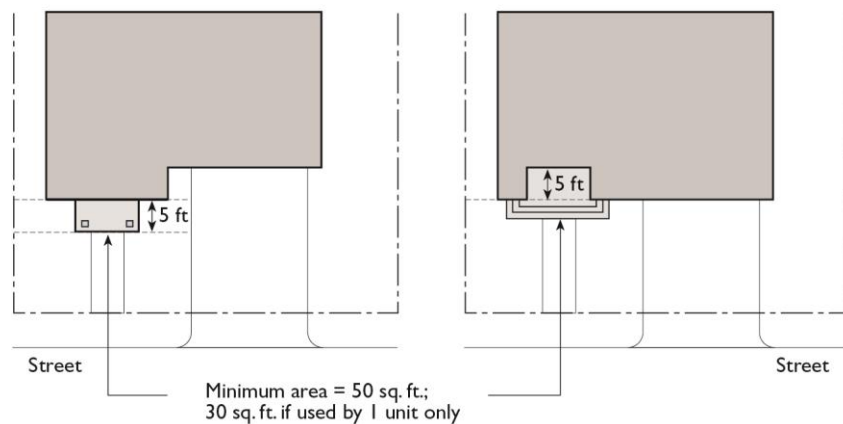
- B. **Residential Multi-Family Development.** Each multiple family residential project with four or more dwelling units on a single lot shall be developed in accordance with the following standards.
 1. **Parking Setback.** Parking shall be setback 40 feet from the street facing property line except where a lesser setback is authorized with the approval of a Waiver by the Zoning Administrator when all of the following findings can be made:

- a. The design incorporates habitable space built as close to the street facing property line to the maximum extent feasible;
- b. The parking area is well screened with a wall, hedge, trellis, and/or landscaping; and
- c. The site is constrained such that parking located more than 40 feet from the street frontage is not possible.

2. ***Building Entrances.***

- a. *Orientation.* All units located along public rights-of-way must have the primary entrance facing this right-of-way. Exceptions to this requirement may be approved for projects where multiple-family housing is located on four-lane streets carrying high traffic volumes and/or streets that do not allow on-street parking. In such cases, the project may be oriented around courtyards.
- b. *Projection or Recess.* Building entrances must have a roofed projection (such as a porch) or recess with a minimum depth of at least five feet and minimum area of 50 square feet when utilized by more than one unit. Entrances used exclusively by one unit (i.e. townhouse) may be reduced to 30 square feet. Alternative designs that create an enhance entry feature facing the street, such as a trellis or landscaped courtyard entry, may be approved through the Design Review Permit process.

FIGURE 11.07.040(B)(2): MULTI-FAMILY RESIDENTIAL BUILDING ENTRANCES



3. ***Open Space.*** Residential open space may be provided as common or private open space. Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence. Common areas typically consist of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development. Landscaped courtyard entries that are oriented towards the public street which create a welcoming entry feature are also considered common areas. All areas not improved with buildings, parking, vehicular access ways, trash enclosures, and similar items shall be developed as common areas with the types of attributes described above.
 - a. *Amount.* A combination of private and common open space shall be provided equivalent to 200 square feet/unit.

- b. *Minimum Dimensions.* Open space shall have the following minimum dimensions in order to count towards open space requirements:
 - i. Private Open Space. Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than eight feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than five feet.
 - ii. Common Open Space. Minimum dimension of 25 feet.
 - iii. Required Setbacks and Walkways not Counted. Required front and street side setback areas and walkways between buildings do not count towards the minimum residential open space per unit requirements.
- c. *Usability.* A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface shall be a combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. Slope shall not exceed 10 percent.
- d. *Accessibility.*
 - i. Private Open Space. The space shall be accessible to only one residential unit by a doorway to a habitable room or hallway.
 - ii. Common Open Space. The space shall be accessible to all the residential units on the lot.

Chapter 11.08 Commercial and Mixed-Use Districts

Sections:

11.08.010	Purpose
11.08.020	Land Use Regulations
11.08.030	Development Regulations
11.08.040	Supplemental Regulations

11.08.010 Purpose

The specific purpose of the Commercial and Mixed-Use Districts are to provide sufficient and convenient locations throughout the County for a full range of commercial uses, serving the needs of local areas, the larger community, and regional users and visitors.

- A. Strengthen the County's economic base, and provide employment opportunities close to home for residents of the County and surrounding communities.
- B. Create suitable environments for various types of commercial uses and protect them from the adverse effects of inharmonious uses.
- C. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located.
- D. Provide opportunities for appropriate residential development on the site of commercial development or on separate sites in certain commercial districts.
- E. Ensure the provision of adequate off-street parking and loading facilities.
- F. Provide sites for public and semi-public uses needed to complement commercial development or be compatible with a commercial environment.
- G. **General Commercial (GC).** The purpose of the GC district is to:
 - 1. Strengthen the economic base of the County and to protect the County's tax revenues.
 - 2. Allow for full range of commercial uses including businesses not permitted in the CMX or EC districts because they have certain adverse impacts not conducive of a campus or mixed use commercial environment due to potential noise generation or outdoor operations.
 - 3. Provide the opportunity for light manufacturing uses that have impacts comparable to those of permitted retail and service uses to occupy space not in demand for retailing or services.
- H. **Commercial Mixed Use (CMX).** The purpose of the CMX district is to:
 - 1. Allow for a full range of retail, service, and office uses to serve residents, workers and visitors within convenient locations throughout the County.
 - 2. Allow for a mixture of high density residential and commercial land uses located close to one another, either within a single building, on the same parcel, or on adjacent parcels.
 - 3. Include development standards to reduce reliance on the automobile within the project and to create pedestrian-oriented environments.

I. **Neighborhood Mixed Use (NMX).** The purpose of the NMX district is to:

1. Develop neighborhoods that meet all of the daily needs of the residents in their community. Through “neighborhood centers,” where each community can find naturally convenient locations to provide for activities and needs that create focal points for community interaction.
2. Provide areas for small localized retail, eateries, office, and service businesses serving the immediate surrounding area.
3. Allow for a mixture of residential uses and neighborhood services on a single parcel.
4. Protect surrounding residential properties against congestion and inappropriate land use by locating neighborhood centers at or near intersections with at least one well-traveled roadway.
5. Create standards that reduce the need to drive by providing everyday goods and services close to where people live and work, and by allowing for centers of neighborhood activity that support small, locally-owned businesses.

J. **Downtown Core (DC).** The purpose of the DC district is to:

1. Foster economic investment by encouraging development that is consistent with the desired goal of a “small-town downtown commercial district” feel by focusing regulatory efforts more heavily on building design and orientation.
2. Provide development standards that will create an inviting pedestrian environment and incorporate “park-once” strategies.
3. Focus development on commercial and mixed use projects where residential uses are predominantly included only as an ancillary use, such as ground floor commercial and upper floor or rear of lot residential.
4. Locate high density residential projects in appropriate locations.

K. **Employment Center (EC).** The purpose of the EC district is to:

1. Encourage the attraction of a variety of uses including all office types, highly specialized and technological industries, research and experimental institutions, support facilities, business services, and support oriented hotels, retail and multi-family residential uses in a campus style environment.
2. Develop performance standards to discourage offensive odors, noise, fumes, smoke, gases, dust, vibrations and other similar objectionable development impacts.
3. Include development standards to reduce reliance on the automobile within the project and to create pedestrian-oriented environments.

11.08.020 Land Use Regulations

Table 11.08.020 prescribes the land use regulations for Commercial & Mixed-Use Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

TABLE 11.08.020: LAND USE REGULATIONS—COMMERCIAL & MIXED USE DISTRICTS						
Land Use Classification	GC	CMX	NMX	DC	EC	Additional Regulations
Residential Use Classifications						
Residential Housing Types	See subclassifications below					
Duplex/Two-Unit	-	-	P	-	-	
Multi-Unit	-	M(1)	M(1)	P	M(1,2)	
Accessory Dwelling Unit	=	P	P	P	P	See Section 11.32.030
Junior Accessory Dwelling Unit	=	=	P	=	=	See Section 11.32.030
Single-Unit Dwelling, Attached	-	-	P	-	-	
Family Day Care	See subclassifications below					
Large	-	A(2+)	A(2+)	A(2+)	-	See Section 11.32.12+0
Small	-	P(2+)	P(2+)	P(2+)	-	
Caretaker Residence	P	-	-	-	-	See Section 11.32.0870
Residential Boarding Facilities	-	-	A(2+)	A(2+)	-	
Residential Care & Social Service Facilities	See subclassifications below					
General (more than 10 persons)	-	-	M	M	-	See Section 11.32.2530
General (7-10 persons)	-	-	A	A	-	
Limited (6 or fewer persons)	-	P(2+)	P(2+)	P(2+)	-	
Single Room Occupancy	-	A	A	A	A	See Section 11.32.2650
Home Occupation	P(2+)	P(2+)	P(2+)	P(2+)	-	See Section 11.32.1430
Low-Barrier Navigation Center	=	P	P	P	P	See Section 11.32.160
Supportive & Transitional Housing	=	P	P	P	P	See Section 11.32.320
Public & Semi-Public Use Classifications						
Colleges/Trade Schools	M	M	C(54)	-	M	
Community Assembly	P	P	P(43)	A	M	
Community Garden/Urban Agriculture	A(5,74)	A(5,74)	A(5,74)	A(5,74)	A(5,74)	
Cultural Institutions	M	P	P(43)	P	P	
Outdoor & Large Scale Cultural Institutions	A	M	C(54)	-	M	
Day Care Centers	M	P	P	P	P	
Elderly/Long-Term Care	-	P	M(54)	-	M	
Emergency Shelter	Z	M	C(65)	-	-	See Section 11.32.1090
Essential/Emergency Service Facilities	P	A	M	M	P	
Government Offices	P	P	P	P	P	

TABLE 11.08.020: LAND USE REGULATIONS—COMMERCIAL & MIXED USE DISTRICTS						
Land Use Classification	GC	CMX	NMX	DC	EC	Additional Regulations
Hospitals/Clinics	See subclassifications below					
<i>Clinic</i>	P	P	P	P	P	
<i>Hospital</i>	C	C	-	-	C	
Park & Recreation Facilities; Public	See subclassifications below					
<i>Passive Recreation</i>	P	P	P	P	P	
<i>Active Recreation</i>	M	M	M	M	M	
Parking: Public or Private	Z	Z	Z(43)	A	Z	
Schools	-	M	C	-	M	
Commercial Use Classifications						
Animal Care: Sales and Services	See subclassifications below					
<i>Grooming</i>	P	P	P	P	P	
<i>Pet Sales & Associated Services</i>	P	P	P(43)	A	P	
<i>Kennels</i>	C	-	-	-	-	See Section 11.32.0540
<i>Veterinary Services</i>	P(2)	M	P(32,54)	-	M	
Banks & Financial Institutions	P	P	P	P	P	
Bars & Drinking Establishments	P	P	A(43)	A	P	
Business Services	P	P	P	P	P	
Drive-In & Drive Thru Facilities (retail establishment)	Z	Z	Z(43)	-	Z	See Section 11.32.0980
Entertainment & Recreation	See subclassifications below					
<i>Indoor Entertainment & Recreation</i>	P	P	P(54)	M	P	
<i>Outdoor Entertainment</i>	-	-	-	-	C	
<i>Outdoor Sports & Recreation</i>	-	-	-	-	C	
<i>Temporary Uses & Special Events</i>	See Section 11.32.300					
Food & Beverage Sales	See subclassifications below					
Farmers Market	Z	Z	A	A	Z	See Section 11.32.1320
General Grocery Market	P	P	P	P	P	
Liquor Stores	P	P	P(43)	P	P	
Food Preparation	P	P	P(43)	M	P	
Funeral Parlors & Internment Services	P	A	-	-	-	
Lodging	See subclassifications below					
<i>Bed & Breakfast</i>	-	-	P(21)	P(21)	-	See Section 11.32.1540
<i>Health Resort & Retreat Center</i>	P	P	P(54)	A	P	
<i>Hotels & Motels</i>	P	P	M(54)	A	P	
Maintenance & Repair Services	P	P	P(43)	P	P	
Manufactured Home Sales Lots	M	-	-	-	-	
Neighborhood Services	P	P	P	P	P	

Division II: Zoning and Overlay Districts

TABLE 11.08.020: LAND USE REGULATIONS—COMMERCIAL & MIXED USE DISTRICTS						
Land Use Classification	GC	CMX	NMX	DC	EC	Additional Regulations
Professional Services	See subclassifications below					
Business & Professional	P	P	P	P	P	
Medical & Dental	P	P	P	P	P	
Personal Services	See subclassifications below					
General	P	P	P	P	P	
Instructional Services	P	P	P(43)	P	P	
Tattoo or Body Modification Parlor	P	P	P(54)	P	P	
Restaurants	See subclassifications below					
With Drive-Thru	P	P	P(54)	-	P	See Section 11.32.0980 & 11.32.1860
Without Drive-Thru	P	P	P(54)	P	P	
Retail Sales	See subclassifications below					
Building Materials & Services	P	P	P(54)	-	P-	See Section 11.32.1970
Convenience Retail	P	P	P	P	P	
General Retail	P	P	P	P	P	
Large Format Retail	PM	PM	P-	-	PM	
Nurseries & Garden Centers	P	P	P(54)	-	-	
Vehicle Sales & Services	See subclassifications below					
Rentals, Sales & Leasing	P	M	C(54)	M	-	See Section 11.32.0650
Repair: Major	A	-	-	-	-	
Service & Repair: Minor	P	M	C(54)	-	-	
Trucks & Heavy Equipment Sales, Service & Rental	C	-	-	-	-	
Service Station	P	P	P(54)	-	P	
Towing & Impound	M	C	-	-	-	
Washing	P	P	A(54)	-	A	
Industrial Use Classifications						
Construction & Material Yards	C	-	-	-	-	
Custom Manufacturing	P	M	C(54)	-	C	
Limited Industrial	P	-	-	-	C	
Recycling Facilities	See subclassifications below					
Recycling Collection Facility	Z	A	A	-	Z	See Section 11.32.2420
Recycling Processing Facility	M	-	-	-	-	
Research & Development	M	-	-	-	P	

TABLE 11.08.020: LAND USE REGULATIONS—COMMERCIAL & MIXED USE DISTRICTS						
Land Use Classification	GC	CMX	NMX	DC	EC	Additional Regulations
Warehousing, Storage & Distribution	See subclassifications below					
Auction Facilities	C	-	-	-	-	
Indoor Warehousing, Wholesaling & Distribution	C	-	-	-	-	
Outdoor Storage	M	-	-	-	-	See Section 11.19.070
Personal Storage	P	C	C	-	-	See Section 11.32.20180
Transportation, Communications & Utilities Use Classifications						
Communications Facilities	See Section 11.32.290					
Light Fleet-Based Services	P	M	-	-	-	
Transportation Passenger Terminals	P	M	-	-	-	
Major Utilities	C	C	-	-	-	
Minor Utilities	M	M	C	-	M	
Renewable Energy Systems	See subclassifications below					
Personal Solar Energy System	P	P	P	P	P	See Section 11.32.2760
Large Solar Generation Facility	C	-	-	-	C	
Small Solar Generation Facility	M	M	M	M	M	
Agricultural & Extractive Use Classifications						
Agricultural Labor Housing	-	-	P	-	-	See Section 11.32.040
Resource Protection & Restoration	P(65)	P(65)	P(65)	P(65)	P(65)	
Specific Limitations: 1. Standards for review of multifamily housing are required to be objective, in compliance with Senate Bill 35. 21. When located within an existing legally permitted residence. 32. Permitted when conducted entirely within a building. Outdoor kennels and dog runs requires approval of a Minor Conditional Use Permit. 43. For new development projects on NMX properties located outside of a mixed-use corridor as identified in the General Plan or that do not front on an urban arterial or collector road requires approval of a Minor Conditional Use Permit. 54. Only allowed within mixed-use corridors identified in the General Plan or properties that front on an urban arterial or collector road. 65. Copies of any easements or land development restrictions shall be submitted to the Planning Department. 76. Community Gardens/Urban Agriculture: as an interim land use on vacant property.						
Key To Permit Requirements						
Principally Permitted Use	P	Conditional Use Permit Required				C
Zoning Clearance Required	Z	Surface Mining Permit Required				SMP
Administrative Use Permit Required	A	See Numbered Footnote For Additional Limitations				(#)
Minor Conditional Use Permit Required	M	As Outlined In Additional Regulations Section				*
		Use Is Not Allowed				-

11.08.030 Development Regulations

Table 11.08.030, Development Regulations—Commercial and Mixed-Use Districts, prescribes the development standards for Commercial and Mixed-Use Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code. The numbers in the

“#” column refer to the numbers in Figure 11.08.030: Development Regulations—Commercial and Mixed-Use Districts.

FIGURE 11.08.030: DEVELOPMENT REGULATIONS—COMMERCIAL & MIXED-USE DISTRICTS

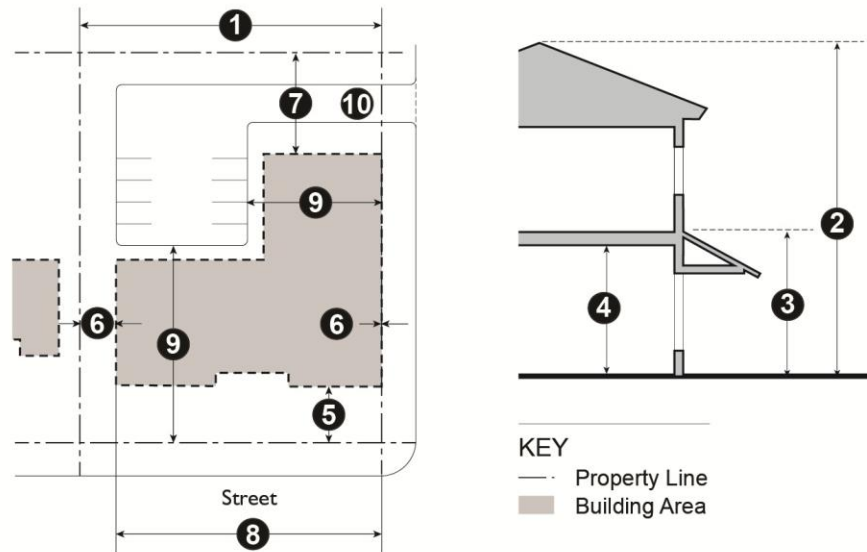


TABLE 11.08.030: DEVELOPMENT REGULATIONS—COMMERCIAL AND MIXED USE DISTRICTS							
Standard	GC	CMX	NMX	DC	EC	Additional Regulations	#
Lot and Density Standards							
Minimum Lot Area (square feet)	10,000	10,000	6,000	6,000	43,560		
Minimum Lot Width (feet)	100	100	60	60	100		①
Maximum Floor Area Ratio (FAR)	0.5	1.0	1.0	1.0	1.0		
Density (units/acre)	N/A	10-40 or 18-40 (A)	3-20 or 10 – 20 (A)	8-40 or 20-40 (A)	16-40 (A)		
Building Form and Location Standards							
Maximum Height (ft)	35	45(B)	35	45(B)	60(B)	11.19.050 Height Exceptions	②
Ground Floor Minimum, Nonresidential Uses							
Ground Floor Height (ft)	N/A	15	N/A	15	N/A		③
First Floor Ceiling Height (ft clear)	N/A	12	N/A	12	N/A		④
Minimum Setbacks (ft)							
Front	5, 10 if there is no sidewalk (C)	5, 10 if there is no sidewalk (C)	5, 10 if there is no sidewalk (C)	5, 10 if there is no sidewalk (C)	50 along the perimeter of the site, 0 on interior roads	11.19.090 Setbacks and Yards	⑤

TABLE 11.08.030: DEVELOPMENT REGULATIONS—COMMERCIAL AND MIXED USE DISTRICTS							
Standard	GC	CMX	NMX	DC	EC	Additional Regulations	#
Side	0, 15 if adjacent to R district	0, 5 if adjacent to R district (B)	0, 5 if adjacent to R district (B)	0, 5 if adjacent to R district (B)	25 along the perimeter of the site, 0 on interior roads	11.19.090 Setbacks and Yards	6
Rear	0, 15 adjacent to R district	5, 10 adjacent to R district (B)	5, 10 adjacent to R district (B)	5, 10 adjacent to R district (B)	25 along the perimeter of the site, 0 on interior roads	11.19.090 Setbacks and Yards	7
Required Building Area (% of lot frontage)	N/A	N/A	N/A	50	50, applicable only on interior roads		8
Parking and Loading Standards							
Parking Setback from Street Property Line (ft)	10(D)	10(D)	10 (D)	Located to side or rear of buildings (D)	40(D)	11.25 Parking & Loading	9
Access Location	Side street or alley wherever possible						10
Curb Cuts	Minimized and in area least likely to impede pedestrian circulation						
Loading/Service Area	Side or rear of lot						
Open Space Standards							
Minimum Residential Open Space (sq ft per unit)	N/A	100(E)	100(E)	50E)	100(E)		
Minimum Public Open Space (% of site)	10; applicable only to mixed-use and non-residential development on lots greater than 15,000 square feet						

Additional Regulations

- A. **Density.** Additional regulations pertaining to the minimum and maximum density allowed by zone district are as follows:
1. **Commercial Mixed Use.** When residential uses are part of a mixed use project the density range is 10-40 units per acre of portion affected. Residential only projects the density range is 18-40 units per acre.
 2. **Neighborhood Mixed Use.** When residential uses are part of a mixed use project the density range is 3-20 units per acre of portion affected. Residential only projects the density range is 10-20 units per acre.
 3. **Downtown Core.** When residential uses are part of a mixed use project the density range is 8-40 units per acre. Residential only projects the density range is 20-40 units per acre.
 4. **Employment Center.** Residential uses are only allowed when ancillary to a primary employment use.

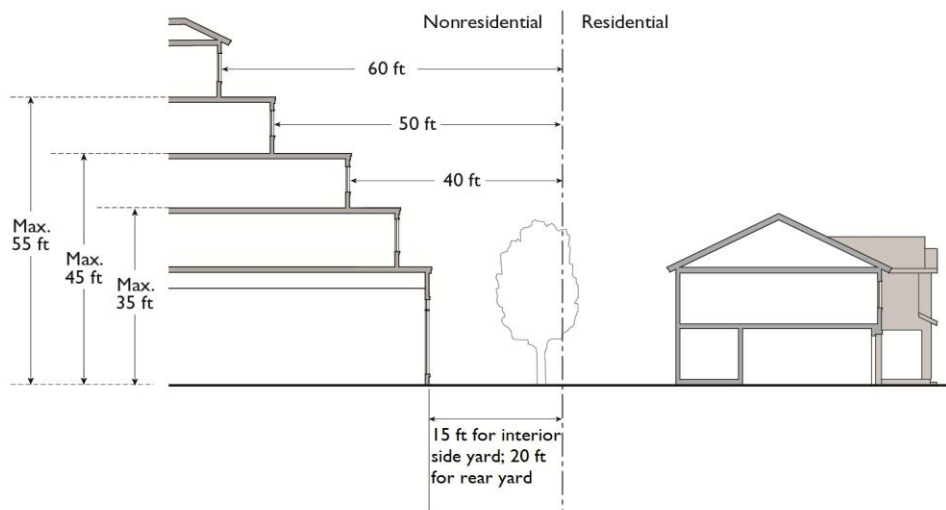
5. Reduction in Minimum Density Requirements. A reduction in the minimum density requirement may be allowed in the NMX and DC districts when the site is already developed or the parcel is less than one acre in size, thus making it unfeasible to meet the minimum density requirement. Lower density may also be approved in the CMX, NMX, DC, and EC districts with approval of an affordable housing agreement stipulating that a minimum of 75 percent of the units will be reserved for low-income households for a minimum of 25 years.

5.6. Accessory Dwelling Units. Where accessory dwelling units are permitted, they do not count towards the maximum density restrictions of the zone district.

B. Additional Height and Setback Requirements.

1. ***Nonresidential Uses; Transitional Standards.*** Where a nonresidential use is adjacent to a Residential District the following standards apply:
 - a. The maximum height is:
 - i. 35 feet within 40 feet of a Residential District;
 - ii. 45 feet within 50 feet of a Residential District; and
 - iii. 55 feet within 60 feet of a Residential District.
 - b. The building setback from a Residential District boundary shall be 15 feet for interior side yards and 20 feet for rear yards.

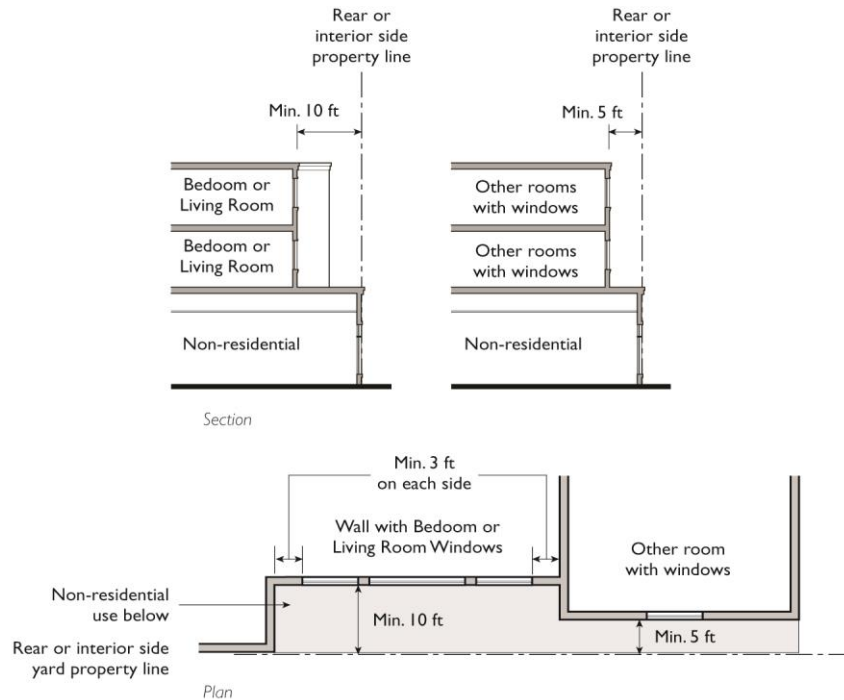
FIGURE 11.08.030(B): TRANSITIONAL STANDARDS—COMMERCIAL AND MIXED-USE DISTRICTS



2. ***Residential Uses; Required Side and Rear Yards.*** In order to provide light and air for residential units, the following minimum setbacks apply to any building wall containing windows and facing an interior side or rear yard:
 - a. For any wall containing windows, a setback of at least 5 feet shall be provided.

- b. For any wall containing bedroom or living room windows, a setback of at least 10 feet shall be provided.
- c. The required setbacks apply to that portion of the building wall containing and extending three feet on either side of any window.

FIGURE 11.08.030(B)(2): REQUIRED SIDE AND REAR YARDS—RESIDENTIAL USES



- C. **Build-to Line.** Buildings shall be constructed within five feet of the required setback for the percent of linear street frontage identified in Table 11.08.030. The area between the building and property line shall be paved so that it functions as a wider public sidewalk, landscaped, or improved with pedestrian amenities. This requirement may be modified or waived by the Zoning Administrator if:
 - 1. Substantial landscaping is located between the build-to line and ground floor residential units to soften visual impact of buildings;
 - 2. Entry courtyards, plazas, entries, or outdoor eating and display areas are located between the build-to line and building, provided that the buildings are built to the edge of the courtyard, plaza, or dining area; or
 - 3. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.
- D. **Residential Open Space.** Residential open space may be provided as common or private open space. Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence. Common areas typically consist of landscaped areas, walks, patios, swimming pools,

barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development. Landscaped courtyard entries that are oriented towards the public street which create a welcoming entry feature are also considered common areas. All areas not improved with buildings, parking, vehicular accessways, trash enclosures, and similar items shall be developed as common areas with the types of attributes described above.

1. ***Minimum Dimensions.*** Open space shall have the following minimum dimensions in order to count toward open space requirements.
 - a. *Private Open Space.* Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than eight feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than five feet.
 - b. *Common Open Space.* Minimum dimension of 25 feet.
 - c. *Required Setbacks and Walkways not Counted.* Required front and streetside setback areas and walkways between buildings do not count towards the minimum residential open space per unit requirements.
2. ***Usability.*** A surface shall be 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. Slope shall not exceed 10 percent.
3. ***Accessibility.***
 - a. *Private Open Space.* The space shall be accessible to only one residential unit by a doorway to a habitable room or hallway.
 - b. *Common Open Space.* The space shall be accessible to the residential units on the lot.

11.08.040 Supplemental Regulations

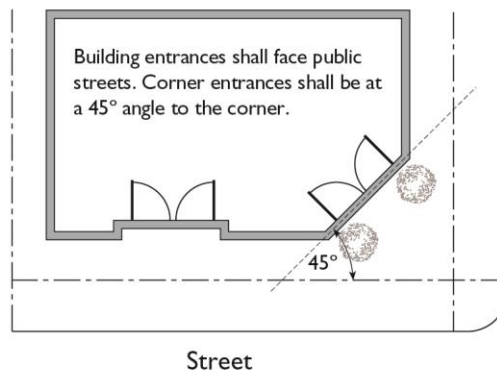
The following supplemental regulations apply to development projects within the Valley Growth Boundary.

- A. **Maximum Block Length.** Block lengths shall not exceed 450 feet unless a mid-block pedestrian connection is provided then block lengths of up to 600 feet are allowed. This interval does not apply to development areas that are adjacent to limited access highways, freeways, expressways or other areas where physical constraints or land use compatibility make connectivity infeasible or undesirable.
- B. **Building Orientation and Entrances.**
 1. Buildings shall be oriented to face public streets.
 2. Building frontages should be generally parallel to streets, and the primary building entrances shall be located on a public street or public plaza.
 3. Building entrances shall be emphasized with special architectural and landscape treatments.
 4. Entrances located at corners shall generally be located at a 45 degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements. All building and dwelling units located in the interior of a

site shall have entrances from the sidewalk that are designed as an extension of the public sidewalk and connect to a public sidewalk.

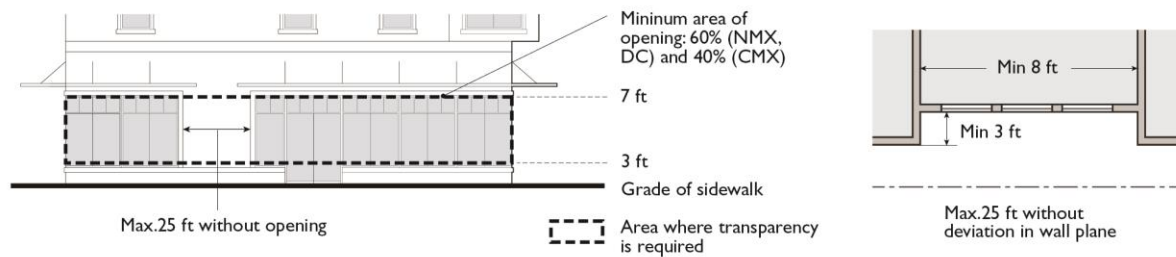
5. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.

FIGURE 11.08.040(B): COMMERCIAL & MIXED-USE BUILDING ORIENTATION AND ENTRANCES



- C. **Building Transparency; Required Openings for Non-Residential Uses in the CMX, NMX, and DC Districts.** Exterior walls facing and within 10 feet of a front or street side property line shall include windows, doors, or other openings for at least 60 percent of the building wall area in the NMX and DC districts and 40 percent in the CMX District located between three and seven feet above the level of the sidewalk. No wall may run in a continuous plane for more than 25 feet without an opening or minimum of a three foot deviation in the horizontal wall plane for a minimum distance of eight feet.
 1. ***Design of Required Openings.*** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
 2. ***Exceptions for Parking Garages.*** Multi-level garages are not required to meet the building transparency requirement of this subsection.
 3. ***Alternatives through Design Review.*** Alternatives to the building transparency requirement may be approved if the decision-making authority finds that:
 - a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
 - b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

FIGURE 11.08.040(C): COMMERCIAL & MIXED-USE BUILDING TRANSPARENCY



D. **Pedestrian Access.** On-site pedestrian circulation and access must be provided according to the following standards.

1. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
2. **To Circulation Network.** Within the Valley Growth Boundary, regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk.
3. **To Neighbors.** Within the Valley Growth Boundary, direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

E. **Employment Center (zone district).** The 2030 General Plan identified property along the Highway 65 corridor as Employment Village to meet the future employment and housing needs of the County. The majority of the area designated as Employment Village in the General Plan is currently in agriculture or agricultural industrial uses. The Employment Center zone district along with the 2030 General Plan policies establish the framework to allow this area to move from agricultural to more intensive urban levels of employment. Therefore, no development may occur within the EC District or any future EC district prior to the approval of a Master Plan. The Master Plan will serve as a comprehensive program that identifies the parameters and standards for the uses, design, and maintenance of all land within the EC District. The following provisions shall be incorporated into the conditional use permit or imposed as conditions of approval:

1. **Land Uses.** A mix of primary land uses consistent with the allowances in Table 11.08.020: Land Use Regulations—Commercial & Mixed Use Districts. Retail, services, and workforce housing (and mixed-use with housing) may be permitted if they are ancillary to the primary employment generating uses.
2. **Circulation System.** A circulation system to form convenient and safe access to serve the primary employment-generating uses. Mixed-use and residential areas shall provide relatively short block lengths and continuity of streets in order to facilitate convenient pedestrian, bicycle, and vehicle movement.

Chapter 11.09 Industrial Districts

Sections:

11.09.010	Purpose
11.09.020	Land Use Regulations
11.09.030	Development Regulations

11.09.010 Purpose

The purpose of the Industrial Districts is to provide for the development of varied industrial uses that would supply needed employment opportunities for the County.

- A. Industrial development has inherent characteristics that require special attention and protection. Consideration must be given to industrial needs for adequate site locations with regard to: terrain, parcel size, availability of water and sewer systems, transportation, and compatibility with surrounding development.
- B. **Industrial Commercial (IC).** The purpose of the IC district is to be applied to property designated as industrial/commercial pursuant to Measure R (Yuba County Raceway) which can be used for, or proposed to be used for, a mix of light industrial and commercial uses which are compatible with the uses to be developed in the adjacent sports/entertainment district.
- C. **General Industrial (IG).** The purpose of the IG district is to:
 - 1. Reserve appropriately located areas for industrial plants and related activities; including operations that necessitate the storage of large volumes of hazardous or unsightly materials, or which produce dust, smoke, fumes, odors, or noise at levels that would affect surrounding uses.
 - 2. Protect areas appropriate for industrial use from intrusion by residential dwellings and other conflicting uses.
 - 3. Limited amounts of ancillary retail areas are permitted for the sale and or display of products manufactured on-site.
- D. **Light Industrial (IL).** The purpose of the IL district is to:
 - 1. Provide for compatible land uses in areas of close proximity to residential areas and less intense commercial areas.
 - 2. Allow for light industrial and service commercial uses with limited potential to create noise, odor, vibration, or other similar impacts to adjacent uses and surrounding areas. Uses may include ancillary retail areas for the sale of products manufactured on-site.
 - 3. Allow opportunity for other types of industrial uses by providing discretionary and conditional approval of proposed industrial land uses where impacts to adjacent uses can be mitigated.
 - 4. Provide opportunities for industrial projects in a campus like environment where limited amounts of retail, services, restaurants and public/ quasi-public uses are permitted to serve on-site employees.

11.09.020 Land Use Regulations

Table 11.09.020 prescribes the land use regulations for Industrial Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

TABLE 11.09.020: LAND USE REGULATIONS—INDUSTRIAL DISTRICTS				
<i>Land Use Classification</i>	<i>IC¹</i>	<i>IG</i>	<i>IL</i>	<i>Additional Regulations</i>
Residential Use Classifications				
Residential Housing Types	See subclassifications below			
<i>Multi-Unit</i>	M(2,3)	-	-	
<u>Accessory Dwelling Units</u>	P	-	-	See Section 11.32.030
Caretaker Residence	P	P	P	See Section 11.32.0870
Single Room Occupancy	M(2)	-	-	See Section 11.32.2650
<u>Low-Barrier Navigation Center</u>	-	-	-	See Section 11.32.160
Public & Semi-Public Use Classifications				
Cemetery	-	-	C	
Colleges/Trade Schools	C	-	M	
Community Assembly	-	-	M	
Community Garden/Urban Agriculture	-	A(87)	A(87)	
Cultural Institutions	-	-	M	
<i>Outdoor & Large Scale Cultural Institutions</i>	-	-	C	
Day Care Centers	M(2)	-	M	
Detention Facility	-	C	C	
Emergency Shelter	-	-	C	See Section 11.32.10090
Essential/Emergency Service Facilities	M	P	P	
Government Offices	-	-	A	
Park & Recreation Facilities; Public	See subclassifications below			
<i>Passive Recreation</i>	P	P	P	
Parking; Public or Private	A	P	P	
Commercial Use Classifications				
Adult-Oriented Business	-	M	M	
Animal Care: Sales and Services	See subclassifications below			
<i>Grooming</i>	-	-	A	
<i>Kennels</i>	-	A	A	See Section 11.32.0540
<i>Veterinary Services</i>	-	-	P	
Bars & Drinking Establishments	Z(2)	-	-	
Business Services	Z(2)	-	P	
Drive-In & Drive Thru Facilities (retail establishment)	Z(2)	-	-	See Section 11.32.0980
Entertainment & Recreation	See subclassifications below			
<i>Indoor Entertainment & Recreation</i>	M	-	M	
<i>Outdoor Entertainment</i>	M	-	-	

TABLE 11.09.020: LAND USE REGULATIONS—INDUSTRIAL DISTRICTS				
Land Use Classification	IC ¹	IG	IL	Additional Regulations
Outdoor Sports & Recreation	M	-	-	
Temporary Uses & Special Events	See Section 11.32.3190			
Food Preparation	-	-	P	
Funeral Parlors & Internment Services	-	-	P	
Lodging	See subclassifications below			
Hotels & Motels	P	-	-	See Section 11.32.1540
Maintenance & Repair Services	M	P	P	
Manufactured Home Sales Lots	C	P	P	
Professional Services	See subclassifications below			
Business & Professional	M	-	M	
Medical & Dental	M	-	M	
Personal Services	See subclassifications below			
General	M	-	M	
Instructional Services	M	-	M	
Tattoo or Body Modification Parlor	M	-	M	
Restaurants	See subclassifications below			
With Drive-Thru	Z(2)	-	-	See Section 11.32.0980 & 11.32.1860
Without Drive-Thru	Z(2)	-	-	
Retail Sales	See subclassifications below			
Building Materials & Services	-	A(43)	A(43)	See Section 11.32.1970
Convenience Retail	Z(2)	-	-	
General Retail	Z(2)	-	-	
Large Format Retail	M	-	-	
Nurseries & Garden Centers	-	A(43)	A(43)	
Vehicle Sales & Services	See subclassifications below			
Rentals, Sales & Leasing	P(45)	-	M	See Section 11.32.0650
Repair: Major	P(54)	A	M	
Service & Repair: Minor	P(54)	P	A	
Trucks & Heavy Equipment Sales, Service & Rental	P(54)	A	M	
Service Station	P(54)	P	P	
Towing & Impound	-	P	M	
Washing	Z(65)	P	Z(65)	
Industrial Use Classifications				
Construction & Material Yards	M	P	A	
Custom Manufacturing	M	P	P	
General Industrial	-	P	M	
Intensive Industrial	-	C	-	
Limited Industrial	C	P	P	
Recycling Facilities	See subclassifications below			

TABLE 11.09.020: LAND USE REGULATIONS—INDUSTRIAL DISTRICTS				
Land Use Classification	IC ¹	IG	IL	Additional Regulations
Recycling Collection Facility	Z(65)	P(98)	P(98)	See Section 11.32.2420
Recycling Processing Facility	-	P	A	
Research & Development	P	A	P	
Salvage & Wrecking	-	M	C	
Warehousing, Storage & Distribution See subclassifications below				
Auction Facilities	M	A	M	
Chemical, Mineral & Explosive Storage	-	M	C	
Indoor Warehousing, Wholesaling & Distribution	C	P	P	
Outdoor Storage	-	P	A	See Section 11.19.0970
Personal Storage	M	M	P	See Section 11.32.20180
Transportation, Communications & Utilities Use Classifications				
Airports & Helicopters	-	C	C	
Communications Facilities	See Section 11.32.30290			
Freight/Truck Terminals & Warehouses	-	P	A	
Light Fleet-Based Services	M	P	P	
Transportation Passenger Terminals	C	A	P	
Major Utilities	C	M	C	
Minor Utilities	P	P	P	
Renewable Energy Systems See subclassifications below				
Personal Hydro Energy System	P	P	P	See Section 11.32.2760
Personal Solar Energy System	P	P	P	
Large Solar Generation Facility	C	A	M	
Small Solar Generation Facility	M	M	M	
Personal Wind Energy System	P	P	P	See Section 11.32.2870
Large Wind Generation Facility	-	C	-	
Small Wind Generation Facility	-	M	-	
Agricultural & Extractive Use Classifications				
Agricultural Processing	-	P	M	
Custom Farming	C	P	P	
Farm Machinery & Equipment, Sales & Service	Z	P	M	
Feed & Farm Supply Store	-	P(43)	P(43)	

11.09.030 Development Regulations

TABLE 11.09.020: LAND USE REGULATIONS—INDUSTRIAL DISTRICTS				
<i>Land Use Classification</i>	<i>IC¹</i>	<i>IG</i>	<i>IL</i>	<i>Additional Regulations</i>
Agricultural Packing & Storage	See subclassifications below			
<i>Off-site Products</i>	-	P	A	
Resource Protection & Restoration	P(76)	P(76)	P(76)	
Sales Lot, Feed Lot, Stockyard	-	C	-	
Slaughterhouse	-	C	-	
Timber Processing	-	P	C	
Specific Limitations: 1. All uses within the IC district must be consistent with Measure R. 2. Employee/workforce housing 16 to 40 units per acre & support services related to a permitted employment generating use. 3. <u>Standards for review of multifamily housing are required to be objective, in compliance with Senate Bill 35.</u> 43. Whole sale only. In addition, in the IL district must be conducted inside a building. 54. All repair, bodywork, and/or painting must be conducted inside a building. 65. When ancillary to a permitted or conditionally permitted use. 76. Copies of any easements or land development restrictions shall be submitted to the Planning Department. 87. Community Gardens/Urban Agriculture: as an interim land use on vacant property. 98. Recycling collection only permitted when associated with an approved recycling processing facility.				
Key To Permit Requirements				
Principally Permitted Use	P	Conditional Use Permit Required	C	
Zoning Clearance Required	Z	Surface Mining Permit Required	SMP	
Administrative Use Permit Required	A	See Numbered Footnote For Additional Limitations	(#)	
Minor Conditional Use Permit Required	M	As Outlined In Additional Regulations Section	*	
		Use Is Not Allowed	-	

Table 11.09.030, Development Regulations—Industrial Districts, prescribes the development standards for Industrial Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code. The numbers in the “#” column refer to the numbers in Figure 11.09.030: Development Regulations—Industrial Districts.

FIGURE 11.09.030: DEVELOPMENT REGULATIONS—INDUSTRIAL DISTRICTS

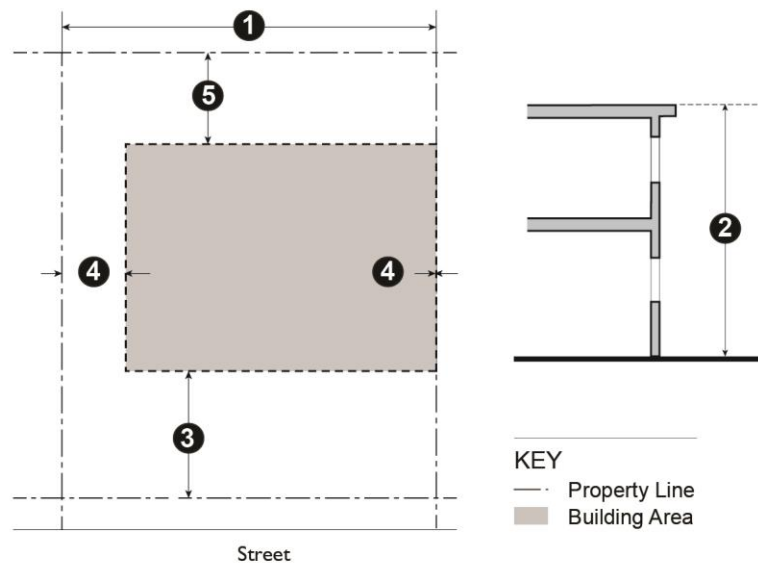


TABLE 11.09.030: DEVELOPMENT REGULATIONS—INDUSTRIAL DISTRICTS					
Standard	IC	IG	IL	Additional Regulations	#
Lot and Density Standards					
Minimum Lot Area (square feet)	10,000	10,000	10,000		
Minimum Lot Width (feet)	60	60	60		1
Maximum FAR	.25	.5	.5		
Building Form and Location Standards					
Maximum Height (ft)	50 (A)	75 (A)	75 (A)	11.19.050 Height Exceptions	2
Minimum Setbacks (ft)					
Front	0 (A)	0 (A)	0 (A)	11.19.090 Setbacks and Yards	3
Side	0 (A)	0 (A)	0 (A)	11.19.090 Setbacks and Yards	4
Rear	0 (A)	0 (A)	0 (A)	11.19.090 Setbacks and Yards	5
Parking & Loading				11.25 Parking & Loading	

Additional Regulations

A. **Transitional Standards.** Where an Industrial District is adjacent to a Residential District or Neighborhood Mixed Use District with existing residential uses, the following standards apply:

1. The maximum height is:
 - a. 30 feet within 40 feet of a Residential District or Neighborhood Mixed Use District with existing residential uses;
 - b. 40 feet within 50 feet of a Residential District or Neighborhood Mixed Use District with existing residential uses; and

- c. 50 feet within 100 feet of a Residential District or Neighborhood Mixed Use District with existing residential uses.

2. The building setback from a Residential District boundary shall be 15 feet for interior side yards and 20 feet for rear yards.

- B. Accessory Dwelling Units. Where accessory dwelling units are permitted, they do not count towards the maximum density restrictions of the zone district.

FIGURE 11.09.030(A): TRANSITIONAL STANDARDS—INDUSTRIAL DISTRICTS



Chapter 11.10 Special Purpose Districts

Sections:

11.10.010	Purpose
11.10.020	Land Use Regulations
11.10.030	Development Regulations

11.10.010 Purpose

Special purpose zoning districts are established to accommodate unique uses or development types or to address special development conditions.

- A. Special purpose zoning districts are base zoning districts intended for a very specific application such as but not limited to public facilities.
- B. **Public Facilities (PF).** The purpose of the PF district is to:
 - 1. Provide for the location of properties which are used for, or are proposed to be used for public purposes or for specified public utility purposes.
 - 2. Allow for quasi-public facilities that serve County residents and visitors and enhance the quality of life within the county.
- C. **Plan Area: Specific Plan (SP) or Community Plan (CP).** The purpose of the SP and CP districts are to:
 - 1. Identify the opportunity to create specific plans and/or community plans within the County, along with the requirements and process for review and action.
 - 2. As provided in this title, specific plans and community plans function as unique base zoning district(s) for purposes of master planning areas of the County due to unique conditions, issues, goals, needs, or other factors.
 - 3. Any future specific plans or community plans shall be consistent with the County's General Plan and relevant state law.
- D. **Sports and Entertainment (SE).** The purpose of the SE district is to:
 - 1. Regulate the allowable uses of the property designated as sports/entertainment pursuant to Measure R.
 - 2. Regulate allowable uses of the raceway and flea market on Simpson Lane.
 - 3. Provide for the development of a sports and entertainment district.
 - 4. The development of ancillary and supportive uses that will enhance the function and sustainability of the primary entertainment venues and facilities may be permitted.

11.10.020 Land Use Regulations

Table 11.10.020 prescribes the land use regulations for Special Purpose Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

TABLE 11.10.020: LAND USE REGULATIONS—SPECIAL PURPOSE DISTRICT			
<i>Land Use Classification</i>	<i>PF</i>	<i>SE¹</i>	<i>Additional Regulations</i>
Residential Use Classifications			
Caretaker Residence	P	-	See Section 11.32.0970
Public & Semi-Public Use Classifications			
Cemetery	C	-	
Colleges/Trade Schools	M	-	
Community Assembly	M	-	
Community Garden/Urban Agriculture	M(4)	-	
Cultural Institutions	P	-	
<i>Outdoor & Large Scale Cultural Institutions</i>	M	-	
Day Care Centers	M	-	
Detention Facility	C	-	
Elderly/Long-Term Care	M	-	
Emergency Shelter	Z	-	See Section 11.32.1090
Essential/Emergency Service Facilities	M	-	
Government Offices	P	-	
Hospitals/Clinics	See subclassifications below		
<i>Clinic</i>	P	-	
<i>Hospital</i>	C	-	
Park & Recreation Facilities; Public	See subclassifications below		
<i>Passive Recreation</i>	P	-	
<i>Active Recreation</i>	M	-	
Parking; Public or Private	Z	-	
Schools	M	-	
Commercial Use Classifications			
Animal Care: Sales and Services	See subclassifications below		
<i>Veterinary Services</i>	M	-	
Bars & Drinking Establishments	-	Z(2)	
Entertainment & Recreation	See subclassifications below		
<i>Campground</i>	-	Z(2)	See Section 11.32.0760
<i>Indoor Entertainment & Recreation</i>	-	Z	
<i>Outdoor Entertainment</i>	-	Z	
<i>Outdoor Sports & Recreation</i>	-	Z	
<i>Temporary Uses & Special Events</i>	See Section 11.32.3160		
Food & Beverage Sales	See subclassifications below		

TABLE 11.10.020: LAND USE REGULATIONS—SPECIAL PURPOSE DISTRICT			
Land Use Classification	PF	SE ¹	Additional Regulations
Farmers Market	Z	-	See Section 11.32.1 3 20
Lodging	See subclassifications below		
Hotels & Motels	-	Z	See Section 11.32.1 5 40
Restaurants	See subclassifications below		
With Drive-Thru	-	Z(2)	See Section 11.32.0 9 80 & 11.32.1 8 60
Without Drive-Thru	-	Z(2)	
Industrial Use Classifications			
Recycling Facilities	See subclassifications below		
Recycling Processing Facility	C	-	See Section 11.32.2 4 20
Transportation, Communications & Utilities Use Classifications			
Airports & Helicopters	C	-	
Communications Facilities	See Section 11.32. 30 290		
Transportation Passenger Terminals	M	-	
Major Utilities	C	-	
Minor Utilities	P	Z(2)	
Renewable Energy Systems	See subclassifications below		
Personal Hydro Energy System	P	-	See Section 11.32.2 7 60
Personal Solar Energy System	P	P	
Large Solar Generation Facility	C	-	
Small Solar Generation	M	-	
Personal Wind Energy System	P	P	See Section 11.32.2 8 70
Large Wind Generation Facility	C	-	
Small Wind Energy System	M	-	
Agricultural & Extractive Use Classifications			
Resource Protection & Restoration	P(3)	-	
Specific Limitations:			
1. All uses within the Highway 65 SE district must be consistent with Measure R “Yuba County Raceway Measure.”.			
2. When associated with a permitted sports and entertainment facility			
3. Copies of any easements or land development restrictions shall be submitted to the Planning Department.			
4. Community Gardens/Urban Agriculture: as an interim land use on vacant property.			
Key To Permit Requirements			
Principally Permitted Use	P	Conditional Use Permit Required	C
Zoning Clearance Required	Z	Surface Mining Permit Required	SMP
Administrative Use Permit Required	A	See Numbered Footnote For Additional Limitations	(#)
Minor Conditional Use Permit Required	M	As Outlined In Additional Regulations Section	*
		Use Is Not Allowed	-

Table 11.10.030, Development Regulations—Special Purpose Districts, prescribes the development standards for Public Facilities and Sports and Entertainment Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code. The numbers in the “#” column refer to the numbers in Figure 11.10.030: Development Regulations—Special Purpose Districts. Development Regulations for SP and CP districts are established in the applicable Specific Plan or Community Plan.

The diagram shows a building footprint within a property boundary. The building is shaded gray, and the property boundary is indicated by a dashed line. The street is at the bottom. Three dimensions are labeled with circled numbers:

- 1**: Building Depth (front setback) - the distance from the street to the front of the building.
- 2**: Building Width (side setbacks) - the distance from the side property lines to the sides of the building.
- 3**: Building Height (height from street level) - the vertical distance from the street level to the top of the building.

KEY

- Property Line
- Building Area

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11.10.040 Supplemental Regulations

- A. Highway 65 Sports and Entertainment District. Development of the SE designated property located along the west side of Highway 65 shall meet all requirements stipulated within Measure R, any requirements stipulated in current or future adopted memorandum of agreements or development agreements with the County, and any associated environmental documents for development within the Highway 65 SE district.

Chapter 11.11 Natural Resource Districts

Sections:

11.11.010	Purpose
11.11.020	Land Use Regulations
11.11.030	Development Regulations
11.11.040	Supplemental Regulations

11.11.010 Purpose

The primary purpose of the Natural Resource districts is to designate areas suitable for natural resource uses, to prevent the encroachment of incompatible uses into natural resource lands, and to prevent the premature conversion of such lands to non-resource uses. Natural resource uses include, but are not limited to: natural habitat, watersheds, scenic resources, cultural resources, recreational amenities, agricultural lands, forest resources, wetlands, woodlands, and minerals.

- A. The standards are intended to define and conserve selected natural resources by minimizing adverse impacts to them, thereby protecting the rights of the residents of Yuba County to sustainable use; enjoyment; extraction; and the natural, scenic, historic and aesthetic values of the environment, as set forth in the General Plan.
- B. **Extractive (EX).** The purpose of the EX district is to:
 - 1. Establish appropriate locations for the extraction, processing and distribution of minerals occurring naturally such as sand, gravel, ores and precious metals, and under certain permitted conditions blending said natural materials with imported materials.
 - 2. Provide for public awareness of the potential for surface mining to occur and reduce potential impacts from non-compatible uses.
 - 3. Provide a mechanism to allow for support services and uses that are necessary and/or complimentary to the long term sustainability of mining operations.
- C. **Resource Preservation and Recreation (RPR).** This zone district is primarily located within the Natural Resources areas of the County but is also an allowed zoning designation within Rural Community districts and the Valley Growth Boundary consistent with the overall purposes of the RPR designation. The purpose of the RPR district is to:
 - 1. Preserve land containing natural or potential parkland for passive recreational activities and nonstructural uses.
 - 2. Identify lake recreation areas and to provide for use of these areas for active public recreation purposes.
 - 3. Preserve lands whose natural resources are of significant long range social, economic and environmental importance.
 - 4. Preserve open space and identify high quality plant areas, critical wildlife habitat, and critical watershed lands in the County.
 - 5. Preserve lands from residential development.

D. **Timber Production (TP).** This zone district is primarily located within the Natural Resources areas of the County but is also an allowed zoning designation within Rural Community districts consistent with the overall purposes of the TP designation. The purpose of the TP district is to:

1. Preserve valuable timber resources within the County and to protect both the economic and environmental value of these lands.
2. Create standards that support the growing and harvesting of timber, pulp woods, and other forestry products for commercial purposes.
3. Implement the California Timberland Productivity Act of 1982.
4. Provide a mechanism to allow for support services and uses that are necessary and/or complimentary to the long term sustainability of timber operations.

11.11.020 Land Use Regulations

Table 11.11.020 prescribes the land use regulations for Natural Resource Districts. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

TABLE 11.11.020: LAND USE REGULATION—NATURAL RESOURCE DISTRICTS				
Land Use Classification	EX	TP	RPR	Additional Regulations
Residential Use Classifications				
Single-Unit Dwelling, Detached	-	P	-	
Caretaker Residence	P	Z	P	See Section 11.32.0870
Employee Housing	A	A	A	See Section 11.32.1190
Home Occupation	P(1)	P(1)	P(1)	See Section 11.32.1430
Public & Semi-Public Use Classifications				
Cemetery	-	-	C	
Cultural Institutions	-	-	C	
Outdoor & Large Scale Cultural Institutions	-	-	C	
Essential/Emergency Service Facilities	M	M	M	
Park & Recreation Facilities; Public	See subclassifications below			
Passive Recreation	P	P	P	
Active Recreation	-	C	C	
Commercial Use Classifications				
Entertainment & Recreation	See subclassifications below			
Campground	-	M	M	See Section 11.32.0760
Hunting/Fishing Club	M	Z(4)	Z(4)	
Incidental Hunting and Fishing	P	P	P	
Outdoor Entertainment	-	M(2)	M(2)	
Outdoor Sports & Recreation	-	M(2)	M(2)	
Temporary Uses & Special Events	See Section 11.32.3190			
TABLE 11.11.020: LAND USE REGULATION—NATURAL RESOURCE DISTRICTS				
Land Use Classification	EX	TP	RPR	Additional Regulations

TABLE 11.11.020: LAND USE REGULATION—NATURAL RESOURCE DISTRICTS				
Land Use Classification	EX	TP	RPR	Additional Regulations
Lodging	See subclassifications below			
Agricultural Homestays	-	-	C	See Section 11.32.1540
Industrial Use Classifications				
Construction & Material Yards	P(3)	P(3)	-	
General Industrial	A(7)	-	-	
Intensive Industrial	A(7)	-	-	
Research and Development	A(7)	-	-	
Transportation, Communications & Utilities Use Classifications				
Agricultural Runways & Airport Facilities	-	M	-	
Communications Facilities	See Section 11.32.30290			
Major Utilities	C	C	C	
Minor Utilities	P	P	M	
On-Site Biomass Facility	-	P(3)	M(3)	
Renewable Energy Systems	See subclassifications below			
Personal Hydro System	P	P	P	See Section 11.32.2760
Personal Solar Energy System	P	P	P	
Large Solar Generation Facility	-	C(3)	-	
Small Solar Generation Facility	-	M(3)	M(3)	
Personal Wind Energy System	P	P	P	See Section 11.32.2870
Large Wind Generation Facility	-	C(3)	-	
Small Wind Generation Facility	-	M(3)	-	
Agricultural & Extractive Use Classifications				
Agricultural Labor Housing	-	P	-	See Section 11.32.0430
Grazing (Animal Raising)	P	P	P	
Mining	SMP	-	-	See Section 11.32.2980
Resource Protection & Restoration	P(4)	P(4)	P(4)	
Timber Production & Harvesting	-	P	(5)	
Timber Processing	-	M	-	
Specific Limitations:				
1. Only when there is a pre-existing legally permitted residence or approved caretakers unit.				
2. Only those types of entertainment & recreation uses that are compatible with the Natural Resources designation as determined by Zoning Administrator				
3. Only when associated with or will not negatively impact a permitted mining, extraction, timber operation, or other permitted use as determined by Zoning Administrator.				
4. Copies of any easements or land development restrictions shall be submitted to the Planning Department.				
5. Less than 3 acres requires approval of a Zoning Clearance. Over 3 acres requires approval of an Administrative Use Permit. A finding must be made that the harvesting of trees is necessary for the health and maintenance of the forest.				
6. Single-unit dwellings are allowed as a “compatible use” as defined in Government Code Subsection 51104(h) of the Timber Production Act and shall not be used as a mechanism to further subdivide timber lands.				
7. General Industrial and Intensive Industrial uses ancillary to a permitted mining operation when a finding can be made that the use will not be detrimental to adjacent mining operations or is inconsistent with the airport overlay zone.				

TABLE 11.11.020: LAND USE REGULATION—NATURAL RESOURCE DISTRICTS			
Key To Permit Requirements			
Principally Permitted Use	P	Conditional Use Permit Required	C
Zoning Clearance Required	Z	Surface Mining Permit Required	SMP
Administrative Use Permit Required	A	See Numbered Footnote For Additional Limitations	(#)
Minor Conditional Use Permit Required	M	As Outlined In Additional Regulations Section	*
		Use Is Not Allowed	–

11.11.030 Development Regulations

Table 11.11.030, Development Regulations—Natural Resource Districts, prescribes the development standards for Natural Resource Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code. The numbers in the “#” column refer to the numbers in Figure 11.11.030: Development Regulations—Natural Resource Districts.

FIGURE 11.11.030: DEVELOPMENT REGULATIONS—NATURAL RESOURCE DISTRICTS

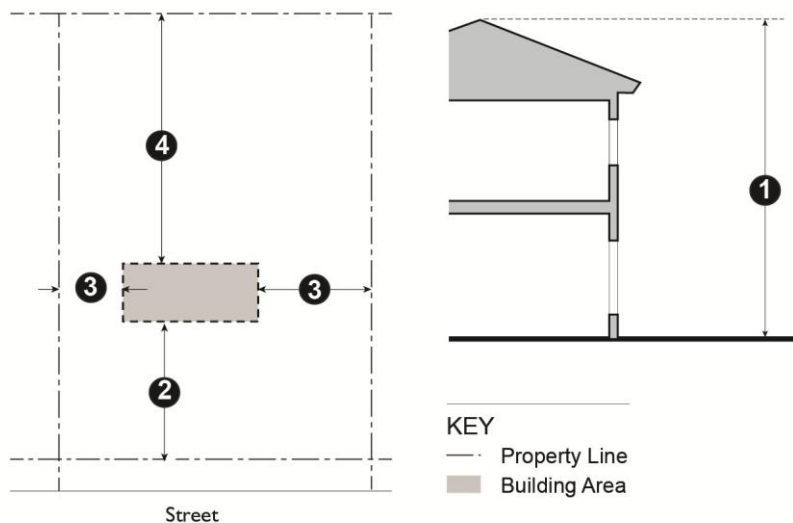


TABLE 11.11.030: DEVELOPMENT REGULATIONS—NATURAL RESOURCE DISTRICTS					
Standard	EX	TP	RPR	Additional Regulations	#
			40		
Lot and Density Standards					
Minimum Lot Area (acres)	80	160(B)	40		

TABLE 11.11.030: DEVELOPMENT REGULATIONS—NATURAL RESOURCE DISTRICTS					
Standard	EX	TP	RPR	Additional Regulations	#
			40		
Maximum Density (units/parcel)	Caretaker and agricultural/workforce housing only				
Building Form and Location Standards					
Maximum Height (ft)	50			11.19.050 Height Exceptions	❶
Minimum Setbacks (ft)					
Front	30			11.19.090 Setbacks and Yards	❷
Side	Lots less than one acre: 25 or 10% of lot width, whichever is less, but not less than 5 (A) Lots one acre or larger: 30			11.19.090 Setbacks and Yards	❸
Rear	25 (A)			11.19.090 Setbacks and Yards	❹
Parking & Loading				11.25 Parking & Loading	

11.11.040 Supplemental Regulations

- A. **Setbacks.** Structures located within a high fire severity zone shall be setback a minimum of 30 feet from all property lines.
- B. **Timberland Production District.** All lands in the Timberland Production District are subject to all of the provisions of the California Timberland Productivity Act of 1982 (Government Code §51000 et seq.) and the following.
1. ***District Applicability.*** The zoning of land in the Timberland Production District is to be limited to those parcels within the County which:
 - a. Meet all of the requirements for inclusion in "List A" as defined in Government Code §51110;
 - b. Meet all of the requirements for inclusion in "List B" as defined in Government Code §51110.1; and
 - c. Meet the criteria for parcels of land to be considered for zoning as timberland under the provisions of Government Code §51113 and this Code.
 - d. Land divisions that result in parcels less than 160 acres in size shall meet the provisions defined in Government Code §51119.5 and this Code.
 2. ***Rezoning.*** Any rezoning, immediate rezoning or removal from zone of any parcels zoned Timberland Production shall conform to the requirements of Government Code Title 5, Div. 1, Pt. 1, Ch. 6.7, arts. 3—5 (Government Code §51121 et seq.).
 3. ***Criteria for Timberland Production Zoning.*** Pursuant to Government Code §51113(c) and (d), the criteria for parcels of land to be considered for zoning as timberland under the provisions of Government Code §51113(c) are as follows:

Division II: Zoning and Overlay Districts

- a. A map shall be prepared showing the legal description of the Assessor's parcel number of the property desired to be zoned;
- b. A plan for forest management must be prepared or approved as to content, for the property by a registered professional forester. The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan;
- c. The parcel shall currently meet the timber stocking standards as set forth in Public Resources Code §4561 and the forest practice rules adopted by the State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner must sign an agreement with the Board to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the parcel is subsequently zoned as timberland production under Government Code §51113(a), the failure to meet such stocking standards and forest practice rules within this time period provides the Board with a ground for rezoning of the parcel pursuant to Government Code §51121.

Upon the fifth anniversary of the signing of an agreement, the Board shall determine whether the parcel meets the timber stocking standards in effect on the date the agreement was signed. Notwithstanding the provisions of Government Code Title 5, Div. 1, Pt. 1, Ch. 6.7, Art. 4 (Government Code §51130 et seq.), if the parcel fails to meet the timber stocking standards, the Board shall immediately rezone the parcel and specify a new zone for the parcel which is in conformance with the County General Plan and whose primary use is other than timberland.

- d. The parcel shall be timberland, as defined in Government Code §51104(f).
- e. The parcel shall be in compliance with the compatible uses established by this Chapter pursuant to Government Code §51111.
- f. The land area concerned shall be in ownership of one person, as defined in Revenue and Taxation Code §38106, and shall be comprised of single or contiguous parcels the total acreage of which must be at least 80 acres.
- g. The land shall be of "Site III" Site Quality Class, as said term is defined and used pursuant to said Act. Land shall be deemed to be "Site III" land if the average quality of the land is Site III. "Average," for the purpose of this Subsection, means that for every acre of land which is Site IV or Site V quality there must be at least one acre, respectively, of Site II or Site I land to balance the lesser quality land to create an exact Site III or better numerical average as to quality of acres to be included.

Chapter 11.12 Planned Development

Sections:

11.12.010	Purpose
11.12.020	Applicability
11.12.030	Zoning Map Designation
11.12.040	Land Use Regulations
11.12.050	Development Regulations
11.12.060	Procedures
11.12.070	Required Findings
11.12.080	Conditions
11.12.090	Expiration and Renewal
11.12.100	Amendments of Approved Plans
11.12.110	Status of Specific Plan
11.12.120	Development Plan Review

11.12.010 Purpose

The purposes of the Planned Development (PD) District are to:

- A. Provide for greater flexibility in the design of the developments than is otherwise possible through the strict application of zoning district regulations. It is the intent of this process to ensure compliance with the General Plan and to provide various types of land use which can be combined in compatible relationship with each other as a part of a totally planned development.
- B. Promote creativity in building design and innovation in development concepts.
- C. Planned unit development may be residential, commercial or industrial and may permit mixed uses under certain circumstances.

11.12.020 Applicability

The procedures in this chapter shall apply to all proposals to establish a PD District.

11.12.030 Zoning Map Designation

A PD district shall be noted on the zoning map by the designation “PD,” followed by the number of the Planned Development or Specific Plan based on order of adoption.

11.12.040 Land Use Regulations

No use other than an existing use is permitted in a PD district except in accord with a valid PD Plan or Specific Plan. Any permitted or conditional use authorized by this chapter may be included in an approved PD Plan or an adopted Specific Plan consistent with the General Plan land use designation(s) for the property.

11.12.050 Development Regulations

- A. **Minimum Area.** The minimum area of a PD district shall be four contiguous acres. The Board of Supervisors may approve a PD district that contains less than four acres, upon a finding that special site characteristics exist.
- B. **Residential Unit Density.** Except where a density bonus is granted in compliance with the County's density bonus regulations for affordable housing and childcare (Chapter 11.30, Density Bonus Incentive Program), the total number of dwelling units in a PD Plan shall not exceed the maximum number permitted by the base zone density for the total area of the planned development designated for residential use, excluding areas devoted to public and private streets.
- C. **Performance Standards.** The Performance Standards prescribed by Chapter 11.26 apply.
- D. **Sewage Disposal/Potable Water.** Parcels one acre or smaller in size shall provide both a public sewer and public water supply. Parcels between one acre and 2.5 acres in size shall provide either a public sewer or public water supply as determined by the Environmental Health Director
- E. **Other Development Regulations.** Other development regulations shall be as prescribed by the PD Plan.

11.12.060 Procedures

- A. **Decision-Making Authority.** A PD District must be adopted by the Board of Supervisors. A public hearing before the Planning Commission is required prior to Board of Supervisors review, and the Planning Commission shall make a recommendation to the Board of Supervisors.
- B. **Review Procedures.**
 - 1. **Rezoning.** An application for rezoning to a PD District shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 11.61, Amendments to Development Code and Official Zoning Map, and shall include a Specific Plan processed according to Chapter 11.64, Specific Plans and Amendments, or a PD Plan.
 - 2. **PD Plan.** The PD Plan shall be accepted and processed concurrently with the rezoning, in the same manner as a Conditional Use Permit application, pursuant to Chapter 11.53, Common Procedures, and Chapter 11.57, Use Permits except that the Board of Supervisors is the decision-making authority and additional information is required to be submitted in order to determine that the intent of this Code and the General Plan will be fulfilled.
 - 3. **Tentative Subdivision Map.** When a PD requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.
- C. **Initiation.** An amendment to reclassify property to PD shall be initiated by a property owner or authorized agent or a motion of the Planning Commission or the Board of Supervisors. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.
- D. **Application Content.** An application for a PD, made on the prescribed form, shall be filed with the Planning Department, accompanied by the required fee. Applications shall contain all of the following:

1. ***Legal Description.*** A legal description of the site and a statement of the number of acres, or square feet if less than one acre, contained therein.
2. ***Title Report.*** A title report verifying the description and the ownership of the property.
3. ***Ownership Declaration.*** A declaration as to whether the site is to remain under the same ownership and control or to be divided into small units during or after development and the manner and method of the division.
4. ***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, development standards, architectural design guidelines, proposed residential densities if appropriate, and physical land alterations required by the development; and the relation of the proposed PD to the Yuba County General Plan.
5. ***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.
6. ***Maps and Diagrams.*** Maps, diagrams, and other graphics necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space.
7. ***Open Space and Landscaping Plan.*** An existing and proposed open space and landscaping plan including landscape concepts and type of plant materials, recreation area, parking, service 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.
8. ***Other Information.*** Any other information deemed necessary by the Director to ascertain if the project meets the required findings for a PD Plan and re-zoning.

11.12.070 Required Findings

A PD Plan and re-zoning shall only be approved if all of the following findings are made:

- A. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
- B. The project is in compliance with any applicable Overlay Districts;
- C. The subject site is physically suitable for the type and intensity of the land use being proposed;
- D. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of PD plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
- E. 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;

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- F. The development generally complies with applicable adopted design guidelines; and
- G. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit. In making this determination, the following factors shall be considered:
 1. Appropriateness of the use(s) at the proposed location.
 2. The mix of uses and housing types.
 3. Provision of units affordable to persons and families of low and moderate income or to lower income households.
 4. Provision of infrastructure improvements.
 5. Provision of open space.
 6. Compatibility of uses within the development area.
 7. Creativity in design and use of land.
 8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.
 9. Overall contribution to the enhancement of neighborhood character and the environment of Yuba County in the long term.

11.12.080 Conditions

In approving a PD Plan and re-zoning, the Board of Supervisors may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant aspects with the General Plan and with any other applicable plans or policies that the County has adopted;
- B. Achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings listed above; or
- 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.

11.12.090 Expiration and Renewal**A. Expiration.**

1. ***PD Plan.*** A PD Plan shall expire on the same date as the associated tentative map for the project. In instances where a tentative map is not required, the PD shall expire two years after the effective date of the ordinance creating the PD unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Plan may specify a development staging program exceeding two

years. The official zoning map shall not be changed to reflect the PD designation until such time as the PD has been effectuated.

2. ***Tentative Map.*** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.
 3. ***Phased Development.*** In the event that the applicant intends to develop the project in phases, and the Board of Supervisors approves phased development, the PD Plan shall remain in effect so long as not more than one year lapses between the end of one phase and the beginning of the next phase, unless a longer period is approved by the Board of Supervisors.
- B. **Renewal.** An approved PD Plan that has not been exercised may be renewed for a two-year period approved by the Board of Supervisors after a duly-noticed public hearing. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The Board of Supervisors may renew a PD Plan if it finds the renewal consistent with the purposes of this chapter.

11.12.100 Amendments of Approved Plans

- A. **Changed Plans.** Amendments to a PD District or PD Plan or Specific Plan may be requested by the applicant or its successors. Amendments to the approved PD District or PD Plan or Specific Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.
- B. **Major Amendments.** Major Amendments to an approved PD District or PD Plan or Specific Plan shall 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 District;
 2. An increase or decrease in the number of dwelling units for the PD District that is greater than the maximum or less than the minimum stated in the PD Plan or Specific 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 PD Plan or Specific Plan by 10 percent or more;
 4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the County Engineer;
 5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD District or to the overall major street system, as determined by the County Engineer; or
 6. Any other proposed change to the PD Plan or Specific Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.
- C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in subsection B above shall be considered minor if they are consistent with the original findings and conditions of approval. Minor Amendments may be approved by the Planning Director. The Planning Director may, at his/her discretion, refer any request for an amendment to a PD Plan that may generate substantial public interest to the Planning Commission for a decision rather than acting on it himself/herself.

11.12.110 Status of Specific Plan

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

11.12.120 Development Plan Review

Plans for a project in a PD District shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Plan or Specific Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PD Plan or Specific Plan.

Chapter 11.13 Airport Environs (AP) Overlay District

Sections:

11.13.010	Applicability
11.13.020	Purpose
11.13.030	Use Restrictions
11.13.040	Allowed Land Use
11.13.050	Development Standards
11.13.060	Interior Noise Level Reduction
11.13.070	Height Limitations
11.13.080	FAA Notification
11.13.090	Avigation Easement Dedication Avigation Easement Dedication
11.13.100	Overflight Notification
11.13.110	Non-conforming Uses

11.13.010 Applicability

The standards of this chapter apply to areas within the Airport Influence Area of the Yuba County Airport, the Brownsville Airport, and the Beale Air Force Base. As used herein, “Airport” means the Yuba County Airport, the Brownsville Airport, and the Beale Air Force Base.

11.13.020 Purpose

The Airport Environs (AP) Overlay District is established to:

- A. Protect land uses around the airport from potential hazards of airport operations;
- B. Identify a range of uses compatible with airport accident hazard and airport noise exposure;
- C. Prohibit the development of incompatible uses that are detrimental to the general health, safety and welfare and to existing and future airport operations;
- D. Require noise attenuated construction within the airport environs;
- E. Comply with Federal Aviation Administration (FAA) regulations; and
- F. Implement the authority conferred by the Airport Approaches Zoning Law, to regulate the use of the air space for the purpose of promoting the health, safety and general welfare of the inhabitants of the County of Yuba by protecting the Yuba County Airport, Brownsville Airport and Beale Air Force Base from non-compatible land uses and providing for the orderly growth of the area surrounding these airports, safeguarding the general welfare of the inhabitants within the vicinity of the airports and the public in general by protecting the public from the adverse effects of aircraft noise and reducing the number of people exposed to airport-related hazards, and ensuring that no structures affect navigable airspace.

11.13.030 Use Restrictions

Notwithstanding any other provisions of this chapter, no use may be made of land or water within the AP Overlay District in such a manner that would:

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- A. Create a “Hazard to Air Navigation” as determined by the FAA;
- B. Result in glare in the eyes of pilots using the airport;
- C. Make it difficult for pilots to distinguish between airport lights and others;
- D. Impair visibility in the vicinity of the airport;
- E. Create steam or other emissions that cause thermal plumes or other forms of unstable air;
- F. Create electrical interference with navigation signals or radio communication between the airport and aircraft;
- G. Create an increased attraction for wildlife. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds that pose bird strike hazards to aircraft in flight; or
- H. Otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

11.13.040 Allowed Land Use

Those uses permitted in the base district, subject to the limitations and conditions set forth therein and consistent with the applicable Airport Land Use Plan.

11.13.050 Development Standards

In addition to the development standards of the underlying district, development in the AP Overlay District is subject to the requirements, limitations and conditions set forth therein and consistent with the applicable Airport Land Use Plan.

11.13.060 Interior Noise Level Reduction

New development exposed to CNEL above 60 dB shall comply with the following standards:

- A. **Single-Unit Residential Dwellings.** New single-unit dwellings shall incorporate the following noise reduction design measures unless alternative designs that achieve and maintain an interior noise level of CNEL 45 dB are incorporated and verified by a Board Certified Acoustical Engineer.
 - 1. All façades must be constructed with substantial weight and insulation;
 - 2. Sound-rated windows providing noise reduction performance similar to that of the façade must be included for habitable rooms;
 - 3. Sound-rated doors or storm doors providing noise reduction performance similar to that of the façade must be included for all exterior entries;
 - 4. Acoustic baffling of vents is required for chimneys, fans, and gable ends;
 - 5. Installation of a mechanical ventilation system affording comfort under closed-window conditions; and
 - 6. Double-stud construction, double doors, and heavy roofs with ceilings of two layers of gypsum board on resilient channels.

- B. **Other Development.** For new hotels, motels, apartment houses, and dwelling units except single-unit dwellings, an acoustical study shall be prepared by a Board Certified Acoustical Engineer demonstrating that the proposed structure or structures have been designed to meet the noise reduction requirements and standards set forth in 21 CCR § 5012.

11.13.070 Height Limitations

- A. The criteria for determining the acceptability of a project with respect to height shall be based upon the standards set forth in Federal Aviation Regulations (FAR) Part 77, Subpart C, Objects Affecting Navigable Airspace. Additionally, where an FAA aeronautical study of a proposed object is required in accordance with FAR Part 77, Subpart C, the results of that study shall be taken into account by the county.
- B. No object, including a mobile or temporary object such as construction crane, shall have a height that would result in penetration of any obstruction surface depicted in the applicable Airport Land Use Plan.
- C. Within the primary surface and beneath the approach or transitional surfaces, objects shall be limited in height consistent with the airspace protection surfaces defined by FAR Part 77.

11.13.080 FAA Notification

Any person proposing construction or alteration within the AP Overlay District shall submit notification of the proposal to the FAA if such construction or alteration exceeds any of the following height standards:

- A. 200 feet above ground level.
- B. The plane of an imaginary surface extending outward and upward at a slope of 100 to 1 for a distance of 20,000 feet from the nearest point of any runway.

11.13.090 Avigation Easement Dedication

Shall be required as specified in the applicable Airport Land Use Plan.

11.13.100 Overflight Notification

If an avigation easement is not required, residential development within the primary or secondary overflight area indicated in the applicable Airport Land Use Plan, an overflight notification consistent with the following standards shall be recorded.

- A. The notification shall contain the following language dictated by state law with regard to real estate transfer disclosure.

NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

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- B. The notification shall be made evident to prospective purchasers of the property and shall appear on the property deed.

11.13.110 Non-conforming Uses

Non-conforming land uses which were in existence prior to the effective date of this chapter may continue pursuant to the requirements of the applicable Airport Land Use Plan.

Chapter 11.14 Floodplain (FP) Overlay District

Sections:

11.14.010	Purpose
11.14.020	Applicability
11.13.030	Development in the FP Overlay District
11.13.040	Development in Urban / Urbanizing Areas

11.14.010 Purpose

The purpose of the Floodplain (FP) Overlay District is to promote public health, safety, and general welfare, and to minimize the loss of life and property due to flooding in areas of the County that have been determined to be subject to such an event. The FP Overlay District is also intended to:

- A. Minimize expenditure of public money for costly flood control projects;
- B. Minimize the need for rescue and relief efforts associated with flooding;
- C. Minimize prolonged business interruptions;
- D. Minimize flood damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in areas of special flood hazard;
- E. Maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- F. Ensure that potential buyers are notified that property is in an area of special flood hazard;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- H. Maintain eligibility for state disaster relief.

11.14.020 Applicability

The standards and regulations of this chapter apply to all lands within areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Yuba County, California" dated February 18, 2011 or subsequent versions currently effective, with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), dated May 17, 1982 or subsequent versions currently effective, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. In addition, the provisions of Chapter 11.14 of this Code applies to urban and urbanizing areas that have or are anticipated to have a population of 10,000 residents or more within ten years (baseline year is 2007) that also fall within a 200-year floodplain as delineated on the most current available maps from the State of California or as adopted by the County of Yuba.

This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the County of Yuba by the Floodplain Administrator.

11.14.030 Development in the FP Overlay District

All development in the FP Overlay District shall be in compliance with Chapter 10.30, Floodplain Management, of the Yuba County Ordinance Code. In addition, prior to approving a tentative map or parcel map located within a flood hazard zone, the decision-making authority shall make a finding that the flood management facilities protect the property to the urban level of flood protection in urban/urbanizing areas or to the National Federal Emergency Management Agency standard of flood protection in non-urbanized areas.

11.14.040 Development in Urban / Urbanizing Areas

This section applies to those areas within the unincorporated portions of the County of Yuba that that have or are anticipated to have a population of 10,000 residents or more within ten years that also fall within either locations of undetermined flood risk or the 200-year floodplain as delineated on the most current available maps from the State of California or as adopted by the County of Yuba. Prior to issuing any discretionary permit or adopting any subdivision map, the County must find one of the following:

- (1) The facilities of the State Plan of Flood Control or other flood management facilities protect the property to the urban level of flood protection. The urban level of flood protection shall be as defined in the California Government Code Section 65007(l);
- (2) Conditions imposed will protect the property to the urban level of flood protection; or
- (3) The local flood management agency has made adequate progress on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood. Adequate progress shall be as defined in California Government Code Section 65007(a).

Chapter 11.15 National Pollution Discharge Elimination System (NPDES) Overlay District

Sections:

- 11.14.010 Purpose
- 11.14.020 Applicability
- 11.14.030 Development in the NPDES Overlay District

11.15.010 Purpose

The purpose of the National Pollutant Discharge Elimination System (NPDES) Overlay District is to promote public health, safety, and general welfare, enhance and protect the quality of waters of the state in Yuba County by reducing pollutants in stormwater discharges to the maximum extent practicable and controlling non-stormwater discharges to the storm drain system; to cause the use of best management practices that will reduce the adverse effects of polluted runoff discharges on waters of the State.

The NPDES Overlay District is also intended to assist in the protection and enhancement of the water quality of watercourses, water bodies and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. Sections 1251 et seq.) and any subsequent amendments thereto, by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges into the storm drain system. This chapter further assists in meeting the requirements of the California State Water Resources Control Board Order No. 2013-0001-DWQ and any subsequent amendments thereto.

11.15.020 Applicability

The standards and regulations of this chapter apply to all lands within the County of Yuba - Phase II Municipal Separate Storm Sewer System (MS4) permit boundary as delineated on the most current permit boundary map as approved by the California State Water Resources Control Board.

11.15.030 Development in the NPDES Overlay District

All development in the NPDES Overlay District shall be in compliance with Chapter 7.50, Stormwater Quality Ordinance, of the Yuba County Ordinance Code

Chapter 11.16 Planning Reserve (PR) Overlay District

Sections:

11.16.010	Purpose
11.16.020	Applicability
11.16.030	Plan Required
11.16.040	Additional Required Findings for Approval <u>Additional Required Findings for Approval</u>

11.16.010 Purpose

The purpose of the Planning Reserve (PR) overlay district is to:

- A. Reserve land within the County to meet the future needs for urban development, consistent with the General Plan.
- B. Allow for the continued use of lands designated PR as allowed by the underlying land use designation.
- C. Prevent premature development of areas designated for future urban development before necessary public services would be available to those areas.
- D. PR zones are to be applied in areas contiguous to existing urban development where urban expansion is planned and in areas designated for future development.
- E. Encourage the orderly conversion of parcels within the PR to urban development through the use of specific plan, master plan or similar planning tools.
- F. When consistent with the General Plan and its elements, and when adequate public facilities are or can be made available, land in the PR may be rezoned, subject to the established procedures for amending the land use plan map and zoning district map, and subject to the development limitations set forth in General Plan.

11.16.020 Applicability

The standards of the underlying base district apply to all development within the Planning Reserve (PR) Overlay District unless a Master Plan or Specific Plan specifies other requirements.

11.16.030 Plan Required

- A. **Plan Required.** The County will not accept applications for subdivisions, allow urban land uses, or approve re-zonings within a PR Overlay District until there is an adopted Master Plan or Specific Plan in place. If there is no adopted Plan in place, development shall be in conformance with the regulations of the base district.

An application for a Master Plan or Specific Plan in the PR Overlay District shall be submitted and processed pursuant to the requirements of Chapter 11.64 (Specific Plans) or 11.65 (Master Plans).

11.16.040 Additional Required Findings for Approval

In addition to any other findings required by this Code, the Board of Supervisors shall only approve a Master Plan or Specific Plan in the Planning Reserve (PR) Overlay District if it makes all of the following findings:

- A. The County determines that these lands are needed to fulfill either the County's regional housing needs allocation or accommodate job-generating developments needed to achieve the County's jobs-housing goals.
- B. The Plan promotes the goals and is consistent with the policies of the Community Development Element, Natural Resources Element, Housing Element, and Public Health & Safety Element of the General Plan; and
- C. The Plan is planned and designed to improve the match between local jobs and the local labor force, consistent with the goal of accommodating 0.8 total local jobs for every member of the labor force; and
- D. Build out of the Plan will directly provide substantial basic (exporting) employment development potential; and
- E. The development of the Plan will include the construction of water, wastewater, and drainage infrastructure that will serve future employment development. Mechanisms will be in place so that project applicants are repaid on a fair-share basis.

Chapter 11.17 Reserved

Chapter 11.18 Reserved

Regulations Applying to Some or All Districts

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Chapter 11.19 General Site Regulations

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11.19.010	Purpose and Applicability
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11.19.030	Accessory Structures
11.19.040	Fences and Walls
11.19.050	Height Exceptions
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11.19.010 Purpose and Applicability

The purpose of this chapter is to prescribe development and site regulations that apply, except where specifically stated, to development in all districts. These standards will be used in conjunction with the standards for each zoning district located in Division II, Zoning and Overlay Districts. In any case of conflict, the standards specific to the zoning district will override these regulations.

11.19.020 Development on Lots Divided by District Boundaries

- A. **Generally.** Where a lot is greater than one acre in size and is divided by a district boundary, the regulations applicable to each district shall be applied to the area within the district, and no use, other than parking serving a principal use on the site, shall be located in a district in which it is not a permitted or conditionally permitted use. For lots less than one acre in size the regulations in Section 11.04.040.C.2, Zoning Boundary Interpretations shall apply.
- B. **Accessory Facilities.** Accessory landscaping, fences, screening or retaining walls, and usable open space may be located on the lot without regard for zone boundaries.
- C. **Density and Floor Area.** The maximum permitted number of living units or maximum floor area, if any, shall be calculated according to the lot area within each zoning district and the corresponding density ratio and floor area ratio for the district. The resulting maximum permitted number of living units or amount of floor area may be distributed on the lot without regard for district boundaries, as long as all portions of the project comply with the development standards of the district in which they are located and all other provisions of this section.
- D. **Minimum Lot Area, Width, and Frontage.** The minimum lot area, width, and frontage requirements of the zoning district that covers the greatest portion of the lot area shall apply to the entire lot. If the lot area is divided equally between two or more zone districts, the requirements of the district with greater minimum lot area, width, or frontage shall apply to the entire lot.

- E. **Exceptions.** If more than 60 percent of a lot is located in one zoning district, a qualified applicant may apply for and the Planning Commission may consider a Conditional Use Permit in order to request exceptions to the provisions of this section (e.g., to apply the standards of one of the districts to a greater area of the site).

11.19.030 Accessory Structures

- A. **Residential Accessory Structures.** Residential accessory structures include structures that are customarily related to a residence, including garages, greenhouses, storage sheds, studios, play equipment, swimming pools, spas, workshops, detached covered decks and patios, detached uncovered decks and patios 18 inches in height or greater, and similar structures. Regulations for residential second units are located in Section 11.32.240, Second Dwelling Units.
- B. **Non-Residential Accessory Structures.** In addition to the primary structures associated with permitted uses, each use classification may include accessory structures which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such primary structures and uses. It shall be the responsibility of the Planning Director to determine if a proposed accessory structure is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the primary structure or use, based on the Planning Director's evaluation of whether the proposed accessory structure is necessary or customarily associated with the use for which the development was constructed. Determinations by the Planning Director shall be subject to appeal pursuant to Section 11.53.150, Appeals and Calls for Review. All accessory structures shall be located in compliance with all other applicable requirements of the zone district in which they are located and any other permits required (e.g. Design Review Permit in Commercial Districts).
- C. **Development Standards.** Accessory structures shall be developed in accordance with the following standards:
1. **Relation to Existing Structures.** A detached accessory building may only be constructed on a lot on which there is a permitted main building or use to which the accessory building is related. However, an accessory building may be constructed prior to a permitted main building and used for not more than one year in connection with the construction of the main building provided that a building permit is obtained for the entire project, including the accessory building, prior to the start of any construction and a compliance bond has been obtained. The accessory structure will not be issued a building permit final until final occupancy has been issued for the main building.
 2. **Size.** Accessory structures count towards the maximum lot coverage or floor area ratio (FAR) permitted on a site. Within the Valley Growth Boundary, excluding agricultural uses, no single accessory structures shall exceed the ground floor area of the primary building.
 3. **Levee Setback.** Structures located in proximity to a levee shall meet the requirements of Section 11.23.030.D, Setbacks Adjacent to a Levee.
 4. **Setbacks:** Accessory structures shall meet the setback requirements established by the zoned district they are located in.
 - a. **Setback Exemptions:** Uncovered decks and patios under 18 inches in height; one accessory structure less than eight feet in height and less than 120 square feet in area. Pool and spas shall meet setback requirements of Section 11.19.100 Swimming Pools and Spas. Fences shall meet setback requirements of Section 11.19.040 Fences and Walls. Within the Valley Growth Boundary no accessory

structures shall be permitted within the front yard setback area with the exception of decks, patios, and fences (see Section 11.19.040 Fences and Walls).

11.19.040 Fences and Walls

A. **Applicability.** The standards of this section apply to fences, freestanding walls, dense hedges, and similar structures. Walls and fences, depending on their height, may require approval of a building permit. Walls and fences within non-residential districts (excluding Natural Resource and Agricultural districts) are further regulated by the County's Design Guidelines.

B. **Maximum Height.** Fences, walls, hedges, and similar structures shall be limited to the maximum heights stated below. Fences and walls depending on height and construction style may require a building permit.

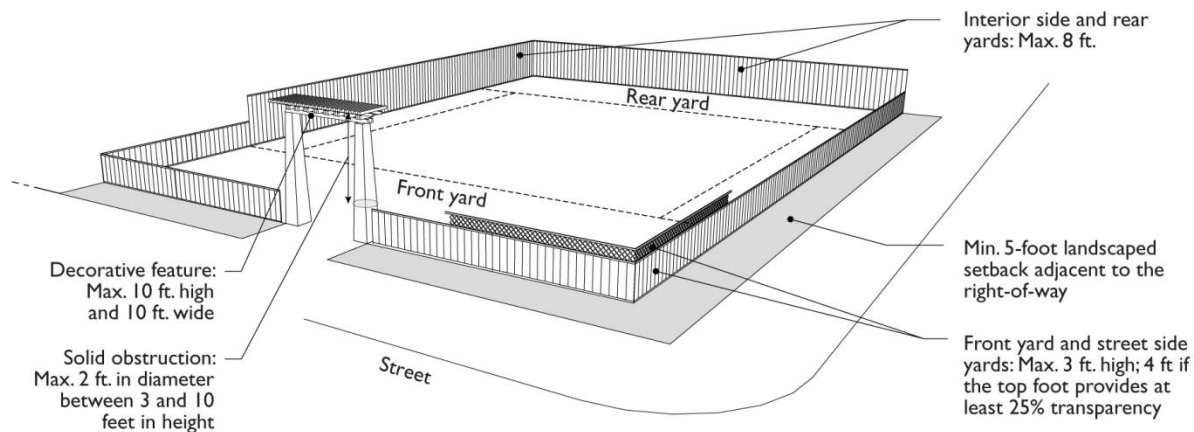
1. **Front Yards and Street Side Yards.** Within the Valley Growth Boundary the required front and corner side yards, or along the exterior boundaries of such yards; fences, hedges, and freestanding walls may not exceed a height of three feet. They may achieve a height of four feet provided that the top foot or entire fence height is of open or lattice-type design and achieves at least 25 percent transparency. For non-residential uses a taller fence or wall height may be permitted when a business need can be demonstrated to the Planning Director to allow additional height through a Waiver.

Outside the Valley Growth Boundary or on agricultural properties within the Valley Growth Boundary, fencing along front and street side yards may be open "agricultural style" fencing up to six feet in height unless a need can be made to the Planning Director to allow additional height through a Waiver.

- a. Outside the front and street side yard area (setback is established by zone district) fences, hedges, and walls up to eight feet in height may be permitted. Fences taller than eight feet in height may be permitted for noise attenuation as determined by a noise analysis or in non-residential zones when a demonstrated security need can be demonstrated to the Planning Director through a Waiver.
 - b. Within the Valley Growth Boundary and Residential Zoning Districts, fences up to eight feet in height may be placed five feet from the back of the sidewalk or 10 feet from the back of the right of way line from the street side of a corner lot.
2. **Decorative Features.** Within the Valley Growth Boundary, one pedestrian entry gateway, trellis, or other decorative structure per street frontage or 100 feet of linear frontage is permitted in the required front or corner side yard of each lot, provided that the maximum height or width of the structure does not exceed 10 feet. Such decorative feature shall not have any solid obstruction that exceeds two feet in diameter between the height of three and 10 feet. Decorative walls in excess of three feet shall be located outside of the setback area in front of the house and shall meet all other standards of this section. Gates and decorative features at vehicle entries may exceed ten feet in width, but shall be designed to ensure adequate visual clearance is maintained as determined by the Public Works Director.
3. **Interior Side and Rear Yards.** No fence, hedge, or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of eight feet unless required for noise attenuation as determined by a noise analysis or in non-residential zones when a demonstrated security need can be demonstrated to the Planning Director through a Waiver.

4. **Main Building Area.** The main building area is the portion of the lot that is outside any required setback. Within the main building area, the maximum height for fences and walls is eight feet except walls that are necessary for noise attenuation may be higher based on the noise analysis.
- C. **Setback from Right of Way.** Within the Valley Growth Boundary, fences, walls and hedges shall be set back a minimum of five feet from an adjacent right of way line. In areas with detached sidewalks the fence shall not be any closer than back of walk. The area adjacent to the fence or wall shall be landscaped. Outside the Valley Growth Boundary, fences, walls, and hedges may be located at the property line so long as they are outside of any adjacent right of way or access easement and are not in conflict with a sight distance triangle of a road or driveway.

FIGURE 11.19.040: FENCES AND WALLS



- D. **Design and Materials.** Fencing visible from a street shall be treated as an integral part of the architecture of the site, with materials, colors, and detailing that is compatible with the buildings.
1. **Limitation on Hazardous Fencing Materials.** The use of barbed wire, razor wire, ultra barrier, electrified, and other hazardous fencing is not permitted, with the following exceptions:
- On the site of a permitted agricultural use if needed for livestock or ranch operations.
 - If such fencing is required by any law or regulation of the County, the State of California, the federal government, or other public agency.

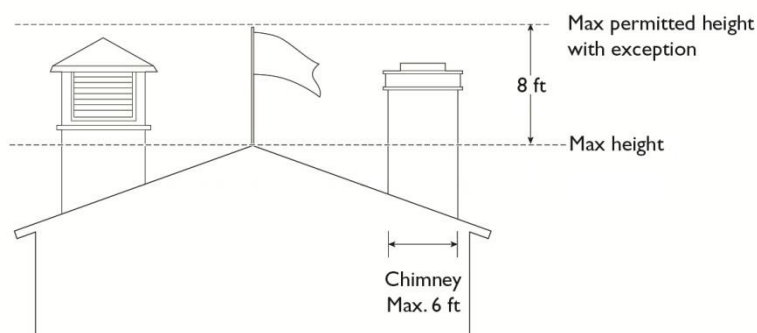
- c. Upon approval of the Zoning Administrator when a business has demonstrated it is necessary for the security of their business operation. Fencing shall be adequately screened from the street and any adjacent residential or mixed-use districts.
- 2. **Limitations on Concrete Block.** Within the Valley Growth Boundary plain, concrete block is not permitted as a fencing material if visible from a public street. Plain concrete block may be permitted when finished with stucco and capped with a decorative cap. Split face and other types of architectural block do not need to be finished with stucco.
- E. **Visibility at Intersections.** Notwithstanding any other provisions of this section, fences and walls shall comply with the visibility standards of Section 11.19.130, Visibility at Intersections and Driveways.
- F. **Design Review Required.** In Nonresidential Districts within the Valley Growth Boundary, all new fencing along front and side yards which abut a public right of way shall be subject to the design review process as required by Chapter 11.56, Design Review if it was not evaluated as part of a previous Design Review Permit.
- G. **Waivers.** The requirements of this section may be waived or modified through approval of a waiver or variance where the decision making authority finds the proposed fence design is consistent with the character of the neighborhood in which it is located.

11.19.050 Height Exceptions

The height of structures shall not exceed the standards established by the applicable zoning district except as provided below.

- A. **Projections.** Chimneys not over six feet in width, cupolas, flagpoles, monuments, steeples, fire and parapet walls, roof equipment, antennas, and similar structures and necessary appurtenances covering not more than 20 percent of the top floor roof area to which they are accessory, may exceed maximum permitted height standards by eight feet. Exceptions may be granted with the approval of a waiver or variance.

FIGURE 11.19.050: HEIGHT EXCEPTIONS—PROJECTIONS



- B. **Support Structures for Agricultural and Industrial Uses.** Structures such as silos and water tanks associated with a permitted agricultural use in any district and structures such as smokestacks, vents, and mechanical equipment associated with a permitted use located in an Industrial District may exceed maximum permitted height standards provided the height of the structure does not exceed 75 feet. Exceptions may be granted with the approval of a waiver or variance.

- C. **Wind Energy Systems.** Structures associated with wind energy systems are subject to the height limitations of Section 11.32.270, Wind Energy Systems.
- D. **Communications Facilities.** Structures associated with communication facilities are subject to the height limitations of Section 11.32.290, Wireless Communications Facilities.
- E. **Airport Height Restrictions.** Notwithstanding the provisions of this section, all structures must comply with any height restrictions of the Airport Overlay District or any standard of the Federal Aviation Administration.

11.19.060 Lighting and Illumination

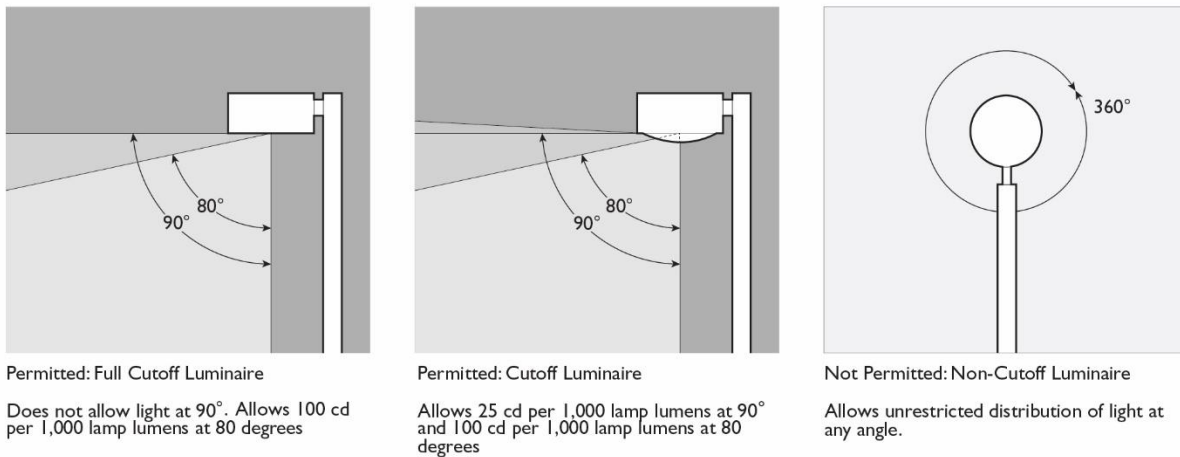
- A. **Applicability.** The standards of this section apply to all new multi-family residential buildings and non-residential development and additions that expand existing floor area by 10 percent or more.
- B. **General Standards.**
 - 1. **Multi-Unit Residential Buildings.** Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles or equivalent measurement at the ground level during the hours of darkness. Lighting devices shall be protected by weather- and vandal-resistant covers.
 - 2. **Nonresidential Buildings.** All exterior doors, during the hours of darkness, shall be illuminated with a minimum of 0.5 foot-candle of light (or equivalent measurement).
 - 3. **Parking Lots.** Parking areas shall contain lighting according to the requirements of Section 11.25.100, Design Standards for Parking Lots.
 - 4. **Maximum Height.** Lighting fixtures shall not exceed the maximum heights specified in Table 11.19.060, Maximum Height of Lighting Fixtures.

TABLE 11.19.060: MAXIMUM HEIGHT OF LIGHTING FIXTURES	
District	Maximum Height (ft)
Agricultural Districts (AE & AR)	20 feet within 100 feet of any street frontage; 50 feet in any other location.
Residential Districts	16
Commercial and Mixed-Use Districts	16 feet within 100 feet of any street frontage; 20 feet in any other location.
Public Facility, Resource Preserve/Recreation	20 feet within 100 feet of any street frontage; 25 feet in any other location.
Industrial/Employment Districts (includes EX & AI)	25 feet within 100 feet of any street frontage; 50 feet in any other location.
Sports/Entertainment	50 or as allowed through Design Review or Conditional Use Permit approval

- C. **Control of Outdoor Artificial Light.** This subsection is intended to minimize outdoor artificial light that may have a detrimental effect and reduce the unnecessary illumination of adjacent properties.
 - 1. **Exemptions.** The following types of lighting fixtures are exempt from the requirements of this section:

- a. *Prior Installation.* All light fixtures installed prior to the effective date of this ordinance, unless 50 percent or more of the light fixtures on the premises are replaced.
 - b. *Construction and Emergency Lighting.* All construction or emergency lighting fixtures provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.
 - c. *Seasonal Lighting.* Seasonal lighting displays related to cultural or religious celebrations.
 - d. *Street Lights.* Lights installed by a public utility company, County, or developer on behalf of utility or County to provide adequate street illumination.
2. ***Prohibited Lighting.*** The following types of exterior lighting are prohibited:
- a. Drop-down lenses;
 - b. Mercury vapor lights; and
 - c. Searchlights (excluding emergency/safety response activities), laser lights, or any other lighting that flashes, blinks, alternates, or moves.
3. ***Fixture Type.*** All lighting fixtures shall be shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for “Cut Off” or “Full Cut Off” luminaries. In the Figure below, cd refers to the candela or measurement of luminous intensity based on the direction or angle of the light projection.

FIGURE 11.19.060(C)(3): FIXTURE TYPE

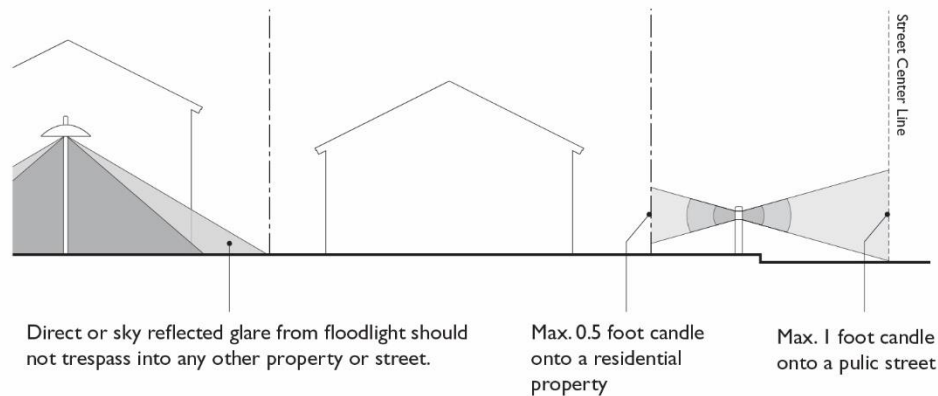


Source: IESNA

4. ***Light Trespass.*** Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties.
- a. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street.

- b. No light or combination of lights, or activity shall cast light exceeding one foot candle onto a public street, with the illumination level measured at the centerline of the street.
- c. No light, combination of lights, or activity shall cast light exceeding 0.5 foot candle onto a residentially zoned property, or any property containing residential uses.

FIGURE 11.19.060(C)(4): LIGHT TRESPASS



- 5. **Required Documentation.** Photometric data from lighting manufacturers shall be submitted to the Planning Department by the project applicant to demonstrate that the lighting requirements have been satisfied.
- 6. **Alternate Materials and Methods of Installation.** Design, material, or method of installation not specifically prescribed by this section may be approved provided the proposed design, material, or method provides approximate equivalence to the specific requirements of this section or is otherwise satisfactory and complies with the intent of these provisions.

11.19.070 Outdoor Storage

Within the Valley Growth Boundary, open storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than 72 hours shall conform to the standards of this section. The regulations of this section do not apply to non-commercial vehicles parked in the driveway of a residential use, commercial and business vehicles parked in an approved parking area of an approved non-residential use or temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit.

- A. **Location.** Outdoor storage shall be located outside of all required front and street side setbacks or any required landscape area.
- B. **Screening.** Outdoor storage areas shall be screened so as not to be visible from any public street or freeway; residential district; or publicly accessible open space area, parking area, access driveway, or similar thoroughfare.

C. **Surfacing.**

1. In non-residential districts, outdoor storage areas shall be surfaced with an all weather surface. Such surfacing shall be permanently maintained free of structural defects and shall conform to all applicable federal and State air and water quality standards. This requirement does not apply to outdoor storage associated with permitted agricultural uses or single family residences.
2. Outdoor storage of hazardous materials shall require a roof or awning over the materials and either a dead-end sump to contain spills or containment in the form of berms, dikes, or curbs. All hazardous materials regulated by the Land Enforcement Agency (LEA) or Certified Unified Program Agency (CUPA), shall be placed on a surface as deemed appropriate by the permitting agency. In addition, the surface shall conform to all applicable federal and State air and water quality standards.

11.19.080 Screening

A. **Applicability.** The standards of this section apply to all new development within the Valley Growth Boundary (excluding single family residential) and additions that expand existing floor area by 25 percent or more.

B. **Mechanical and Electrical Equipment.** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings to reduce visibility from the street, highway, or adjacent residential districts.

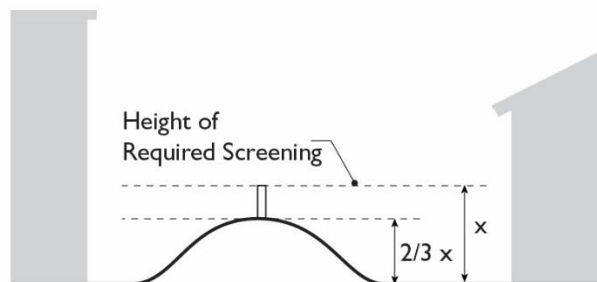
1. Ground-mounted HVAC units shall be located away from public activity areas and screened from public view through landscaping and/or screen walls.
2. Other ground or wall mounted equipment, public utility infrastructure and other utility components shall be oriented away from public view to the extent possible and screened with evergreen shrubs or placed in an enclosure that is designed to blend with surrounding environment to the extent allowed by the utilities.
3. Screening for equipment shall be integrated into the building and roof design and compatible materials, colors and forms shall be used. Wood lattice or fence like coverings are inappropriate for roof mounted screening.
4. Roof mounted equipment, including but not limited to air conditioners, fans, vents, and antennas, shall be setback from the roof edge, or placed behind a parapet or in a well so that they are not visible to motorists or pedestrians.
5. Outdoor storage areas shall be screened as provided in Section 11.19.070, Outdoor Storage.

C. **Common Property Lines (Screening Between Different Land Uses).**

1. **Required Areas.** A landscape buffer or screening wall consistent with the provisions of this section shall be provided for the following uses at the time of new construction or expansion of buildings:
 - a. *Residential Subdivisions:* Residential subdivisions of five or more lots adjacent to residential development exceeding 10 units/acre, any nonresidential use, or an unloaded urban collector or major arterial roadway.
 - b. *Multi-Unit Residential Uses:* Multi-unit residential uses exceeding 10 units/acre adjacent to a single unit dwelling or duplex, any industrial use, or an unloaded urban collector or major arterial roadway.

- c. *Nonresidential Uses:* Nonresidential uses adjacent to any residential district, public park, or open space.
2. **Location.** Landscape buffers and screening walls shall follow the lot line of the lot to be screened, or shall be so arranged within the boundaries of the lot so as to substantially hide from adjoining properties the building, facility, or activity required to be screened.
 - a. *Screening walls required.* Screening walls are required between residential and industrial districts or residential districts adjacent to unloaded urban roadways. When located along roadways, short street blocks and/or pedestrian paseos shall be incorporated into project design. Where screening walls are required, they are in addition to any required landscaping as identified in Chapter 11.24, Landscape.
 - b. In other locations, walls that prevent convenient access between residential districts and parks, trails, public transit or commercial and public services are prohibited.
3. **Height.** Landscape buffers should reach a minimum of five feet in height at maturity. Screening walls shall be a minimum of six feet and maximum of eight feet in height, unless otherwise specified through a discretionary Planning entitlement.
4. **Materials.**
 - a. Landscape buffers shall be comprised of a view-obscuring arrangement of evergreen and deciduous trees, shrubs and similar vegetation not less than five feet in height at maturity. Evergreens shall comprise at least 75 percent of the trees and plants utilized. Vegetation shall be planted at intervals that emphasize massing and form rather than individual or small groupings of shrubs and trees.
 - b. Screening walls shall be constructed of stucco, decorative block, concrete panel, or other substantially equivalent material. Chain-link fencing does not fulfill the screening wall requirement.
5. **Berms.** An earth berm may be used in combination with the above types of landscape buffers and screening walls, but not more than two-thirds of the required height of such screening may be provided by the berm.

FIGURE 11.19.080(C)(5): BERMS



6. **Maintenance.** Landscape buffers and screening walls shall be maintained by property owner in good repair, including but not limited to replacement of dead or diseased vegetation, painting, graffiti removal, and shall be kept free of litter or advertising.
7. **Waivers and Modifications.** The Zoning Administrator may grant a waiver or modification of the screening requirements pursuant to Chapter 11.60, Waivers and Modifications.

11.19.090 Setbacks and Yards

- A. **Buffers and Setbacks Between Agricultural and Non-Agricultural Uses and Districts.** The purpose of agricultural buffers and setbacks is to provide for the long-term viability of agricultural operations and to minimize potential conflicts between agricultural uses and non-agricultural development and uses.

1. ***Permanent Agricultural Buffers.*** Permanent agricultural buffers are only required at the edges of Rural Community Boundary areas and the Valley Growth Boundary. The minimum buffer width is based on the type of agricultural use as identified in Table 11.19.090-A.
 - a. Agricultural buffers should be designed to accommodate drainage, trails, roads, other facilities or infrastructure, community gardens, native landscaping, and other uses that would be compatible with ongoing agricultural operations and provide valuable services or amenities. Windrows, berms, or other types of barriers shall be incorporated into the buffer design to reduce impacts from adjacent agricultural operations.
 - b. Where buffers are required the buffer shall be located on the non-agricultural property in instances where the development is occurring adjacent to the Rural Community Boundary or Valley Growth Boundary.

TABLE 11.19.090-A: AGRICULTURAL BUFFERS—SETBACKS	
<i>Crop Type/Agricultural Use</i>	<i>Minimum Buffer (feet)</i>
Rangeland/Grazing	50
Rice, field crops, orchards and vineyards	300
Animal Raising	200
<i>Dairies</i>	500
<i>Feed Lots</i>	800
<i>Slaughterhouses</i>	1000
The width of the buffer shall be measured from the active face of the agricultural operation to the property line of the adjacent use.	

2. ***Reductions in Buffer Width.*** Agricultural buffers may be reduced with Minor Use Permit approval where the decision-making authority determines, in consultation with the Agricultural Commissioner that:
 - a. Specific site characteristics exist such as topography, prevailing winds, vegetation, and other site features provide adequate buffering such that the required setback is not necessary to promote and protect agriculture and protect public health and safety; or
 - b. Site constraints such as size and configuration are such that the required setback is infeasible and the reduced setback provides the maximum feasible buffer from the Agricultural District or use.
3. ***Exclusions.*** Permanent buffers are not required in areas adjacent to planned urban development within the Valley Growth Boundary or when adjacent to existing rural residential or agricultural rural residential uses where the parcel sizes are primarily five acres or less in size.

4. ***Setbacks for Urban Commercial Agriculture.*** Where new commercial agricultural operations are proposed within the Valley Growth Boundary, setbacks and/or operational restrictions shall be required to reduce impacts of the agricultural operation on non-agricultural uses and districts. The width of the setback and/or operational restrictions shall be as determined through the Conditional Use Permit and shall be based on the type of agricultural operation, site specific characteristics, adjacent uses and districts, and recommendations from the Agricultural Commissioner. Where setbacks are required they shall be provided within the project boundary of the commercial agricultural operation.
 5. ***Buffer Management Plan.*** Where Agricultural buffers or setbacks are required they shall be maintained in accordance with a buffer management plan acceptable to and approved by the County. Agricultural buffer management plans shall include provisions for long-term maintenance of improvements and facilities that will not result in a fiscal impact on the County. Such plans shall, at a minimum, address the following:
 - a. A description of site conditions such as vegetation and habitat type, natural and man-made features, and other characteristics of the site;
 - b. Grass and brush clearing for fire fuel management, as required by site conditions;
 - c. Erosion control;
 - d. Fencing if required for the protection of resources;
 - e. Any proposed recreational activities or facilities; and
 - f. Any natural resource management activities and uses.
- B. **Setbacks Adjacent to the Landside of Levees.** Setbacks from levees shall be as determined by the levee maintenance district, but in no case shall be less than 50-feet from the toe of levees for new structures, fences, or pools to preserve the long-term ability to conduct inspections, perform maintenance, fight floods, and allow room for future minor changes to levee configurations. Additional requirements pertaining to grading activities adjacent to levees is provided in Chapter 11.23, Grading, Drainage, and Erosion Control.
- C. **Allowed Building Projections.** Building projections may extend into required setback areas, according to the standards of Table 11.19.090.B, Allowed Building Projections into Setbacks.
1. ***Limitations.*** The “Additional Standards and Limitations” column of Table 11.19.090-B states any dimensional, area, or other limitations that apply to allowed projections into setbacks. In addition, the following limitations apply to all projections into setbacks:
 - a. No projection may extend into a public utility easement
 - b. No projection may extend closer than three feet to an interior lot line.
 - c. No projection may extend closer than six feet to a building or structure on an adjacent lot.
 - d. Projections are subject to all applicable requirements of the California Building Code.
 - e. Any applicable lot coverage limitations of the district must be met.

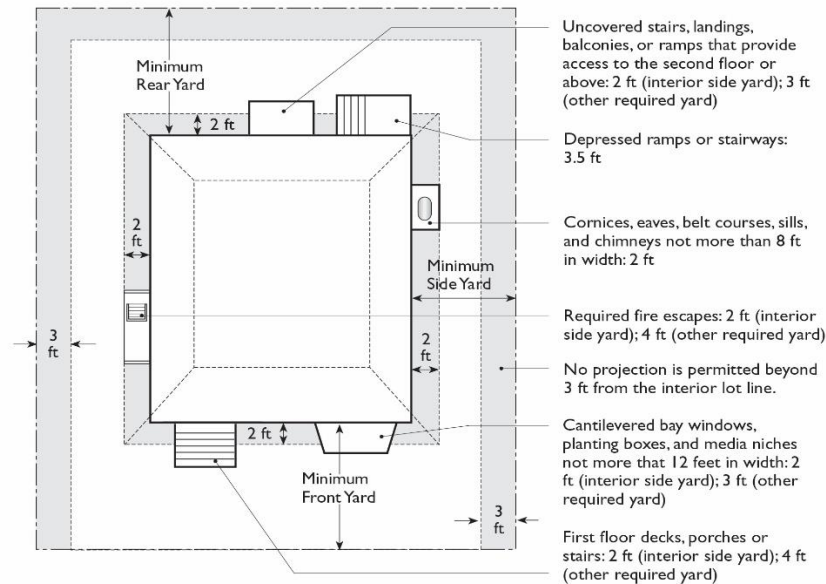
Figure 11.19.090(B): Allowed Building Projections into Setbacks

TABLE 11.19.090-B: ALLOWED BUILDING PROJECTIONS INTO REQUIRED SETBACKS				
Projection	Front or Street Side Setback (ft)	Interior Side Setback (ft)	Rear Setback (ft)	Additional Standards and Limitations
Cornices, eaves, belt courses, sills, and similar architectural features				
Chimneys not more than 8 feet in width	2	2	2	
Cantilevered bay windows, planting boxes, and media niches not more than 12 feet in width	3	2	3	Must be cantilevered; may not extend to ground.
Fire escapes required by law or public agency regulation	4	2	4	
Uncovered stairs, stairway landings, balconies, or ramps that provide access to the second floor of the building or above	3	2	3	All such structures shall be open, unenclosed, and without roofs, except for lattice-type guard railings.
Depressed ramps or stairways and supporting structures designed to permit access to parts of buildings that are below ground level	3.5	3.5	3.5	
Rear covered porches/patio structures, attached to a main building that are open sided, and do not exceed 15 feet in height.	-	-	10 RS District 5 RM or RH District	

TABLE 11.19.090-B: ALLOWED BUILDING PROJECTIONS INTO REQUIRED SETBACKS				
<i>Projection</i>	<i>Front or Street Side Setback (ft)</i>	<i>Interior Side Setback (ft)</i>	<i>Rear Setback (ft)</i>	<i>Additional Standards and Limitations</i>
Decks (over 18 inches in height), porches, and stairs the floors of which are not higher than the first floor of the building	2	2	4	Must be open on at least three sides. May not be closer than 7 ft from any street-facing property line.
Where rear yard abuts a dedicated, permanent public open space or similar area: patio structures, including patio covers, attached to or detached from a main or accessory building that are open sided, and do not exceed 15 feet in height	N/A	N/A	Any distance but not closer than 5 ft from rear property line, and eave no closer than 3 ft from property line.	Must be open on at least three sides.
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act; see Chapter 11.60, Waivers and Modifications.			

11.19.100 Swimming Pools and Spas

Swimming pools and spas shall comply with Chapter 10.40, Swimming Pool Safety Act, of the County Code, as well as the following standards:

- A. Within the Valley Growth Boundary, swimming pools, spas or associated filtration equipment and pumps shall not be located in the front yard area or within the street side yard setbacks.
- B. The outside wall of the water-containing portion of any swimming pool or spa shall be located at least five feet from all interior side and rear lot lines for above ground pools or spas and three feet for in ground pools or spas.

11.19.110 Trash and Refuse Collection Areas

- A. **Applicability.** Solid waste and recycling-container enclosures are required for new multi-family dwellings consisting of four or more dwelling units and for all office, and retail developments. Compliance with the standards of this section is required in conjunction with all new development and with additions that expand existing floor area by 10 percent or more.
- B. **Alternatives.** Projects with 10 or fewer residential units may have individual trash containers for each unit, provided that there is a designated screened location for each individual trash container adjacent to the dwelling unit and provided that solid waste and recycling containers for each unit are brought to the curbside for regular weekly or bi-weekly collection.
- C. **Location.** All enclosures shall comply with the California Fire Code and shall meet the following requirements unless it is demonstrated that they are infeasible as determined by the Zoning Administrator.
 1. The solid waste and recycling storage area shall not be located within any required front yard, street side yard, any required parking and landscaped areas, or any other area required by this

Code to be constructed or maintained unencumbered according to fire and other applicable building and public safety codes.

2. Solid waste and recycling areas shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the building spaces they serve. There should be a minimum of one solid waste and recycling enclosure per 50 units.
3. Solid waste and recycling storage areas shall be accessible to haulers. Storage areas shall be located so that the trucks and equipment used by the County or its contracted solid waste and recycling collector(s) have sufficient maneuvering areas and, if feasible, so that the collection equipment can avoid backing-up. Project applicants are responsible for procuring current equipment size and turning radius from the County or its contracted solid waste and recycling collector(s).

D. Materials, Construction, and Design.

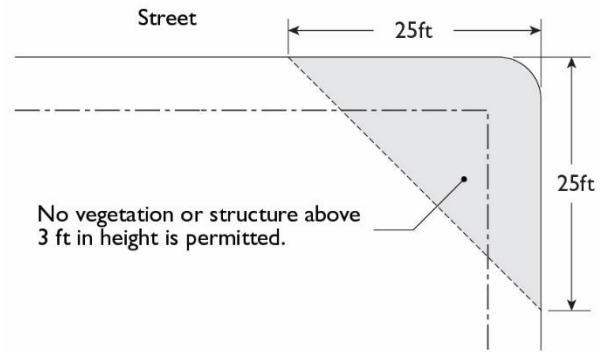
1. ***Minimum Height of Screening.*** Solid waste and recycling storage areas located outside or on the exterior of any building shall be screened with a solid enclosure at least five feet in height, except for a gated opening.
2. ***Enclosure Material.*** Enclosure material shall be compatible to the main structure(s).
3. ***Access to Enclosure from Residential Projects.*** Each solid waste and recycling enclosure serving a residential project shall be designed to allow walk-in access without having to open the main enclosure gate.
4. ***Enclosure Pad.*** Pads shall be a minimum of reinforced four-inch-thick concrete.
5. ***Drainage.*** Drainage from neighboring roofs and pavement shall be diverted away from the trash collection area. No storm drains shall be in the immediate vicinity of trash storage areas.
6. ***Landscaping.*** The perimeter of the recycling and trash enclosure shall be planted, if feasible, with drought resistant landscaping, including a combination of shrubs and/or climbing evergreen vines, except for a gated opening.
7. ***Clear Zone.*** The area in front of and surrounding all enclosure types shall be kept clear of obstructions, and shall be painted, striped, and marked "No Parking."

11.19.120 Underground Utilities

All electrical, telephone, cable television, and similar distribution lines providing direct service to a development site shall be installed underground within the site. This requirement applies to development within the Valley Growth Boundary and may be waived by the Community Development and Services Agency Director upon determining that underground installation is infeasible.

11.19.130 Visibility at Intersections

- A. ***Street Intersections.*** Vegetation and structures may not exceed a height of three feet within the sight distance triangular area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines at a distance of 25 feet along both lines from their intersection, unless an exception is obtained from the Public Works Director. Existing trees, or any portions thereof, that are located within this sight distance triangle shall have a clearance of seven feet high minimum between the lowest portion of the canopy and the sidewalk. New trees shall not be planted within the sight distance triangle. Figure 11.19.130: Visibility at Intersections



- B. **Exempt Structures and Plantings.** The regulations of this section do not apply to public utility poles; official warning signs or signals; or plant species of open growth habits and not planted in the form of a hedge that are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view; traffic control devices or places where the contour of the ground is such that there can be no cross visibility at the intersection.

Chapter 11.20 Consumer Disclosure—Farming and Mining Operations

Sections:

11.20.010	Findings and Purpose
11.20.020	Nuisance
11.20.030	Applicability
11.20.040	Disclosure
11.20.050	Installation of Signs

11.20.010 Findings and Purpose

The Board of Supervisors finds that it is in the public's interest to preserve and protect agricultural and mining land and operations within the County and to specifically protect these lands for exclusive agricultural and mining use.

- A. Where non-agricultural or non-mining land uses, particularly residential and commercial development, extend onto agricultural and mining lands or exist side by side with these operations, they are frequently the subject of nuisance complaints. As a result, some agricultural and mining operations are forced to cease or curtail their operations and many others are discouraged from making investments in improvements to their operations, to the detriment of the economic viability of the County's agricultural and mining industries as a whole. Therefore, it is the purpose and intent of this chapter to reduce the loss to the County of its agricultural and mining resources by limiting the circumstances under which properly conducted agricultural and mining operations may be considered a nuisance;
- B. It is the further purpose and intent of this chapter to promote a good-neighbor policy by requiring notification of owners, purchasers, residents, and users of property adjacent to or near agricultural and mining operations of the inherent potential problems associated with being located near such operations, including, without limitation, noise, vibrations, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilizers, soil amendments, seeds and pesticides. It is intended that, through mandatory disclosures, owners, purchasers, residents and users will better understand the impact of living or working near agricultural operations and be prepared to accept attendant conditions from properly conducted agricultural and mining operations as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural and mining sector;
- C. It is also the intent of the County to balance the rights of mining operators and farmers with the rights of non-farmers who own, occupy, or use land within the Valley Growth Boundary of the County.

11.20.020 Nuisance

- A. No agricultural or mining operation conducted or maintained on those lands zoned or designated for such use (Agricultural Districts, Extractive District, and Timber Production District), or currently so used for agricultural or mining in a manner consistent with proper and accepted customs and standards, as established and followed by similar operations in the County, shall be or become a nuisance for purposes of this code or County regulations if it was not a nuisance when it began. The provisions of this section shall not apply where a nuisance results from the negligent or improper management or operation of an agricultural or mining operation.

- B. This section shall not invalidate any provision contained in the Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 (commencing with Section 13000) of the Water Code of the State of California, if the agricultural or mining activity, operation, or facility, or appurtenances thereof, constitutes a nuisance, public or private, as specifically defined or described in any such provision.
- C. This Section shall not apply to lands within the Valley Growth Boundary that are converted from agricultural zoning designations to urban zoning designations or new commercial agriculture operations located within urban areas.
- D. This section is not to be construed so as to modify or abridge the state law set out in the California Civil Code relative to nuisances, but rather it is only to be utilized in the interpretation and enforcement of the provisions of the County ordinances and regulations.

11.20.030 Applicability

This chapter shall apply to quit claim deeds, grant deeds, land sale contracts, and leases executed after the effective date of this chapter affecting property within the unincorporated area of the County specified herein.

11.20.040 Disclosure

- A. **Consumer Disclosure by Seller.** A person who is acting as an agent for the seller or lessor of real property located in the County or the seller or lessor of real property if he or she is acting without an agent shall disclose to the prospective purchaser that:

"The property described herein is located in the County of Yuba, which is an agricultural and mining area, and residents of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, and from pursuit of agricultural operations, including, but not limited to, cultivation, irrigation, plowing, spraying, aerial application, pruning, harvesting, crop protection, agricultural burning, which occasionally generates dust, smoke, noise and odor, and protecting animal husbandry from depredation. Residents may also be subject to inconvenience or discomfort arising from the pursuit of mining operations, which occasionally generate dust, smoke, noise, odor and vibrations. Yuba County has established zoning for agricultural land that sets as a priority the agricultural use of the lands included therein, and has established as a priority the mining use of lands so designated, and residents of such property in or near these areas should be prepared to accept such inconvenience or discomfort as normal and necessary to such operations."

- B. **Disclosure in Documents.** The disclosure statement set forth in Subsection (A), Consumer Disclosure by Seller, above shall be included in a document that a purchaser, lessee or transferee signs at the time of the sale, purchase, contract of sale, transfer or lease of real property within the County in conjunction with the disclosures required by California Civil Code Div. 2, Pt. 4, Title 4, ch 2, Art. 1.5 (Civil Code §1102 et seq.).
- C. **Disclosure in Building Permits.** Where a building designed for residential occupancy is to be constructed in the County, the owners of the property shall, prior to issuance of a building permit, be required to sign a statement of acknowledgement on forms approved by the Community Development and Services Agency's Building Department containing the following statement:

"The property described herein on which the proposed structure is to be built is located within the County of Yuba, which is an agricultural and mining area, and residents of this property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, and from the pursuit of

agricultural operations including, but not limited to cultivation, irrigation, plowing, spraying, aerial applications, pruning, harvesting, agricultural burning, which occasionally generate dust, smoke, noise and odor, and protecting animal husbandry from depredation. Residents may also be subject to inconvenience or discomfort arising from the pursuit of mining operations, which occasionally generate dust, smoke, noise, odor and vibrations. Yuba County has established zoning for agricultural land which sets as a priority the agricultural use of the lands included therein and has established as a priority the mining use of lands so designated, and residents of such property in or near these areas should be prepared to accept such inconvenience or discomfort as normal and necessary to such operations."

In lieu of signing the statement required above, the owner may submit evidence that the statement set forth in Subsection (A), Consumer Disclosure to Seller, above has been made part of a document accompanying the sale, purchase, transfer, or lease of the property on which it is to be constructed.

- D. **Nondisclosure.** Non-compliance with any part of this chapter shall not affect title to real property, nor shall it prevent the recording of any document. However failure to make the disclosures required by Subsections (A), Consumer Disclosure to Seller, and (C), Disclosure in Building Permits, above shall subject the agent for the seller or lessor or the seller or lessor if there is no agent to a civil action by the purchaser or lessee for any damages incurred thereby.

11.20.050 Installation of Signs

The County may install or permit the installation of signs at the entry or within established farming or mining areas to notify and explain to purchaser that some of the land in such area is being used for agricultural or mining purposes and that the purchasers' interests are protected by law. The prospective purchaser of such land or a residence is advised to check with local County agencies as to any regulations or requirements that may affect agricultural or mining property and of inherent problems associated with a purchase of such property and of the likely effects of such agricultural or mining operations.

Chapter 11.21 Clustered Development

Sections:

11.21.010	Purpose
11.21.020	Applicability
11.21.030	Application Requirements
11.21.040	Development Standards

11.21.010 Purpose

The purpose of this chapter is to allow residential density flexibility through reduced lot area cluster and development in the rural foothill and mountainous areas of the County in order to facilitate the retention of natural resources, open space, agricultural lands, and wildlife habitat; avoid hazardous areas; and further implement the goals and policies of the General Plan.

11.21.020 Applicability

The use of these clustered development provisions is allowed in the RC, RR, and RE districts located within a Rural Community Boundary.

11.21.030 Application Requirements

- A. **Pre-application Review.** Pre-application review pursuant to Section 11.53.160 is required prior to submitting a formal application for a clustered development project.
- B. **Conditional Use Permit Required.** Conditional Use Permit approval in compliance with Chapter 11.57, Use Permits, is required concurrent with approval of a tentative map.

11.21.040 Development Standards

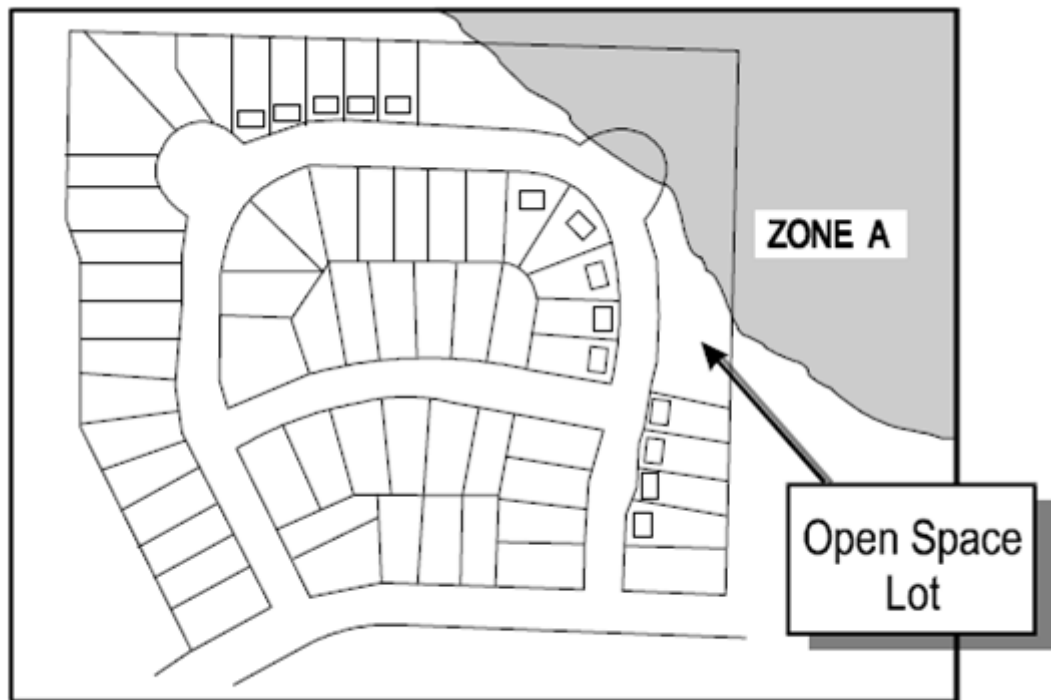
Clustered development projects shall adhere to the development standards for the base zoning district, except as modified below.

- A. **Density.** The total number of dwelling units (single, second, and/or multi) in a clustered development shall not exceed the maximum number permitted by the base zone density for the total area of the project.
 - 1. **Deed Restriction Required.** Deed restrictions shall be filed on each property to ensure the overall maximum density is not exceeded through future subdivision or development.
- B. **Lot Size.** The minimum lot size in a clustered development project shall be one acre. However, access, sewage disposal, water supply, surrounding parcel sizes, topography, adjacent land uses, applicable General Plan policies, and other factors will affect the County's decision on a project-by-project basis.
- C. **Sewage Disposal/Potable Water.** Each application for a clustered development project shall obtain tentative clearance from the Environmental Health Director for the proposed parcel sizes.
 - 1. Parcels one acre or smaller in size shall provide both a public sewer service and public water supply. Parcels between one acre and 2.5 acres in size shall provide either a public sewer service or public water supply as determined by the Environmental Health Director.

- D. **Open Space.** A minimum of 60 percent of the total project site shall be dedicated as permanent open space of which no more than ten percent may be used for infrastructure necessary to serve the development (wells, sewage disposal, drainage, detention basins and similar facilities).
1. **Guarantee.** Open space shall be guaranteed in perpetuity using one or more of the following control mechanisms:
 - a. Dedication of a conservation (or open space) easement to the County, other public agency or a public interest land trust;
 - b. Dedication of land in fee-title to the County or other public agency; or
 - c. Deed restrictions recorded with the County Recorder.
 2. **Management Plan.** Public and private open space shall be maintained in accordance with an open space management plan acceptable to and approved by the County. Such plans shall, at a minimum, address the following:
 - a. A description of site conditions such as vegetation and habitat type, natural and man-made features, and other characteristics of the site;
 - b. Grass and brush clearing for fire fuel management, as required by site conditions;
 - c. Erosion control;
 - d. Sewage disposal, water well, and stormwater drainage facilities, including ditches and detention basins, if proposed for the development;
 - e. Fencing if required for the protection of resources;
 - f. Recreational activities compatible with open space; and
 - g. Other natural resource management activities and uses. Open space management plans shall include provisions for long-term maintenance of improvements and facilities that will not result in a fiscal impact on the County.
 3. **Uses.** Uses and activities within dedicated open space shall be compatible with open space land. Unless limited or restricted by a conservation easement, development agreement, conditions on the approved tentative map, or other restricting mechanism, the following uses shall be permitted:
 - a. Agriculture, including grazing and timber management, when allowed by the underlying base zoning;
 - b. Resource conservation;
 - c. Wildlife management;
 - d. Recreational activities compatible with the objectives of the open space management plan;
 - e. Community wells, community septic systems, community sewage disposal systems, and individual wells may be allowed as private open space and shall not exceed ten percent of the minimum 60 percent open space requirement identified in Section 11.21.040(D);
 - f. Pedestrian, bicycle and equestrian trails. Public access is not required, but may be permitted subject to a public access easement being recorded; and

- g. Other similar uses, as determined through the application review process.
- E. **Flood Zones.** Clustered development projects shall be prohibited within flood zones unless they meet the requirements of Chapter 11.14, Floodplain Overlay District.

Figure 11.21.040: Cluster Development in a Flood Zone



Chapter 11.22 Fire Safe Regulations

Sections:

11.22.010	Purpose
11.22.020	Applicability
11.22.030	Exceptions
11.22.040	Signing and Building Numbers
11.22.050	Emergency Access
11.22.060	Emergency Water Supply Standards
11.22.070	Fire Hydrant/Fire Valve
11.22.080	Fuel Modification Standards
11.22.090	Waiver of Fire Safety Regulations
11.22.100	Appeals

11.22.010 Purpose

The purpose of this chapter is to establish minimum wild fire protection standards pursuant to Public Resources Code §4290 that shall apply to the issuance of a building or construction permit, tentative map approval, or other development entitlement approved by the County in designated State Responsibility Areas (SRA).

11.22.020 Applicability

The provisions of this chapter shall apply to the approval of new parcels, building permits for new construction or significant improvement to existing structures (within a three year period: 50 percent expansion of floor area or improvements valued at \$25,000), road construction and road extension projects contained in Yuba County and located in a Cal Fire State Responsibility Area (SRA). All specified or referenced distances shall be measured along the ground unless otherwise stated. Basic emergency access and perimeter wildlife protection measures specified in the sections to follow provide standards for emergency access, signing and building numbering, private water supply reserves for emergency fire use, and vegetation and modification.

11.22.030 Exceptions

Except as otherwise noted in Section 9.70.220, Address Number; Display, of the County Code, the provisions of this chapter with exception of significant improvements described above, shall not apply to existing permitted structures, existing County maintained roads, existing private roads and driveways, lot line adjustments, roads constructed exclusively for agricultural or extractive industrial uses where the property is owned by a single person or entity, and roads constructed exclusively for the management or harvesting of timber products.

11.22.040 Signing and Building Numbers

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved roads, streets, and buildings shall be designated with names or numbers posted on signs clearly visible and legible from the roadway. This section shall not restrict the size of letters or numbers appearing on street signs for other purposes.

1. Size of letters, numbers, and symbols for street and address signs shall be a minimum 4 inch letter height, 1/2 inch stroke, reflective, contrasting with the background color of the sign.
2. Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet.
3. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.
4. Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.
5. Where multiple addresses are required at a single driveway, they shall be mounted on a single post.

11.22.050 Emergency Access

All roads and private driveways, unless exempt under Section 11.22.020, Applicability, of this chapter, shall be constructed to provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently.

- A. All newly constructed approved roads, driveways and buildings shall be addressed by name(s) and number(s) displayed with signs that are clearly visible and legible from the roadway in accordance with Chapter 9.70, Uniform System for the Naming of Streets and Numbering of Properties, of the County Code and with the State of California Traffic Manual. All signs shall be installed prior to map recordation where a tentative map application has been approved and prior to the issuance of the Final Certification of Occupancy where an application for building permits has been proposed.
- B. All new roads shall be constructed in accordance with Subsection 11.46.030, Road Improvements. All roads and driveways shall be designed to provide the minimum vertical clearance and to carry the maximum legal gross vehicle limit allowed by the Vehicle Code.
- C. All driveways shall provide a minimum 12 foot wide traffic lane and unobstructed vertical and horizontal clearance to combustible vegetation of 15 feet along its entire length.
 1. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
 2. A turnaround shall be provided at all building sites on driveways over 300 feet in length, and shall be within 50 feet of the building.
 3. Max driveway slope not to exceed 16% for gravel base driveways and 20% for paved driveways. Driveways exceeding 20% slope require fire district approval.
- D. When a gate is proposed on a private road or driveway to restrict access to property, said gate shall be constructed as follows:
 1. Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving the gate, minimum 14 feet wide.
 2. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road.

- 3. A key box is required where access to or within a structure or an area is restricted because of secured openings such as a locked gated entrance.
- E. All new roadway structures shall meet the following standards:
 - 1. Bridges shall be constructed to carry at least the maximum load and provide the minimum vertical clearance as required by Vehicle Code §§35550, 35750 and 35250.
 - 2. Appropriate signing, including, but not limited to weight or vertical clearance limitations, and one-way road or single-lane conditions shall be posted to reflect the capacity of each bridge.
 - 3. A bridge with only one traffic lane may be authorized by the County; however, such bridge shall provide for unobstructed visibility from one end of the bridge to the other and turnouts at both ends of such bridge.

11.22.060 Emergency Water Supply Standards

An emergency water system for wildfire protection shall be constructed in State Responsibility Areas and written clearance from Calfire on acceptance of the system design shall be submitted to CDSA prior to the recordation of a Parcel Map or Final Map. Prior to recordation, then applicant shall also demonstrate to the satisfaction of the Public Works Department how the water system will be maintained in perpetuity.

11.22.070 Fire Hydrant/Fire Valve

Fire hydrants shall be installed to meet the following standards:

- B. Eighteen inches above grade.
- C. Minimum eight feet from flammable vegetation.
- D. Minimum four feet and a maximum 12 feet from roadway.
- E. Minimum 50 feet and a maximum one-half mile from the building it serves.
- F. 2 ½ inch N.H. male fitting for pressure and gravity systems and 4 ½ inch for draft systems
- G. Identified with a three-inch reflectorized blue dot on the driveway, address sign, or placed within three feet of a hydrant with a sign three to five feet above the ground.
- H. Located at a turnout or turnaround, along the driveway to the building it serves or along the road that intersects with that driveway.

11.22.080 Fuel Modification Standards

The following defensible space standards shall be completed in SRA's prior to parcel or final map recordation, or the issuance of a Certificate of Building Occupancy.

- A. **Setback for Defensible Space.** Firebreaks shall be established and maintained in accordance with Chapters 10.15, Firebreaks, of the County Code and Section 11.54.100, Mitigation Monitoring and Reporting Program and the following:
 - 1. All new buildings shall be constructed with a minimum 30-foot setback from all property lines and/or the road right of way to serve as a fire break. Required utility structures such as but not limited to water tanks, propane tanks, and well/pump houses are not considered buildings for the purposes of this section.

2. The side and rear yard building setback requirement may be reduced to the setback permitted by the zoning district upon written clearance from the fire district.
- I. **Disposal of Flammable Vegetation and Fuels.** Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.
- J. **Greenbelts.** When proposed as part of a development plan, greenbelts shall be located strategically as a separation between wildland fuels and structures.

11.22.090 Waiver of Fire Safety Regulations

Upon request by the applicant, a waiver of one or more of the requirements of this chapter may be allowed by the Development Review Committee, where such waiver provides the same overall practical effect provided by this chapter. A letter requesting such waiver shall be submitted to the Development Review Committee along with any fee established for waivers. A copy of the waiver request shall be submitted to the CDSA Director and to Cal Fire for review and comment. Cal Fire shall sign off prior to Development Review Committee approval. The review and comment period shall be no less than 14 days. Approval or conditional approval of the waiver request shall only be granted when the Development Review Committee makes the finding that such action is in keeping with the purposes and intent of this chapter. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the Cal Fire Ranger Unit headquarters that administers SRA fire protection in Yuba County.

11.22.100 Appeals

The decision of the Development Review Committee shall be final unless an appeal is filed in accordance with Section 11.53.150, Appeals and Calls for Review.

Chapter 11.23 Grading, Drainage, and Erosion Control

Sections:

11.23.010	Purpose
11.23.020	Applicability
11.23.030	General Requirements
11.23.040	Procedures
11.23.050	Plans and Specifications
11.23.060	Geotechnical Investigations and Inspections
11.23.070	Design Standards
11.23.080	Improvement Security Required
11.23.090	Enforcement

11.23.010 Purpose

The purposes of this chapter are to:

- A. Regulate grading, drainage, and other earthwork activities within the unincorporated areas of Yuba County to preserve and safeguard public welfare, life, health, and property;
- B. Ensure that the intended use of a graded site is consistent with the Yuba County General Plan (including adopted Community or Specific Plans), the County's Storm Water Management Plan, Yuba County Public Works Standard Specifications, California Fire Safe Standards, stormwater regulations for construction activities, and local ordinances, including this code, building and construction (Title 10), and applicable building codes;
- C. Require implementation of erosion and sedimentation control measures to protect water quality and reduce the discharge of pollutants into county storm water drainage systems to the maximum extent practicable using best management practices; and
- D. Establish authority and procedures for the issuance of grading permits; for the approval of grading plans; for inspection of earthwork activities; and, for enforcement of the provision herein.

11.23.020 Applicability

A. Grading Permit; Required.

- 1. Any grading performed in the County of Yuba – Phase II Municipal Separate Sewer System (MS4) permit boundaries that creates or replaces 2,500 square feet or more of impervious surface shall require either a grading permit or a building permit. For these activities, the requirements within Code Section 7.50 shall apply.
- 2. For all projects excluding those covered in Subsection 11.23.020A.1 above, and except for the specific exemptions listed in Subsection 11.23.020(B), Grading Permit; Exemptions, no person shall do or permit to be done any grading on any site in the unincorporated areas of Yuba County without a valid grading permit obtained from the Community Development and Services Agency. A permit shall also be required for the following:
 - a. Retaining walls which are over four feet in height, as measured from bottom of footing to top of the wall;

- b. Any retaining walls that are subject to surcharge;
 - c. Private vehicular bridges;
 - d. Fill operations exceeding four feet when filling an abandoned swimming pool unless a demolition permit for same is obtained from the Building Department.
 - 3. A grading permit is required for any grading and/or other construction activity with ground disturbance of more than one acre, or any grading and/or construction activity smaller than one acre but part of a greater plan involving over one acre.
- B. **Grading Permit; Exemptions.** Unless in conflict with provisions of adopted general and/or specific plans, and excluding projects covered in Subsection 11.23.020(A.1), the following grading may be done without obtaining a permit. Exemption from the requirement of a permit shall not be deemed permission to violate any provision of this chapter or the need to obtain any other permits or other authorizations that may be otherwise required with that activity:
- 1. Minor projects which have cuts or fills, each of which is less than two feet in vertical depth at its deepest point measured from the existing ground surface and meets all of the following criteria:
 - a. Less than 50 cubic yards of graded material in a single area and does not obstruct a drainage course, within a two-year period. In calculating the graded material quantity, excavation material used as fill material will not be counted twice. (For example: 25 cubic yards [C.Y.] of excavation material that is also placed as fill material would be calculated as 25 cubic yards, not as 25 C.Y. + 25 C.Y. = 50 C.Y.);
 - b. The removal, plowing under or burial of less than 10,000 square feet of vegetation on slopes ten percent or greater or any amount of vegetation on slopes less than ten percent on areas of land totaling less than one acre within a two-year period;
 - c. Does not create unstable or erodible slopes;
 - d. Does not encroach onto sewage disposal systems including leach field areas, or into setbacks of existing sewage disposal systems, repair areas, or proposed septic areas as outlined in Section 7.07.450, Location of Septic Tanks, Building Sewer Pipes, Leach Fields and Seepage Pits, of the County Code;
 - e. Does not impact the seal integrity of any water well. If a well is encountered during the grading and is not intended for use, it shall be destroyed with permit according to Section 7.03.090, Abandonment [of water wells], of the County Code;
 - f. Does not encroach into the areas designated as zone A as shown on the Flood Insurance Rate Maps;
 - g. Does not encroach into the areas designated as Inundation Easements;
 - h. Does not obstruct any watercourse or disturb or negatively impact any drainage way, wetland, stream environment zone, or water body;
 - i. Does not divert or obstruct overland flow, or negatively affect other adjacent properties;
 - j. Includes provisions to effectively prevent discharges of pollutants from the site; and

- k. Provides for completion of soil disturbing activities within a continuous period of 45 days, and revegetation of all disturbed areas immediately thereafter.
- 2. Grading done by or under the supervision or construction control of a State or Federal agency that assumes full responsibility for the work;
- 3. Excavations or fill operations in connection with a swimming pool authorized by a valid building permit or demolition permit issued by the Building Department;
- 4. Retaining walls less than four feet in height, as measured from bottom of footing to the top of the wall, and not subject to surcharge;
- 5. Grading necessary for agricultural operations, unless such grading converts one acre or more of land that contains riparian vegetation, oak woodlands or forests; involves grading and earthmoving activities on slopes over 12 percent; and/or, will create a cut or fill whose failure could endanger any structure intended for human or animal occupancy or any public road, or could obstruct any watercourse or drainage conduit, or provided no excavated material is imported to or exported from the premises;
- 6. Trenching and grading incidental to the construction or installation of County approved underground pipe lines, septic tank disposal fields, conduits, electrical or communication facilities, and drilling or excavation for post holes or approved wells;
- 7. Excavations less than 250 cubic yards for soil or geological investigations by a geotechnical engineer, civil engineer, or engineering geologist;
- 8. Grading in accordance with plans incorporated in an approved surface mining permit, reclamation plan, or sanitary landfill or environmental remediation project or petroleum product tank removal and installation where governed by other State or County ordinance, and provided no excavated material is imported to or exported from the premises;
- 9. Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition;
- 10. Routine cemetery excavations and fills;
- 11. Performance of emergency work necessary to protect life or property when an urgent necessity arises. The person performing such emergency work shall notify the Community Development and Services Agency promptly of the problem and work required and shall apply for a permit within ten calendar days after commencing such work;
- 12. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five feet after the completion of such structure;
- 13. Timber harvest operation conducted under valid State or Federal permit, stream alteration permits, dams under State jurisdiction, etc.

11.23.030 General Requirements

A. Grading Standards.

- 1. No person shall do or permit to be done any grading in such a manner that quantities of dirt, soil, rock, debris or other material substantially in excess of natural levels are washed, eroded or otherwise moved from the site, except as specifically provided for by a permit. In no event

shall grading activities cause or contribute to the violation of provisions of any applicable NPDES stormwater discharge permit.

2. All grading within unincorporated Yuba County, regardless of whether or not a grading permit is required, shall be in compliance with all of the following:
 - a. Applicable requirements of this chapter and other County ordinances, rules, regulations, and design standards.
 - b. Minimum acceptable industry standards for minimizing erosion and controlling sediment discharges by providing erosion and sediment controls, soil stabilization, source controls, and pollution prevention measures..
 - c. Requirements of the Central Valley Regional Water Quality Control Board including the Statewide "General Permit for Discharges of Storm Water Associated with Construction Activities and the Phase II Small MS4 General Permit (Order No. 2013-0001-DWQ).".
 - d. As determined by the Public Works Director, additional requirements beyond those specified or referenced in this chapter if such requirements are deemed necessary to protect the health, safety, or welfare of the public; to prevent or eliminate a hazard to public or private property; or, to otherwise fulfill the purposes of this chapter.
- B. **Water Obstruction.** No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of storm waters, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion. This section applies whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, are unimproved channels or watercourses or improved ditches, channels or conduits.
- C. **Levee Work.** No person shall excavate or remove any material from or otherwise alter any levee required for river, creek, bay, or local drainage control channel, including excavation along the projected fill slope line, without prior approval of the local governmental agency responsible for the maintenance of the levee.
- D. **Levee Landside Setbacks; Development or Grading Adjacent to Levees.**
 1. Setbacks from levees shall be as determined by the levee maintenance district, but in no case shall be less than 50-feet from the toe of levees for new structures, fences, pools, roads, utilities, and storage or stockpiling of agricultural waste to preserve the long-term ability to conduct inspections, perform maintenance, fight floods, and allow room for future minor changes to levee configurations. In addition, any grading activity within 400 feet of the landside levee toe shall require a registered geotechnical engineer to submit a stamped report demonstrating that the proposed action will not have an adverse impact on the integrity of the levee system. For the purposes of this section, grading activities are defined as any trench or hole greater than 24 inches in depth or general site grading that reduces the surface by more than 12 inches in depth.
 2. Site-specific exceptions to the setback standard can be pursued by an application to the Board of Supervisors on a case-by-case basis. These exceptions should only be allowed in instances where levee stability upgrades greatly exceed minimum standards, such that risk and uncertainty are substantially removed at that location.

3. Agricultural practices will generally be exempt from setback requirements except aquaculture projects, ponds, or similar that may affect integrity of levees or the storage of agricultural waste as specified previously in this section. This exemption shall continue until agricultural activity ceases and development activity begins within the area protected by the levee.
- E. **Construction in Public Rights-of-Way.** No person shall perform any grading work within the right-of-way of a public road or street, or within a public easement, without prior written approval of the Public Works Director or authorized Agent.
- F. **Hazards.** If the Enforcement Official determines that any grading on private or public property constitutes a hazard to public safety; endangers property; adversely affects the safety, use or stability of adjacent property, an overhead or underground utility, or a public way, watercourse or drainage channel; or could adversely affect the water quality of any water bodies or watercourses, the Public Works Director or authorized Agent may issue a stop work notice to the owner of the property upon which the condition is located, or other person or agent in control of such property. Upon receipt of such stop work notice, the recipient shall, within the period specified therein, stop all work, obtain a grading permit and conform to the conditions of such permit. The Community Development and Services Agency may require the submission of plans or soil or geological reports, detailed construction recommendations, drainage study or other engineering data prior to and in connection with any corrective or proposed work or activity.
- G. **Liability.** Neither issuance of a permit under the provisions of this chapter nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability upon the County for damage to any person or property.

11.23.040 Procedures

- A. **Grading Permit; Filing of Application.** Applications for permits shall be filed with the Community Development and Services Agency on forms furnished by that department. Each application shall include a plan-checking fee and other fees as required, grading plans and a statement of the intended use of the site. The Community Development and Services Agency shall determine whether the application is complete or whether additional information is required from the applicant. The applicant shall be notified within 20 working days, and provided outstanding requirements in writing if the application is deemed incomplete.
- B. **Grading Permit; Fees.** The schedule of fees and costs shall be those established in Section 13.20.600 of the County Code. Before a permit is issued, the applicant shall deposit with the Community Development and Services Agency cash or a check, in a sufficient sum to cover the fee for issuance of the permit, charges for review of plans, specifications and reports, other engineering services, field investigations, necessary inspection or other work and routine laboratory tests of materials and compaction, all in accordance with schedules established and adopted by the Board.
 1. Public utilities may, at the option of the Community Development and Services Agency, make payment for grading permit fees as billed instead of by advance deposit.
 2. Any person, firm or corporation doing grading work in violation of this chapter or when such work is not done in accordance with an approved permit, a fee covering investigation of any violation and inspection and plan checking of work required to correct such violation shall be charged to the violator to cover all actual costs and any permitting fees shall be double the regular fee.

- C. **Zoning Clearance and Compliance with CEQA.** The California Environmental Quality Act (Public Resources Code §21000 et seq.) (CEQA) and the Community Development and Services Agency may require the preparation of environmental documents concerning a proposed grading project. Any required review from the Environmental Health Department, or zoning clearance from the Planning Department must be completed before the grading permit application will be deemed complete.
- D. **Grading Permit; Notice to Adjacent Utility Owners.** Applicant shall contact Underground Service Alert (USA) prior to digging.
- E. **Grading Permit; Referral to Other Public Agencies.** The Community Development and Services Agency may refer an application to other interested public agencies for their recommendations. All grading plans on properties within Reclamation District 784 require review and approval of that District before a permit will be issued.
- F. **Grading Permit; Conditions.** No permit shall be granted unless the project conforms to the Yuba County General Plan, any community or specific plans adopted thereto and applicable Yuba County ordinances including the zoning ordinance.
 - 1. Where a proposed grading project requires the filing of a tentative map or the intended use requires approval, no grading permit shall be granted prior to approval by the applicable planning authority.
 - 2. If the County has reasonable cause to believe that Federal and/or State permits may be necessary for the project, no County permit shall be granted until permits are obtained from those other agencies and copies of which shall be provided to the County. If no permits are required from other agencies, written notification from those agencies shall be submitted to the Community Development and Services Agency prior to County granting the permit.
 - 3. The permit shall be limited to work shown on the grading plans as approved by the Community Development and Services Agency. In granting a permit, the Community Development and Services Agency may impose any condition deemed necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, prevent erosion and to ensure proper completion of the grading, including but not limited to:
 - a. Mitigation of adverse environmental impacts as disclosed by any environmental document findings. This includes the proper disposal of any hazardous material identified in the initial planning phase. The Director of Environmental Health or the Director of the Office of Emergency Services will approve hazardous materials management;
 - b. Improvement of any existing grading to comply with the standards of this chapter;
 - c. Requirements for fencing or other protections of grading which would otherwise be hazardous;
 - d. Requirements for dust, erosion, sediment and noise control, and hours of operation and season of work, weather conditions, sequence of work, access roads and haul routes;
 - e. Requirements for safeguarding watercourses, whether natural or man-made, from excessive deposition of sediment or debris in quantities exceeding natural levels;
 - f. Requirements for safeguarding areas reserved for on-site sewage disposal;

- g. Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of flooding can be eliminated or adequately reduced;
 - h. Requirements for safeguarding existing water wells; and,
 - i. Requirements for projects that fall within the MS4 boundary and that create or replace 2,500 square feet or more of impervious surface as specified in Chapter 7.50 Stormwater Quality.
- 4. **Right of Entry.** As a condition of the permit, the property owner shall grant the County a right of entry for the duration of the permit until after final inspection. Whenever necessary to enforce the provisions of this chapter, the Public Works Director or designee may enter the premises to perform any duty imposed by this chapter.
- G. **Permission of Other Agencies or Owners.** No permit shall relieve the permittee of responsibility for securing other permits or approvals required for work which is regulated by any other department or agency of the County, State or federal government or other public agency, or for obtaining any easements or authorization for grading on property not owned by the permittee. Proof of issuance of applicable public agency permits may be required before the issuance of a grading permit.
- H. **Location of Property Lines.** Whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation, a survey by a licensed land surveyor or civil engineer licensed to practice land surveying or resolution of title, all at the expense of the applicant, may be required by the Community Development and Services Agency.
- I. **Time Limits.**
 - 1. The permittee shall perform and complete all the work required by the permit within time limits specified in the permit. If the work cannot be completed within the specified time, a request for an extension of time setting forth the reasons for the requested extension shall be presented in writing to the Community Development and Services Agency no later than 30 days prior to the expiration of the permit. The Community Development and Services Agency may grant additional time for the permitted work to be completed.
 - 2. If all of the permit work required is not completed within the time limit specified in Subsection (I)(1) of this section, no further grading shall be done without renewing the permit. A written request for renewal shall be submitted to the Public Works Director who may require a new application and fees depending upon the time between the expiration date and the renewal request, revisions in County regulations, and/or changed circumstances in the immediate area. Any revised plan shall be submitted to the Community Development and Services Agency for review, and any costs thereof shall be at the applicant's expense.
- J. **Grading Permit; Effect.** The issuance of a permit or approval of plans and specifications shall not be construed as an approval of any violation of the provisions of this chapter or of any other applicable laws, ordinances, rules or regulations.
- K. **Appeals.** Appeals of decisions may be made pursuant to the procedures of Section 11.53.150, Appeals and Calls for Review.
- L. **Transfer.** No permit issued under this chapter may be transferred or assigned in any manner whatsoever, without the express written consent of the Community Development and Services Agency.

- M. **Grading Prior to Approval of Improvement Plans.** Property owners who have an approved tentative map and wish to grade prior to the approval of the improvement plans shall submit an application for a grading permit and shall comply with the following requirements:
1. A separate grading plan shall be submitted for review and approval by the Community Development and Services Agency. This plan shall conform to the requirements of this grading ordinance and any applicable conditions placed on the project as a result of any formal discretionary permit process. The applicant shall acknowledge that any additional grading or revisions to work necessitated by conflicts discovered during the improvement plan check or subsequent construction will be corrected solely at the applicant's expense.
 2. When deemed necessary by the Community Development and Services Agency, the property owner shall submit a revegetation and winterization plan for review and approval. This plan shall include a performance agreement with Yuba County which includes a specific schedule for performance of the subject grading, an engineer's estimate of cost for implementing the plan, and cash or other approved form of security to ensure the timely performance of the plan.
 3. Plan check fees shall be required in full at time of plan submittal. Inspection fees shall be required in full prior to issuance of grading permit.
 4. A drainage report shall be required as per the requirements of this grading ordinance and the Yuba County development standards.
- N. **Work Completion.**
1. The permittee shall notify the Community Development and Services Agency upon work completion and request a final inspection. All permitted grading activities shall be subject to final inspection by the Community Development and Services Agency.
 2. Upon determination by the Public Works Director that all work has been completed in substantial conformance to the grading plan and associated requirements, a "Completion Notice" shall be issued by the Community Development and Services Agency.
 3. Issuance of a "Completion Notice" does not relieve the permittee of responsibility for compliance with all grading permit requirements. Issuance of a "Completion Notice" should not be construed as modifying any permit requirements or relieving the permittee of responsibilities for satisfactory work completion.
 4. No certificate of occupancy shall be issued for a permitted structure until the Public Works Director has issued a "Completion Notice" pursuant to this section. The owner may be required to post an approved security with Public Works in sufficient amount, as determined by the Public Works Director, to ensure satisfactory completion of any ancillary work within a specified period of time.
- O. **Denial of Other Permits.** No building permit, septic, electrical permit, or any other permit shall be issued by the County to any person for any premises or portion thereof which is in violation of this chapter.

11.23.050 Plans and Specifications

A. Grading Plans.

1. Each application for a grading permit shall include the following:

- a. A completed application form;
 - b. Two complete sets of grading plans. More may be required upon request;
 - c. Profiles, cross sections, and specifications as required;
 - d. A complete drainage report as required by the Community Development and Services Agency;
 - e. The application fee as determined by the Board of Supervisors;
 - f. Where applicable, evidence of coverage, or application for coverage, under an NPDES general construction permit;
 - g. Storm Water Pollution Prevention Plan (SWPPP) with a State issued W.D.I.D. number, if applicable.
2. The plans and other documents will be reviewed by the Community Development and Services Agency. The applicant and/or project engineer will be notified of any necessary changes to the plans. When the plans and other documents have been approved by the Community Development and Services Agency, a grading permit will be issued for the project. All work must be done in strict conformance with the approved plans and documents. The approved plans shall not be changed or altered except in accordance with the provisions of this chapter.
- B. **Engineer Required.** All plans and specifications shall be prepared and signed by a registered civil engineer, however the Community Development and Services Agency may waive this requirement if the proposed grading does not:
1. Endanger the public health, safety and welfare;
 2. Require cuts and fills involving a combined total of 5,000 cubic yards of dirt or more;
 3. Require cut or fill depths exceeding ten feet;
 4. Include an access road serving five or more existing or potential residences;
 5. Require a cut or fill that is situated so as to cause unduly increased soil pressure or reduce earth support upon adjacent structure or property;
 6. Include the construction of any drainage or sediment control structures, culverts, or facilities or substantial alteration of any existing drainage course;
 7. Include the creation or aggravation of an unstable slope condition;
 8. Require construction of any retaining wall over four feet in height;
 9. Include the construction of a vehicular bridge.
- C. **Engineered Grading Plans.** Grading plans and specifications shall be prepared and signed by a registered civil engineer, as provided herein.
1. The plans shall include the following:
 - a. All plans shall be on 24-inch by 36-inch sheets unless otherwise approved, and shall be drawn at a scale no less than one inch equals 100 feet;
 - b. *A title block.* Plans shall be entitled "grading plan" and state the purpose of the proposed grading and the name of the engineer or firm by whom this plan is prepared, owner's name and address, and site address;

- c. A vicinity sketch (not at map scale) indicating the location of the site relative to the principal roads, lakes and watercourses in the area;
- d. North arrow and scale;
- e. A site plan indicating the extent of the work and any proposed divisions of land;
- f. The complete site boundaries and locations of any easements and rights-of-way traversing or adjacent to the property;
- g. The location of all existing or proposed roads, buildings, wells, pipelines, watercourses, septic systems or areas reserved for on-site sewage disposal, and any other structures, facilities, and features of the site, as well as the location of all improvements on lots within 50 feet of the proposed work;
- h. Location and nature of known or suspected soil or geologic hazard areas, including but not limited to serpentine rock areas, landslides, etc.;
- i. Accurate contour lines of the existing terrain and proposed finished grade at intervals not greater than five feet, or spot elevations 25 feet on center showing all topographic features and drainage patterns throughout the area where the proposed grading is to occur relative to a bench mark established on site. The contour lines/spot elevations shall be extended to a minimum of 50 feet beyond the affected area, and further, if needed, to define intercepted drainage, and shall be extended a minimum of 100 feet outside of any future road right-of-way. Contour lines or spot elevations shall be shown for all neighboring properties to verify surrounding drainage patterns;
- j. Approximate location of cut and fill line extents and finished slopes of all proposed grading and the limits of all proposed grading work, including borrow and stockpile areas;
- k. Location, width, direction of flow and approximate location of any watercourses including tops and toes of banks;
- l. Approximate boundaries of any areas with histories of flooding;
- m. Cross sections, profiles, elevations, dimensions, and construction details based on accurate field data;
- n. Construction details for roads, watercourses, culverts, bridges and drainage devices, retaining walls, cribbing, dams, and other improvements existing or to be constructed, together with supporting calculations and maps as may be required after initial review of plans;
- o. Proposed provisions for storm drainage control and any existing or proposed flood control facilities or septic tank disposal fields or areas reserved for on-site sewage disposal near the grading;
- p. A detailed erosion and sediment control plan including specific locations, construction details, and supporting calculations for temporary and permanent sediment control structures and facilities;
- q. A revegetation plan, including temporary erosion control plantings, permanent slope plantings, replacement of temporary groundcover, and irrigation facilities;

- r. All natural features including wetlands, vernal pools, swales, streams, oak woodlands and any other features protected by County, State or federal regulations;
 - s. Any Oak tree five inches or greater in diameter at breast height (DBH) proposed for removal;
 - t. An estimate of the total quantities of excavation and fill, not net quantity;
2. Additional supporting information which may be required includes, but is not limited to:
- a. The location of any borrow site or location for disposal of surplus material;
 - b. A projected schedule of operations, including, as a minimum, the dates of:
 - i. Commencement of work,
 - ii. Start and finish of rough grading,
 - iii. Completion of drainage facilities,
 - iv. Completion of work in any watercourse,
 - v. Completion of erosion and sediment control facilities,
 - vi. Completion of hydromulching and other landscaping. If rough grading is proposed between October 1 and April 30, a more detailed schedule of grading activities and use of erosion and sediment control facilities may be required;
 - c. Itemized cost estimate of the proposed grading and related work;
 - d. A complete drainage study in conformance with the Yuba County Standards and RD 784 Standards (when applicable);
 - e. Geotechnical investigation report and recommendations addressing the proposed work.
- D. **Retention of Approved Plans.** One set of approved plans and specifications shall be provided by the applicant, unless additional sets are requested, and retained by the Community Development and Services Agency.
- E. **Modification of Approved Plans.**
- 1. Proposed modifications of an approved final plan shall be submitted to the Community Development and Services Agency in writing for approval, unless included in improvement plans submitted for approval.
 - 2. All necessary soils and geological information and design details shall accompany any proposed modification.
 - 3. The modification shall be compatible with any subdivision map or land use requirements.
- F. **Seasonal Requirements.** Implementation of erosion and sediment control plans shall be based on the season of the year and the stage of construction at forecasted periods of rainfall and heavy storms. Erosion and sediment control plans shall allow for possible changes in construction scheduling, unanticipated field conditions, and relatively minor changes in grading. Modifications to plans may be required after plan acceptance.

11.23.060 Geotechnical Investigations and Inspections

- A. **Geotechnical Investigation Required.** A soil or geologic investigation report shall accompany the application in any of the following circumstances when required by the Public Works Director:
1. When the proposed grading includes a cut or fill exceeding 10 feet in depth at any point; however, for vehicular ways, a soil investigation shall not be required unless the grading includes a proposed cut or fill that exceeds 10 feet in depth and the slope of the natural ground exceeds 30 percent;
 2. When highly expansive soils are present; and
 3. In areas of known or suspected geological hazards, including landslide hazards and hazards of ground failure stemming from seismically induced ground shaking.
- B. **Required Investigators; Basis of Investigations.**
1. Those portions of the soil or geologic investigation that constitutes "civil engineering" as defined by Business and Professions Code §6734 shall be conducted by or under the direct supervision of a registered geotechnical engineer or a registered civil engineer. Those portions of the investigation that involve the practice of "geology" as defined by Business and Professions Code §7802 shall be conducted by an engineering geologist.
 2. The investigations shall be based on observations and tests of the material exposed by exploratory borings or excavations and inspections made at appropriate locations. Additional studies may be necessary to evaluate soil and rock strength, the effect of moisture variation on soil, bearing capacity, compressibility, expansiveness, stability, keying, subdrainage benching and other factors. Grading factors such as moisture variability, ability to compact the material when wet, etc., should be evaluated.
- C. **Supplemental Reports and Data.** Any soil or geologic investigation report shall be subject to the approval of the Community Development and Services Agency who may require supplemental reports and data. Recommendations included in the reports and approved by the Community Development and Services Agency shall be incorporated in the final plans and specifications.
- D. **Soil/Geologic Investigation Report.** The soil or geologic investigation report shall contain all of the following, as they may be applicable to the subject site:
1. An index map showing the regional setting of the site;
 2. A site map which shows the topographic features of the site and locations of all soil borings and test excavations;
 3. A classification of the soil types (unified soil classification), pertinent laboratory test data and consequent evaluation regarding the nature, distribution, and strength of existing soils;
 4. A description of the geology of the site and geology of the adjacent areas when pertinent to the site;
 5. A suitably scaled map and cross sections showing all identified areas of land slippage;
 6. A description of any encountered groundwater or excessive moisture conditions;
 7. A description of the soil and geological investigative techniques employed;
 8. A log for each soil boring and test excavation showing elevation at ground level and the depth of each soil or rock strata;

9. An evaluation of the stability of pertinent natural slopes and recommendations regarding maximum cut and fill slopes of proposed work;
 10. An evaluation of settlement associated with the placement of any fill;
 11. Recommendations for grading procedures and specifications, including methods for excavation and subsequent placement of fill;
 12. Recommendations regarding surface and subsurface drainage and erosion control;
 13. Recommendations for mitigation of geologic hazards.
- E. **Final Report.** Upon completion of rough grading work, in the event a complete record of the work is desired or necessary, the Community Development and Services Agency may require a final geotechnical report that includes, but is not limited to the following:
1. A complete record of all field and laboratory tests including location and elevation of all field tests;
 2. A professional opinion regarding slope stability, soil bearing capacity, and any other pertinent information;
 3. Recommendations regarding foundation design, including soil bearing potential and building restrictions or setbacks from the top or toe of slopes;
 4. A declaration by the geotechnical engineer, civil engineer or engineering geologist in the format required by the Community Development and Services Agency that all work was done in substantial conformance with the recommendations contained in the soil or geologic investigation reports as approved and in accordance with the approved plans and specifications.
- F. **Changed Conditions.** Where soil or geologic conditions encountered in the grading operation deviate from that anticipated in the soil and geologic investigation reports or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for the approval of the Community Development and Services Agency.
- G. **Special Inspection.**
1. As a condition of the permit, the Community Development and Services Agency may require the permittee to retain a private geotechnical engineer or civil engineer to directly supervise or perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that he or she has inspected the work and that in his or her professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make his or her own contractual arrangements for such services and shall be responsible for payment of all costs. Continuous inspection by a geotechnical engineer or civil engineer shall include, but not be limited to, the following situations:
 - a. During the preparation of a site for the placement of fills which exceed five feet in depth on slopes which exceed ten percent and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously inspected when fills exceed ten feet in height;
 - b. During the preparation of a site for the placement of any fill which is intended to support any building or structure when the fill exceeds three feet in depth;

- c. During the installation of subsurface drainage facilities.
- 2. Reports filed by the private geotechnical engineer or civil engineer regarding special inspection shall confirm in writing that from his or her personal knowledge the work performed during the period covered by the report has been performed in substantial accordance with the approved plans and specifications.
- 3. The use of a private geotechnical engineer or civil engineer for inspections shall not preclude the Community Development and Services Agency from conducting inspections or from authorizing inspections by other qualified inspectors as may be necessary.
- H. **Noncompliance Notification by Private Geotechnical Engineer or Civil Engineer.** The permittee shall cause the work to be done in accordance with the approved plans. If, during the course of construction, the private geotechnical engineer or civil engineer finds that the work is not being done substantially in accordance with the approved plans and specifications, he or she shall immediately notify the person in charge of the work and the Community Development and Services Agency of the non-conformity and the corrective measures to be taken. When changes in the plans are required, he or she shall prepare or cause to be prepared such proposed changes and submit them to the Community Development and Services Agency for approval.
- I. **Periodic Progress Reports by Private Geotechnical Engineer or Civil Engineer.** As a condition of the permit, periodic progress reports shall be rendered by the private geotechnical engineer or civil engineer as required by the Community Development and Services Agency including, but not limited to, laboratory tests, slope stability, placement of materials, retaining walls, drainage, utilities and any special permit or plan requirements.
- J. **Progress Report by Permittee.** Periodic progress reports shall be rendered by permittee on specified calendar dates and at commencement and completion of major key grading and erosion and sediment control operations. The dates of operations upon which such reports are required and their content shall be as required in the permit by the Community Development and Services Agency.
- K. **Record Drawings.** Permittee shall submit to the Community Development and Services Agency a record drawing of the final grading following completion of the work, if requested.
- L. **Performance of Work; Inspection/Certification.**
 - 1. The Community Development and Services Agency may inspect any work, or require certification by private engineer of any work, done under a grading permit. County inspections will continue and no permittee shall be deemed to have complied with this chapter unless one of the following has occurred:
 - a. After receiving a Notice of Termination signed by the State of California (if applicable), a final inspection has been performed by the Yuba County Public Works Department with the work done under the grading permit accepted as complete; or
 - b. Certification of completion by the civil engineer, or the geotechnical engineer of record, has been submitted to and accepted by the Public Works Director; or
 - c. The final inspection has been waived in writing by the Public Works Director.
 - 2. The permittee shall provide adequate access to the site for inspection by the Community Development and Services Agency during the performance of all work and for a minimum period of one year after completion of the work.

3. If the engineer of record is changed during the grading, the work shall be stopped until the replacement engineer has agreed in writing to accept his responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Public Works Director in writing of such change prior to the recommencement of such grading.
 4. Owner, developer, and contractor are responsible for the maintenance of all erosion and sediment control measures using best management practices on the project site until accepted as complete by Public Works Department.
- M. **Other Responsibilities of Permittee.** The permittee shall also be responsible for the following:
1. **Protection of Utilities.** The permittee shall be responsible for the prevention of damage to any public utilities or services. Contractor shall notify USA North, and all other facility owners that are not members of USA North, two working days in advance of any digging. Also, see Section 2.8 of the County of Yuba Standard Specifications.
 2. **Protection of Adjacent Property.** The property owner is responsible for the prevention of damage to adjacent properties. No person(s) shall excavate or fill on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property, or easement, without supporting and protecting such property from damage which may result.
 3. **Advance Notice.** The permittee shall notify the Community Development and Services Agency at least 48 hours prior to the start of work.
 4. **Erosion and Sediment Control.** It shall be the responsibility of the permittee to control discharge of sediment from the site to any watercourse, drainage system, or adjacent property and to protect watercourses and adjacent properties from damage by erosion, flooding or deposition of sediment which may result from the permitted grading.
 5. **Hazardous Materials Control.** It shall be the responsibility of the permittee to prevent discharge of hazardous materials from the site to any watercourse, drainage system, or adjacent property, and to protect watercourses and adjacent properties from damage by hazardous materials, which may result from the permitted grading.

11.23.070 Design Standards

- A. **Excavations.** Excavations shall be constructed or protected so that they do not endanger life, limb or property.
- B. **Excavation Slope.** The slope of cut surfaces of permanent excavations shall not be steeper than two feet horizontal to one foot vertical (2:1) exclusive of terraces and exclusive of rounding described herein. Steeper slopes will be permitted in competent bedrock provided such slope inclinations are in accordance with recommendations contained in the geotechnical or geological report. The bedding planes, foliation planes or principal joint sets in any formation when dipping towards the cut face shall not be day lighted by the cut slope unless the soils and geologic investigations contain recommendations for steeper cut slopes. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground. Slopes no steeper than three feet horizontal to one foot vertical (3:1) may be required by the Community Development and Services Agency.

- C. **Placement of Fill.** Fills shall be constructed in layers. The loose thickness of each layer of fill material before compaction shall not exceed 12 inches. Completed fills shall be stable masses of well-integrated material bonded to adjacent materials and to the materials on which they rest. Fills shall be competent to support anticipated loads and be stable at the design slopes shown on the plans. Proper surface and subsurface drainage and other appropriate measures shall be taken to ensure the continuing integrity of fills. Earth materials shall be used which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than 12 inches. Larger material may be used with the approval of the Community Development and Services Agency and the geotechnical engineer.
- D. **Compaction of Fill.** All fills shall be compacted throughout their full extent to a minimum of 90 percent of maximum density as determined by the appropriate Caltrans standard method or other alternate methods approved by the Community Development and Services Agency. Tests to determine the density of compacted fills shall be made on the basis of not less than one test for each two-foot vertical lift of the fill but not less than one test for each 1,000 cubic yards of material placed. More frequent testing may be required by the Community Development and Services Agency. Additional density tests at a point approximately one foot below the fill slope surface shall be made on the basis of not less than one test for each 1,000 square feet in slope surface but not less than one test for each ten-foot vertical increase of slope height. All tests shall be reasonably uniformly distributed within the fill or fill slope surface. Results of such testing and location of tests shall be presented in the periodic and final reports. Compaction may be less than 90 percent of maximum density, as determined by the above test, within six inches of the slope surface when such surface material is placed and compacted by a method acceptable to the Community Development and Services Agency for the planting of the slopes. Compaction of temporary stockpile fills, to be used for a period of not greater than six months, shall not be required, except where the Community Development and Services Agency determines that compaction is necessary as a safety measure to aid in preventing saturation, sliding, or erosion of the fill. Higher compaction densities will be required for roads.
- E. **Ground Preparation for Placement of Fill.** The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil, and other unsuitable material, and where slopes are six feet horizontal to one foot vertical (6:1) or steeper, by benching into competent material in a manner acceptable to the Community Development and Services Agency. The keyway under the toe, if specified, shall be at least 15 feet wide unless otherwise approved by the Public Works Director.
- F. **Fill Slopes.** The slope of permanent fills shall not be steeper than two feet horizontal to one foot vertical (2:1), exclusive of terraces and exclusive of roundings described herein, unless a soils report supports a steeper slope as recommended by the geotechnical engineer. The Community Development and Services Agency may require that the fill be constructed with an exposed surface flatter than two feet horizontal to one foot vertical (2:1) or may require such other measures as he or she deems necessary for stability and safety.
- G. **Adjacent Structures Protection.** Footings which may be affected by any excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless such building or structure is capable of withstanding the additional loads caused by such fill or surcharge. The rights of coterminous owners shall be as set forth in Civil Code § 832.
- H. **Setbacks.** Unless otherwise recommended in this chapter or in a soil or geologic investigation report and accepted by the Community Development and Services Department, this code, and the latest County adopted version of the California Building Code shall be used for establishing setbacks for property boundaries, buildings and structures other than fences and retaining walls.

- I. **Drainage; Structures or Devices.** Any drainage structure(s) or device(s) carrying surface water runoff required by this chapter shall be designed and constructed in accordance with standards herein, the Yuba County Stormwater Quality Ordinance (Chapter 8.28), the Yuba County Standard Specifications and criteria authorized by the Public Works Director.
- J. **Drainage; Discharge Requirements.**
1. All drainage facilities shall be designed and engineered to carry surface and subsurface waters to the nearest adequate street, storm drain, natural watercourse, or other juncture.
 2. For engineered grading projects, the peak off-site storm water discharge from the project site shall not exceed pre-construction conditions unless the applicant demonstrates that downstream storm water conveyance systems have sufficient capacity to handle the increased flow rate without exceeding established design standards.
- K. **Drainage; Water Accumulation.** All areas shall be graded and drained so that drainage will not cause erosion or endanger the stability of any cut or fill slope or any building or structure.
- L. **Drainage; Protection of Adjoining Property.** Discharging surface drainage onto neighboring properties shall be into historical drainage patterns and in such a manner that will not cause erosion or endanger any cut or fill slopes or any building or structure. Grading activities shall not redirect surface drainage from the site onto neighboring private properties that historically did not receive the drainage. Grading activities shall also not block or prevent drainage from neighboring properties that historically drained onto the property being graded..
- M. **Drainage; Terrace Drainage.** Terraces at least eight feet in width shall be established at not more than 25 feet in height intervals for all cut and fill slopes exceeding 30 feet in height. Where only one terrace is required, it shall be at approximately mid-height. Suitable access shall be provided to permit proper cleaning and maintenance of terraces and terrace drains. Swales or ditches on terraces shall have a minimum depth of one foot, a minimum longitudinal grade of four percent, and a maximum longitudinal grade of 12 percent. Down-drains or drainage outlets shall be provided at approximately 300-foot intervals along the drainage terrace. Down-drains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal. If the drainage discharges onto natural ground, adequate erosion protection shall be provided.
- N. **Drainage; Subsurface Drainage.** Cut and fill slopes shall be provided with surface and/or subsurface drainage as necessary for stability.
- O. **Erosion and Sediment Control.**
1. Regardless of whether or not a grading permit is required, all grading and earthwork activities within unincorporated Yuba County shall employ best management practices to minimize erosion and to control sediment discharges to the maximum extent practicable in accordance with Yuba County standards, acceptable industry standards, and the most recently adopted version of the State Water Resources Control Board's "General Permit for Discharge of Storm Water Associated with Construction Activities."
 2. The following shall apply to the control of erosion and sediment from grading operations:
 - a. Grading plans shall be designed with long-term erosion and sediment control as a primary consideration. Erosion prevention and source control are to be emphasized over sediment controls and treatment.
 - b. Grading operations shall provide erosion and sediment control measures, except upon a clear demonstration, to the satisfaction of the Community Development

and Services Agency that at no stage of the work will there be any substantial risk of increased sediment discharge from the site. Temporary mulch, revegetation, or other stabilization methods shall be applied to areas where permanent revegetation or landscaping cannot be immediately implemented. Unless otherwise exempted in this chapter, grading activity must be scheduled to ensure completion or winterization by October 1 of each year.

- c. Grading activity shall be conducted such that the smallest practicable area of erodible land is exposed at any one time during grading operations and the time of exposure is minimized. Land disturbance shall be limited to the minimum area necessary for construction.
- d. Natural features, including vegetation, terrain, watercourses and similar resources shall be protected and preserved wherever possible. Limits of grading shall be clearly defined and marked to prevent damage by construction equipment.
- e. Permanent vegetation and structures for erosion and sediment control shall be installed as soon as possible.
- f. Adequate provision shall be made for effective maintenance of temporary and permanent erosion and sediment control structures and vegetation. Sediment and other construction-related wastes shall be retained and properly managed on the site or properly disposed of off-site.
- g. Community Development and Services Agency may require that no topsoil shall be removed from the site. Topsoil overburden shall be stockpiled and redistributed where appropriate within the graded area after rough grading to provide a suitable base for seeding and planting. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water.
- h. Runoff shall not be discharged from the site in quantities or at velocities substantially above those which occurred before grading except into drainage facilities, whose design has been specifically approved by the Community Development and Services Agency.
- i. The permittee shall take reasonable precautions to ensure that vehicles do not track or spill earth materials into public streets and shall immediately remove such materials if this occurs.
- j. All cut and fill slopes shall be adequately stabilized to prevent erosion and failure through temporary and permanent means.
- k. Control measures shall be employed to prevent transport of dust off the project site or into any drainage course or water body.
- l. Following construction, property owners shall maintain sedimentation and erosion control measures as may be required to reduce off-site discharges of sediment to the maximum extent practicable. As provided for in Section 11.23.080, Improvement Security Required, of this chapter, the Community Development and Services Agency may require posting of security to ensure adequate development of necessary erosion and sedimentation control measures, including vegetative cover on cut and fill slopes.

- P. **Erosion and Sediment Control Plans.** Erosion and sediment control plans prepared pursuant to this chapter shall comply with all of the following:
1. The erosion and sediment control plan need not be a separate sheet if all facilities and measures can be shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan.
 2. An erosion and sediment control plan shall be required whenever:
 - a. The graded portion of the site includes more than 10,000 square feet of area having a slope greater than ten percent;
 - b. Clearing and grubbing areas of one acre or more regardless of slope;
 - c. There is a significant risk that more than 2,500 square feet will be unprotected or inadequately protected from erosion during any portion of the rainy season;
 - d. Grading will occur within 50 feet of any watercourse;
 - e. The Community Development and Services Agency determines that the grading will or may pose a significant erosion, or sediment discharge hazard for any reason.
 3. Sediment and erosion control measures must be in place or be capable of being placed within 24 hours, in the opinion of the Public Works Director, by October 1 or before any rain event. The Public Works Director may require suspension of any and all grading activities between October 1 and May 1 without prior notice.
 4. Erosion and sediment control plans shall include an effective revegetation program to stabilize all disturbed areas, which will not be otherwise protected. All such areas where grading has been completed between April 1 and October 1 shall be planted by November 1. Graded areas completed at other times of the year shall be planted within 15 days of final soil disturbance or as approved by the Public Works Director. If revegetation is infeasible or cannot be expected to stabilize an erodible area with assurance during any part of the rainy season and the unstable area exceeds 2,500 square feet, additional erosion and sediment control measures or irrigation of planted slopes may be required as appropriate to prevent increased sediment discharge.
 5. Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of grading and development from initial disturbance of the ground to installation of all post-construction requirements at project completion. Every feasible effort shall be made to ensure that site stabilization is permanent. Plans shall indicate the implementation period and the stage of construction where applicable.
 6. Erosion and sediment control plans shall comply with the recommendations of the responsible civil engineer, geotechnical engineer, engineering geologist, or landscape architect involved in preparation of the grading plans.
 7. The structural and hydraulic adequacy of all stormwater containment or conveyance facilities shown on the erosion and sediment control plans shall be verified by a registered civil engineer, and he or she shall so attest on the plans. Sufficient calculations and supporting material to demonstrate such adequacy shall accompany the plans when submitted.
 8. Erosion and sediment control plans shall be designed to meet anticipated field conditions.

9. Erosion and sediment control plans shall provide for inspection and repair of all erosion and sediment control facilities at the close of each working day during the rainy season and for specific sediment cleanout and vegetation maintenance criteria.
 10. Erosion and sediment control plans shall comply with any and all standards and specifications adopted herein for the control of erosion and sedimentation on grading sites.
- Q. **Emergency Conditions.** Should increased sediment discharge occur or become imminent, the permittee shall take all necessary steps to control or reduce such discharge. Such steps may include construction of additional facilities or removal or alteration of facilities required by approved erosion and sediment control plans. Facilities removed or altered shall be restored as soon as possible afterward or appropriate changes in the plan shall be immediately required pursuant to this chapter. The permittee shall take prompt action to resolve emergency problems; otherwise the Community Development and Services Agency may institute abatement proceedings pursuant to provisions of Section 11.23.080, Improvement Security Required.
- R. **Vehicular Ways.** Vehicular ways shall conform to the grading requirements of this chapter. Vehicular ways shall be graded and drained in such a manner that will not allow erosion or endanger the stability of any adjacent slope. Surface discharge onto adjoining property shall be controlled in such a manner that it does not cause erosion or endanger existing improvements. Bridges and culverts installed in watercourses must be reviewed by the Community Development and Services Agency and must be approved by the Public Works Director or designee and any other required permitting agency.

11.23.080 Improvement Security Required

- A. As a condition for the issuance of a permit, the Community Development and Services Agency may require the deposit of improvement security in sufficient amount deemed necessary to ensure performance of the work in the event of default on the part of permittee.
- B. For all projects, the improvement security shall remain in effect until final inspections have been made and all grading work has been approved by the Community Development and Services Agency.
- C. In addition to the improvement security, the Community Development and Services Agency may also require the deposit of maintenance security in sufficient amount deemed necessary to guarantee and maintain the grading work and to ensure the proper functioning of drainage systems and adequate erosion and sedimentation control. Such maintenance security shall be in a form acceptable to Yuba County and shall remain in effect for a period of one year after the date of acceptance of the improvements as designated in Subsection (B) above and this subsection (C).
- D. Required securities shall be in the form of cash, a certified or cashier's check, a letter of credit, a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this State, or other instrument approved by the Community Development and Services Agency. All securities shall be payable to the Yuba County Community Development and Services Agency.
- E. Upon satisfaction of applicable provisions of this chapter, the improvement and maintenance security deposits will be released. However, upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the completed site to function properly to provide proper drainage or erosion and sedimentation control, the County may do the required work, or cause it to be done and collect from the permittee, or surety, all costs incurred thereto, including administrative, inspection and legal costs.

11.23.090 Enforcement

Violations of this Chapter shall be enforced pursuant to Chapter 11.67, Enforcement and Abatement Procedures.

- A. **Investigation Fees; Work Without a Permit.** Whenever any work for which a permit is required by this chapter has been commenced without first obtaining the permit, the Public Works Director shall require an investigation before issuing a permit for such work. In this case, the violator shall be charged for the department's labor and costs incurred during the investigation, in addition to paying double the standard permit fees.

Chapter 11.24 Landscape

Sections:

11.24.010	Purpose
11.24.020	Applicability
11.24.030	Areas to be Landscaped Within the Valley Growth Boundary
11.24.040	Areas to be Landscaped Outside the Valley Growth Boundary
11.24.050	General Landscaping Standards
11.24.060	Landscape Materials
11.24.070	Water Efficient Landscape Requirements
11.24.080	Landscape Plans
11.24.090	Irrigation Specifications
11.24.010	Completion of Landscape Requirements
11.24.110	Maintenance

11.24.010 Purpose

The purposes of the landscaping regulations are to:

- A. Create an aesthetically pleasing boundary between residential, commercial and industrial uses and roadways.
- B. Promote development of an attractive, aesthetically pleasing environment.
- C. Screen undesirable views and help define and organize public and private spaces.
- D. Improve the air quality by replenishing oxygen and reducing smog.
- E. Conserve energy by shading homes, commercial and industrial buildings, roads, and parking lots.
- F. Improve property values by improving the appearance of the community.
- G. Promote business and industry by improving image and public acceptance.
- H. Ensure consistency with State law, including the Water Conservation in Landscaping Act of 2006 (AB 1881 also known as the California Model Water Efficient Landscape Ordinance);
- I. Require ongoing maintenance of landscaping; and
- J. Provide information so that plant materials can be appropriately selected and properly used.

11.24.020 Applicability

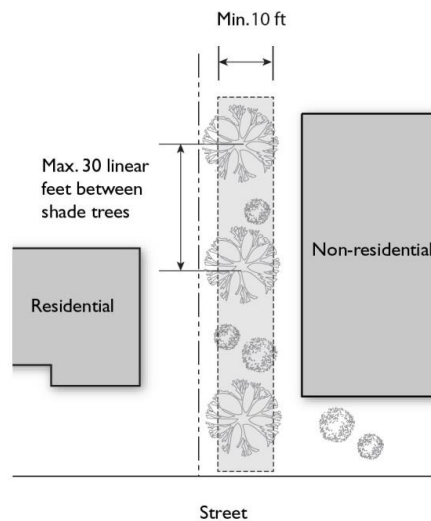
The standards of this chapter apply to all new development, additions (other than to Single-Unit Dwellings or Duplexes) that expand existing floor area by 25 percent or more, or changes in use excluding landscaping that is part of a registered historic site, plant collections as part of botanical gardens and arboreturns open to the public, or ecological restoration projects that do not require a permanent irrigation system. In addition, projects are also subject to the landscape guidelines provided in the Yuba County Design Guidelines.

11.24.030 Areas Required to be Landscaped Within the Valley Growth Boundary**A. Street Facing Property Lines.**

1. ***Residential Developments.*** All front and street- side yard setback areas shall be landscaped. At least one deciduous street tree from the Approved Tree List shall be planted per 40 lineal feet of frontage. Where detached sidewalks are provided, landscaping and street trees shall be provided in the area between the sidewalk and curb.
2. ***Development in Commercial and Mixed-Use Districts, Industrial Districts, and Public, Semi-Public, and Special Use Districts.***
 - a. A perimeter planter at least five feet wide, excluding curbing, shall be provided adjacent to street rights-of-way and buildings with exception of the Downtown Core District. Where parking is located adjacent to a public right of way, the landscape planter shall be at least 10 feet wide with the exception of mixed-use corridors identified in the General Plan. Along the mixed-use corridors identified in the General Plan, alternative landscape plans for street frontages that include a combination of tree wells, landscape planters, plaza/seating areas, outdoor furniture, and/or public art may be approved as part of a streetscape plan or individual project design.
 - b. Any area within the street right-of-way between the edge of the sidewalk or road shoulder and outer edge of the property shall be landscaped with trees, shrubs, and groundcover, unless the requirement is waived by the Public Works Director.
 - c. At least one deciduous street tree from the Approved Tree List (see Yuba County Design Guidelines) shall be planted per 40 lineal feet of frontage. Trees shall be planted pursuant to the Street Tree Specifications listed in the Yuba County Standards Manual.
 - d. Within the Downtown Core District, new developments shall provide and maintain irrigated planter boxes, trees within irrigated tree wells and/or decorative pots with plants adjacent to the front building façade.

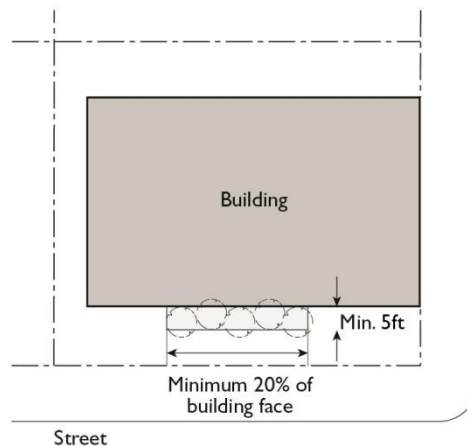
- B. Interior Property Lines Abutting Residential District or Uses.** Wherever a non-residential use is located adjacent to a residential district, a landscaped area at least ten feet wide shall be provided along interior property lines. The landscaped area shall include a mix of trees and shrubs with at least 50 percent consisting of evergreen species and at least one tree shall be planted per 30 lineal feet. When appropriate, paseos or other pedestrian access points within the landscape area may be approved through the design review permit. In certain circumstances, walls may also be required for noise attenuation or to address potential safety or compatibility issues.

FIGURE 11.24.030(B): INTERIOR PROPERTY LINES



- C. **Building Perimeters.** The portions of a nonresidential building that front a parking area or plaza shall have one or more landscape planters installed along a minimum 20 percent of such building face(s). The minimum width of the planter shall be five feet.

FIGURE 11.24.030(C): BUILDING PERIMETERS



- D. **Parking Lot.** Parking areas shall be landscaped according to the requirements of Section 11.25.100, Design Standards for Parking Lots.

11.24.040 Areas Required to be Landscaped Outside the Valley Growth Boundary

- A. Agricultural Districts, Rural Community Districts, and Natural Resource Districts that have commercial, industrial, public/semi-public, ranch marketing, or transportation uses shall provide landscaping in the following areas:

1. Parking areas abutting public roads shall provide a minimum five-foot wide landscape planter adjacent to the right of way except where driveways are installed. Within the planter there shall be at least one tree planted in an irrigated and landscaped area for each 40 feet of street frontage.
 - a. Required landscaping shall include varied tree and plant species with focus on native plant species. Landscape areas not covered with live plant material shall be covered with gravel, landscaping rock, concrete, decomposed granite, or other fire resistant material.
2. Where paved parking areas are required, landscape planters shall be provided as outlined in Section 11.25.100.B.13, Parking Lot Landscaping.
3. Landscape planters may be required as determined through a discretionary permit to address noise, safety, or compatibility issues with adjacent properties.

11.24.050 General Landscaping Standards

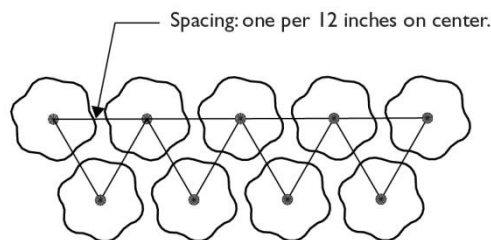
- A. **Applicability.** This section shall apply to all zone districts and projects that are subject to the landscape requirements listed in Sections 11.24.030 and 11.24.040.
- B. **Minimum Dimension of Landscaped Areas.** For non-residential projects, no landscape planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, or three feet in any horizontal dimension, excluding curbing.
- C. **Visibility.** Trees and shrubs shall be planted and maintained so that at maturity they do not interfere with traffic safety sight areas, or public safety, and so that they comply with Section 11.19.130, Visibility at Intersections and Driveways. In the case of a conflict between landscaping requirements and requirements of Section 11.19.130, Visibility at Intersections and Driveways, the visibility requirements shall govern.

11.24.060 Landscape Materials

- A. **Applicability.** This section shall apply to all zone districts and projects that are subject to the landscape requirements listed in Sections 11.24.030 and 11.24.040.
- B. **General.** Landscaping shall consist of live plant materials and may include a combination of groundcovers, shrubs, vines, and trees. Landscaping may also include incidental features such as artificial turf, stepping stones, benches, fountains, sculptures, decorative gravel or stones, or other ornamental features, placed within a landscaped setting (benches, sculptures, and similar items shall not be located within residential greenway strips).
 1. Plants having similar water use shall be grouped together.
 2. No more than 35 percent of any required landscaped area may be covered with hard surfaces such as concrete, gravel, landscaping rock, paving stones, brick, or similar materials that are void of live plant materials.
 - a. For non-residential projects, driveways and drive aisles are not considered as part of the required landscape area. For residential projects, driveways less than 30 feet wide and less than 50 percent of the width of the lot are not considered part of the required front yard or street-side landscape areas.

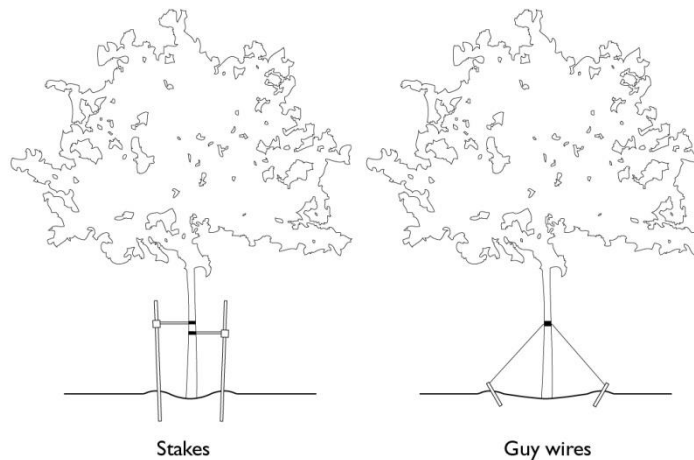
- b. *Artificial Turf.* Artificial turf may be utilized as part of the landscape plan when it meets the following criteria:
 - i. Shall be installed over soil and include a drainage system that allows for water infiltration to reduce run-off.
 - ii. When installed in areas that require the inclusion of trees (i.e. greenway strips, residential front and street side yards) the required trees and irrigation shall be incorporated into the artificial turf area.
 - iii. Shall not be utilized on slopes over 25%.
 - iv. Shall not comprise over 50% of total required landscape area.
 - c. Landscape area that utilize hard surfaces but contain live plant material that will provide at least 60% coverage of the landscape area at maturity will not count against the 35 percent restriction on hardscape areas.
 - i. Non turf landscape areas that utilize bark shall also include live plant material that will provide at least 60% coverage of the landscape area at maturity.
 3. Plant materials shall be selected from among those species and varieties known to thrive in the Yuba County climate and selected from the Approved Tree List and Recommended Ground Cover and Shrub List.
 4. Gardens and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.
 5. Installation of invasive plant species is prohibited as listed in the California Invasive Plant Council (Cal-IPC) list of Exotic Pest Plants of Greatest Ecological Concern in California.
 6. **Ground Cover.** Groundcover may include grasses (except as limited by any applicable turf/sod allowance). The use of mulch is encouraged to prevent weeds and water evaporation but is not a substitute for ground cover plants.
 - a. *Species and Varieties.* Whenever practicable, ground covers shall be selected from the Recommended Ground Cover and Shrub List.
 - b. *Size.* Ground cover plants other than grasses must be at least the four-inch pot size at the time of planting.
 - c. *Spacing.* Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of one per 12 inches on center.

FIGURE 11.24.060(A)(6): GROUND COVER SPACING



7. **Shrubs.**
 - a. *Species and Varieties.* Whenever practicable, shrubs shall be selected from the Recommended Ground Cover and Shrub List.
 - b. *Size.* Shrubs shall be at least one-gallon size at the time of planting.
 - c. *Spacing.* When planted to serve as a hedge or screen, shrubs shall be planted with two to six feet of spacing, depending on the recommendations for the species and variety.
8. **Trees.**
 - a. *Existing Trees.* Existing healthy trees shall be maintained whenever possible and may be used in lieu of planting new trees.
 - b. *Setbacks.* Trees shall be planted away from public sidewalks or individual driveways in accordance with the minimum setbacks specified in the Approved Tree List.
 - c. *Size.* At the time of planting, all trees shall be a minimum 15-gallon size with a one-inch diameter at breast height (dbh).
 - d. *Staking.* Newly planted trees shall be supported with stakes or guy wires in conformance with Yuba County Department of Public Works Street Tree Planting Specifications.

FIGURE 11.24.060(A)(8): TREE STAKING



9. **Mulch.** A minimum three-inch layer of mulch and landscape fabric for weed control shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting ground covers, or other special planting situations in which mulch is not recommended (i.e. in high fire severity zones). Stabilizing mulching products shall be used on slopes. Highly flammable mulches (i.e. finely shredded bark and plant fibers, pine needles, and shredded rubber) are prohibited in production housing, non-residential projects, medians, greenway strips, parking strips, and common areas.
10. **Water Features.** Where water features are utilized they shall include the following:
 - a. Recirculating water systems s;

- b. Shall be included in the high water use hydrozone area of the water budget calculations; and
- c. Pool and spa covers are highly recommended

11.24.070 Water Efficient Landscape Requirements

The purpose of this section is to comply with the Water Conservation in Landscaping Act of 2006.

- A. **Applicability.** This Section shall apply to all of the following:
 - 1. New development projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review permit.
 - 2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscaping permit, plan check, or design review permit.
 - 3. This section does not apply to the following types of projects:
 - a. Registered local, state or federal historical sites;
 - b. Ecological restoration projects that do not require a permanent irrigation system;
 - c. Mined-land reclamation projects that do not require a permanent irrigation system; or
 - d. Existing plant collections, as part of botanical gardens and arboretums open to the public.
- B. **Production Housing.** Where developer installed landscaping is only provided within the front yard and street side portions of the parcel; the front yard landscaping plan shall demonstrate compliance with Section 11.24.060. (Landscape Materials) and Section 11.24.070 (Water Efficient Landscape Requirements) regardless of the size of the front yard landscape area.
- C. **Compliance Requirements.** Any project with an aggregate landscape area of 2,500 square feet *or less* may comply with the prescriptive performance requirements listed below. The aggregate landscape area includes all required landscape areas identified in Sections 11.19.030 and 11.19.040 along with any additional landscaped areas that are irrigated. Projects that exceed 2,500 square feet of aggregate landscape area or that wish to demonstrate alternative compliance shall meet the requirements established in Section 11.24.060(D), Alternative Compliance.
 - 1. Areas landscaped with live plant material shall incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches (unless contra-indicated by a soil test).
 - 2. Exclusive of vegetable and edible flower garden areas, at least 75 percent of all plants and trees within residential projects and 100 percent for non-residential projects must be native or low water use. Landscape areas that utilize recycled water are excluded from this requirement.
 - 3. **Turf.** Non-artificial turf shall comply with the following:
 - a. Within residential projects, a maximum of 25 percent of the required landscape areas shall be turf or planted with other high water use plants.

- b. Within non-residential projects turf is prohibited except for turf areas that are irrigated with recycled water or comprise an essential component of a project (i.e. golf courses, picnic areas, or playing fields), which are exempt from this limit.
- c. The installation of turf on slopes greater than 25 percent is prohibited (1 foot vertical elevation change for every 4 feet of horizontal).
- d. Turf areas shall be of a size and design to prevent overspray of irrigation onto hardscape areas.
- e. Turf is prohibited in greenways that are less than 10 feet wide, unless the greenway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in greenways must be irrigated by a sub-surface irrigation system or by other technology that creates no overspray or runoff.
- f. Turf and high water use plants are prohibited in street medians.

D. **Alternative Compliance.** This section shall apply to all projects with an aggregate landscape area over 2,500 square feet or when an applicant wants to demonstrate that the intent of the landscape requirements of this Chapter can be achieved through an Alternative Landscape Plan. Alternative Landscape Plans shall be prepared by a California Registered Landscape Architect. The Alternative Landscape Plan shall be prepared in accordance with the principles and design criteria set forth in this section and shall clearly describe the modifications being requested from the provisions of this section and how they reflect the evaluation criteria listed below.

- 1. Innovative use of plant materials and design techniques in response to unique characteristics of the site or the proposed use.
- 2. Preservation or incorporation of existing native vegetation.
- 3. Incorporation of naturalistic design principles, such as variations in topography, meandering or curvilinear plantings, and grouping of dominant plant materials (trees, large shrubs) in a manner consistent with existing native vegetation.
- 4. Integration of landscaping and pedestrian facilities in a manner that improves access or incorporates pedestrian-friendly design. This may include reduced ground-level planting along the front setback if canopy shade trees along sidewalks are provided.
- 5. Use of additional shade trees to create a greater canopy effect.
- 6. A greater degree of compatibility with surrounding uses than a standard landscape plan would offer.
- 7. Water use is minimized. The estimated total water use (ETWU) of the proposed landscaping on a site shall not exceed the maximum applied water allowance (MAWA) limitations established by the State of California pursuant to the most current adopted California Model Water Efficient Landscape Ordinance.
 - a. *Variables that may be used in Water Efficiency Calculations.*
 - i. Landscaped Area (LA). Total landscaped area, expressed in square feet, including all areas dedicated to planting, turf, and water features. The landscape area does not include footprints of building or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, or other pervious or non-pervious hardscape, and other non-irrigated areas

designated for non-development (e.g., open spaces and existing native vegetation). Landscaped area (LA) includes special landscaped areas (SLA).

- ii. Special Landscaped Areas (SLA). Area of landscape, expressed in square feet, dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- iii. Plant Factor Adjustment (PFA). The sum of the products of the area in each planting type multiplied by the plant factor according to the California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS) for that planting type.
- iv. Irrigation Efficiency (IE). Amount of water beneficially used divided by the amount of water applied.

11.24.080 Landscape Plans

A landscape plan shall be submitted with the permit application for all projects for which landscaping is required.

- A. **Information Required.** Landscape plans shall be drawn to scale and shall at a minimum include the following:
 - 1. Project type (i.e. new residential, new non-residential, rehabilitated, homeowner –installed, etc.)
 - 2. Total landscape area (square feet) including a breakdown of area dedicated to turf/high water uses, hardscape, and live plant material.
 - 3. Water supply type (i.e. potable, recycled, well, graywater) and identify water purveyor if not served by private well.
 - 4. Proposed plant locations, species, sizes, and water use needs (i.e. low, medium, or high as identified on an applicable Yuba County plant list, the California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS), or other plant list approved by the Planning Director). All water features shall be identified as high water use and temporarily irrigated areas shall be identified as low water use.
 - 5. Location of any existing trees over six inches in diameter, and whether each such tree is proposed for retention or removal.
 - 6. Location and type of any existing and/or proposed paving or hardscape material.
 - 7. Irrigation plan that at a minimum indicates the location, type and size of all components of the irrigation system and demonstrates compliance with the requirements of this section.
 - 8. Any additional proposed landscape elements and any other measures to facilitate plant growth or control erosion.
 - 9. Provide a statement signed by the preparer of the landscape plan as follows: “I have complied with the landscape criteria of the Yuba County Landscape Ordinance Chapter 11.24.
- B. **Additional Information Required for Projects Over 2,500 Square Feet of Aggregate Landscape Area or Alternative Landscape Plans.** In addition to the above information these projects shall include the following information:

1. Submit a Soil Management Report consistent with the requirements of the current California Model Water Efficient Landscape Ordinance. Production home developments and similar large landscape projects shall conduct a soil sampling rate equivalent to 1 in 7 lots or approximately 15 percent.
2. The landscape design plan shall also:
 - a. Delineate and label each hydrozone by number, letter, or other method;
 - b. Identify each hydrozone as low, moderate, high, or mixed water use;
 - c. Identify areas designated for recreation, edible plants, or recycled water;
 - d. Identify soil amendments, type and quantity;
 - e. Identify type of mulch and application depth;
 - f. Identify type and surface areas of water features;
 - g. Identify hardscape (pervious and non-pervious areas);
 - h. Identify any rain harvesting or catchment technologies; Identify any applicable graywater discharge piping, system components and areas of distribution.
3. **Preparation by Qualified Person.** The Landscape and Irrigation Plans shall be prepared by a qualified Landscape Architect.

11.24.090 Irrigation Specifications

All new landscaping shall be irrigated with an irrigation system. The Director may waive this requirement based on plant water needs and site characteristics (i.e. landscape areas that do not require irrigation once established) .

- A. The irrigation system and its related components shall be planned and designed to allow for proper installation, management and maintenance.
- B. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures.
- C. Automatic irrigation controllers and sensors are required. Controllers may either be weather-based (rain sensors) or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change. The controller shall also be of a type which does not lose programming data in the event the primary power source is interrupted.
- D. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates determined by a soil percolation test, therefore minimizing runoff.
- E. Low-volume irrigation shall be required in mulched areas, in areas with slope greater than 25 percent, and in any narrow or irregularly shaped areas that are less than eight feet in width in any direction.
- F. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.
- G. Overhead irrigation should occur before 10:00 a.m. and after 6:00 p.m. between April 1st and October 1st.
- H. Recirculating water shall be used for decorative water features.

- I. All irrigation shall be subject to restrictions put forth by the State, County of Yuba or local water purveyor during periods of drought.
- J. Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
- K. Irrigation systems shall consist of low-volume emitters (i.e. drip emitters and microspray) or the following:
 - 1. Low volume rotary type heads, with check valves and pressure regulation for turf areas where turf is allowed);
 - 2. Sprinkler heads and other emission devices with matched precipitation rates, unless otherwise directed by manufacturer's recommendations; and
 - 3. Separate valves for each plant hydrozone.
- L. Landscape water meters, defined as either a dedicated water service meter or private submeter shall be installed for all non-residential irrigated landscapes of 1,000 square feet but no more than 5,000 square feet and all residential irrigated landscapes of 5,000 square feet or greater. A landscape water meter may be either a customer service meter dedicated to landscape use provided by the local water purveyor or a privately owned meter or submeter.
- M. Landscape and irrigation plans for projects over 2,500 square feet of aggregate landscape area or utilizing an Alternative Landscape Plan shall demonstrate compliance with any additional requirements of Subsection 492.7, Irrigation Design Plan of the California Model Water Efficient Landscape Ordinance.

11.24.100 Completion of Landscape Requirements

- A. **Consistency with Approved Plans.** All landscaping shall be installed consistent with approved plans and specifications, in a manner designed to encourage and maintain healthy plant growth.
- B. **Timing of Installation.** Required landscaping shall be installed prior to the issuance of a Certificate of Occupancy for the project.
- C. **Exception—Assurance of Landscaping Completion.** The Planning Director may permit the required landscaping to be installed within 120 days after the issuance of a Certificate of Occupancy in special circumstances related to weather conditions or plant availability. A surety in the amount of 150 percent of the estimated cost of landscaping, including materials and labor, as well as an agreement that the required landscaping will be installed within 120 days, must be filed with the County along with any applicable processing fee to assure completion of landscaping installation within such time. The surety may take the form of cash deposit, irrevocable letter of credit or bond; and together with the agreement, would provide for payment to the County of any costs incurred in contracting for completion of the required landscaping as well as grant the County or its contractor access to property in event County must install improvements.
- D. **Certification of Completion.** Upon completion of the installation of the landscaping and irrigation system, a certificate of completion shall be submitted to the County indicating that the plants were installed as specified and that the irrigation system was installed as designed, along with a list of any deficiencies. A final inspection to verify completion may be conducted by the County.

1. Production housing projects, projects with over 2,500 square feet of aggregate landscape area or Alternative Landscape Plans shall also include the following as part of the Certificate of Completion:
 - a. The Certificate shall be signed by licensed landscape contractor, the signer of the irrigation design plan, or signer of the landscape design plan;
 - b. Shall indicate project has been installed per approved plans or where there have been significant changes made in the field during construction, “as built” plans indicating compliance with the County Code shall be included with the certification;
 - c. A diagram of the irrigation plan with hydrozones shall be kept with the irrigation controller for subsequent management purposes,
 - d. Copy of the irrigation audit report consistent with Section 492.12 of the California Model Water Efficient Landscape Ordinance shall be submitted to the County; and
 - e. Statement indicating that the irrigation scheduling and maintenance schedules have been provided to the owner and that a Copy of the Certificate of Completion shall be provided to local water purveyor.

11.24.110 Maintenance

All plant materials shall be maintained by property owners and shall be free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases. Plant materials showing such damage shall be replaced with the same or similar species from the Approved Tree List or Recommended Ground Cover and Shrub List. Planting areas shall be kept free from weeds, debris, and undesirable materials that may be detrimental to safety, drainage or appearance.

Chapter 11.25 Parking and Loading

Sections:

11.25.010	Purpose
11.25.020	Applicability
11.25.030	General Provisions
11.25.040	Parking Space Requirements
11.25.050	Parking Reductions
11.25.060	Parking In-Lieu Fee
11.25.070	Location of Required Parking
11.25.080	Bicycle Parking
11.25.090	Off-Street Loading
11.25.100	Design Standards for Parking Lots
11.25.110	Parking for Temporary Uses and Special Events
11.25.120	Parking and Storage of Recreational Vehicles

11.25.010 Purpose

The purposes of the parking and loading regulations are to:

- A. Ensure that adequate off-street parking and loading facilities are provided for new land uses and for alterations and enlargements of existing uses.
- B. Contribute to a balanced transportation system with a choice of transit, bicycle, pedestrian, and private automobile modes.
- C. Encourage the use of bicycles by providing safe and convenient places to park bicycles.
- D. Facilitate the development of common parking areas that serve multiple establishments or uses.
- E. Offer flexible means of minimizing the amount of area devoted to motor vehicle parking by allowing reductions to the number of required spaces for land uses with lower parking demand characteristics and for shared parking facilities serving uses with different peak demand times.
- F. Provide safe and orderly circulation, loading, unloading, and parking within parking areas, and minimize conflicts between pedestrian and vehicular circulation.
- G. Ensure that parking and loading facilities are designed with adequate landscaping, screening, and buffering in order to improve and soften their appearance, provide shade, and buffer surrounding land uses from potential impacts.

11.25.020 Applicability

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

- A. **New Buildings and Land Uses.** On-site parking shall be provided according to the provisions of this chapter at the time any main building or structure is erected or any new land use is established.
- B. **Reconstruction, Expansion and Change in Use of Existing Non-Residential Buildings.**

1. Changes in use or expansions of floor area resulting in three or fewer additional parking spaces are exempt from having to provide additional parking so long as all handicap accessible parking requirements are met. All expansions within a five year period shall count towards the cumulative total of three additional parking spaces.
 2. Expansions in use or floor area up to 25 percent but resulting in less than 15 additional parking spaces shall provide for the additional on-site parking or loading spaces pursuant to Table 11.25.040. The existing parking may be maintained, and only the additional parking shall be subject to the requirements of Section 11.25.100; Design Standards for Parking Lots.
 3. Changes in use resulting in four or more additional parking spaces or expansions in use or floor area greater than 25 percent or more than 15 parking spaces shall require both the existing parking and additional parking to meet the standards of Section 11.25.100; Design Standards for Parking Lots. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
- C. **Alterations that Increase the Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires the provision of on-site parking to serve the new dwelling units. This requirement does not apply when sufficient on-site parking exists to provide the number of spaces required for both the existing and new dwelling units.
- D. **Bicycle Parking.** Bicycle parking shall be required pursuant to Section 11.25.080; Bicycle Parking.
- E. **When Constructed.** On-site parking facilities including bicycle parking required by this chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

11.25.030 General Provisions

- A. **Existing Parking and Loading to be Maintained.** No existing parking or loading serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute parking or loading facilities are provided and approved by the Planning Director.
- B. **Use of Required Parking Spaces.** Required off-street parking areas shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use, unless specifically authorized by another provision of this Code.
- C. **Non-conforming Parking or Loading.** An existing use of land or structure shall not be deemed to be non-conforming solely because of a lack of parking or loading facilities required by this chapter, provided that facilities used for parking and loading as of the date of adoption of this Code are not reduced in number to less than that required by this chapter.
- D. **Accessibility.** Parking must be accessible for its intended purpose during all business hours.
- E. **Maintenance of Required Parking Spaces.** No garage, carport, or other designated parking area may be converted to another use unless the converted parking spaces are replaced with on-site parking that meets all requirements of this chapter.

11.25.040 Parking Space Requirements

Off-street motor vehicle parking shall be provided according to the ratios prescribed in Table 11.25.040, Required Off-Street Parking Spaces, and according to the following provisions for calculation of required spaces.

- A. **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following rules:
 1. **Fractions.** If the calculation of required parking or loading spaces results in the requirement of a fractional space, such fraction, if one-half (0.5) or greater, shall be considered one additional space; if the fraction is less than one-half (0.5), it shall result in no additional required spaces.
 2. **Gross Floor Area.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to area, the area is assumed to be gross floor area (which includes interior walls) unless otherwise stated.
 3. **Employees.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
 4. **Bedrooms.** Where an on-site parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the California Building Code as a sleeping room shall be counted as a bedroom.
 5. **Students or Clients.** Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students or clients at the State-certified capacity, or at Building Code Occupancy where no State certification is required.
 6. **Seats.** Where parking requirements are stated as a ratio of parking spaces to fixed seats, each 24 inches of bench-type seating at maximum seating capacity is counted as one seat.
- B. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required off-street parking spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction for shared parking is approved pursuant to Subsection 11.25.050(C), Shared Parking.
- C. **Uses Not Specified.** The parking requirement for any use not listed in Table 11.25.040, the Zoning Administrator shall establish the parking requirement based on the particular characteristics of the proposed use, and any other relevant data regarding parking demand. The Zoning Administrator may require the applicant to submit parking studies or any other information needed to assess parking demand for the proposed project. Where a Conditional Use Permit or Minor Use Permit is required for the use, the decision-making authority shall establish the parking requirement based on the parking study and other information in the record as part of the review process.
- D. **Minimum Number of Required Spaces.** For each land use, applicant shall be provided at least the number of off-street motor vehicle parking spaces stated in Table 11.25.040, Required Off-Street Parking Spaces.

TABLE 11.25.040: REQUIRED OFF-STREET PARKING SPACES	
Use Classification	Required Parking Spaces
Residential Uses	
Residential Housing Types	See subclassifications below.
Duplex	1 space per unit
Multi-unit residential	1 space per studio unit or 1-bedroom unit, 2.0 spaces per 2+-bedroom unit. Multi-unit housing for senior citizens: 0.75 spaces per unit. Guest parking shall be provided at a minimum of 1 space per 10 units with a minimum of 2 guest spaces per project.
<u>Accessory Dwelling Unit</u> Second Dwelling Unit	1 space per unit or bedroom, whichever is less. 0 spaces required if the unit is within half-mile of public transit; is within a historic district; is part of the proposed or existing primary residence or an accessory structure, including a garage; when off-street parking permits are required but are not offered to the accessory dwelling unit tenants; or if there is a car-share vehicle within one block.
<u>Junior Accessory Dwelling Unit</u>	0 spaces required
Single-Unit Dwelling, Attached or Detached	1 space per unit Within Valley Growth Boundary, residential subdivisions that do not have on street parking that can be used for guests (i.e. six pack and cluster developments) shall incorporate guest parking areas into the design of the subdivision. Guest parking shall be provided at 1 space per 10 units with a minimum of 2 spaces.
Caretaker Residence	1 space per caretaker residence
Elderly and Long-term Care	1 space per 4 beds + 1 space per employee
Family Day Care	See subclassifications below.
Small	None beyond that required for the residential unit
Large	1 space per non-resident employee + 1 passenger loading space
Boarding Facility	1 space per bedroom
Mobile Home Parks	2 spaces per manufactured home space
Residential Care Facilities	See subclassifications below.
Residential Care, General	1 space per 4 beds + 1 space per employee
Residential Care, Limited	None beyond that required for the residential unit
Single Room Occupancy	1 space per unit
Public and Semi-Public Uses	
Colleges and Trade Schools, Public or Private	1 space per employee plus 10 spaces for each classroom.
Community Assembly	1 space per 5 permanent seats in assembly areas, or 1 space per 50 sq ft of assembly area where no fixed seats. Plus 1 per classroom or office
Cultural Institutions	See sub classifications below

TABLE 11.25.040: REQUIRED OFF-STREET PARKING SPACES	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
<i>Theaters and Auditoriums</i>	Theaters and auditoriums: 1 space per 5 permanent seats in assembly areas, or 1 space per 50 sq ft of assembly area where no fixed seats, whichever is less.
<i>Libraries and Museums</i>	1 space per 400 sq ft of public display area
<i>Other Cultural Institutions</i>	As determined as part of the Design Review Permit or Zoning Administrator.
Day Care Centers	1 space per employee + 1 space per 10 children or clients
Emergency Shelter	1 space per employee + 1 space per 10 beds for persons 16 years and older.
Government Offices	1 space per 350 sq ft
Hospitals and Clinics	<i>See subclassifications below.</i>
<i>Clinic</i>	1 space per 250 sq ft, or 4 spaces per doctor, whichever is greater
<i>Hospital</i>	1 space per bed plus 1 space per 500 sq ft of office, physical therapy, laboratory, or clinic area.
Park and Recreation Facilities, Public	<i>See subclassifications below.</i>
Schools, Public or Private	Kindergarten and nursery schools: 1 space per employee + 1 space per 10 children. Elementary and junior high schools: 1 space per employee + 2 spaces per classroom. High schools: 1 space per employee + 7 spaces per classroom.
Commercial Uses	
Animal Care, Sales, and Services	<i>See subclassifications below.</i>
<i>Grooming and Pet Stores</i>	1 space per 300 sq ft
<i>Kennels</i>	1 space per employee + 2 space for loading/unloading animals
<i>Veterinary Services</i>	1 space per 250 sq ft of gross floor area
Vehicle Sales and Services	<i>See subclassifications below.</i>
<i>Vehicle Rental, Sales and Leasing</i>	Sales and leasing: 1 space per employee + 1 space per 2,000 sq ft of lot and building area used for the display or storage of automobiles. Vehicle repair: 2 spaces per service bay.
<i>Vehicle Repair, Major</i>	2 spaces per service bay
<i>Vehicle Service and Repair, Minor</i>	2 spaces per service bay
<i>Large Vehicle and Equipment Sales, Service, and Rental</i>	Sales and rental: 1 space per employee + 1 space per 3,000 sq ft of lot and building area used for the display or storage of vehicles and equipment. Service and repair: 2 spaces per service bay.
<i>Service Station</i>	2 spaces per service bay if service bays included on site + 1 space per 250 sq ft of any retail or office on site.

TABLE 11.25.040: REQUIRED OFF-STREET PARKING SPACES	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
Banks and Financial Institutions	1 space per 250 sq ft (If administrative offices only, with no customer service facilities: 1 space per 300 sq ft)
Bars and Drinking Establishments	1 space per 100 sq ft
Business Services	1 space per 300 sq ft

TABLE 11.25.040: REQUIRED OFF-STREET PARKING SPACES	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
Indoor Entertainment and Recreation	<i>See subclassifications below.</i>
<i>Amusement Arcades</i>	1 per 250 sq ft plus as required for other uses
<i>Archery and Shooting Ranges</i>	1 per stall plus 1 per employee and as required for other uses
<i>Billiard Parlors</i>	2 per table plus as required for other uses
<i>Bowling Alleys</i>	4 per lane plus as required for other uses
<i>Card Rooms</i>	1 per 3 seats plus as required for other uses
<i>Cinemas, Theaters, and Concert Halls</i>	1 space per 5 permanent seats or per 50 sq ft of assembly area if no fixed seats.
<i>Dance Halls, Ballrooms and Incidental Dancing Areas</i>	1 per 100 sq ft of dance area
<i>Health Clubs, Fitness Centers, Gyms, and Athletic Clubs</i>	1 space per 300 sq ft of area devoted to exercise machines, weights, or similar apparatus; plus 1 per game court; 1 per 50 sq ft of open exercise area; 1 per office space, 1 per tanning or massage room; and 1 per 500 sq ft of pools, spas and other areas.
<i>Skating Rinks</i>	1 per 150 sq ft of rink area plus as required for other uses
<i>Tennis and Racquetball Facilities</i>	2 per court plus as required for other uses
<i>Other Indoor Entertainment and Recreation</i>	As determined by the Design Review Permit, Use Permit or Zoning Administrator
Outdoor Entertainment and Recreation	
<i>Amphitheater</i>	1 space per 5 permanent seats or per 50 sq ft of assembly area if no fixed seats
<i>Archery and Shooting Ranges</i>	1 per stall plus 1 per employee and as required for other uses
<i>Batting Cages and Driving Range</i>	1.5 per batting stand or tee
<i>Campgrounds</i>	1.5 spaces per campsite. Group sites shall provide additional spaces based on occupancy as determined by Zoning Administrator
<i>Golf Courses</i>	6 per hole plus as required for other uses
<i>Hunting and Fishing Clubs</i>	1 per 400 sq ft of lodge area. Clubs without lodges shall be parked as determined by the Zoning Administrator
<i>Tennis and Racquetball Facilities</i>	2 per court plus as required for other uses
<i>Swimming Pools</i>	1 per 500 square feet of pool or spa area plus as required for other uses
<i>Other Outdoor Entertainment and Recreation</i>	As determined by the Design Review Permit, Use Permit or Zoning Administrator
Food and Beverage Sales	<i>See subclassifications below.</i>
<i>General Market</i>	1 space per 300 sq ft
<i>Liquor Stores</i>	1 space per 300 sq ft

TABLE 11.25.040: REQUIRED OFF-STREET PARKING SPACES	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
Food Preparation	1 space per 1,000 sq ft of production and storage areas + 1 space per 300 sq ft of office area
Funeral Parlors and Internment Services	1 space per 5 permanent seats in assembly area, or 1 space per 50 sq ft of assembly area where no fixed seats
Instructional Services	1 space per 300 sq ft
Lodging (all subclassifications)	1 space per room for rent + 1 space per two employees
Maintenance and Repair Services	1 space per 500 sq ft
Offices	<i>See subclassifications below.</i>
<i>Business and Professional</i>	1 space per 300 sq ft
<i>Medical and Dental</i>	Dental and medical clinics and offices: 1 space per 200 sq ft, or 4 spaces per doctor, whichever is greater
Personal Services (all subclassifications)	1 space per 300 sq ft
Restaurant	1 space per 100 sq ft
Retail Sales	<i>See subclassifications below.</i>
<i>Building Materials and Services</i>	1 space per 500 sq ft of indoor area; 1 space per 1,000 sq ft of outdoor display area
<i>Convenience Retail</i>	1 space per 300 sq ft
<i>General Retail</i>	General retail stores: 1 space per 300 sq ft Retail stores that handle only bulky merchandise such as furniture and large household appliances: 1 space per 500 sq ft
<i>Large-Format Retail</i>	1 space per 300 sq ft
<i>Neighborhood and Community Shopping Centers (4 or more tenant spaces on a single or multiple parcel that have shared parking and access)</i>	1 space per 200 sq ft
<i>Rural Commercial (Retail, office, or restaurant uses)</i> <i>1-3 tenants with shared parking</i> <i>4 or more tenants with shared parking</i> <i>All other uses per classification listed in table</i>	1 space per 325 sq ft 1 space per 500 sq ft
<i>Nurseries and Garden Centers</i>	1 space per 300 sq ft indoor retail/office area plus 1 space per 500 sq ft of indoor plant display and 1 space per 2,500 sq ft of outdoor display area accessible to the public.
Industrial Uses	
Custom Manufacturing	1 space per 1,000 sq ft + 1 space per 300 sq ft of office area
General Industrial	1 space per 1,500 sq ft + 1 space per 300 sq ft of office area
Intensive Industrial	1 space per 1,500 sq ft + 1 space per 300 sq ft of office area
Limited Industrial	1 space per 1,500 sq ft + 1 space per 300 sq ft of office area

TABLE 11.25.040: REQUIRED OFF-STREET PARKING SPACES	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
Recycling Facility	<i>See subclassifications below.</i>
<i>Recycling Collection Facility</i>	Minimum 2 space.
<i>Recycling Processing Facility</i>	1 space per employee + 1 space for loading and 1 space per company vehicle
Research and Development	1 space per 1,500 sq ft + 1 space per 300 sq ft of office area
Salvage and Wrecking	1 space per employee + 1 space per company vehicle
Warehousing, Storage, and Distribution	<i>See subclassifications below.</i>
<i>Chemical, Mineral, and Explosives Storage</i>	1 space per employee + 1 space per company vehicle
<i>Outdoor Storage</i>	1 space per employee + 1 space per company vehicle
<i>Personal Storage</i>	1 per 350 sq ft of office/retail area + 4 customer spaces; 2 spaces for caretaker unit
<i>Indoor warehousing, Wholesaling and Distribution</i>	1 space per 300 sq ft of office space + 1 space per 2,000 sq ft of floor area devoted to warehousing, wholesaling, and distribution uses up to 10,000 sq ft; 1 space per 5,000 sq ft devoted to such uses over 10,000 sq ft + 1 space per company vehicle
Transportation, Communication, and Utilities Uses	
Freight/Truck Terminals and Warehouses	1 space for each 2 employees
Light Fleet-based Services	1 per 300 sq ft of office area + 1 space per company vehicle
Utilities, Major	1 per employee in addition to any spaces for vehicles used in connection with the use
Utilities, Minor	None
Solar and Wind Energy Systems	Staffed facilities: 1 per employee
Agricultural and Natural Resource Uses	
Agricultural Labor Housing	1 space per 4 beds for dorms; 1 space per individual unit
Agricultural Processing	1 space per 1,500 sq ft of enclosed production, warehousing, and storage areas + 1 space per 300 sq ft of office area
Farm Machinery and Equipment, Sales and Services	1 space per 2,000 sq ft of lot and building area used for the display or storage of machinery and equipment. Repair: 1 spaces per service bay or per 500 sq ft of repair area, whichever is greater.
Farmers Markets	As determined by the Zoning Administrator
Feed and Farm Supply Store	1 space per 500 sq ft
Packing and Storage	1 per 2 employees or 1 per 2,000 sq ft of indoor area, whichever is greater.
Produce Stand	2 spaces per stand (may be unpaved)

TABLE 11.25.040: REQUIRED OFF-STREET PARKING SPACES	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
Ranch Marketing	See subclassifications below
<i>Production and storage areas</i>	1 space per 2,500 sq ft
<i>Dining Facilities and Bake Shops with Seating</i>	1 space per 300 sq ft
<i>Retail and Office areas</i>	1 space per 500 sq ft
<i>Tasting Rooms</i>	1 space per 300 sq ft
<i>Special Events and Other Uses</i>	As determined by the Use Permit or Zoning Administrator

- E. **Specific Plan, Area Plan, and/or Community Plan Provisions.** A specific plan, area plan, or community plan may establish parking requirements based upon the characteristics of the area covered by the plan.

11.25.050 Parking Reductions

- A. **Motorcycle and Scooter Parking.** For any nonresidential use providing 20 or more off-street spaces, a maximum of two required off-street parking spaces per 20 vehicle spaces may be reduced in size or otherwise redesigned to accommodate parking for motorcycles and scooters. When provided, motorcycle and scooter parking must be identified by a sign. Motorcycle and scooter parking shall be counted concurrently as part of the minimum number of spaces required for the development.
- B. **Credit for On-Street Spaces.** On-street parking spaces located immediately adjacent to the frontage of properties in the NMX, DC, and CMX districts may be counted toward required off-street parking for non-residential uses. One on-street parking space may be substituted for each required off-street space. These provisions only apply to street frontages where on-street parking is allowed.
- C. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced (from the number that would be required if each use provided parking separately) with approval of a Waiver.
1. **Findings for Approval.** In order to approve a reduction in the total number of spaces for a shared parking facility, the decision making authority must find that:
 - a. The proposed shared parking to be provided will be adequate to serve each use;
 - b. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
 - c. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area;
 - d. If required, a parking demand study prepared by an independent traffic engineering professional approved by the County supports the proposed reduction; and
 - e. If a shared parking facility will serve more than one property, a parking agreement has been prepared consistent with the provisions of Subsection 11.25.070(C), Off-Site Parking Facilities.

2. **Conditions for Approval.** The decision-making authority may require additional documents, covenants, deed restrictions, or other agreements as it deems necessary to ensure that the required parking spaces provided are maintained and uses with similar hours and parking requirements as those uses sharing the parking facilities remain for the life of the project.
- D. **Other Parking Reductions.** Required parking for any use may be reduced through approval of a Waiver.
1. **Findings for Approval.** The decision-making authority may only approve a parking reduction if it finds that:
 - a. Special conditions—including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program—exist that will reduce parking demand at the site below the level of the normal requirement;
 - b. The use will adequately be served by the proposed on-site parking;
 - c. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area; and
 - d. If required, a parking demand study prepared by an independent traffic engineering professional approved by the County supports the proposed reduction.
- E. **Parking Demand Study.** In order for the decision-making authority to evaluate a project's compliance with the required findings for approval, the Planning Director may require submission of a parking demand study prepared by an independent traffic engineering professional approved by the County that substantiates the basis for granting a reduction in required parking spaces.
- F. **Monitoring of TDM Programs.** Any project that is granted a parking reduction on the basis of transportation demand management (TDM) measures that will be incorporated to reduce parking demand shall submit an annual status report to the County. The report shall be in a manner prescribed by the Planning Director, and shall describe the implementation and maintenance of TDM measures and the parking demand generated by the project. Annual status reports will be reviewed to determine if property owners have implemented and/or maintained the TDM Program. County staff may request auditable documentation to determine compliance.

11.25.060 Parking In-Lieu Fee

If a parking assessment district has been established, a fee may be paid to the County in lieu of providing required parking within the district.

- A. **In-lieu Fee Amount.** The amount of the in-lieu fee shall be calculated and paid as set forth in a resolution of the Board of Supervisors.
- B. **Use of Funds.** In-lieu fees shall be used for programs to reduce parking impacts including, but not limited to, the costs of any of the following:
 1. Off-street parking facilities, including acquisition, development, and maintenance of parking facilities located in the parking assessment district;
 2. Mass transit equipment, including stock and attendant facilities serving the area in which the buildings for which the payments are made are located;

3. Transit or paratransit passes, coupons, and tickets to be made available at a discount to employees and customers and to promote and support incentives for employee ride-sharing and transit use; or
4. Transportation system management projects.

11.25.070 Location of Required Parking

- A. **Residential Uses.** Required parking for residential uses shall be located on the same lot as the dwelling served, or in an off-site parking facility as provided in Subsection (C).
- B. **Nonresidential Uses.** Required parking spaces serving non-residential uses shall be located on the same lot as the use they serve, or in an off-site parking facility as provided in Subsection (C).
- C. **Off-Site Parking Facilities.** A parking facility serving one or more uses may be located on a site other than the site of one or more such use(s) if a Minor Use Permit is approved and the standards of this subsection are met.
 1. **Location.** Any off-site parking facility must be located within 400 feet—or in the case of a residential use, within 100 feet—along an accessible walkway, of the principal entrance containing the use(s) for which the parking is required.
 2. **Parking Agreement.** A written parking agreement shall be submitted with the application for an off-site parking facility. The agreement shall be subject to review and approval by the County Counsel and shall subsequently be recorded in the County Recorder's Office. The parking agreement shall include the following.
 - a. A guarantee among the landowner for access to and use of the parking facility; and
 - b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

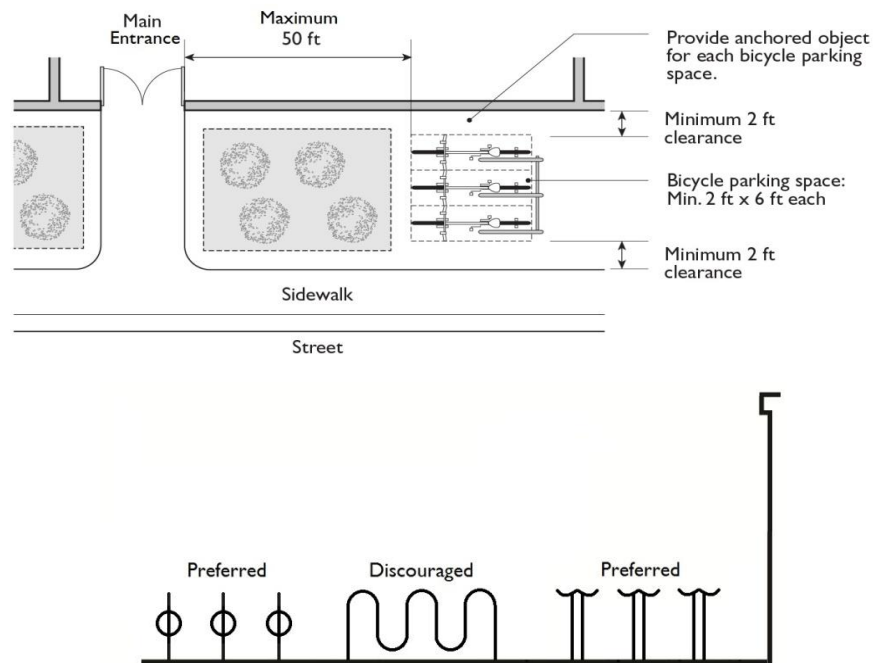
11.25.080 Bicycle Parking

Within the Valley Growth Boundary, parking for bicycles shall be provided according to the standards of this section in conjunction with the establishment of any new land use or building, as well as in conjunction with any change in use, alteration, or expansion.

- A. **Short-Term Bicycle Parking.** Short-term bicycle parking shall be provided in order to serve shoppers, customers, messengers, guests and other visitors to a site who generally stay for a short time.
 1. **Parking Spaces Required.** For the following uses, a minimum of one bicycle space shall be provided for every 10 automobile spaces for the first 200 automobile parking spaces required, and one bicycle parking space shall be required for every 100 automobile spaces over the first 200 automobile parking spaces required. A minimum of two bicycle parking spaces shall be required per establishment.
 - a. Multi-unit Residential and Single Room Occupancy uses with four or more units. Outdoor bicycle parking requirements may be reduced by 50 percent for projects that provide at least one enclosed private garage space per dwelling unit.
 - b. Boarding Facilities and Agricultural Labor Housing with four or more separately rentable beds, bedrooms, or units.
 - c. All Public and Semi-Public uses except Cemetery.

- d. All Commercial uses except Kennels, Food Preparation, Vehicle Sales and Services, and Lodging.
 - e. Transportation Passenger Terminals.
- 2. ***Bike Parking Plan for Large Entertainment and Recreation Facilities.*** Outdoor motor vehicle racing facilities, amphitheaters, entertainment facilities, or equestrian and rodeo facilities having an occupancy capacity in excess of 5,000 persons shall submit a proposed bicycle parking plan in conjunction with the required automobile parking plan for approval by the decision-making authority.
- 3. ***Location.*** Short-term bicycle parking must be located outside of the public right-of-way and pedestrian walkways and within 50 feet of a main entrance to the building or use it serves.
 - a. ***Shopping Centers.*** In a shopping center, bicycle parking must be located within 50 feet of an entrance to each anchor store. Bicycle parking shall be visible from the street or from the main building entrance, or a sign must be posted at the main building entrance indicating the location of the parking.
 - b. ***Mixed-Use Districts.*** Bicycle parking for establishments that abut the public sidewalk and are located in the CMX, DC, or NMX districts may be located within the public right-of-way, provided that an unobstructed sidewalk clearance of six feet is maintained for pedestrians at all times.
- 4. ***Anchoring and Security.*** For each short-term bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and at least one wheel can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.
- 5. ***Size and Accessibility.*** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways; at least five feet of clearance shall be provided from automobile parking spaces.

FIGURE 11.25.080: SHORT-TERM BICYCLE PARKING



- B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided in order to serve employees, students, residents, commuters, and other persons who generally stay at a site for four hours or longer.
1. **Parking Spaces Required.** Long-term bicycle parking spaces shall be provided at the following ratios.
 - a. *Nonresidential Uses.* Any individual establishment with 50 or more employees shall provide long-term bicycle parking at a minimum ratio of one bicycle space per 100 automobile spaces.
 - b. *Parking Structures.* Long-term bicycle parking shall be provided at a minimum ratio of one space per 50 vehicle spaces.
 2. **Location.** Long-term bicycle parking must be located on the same lot as the use it serves. In parking garages, long-term bicycle parking must be located near an entrance to the facility.
 3. **Security.** Long-term bicycle parking must be in:
 - a. An enclosed bicycle locker;
 - b. A fenced, covered, locked or guarded bicycle storage area; or
 - c. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas.
 4. **Size and Accessibility.** Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles,

landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

11.25.090 Off-Street Loading

- A. **Loading Spaces Required.** Off street loading facilities shall be provided with all commercial and industrial development.
- B. **Location.** No loading facilities for vehicles over two-ton capacity shall be closer than 50 feet to any property in a residential district unless completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than six feet in height.
- C. **Maneuvering Areas.** Truck-maneuvering areas shall not encroach into required parking areas, travel ways, or street rights-of-way. This requirement may be modified if the Zoning Administrator finds that sufficient space is provided so that truck-maneuvering areas will not interfere with traffic and pedestrian circulation.
- D. **Surfacing.** The loading area, aisles, and access drives shall be surfaced with asphaltic concrete of minimum thickness of two inches on six inches of Class II aggregate rock base.

11.25.100 Design Standards for Parking Lots

Parking areas shall be designed and developed consistent with the following standards.

A. Parking Areas Outside the Valley Growth Boundary

- 1. **Parking associated with a single family residence, ~~or caretaker unit, or second dwelling unit.~~** Parking spaces shall be located outside of any required setback and shall at a minimum be graded and improved with gravel.
- 2. ~~Parking associated with an accessory dwelling unit. Off-street parking for accessory dwelling units may be a tandem space in a driveway or off-street within setback areas provided in locations approved by the County. Tandem parking and the location of off-street parking within setback areas shall be approved by the county unless specific findings can be and are made that parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions.~~
- 2.3. **Projects that require 10 or More parking Spaces.** Parking areas located outside the Valley Growth Boundary that require 10 or more parking spaces may request as part of project approval a reduction in the number of spaces that need to be paved and designed per the requirements listed in Section 11.25.100(B). The request shall be submitted with the initial project application and shall clearly identify the number of unpaved spaces being requested along with any other requested deviations to the standards listed in Section 11.25.100(B). All unpaved spaces shall meet the following standards.
 - a. *Surfacing.* Must be graded and improved with gravel.
 - b. *Dust Control.* All unpaved parking areas must have an active dust control program.
 - c. *Parking Space Dimensions.* The minimum dimension for a parking space is nine feet by 18 feet.

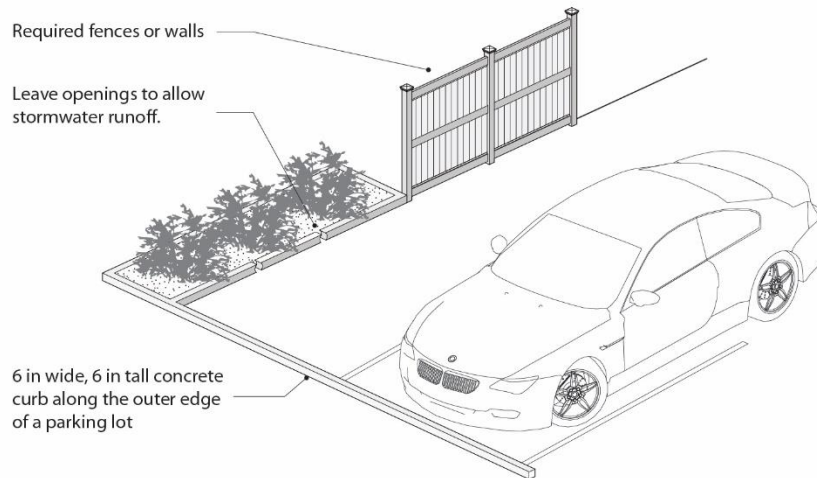
TABLE 11.25.100-B(3): MINIMUM ANGLED AND PARALLEL PARKING STALL DIMENSIONS				
Angle	Stall Width	Stall Depth	Aisle Width (2 way)	Aisle Width (1 way)
90°	9 ft	18 ft	25 ft	25 ft
60°	9 ft	18 ft	20 ft	18 ft
45°	9 ft	18 ft	20 ft	13 ft
30°	9 ft	18 ft	20 ft	11 ft
0° (parallel)	8 ft	22 ft	20 ft	12 ft
Compact Stalls: width 8 ft length 16 ft except parallel stalls 20 ft				

4. **Parking Access, Forward Entry.** Parking areas of four or more spaces shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.
5. **Tandem Parking.** Tandem parking may be permitted to satisfy the off-street parking requirement for a residential unit in accordance with the following.
 - a. Parking spaces for the primary residence shall be located outside any required setback area.
 - b. No more than two vehicles shall be placed one behind the other.
 - c. Both spaces shall be assigned to a single dwelling unit.
6. **On-Site Circulation, Safety, and Pedestrian Access.** Parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 50 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the building code and following standards:
 - a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance unless grade controlled.
 - b. *Materials and Width.* Walkways shall provide at least four feet of unobstructed width and be hard-surfaced with an accessible material.
 - c. *Identification.* Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, truncated domes, or similar method.
 - d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb, bollards, truncated dome, or other physical barrier.
7. **Parking Lot Striping.** Parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.
8. **Wheel Stops.** Concrete bumper guards or wheel stops shall be provided. 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.

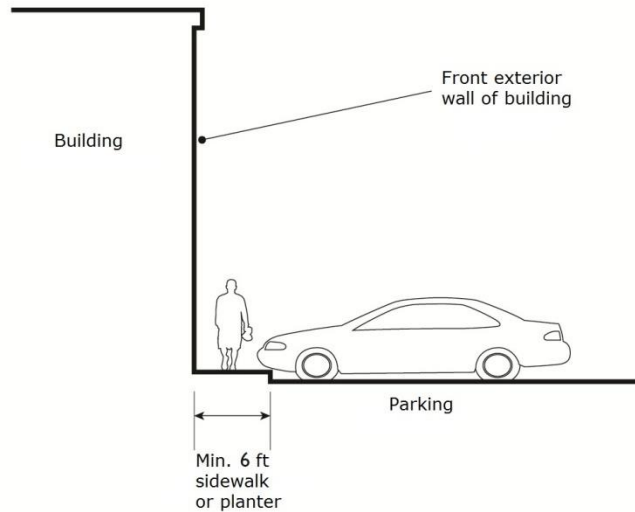
9. **Perimeter Curbing.** A six-inch wide and six-inch high concrete curb shall be provided along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through where feasible.

FIGURE 11.25.100(B)(9): PARKING LOT PERIMETER CURBING



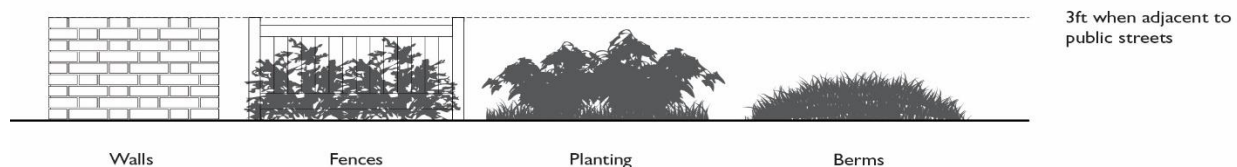
10. **Lighting.** Public parking areas shall be provided with a minimum of one-half foot-candle and a maximum of 3.0 foot-candles of light over of the parking surface during the hours of use from one-half hour before dusk until one-half hour after dawn.
 - a. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.
 - b. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or adjacent public rights-of-way, consistent with Chapter 11.26, Performance Standards.
11. **Separation from On-site Buildings.** Parking areas must be separated from the front walls of on-site buildings by walkways a minimum of six feet in width. These requirements do not apply to parking areas containing five or fewer spaces.

FIGURE 11.25.100(B)(11): PARKING LOT DESIGN—SEPARATION FROM ON-SITE BUILDINGS



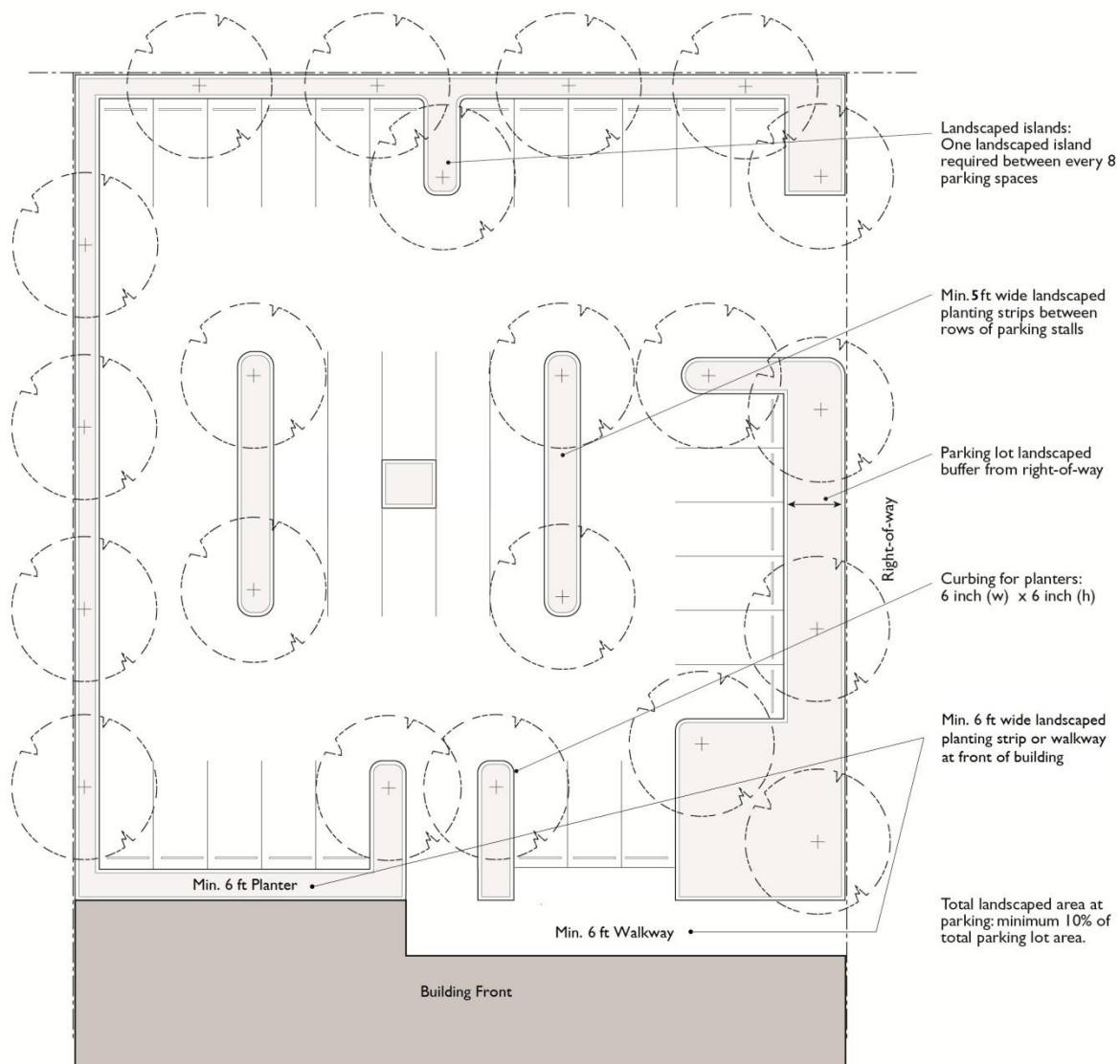
12. **Screening.** Parking areas shall be screened from view from public streets according to the following standards.
- a. **Height.** Screening of parking lots from adjacent public streets shall be three feet in height.
 - b. **Materials.** Screening may consist of one or any combination of the methods listed below.
 - i. **Walls.** Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Planning Director, and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Planning Director.
 - ii. **Fences.** An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. This option does not include the use of chain-link or vinyl fencing.
 - iii. **Planting.** Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation.
 - iv. **Berms.** Berms planted with grass, ground cover, or other low-growing plant materials.

FIGURE 11.25.100(B)(12): PARKING LOT SCREENING



13. ***Parking Lot Landscaping.*** Landscaping of parking areas shall be provided and maintained according to the general standards of Chapter 11.24, Landscape, as well as the standards of this subsection. Planter widths are minimums, wider widths may be necessary to accommodate larger tree or plant species. All widths listed are interior widths. Smaller widths may be approved along perimeter areas if curb stops or concrete barriers are provided that prevent vehicles from overhanging into the planter or pedestrian walkway.
- a. *Landscape Area Required.* A minimum of 10 percent of any parking lot area shall be landscaped.
 - b. *Layout.* Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:
 - i. Landscaped planting strips at least five feet wide between rows of parking stalls. Areas planted with trees shall be at least 6 feet wide;
 - ii. Orchard planters at least six feet wide;
 - iii. Landscaped planting strips at least six feet wide (between parking areas and adjacent buildings or internal pedestrian walkways;
 - iv. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and
 - v. On-site landscaping at the parking lot perimeter that is at least five feet in width.
 - c. *Required Landscaped Islands.* A landscaped island or orchard planter at least six feet in all interior dimensions and containing at least one tree from the Approved Tree List shall be provided at each end of each interior row of parking stalls and staggered throughout the parking field to obtain the minimum shade requirement. Unless an alternative plan is approved for parking areas utilizing solar/shade structures.
 - d. *Landscaped Buffer for Open Parking Adjacent to Right of Way.* A landscaped area at least ten feet wide shall be provided between any surface parking area and any property line adjacent to a public street unless a lesser dimension is approved through the Design Review permit where due to site constraints or consistency with community character a smaller buffer is approved. Within the landscaped area, there shall be at least one tree planted from the Approved Tree List for each 40 feet of street frontage.
 - e. *Shading.* Shade trees or shade structures shall provide a minimum 50 percent shading (at maturity, where trees are used)

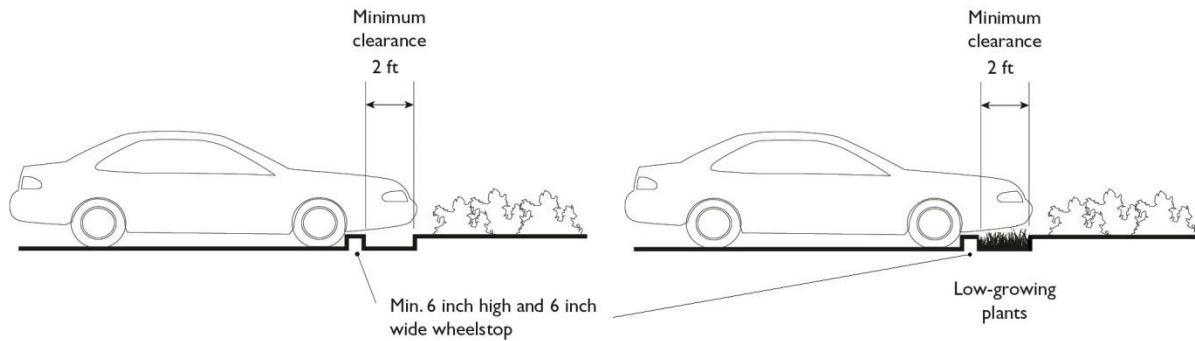
FIGURE 11.25.100(B)(13)(E): PARKING LOT LANDSCAPING



f. *Protection of Vegetation.*

- i. Clearance from Vehicles. All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.
- ii. Planters. All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through if feasible.

FIGURE 11.25.100(B)(13)(F): PROTECTION OF VEGETATION



- g. *Visibility and Clearance.* Landscaping in planters at the end of parking aisles may not obstruct drivers' vision of vehicular and pedestrian cross-traffic. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot should not exceed 30 inches in height.

C. **Alternative Parking Area Designs.**

1. ***S/E District.*** In the S/E District, the Planning Commission may approve parking facility plans that allow for alternative standards for off-street parking facilities due to the intermittent nature of the events and variations in attendance. Proposals which include standards less than the required stall size and driving aisle shall include provisions for management of the facility by parking ushers. Proposals for alternative surfacing shall be based upon estimates for frequency of events and estimated average attendance per event and shall at the minimum provide for a low-traffic paving system for the estimated average number of vehicles. The remainder of the parking area shall, at the minimum, be seeded with a hardy, drought-resistant grass to provide a dust-controlling surface and shall be maintained to prevent ignition from parked vehicles.
2. ***Other Districts.*** Where an applicant can demonstrate to the satisfaction of the Zoning Administrator that variations in the dimensions otherwise required by this section are warranted in order to achieve environmental design objectives, an alternative parking area design may be approved.

- D. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

11.25.110 Parking for Temporary Uses and Special Events

Temporary, overflow parking may be utilized for special events and other temporary uses that are allowed by this Code. All temporary parking shall meet local fire department requirements. Where a Temporary Use Permit or other permit is required, the applicant shall demonstrate to the decision-making authority the ability to provide safe access and parking, including access road clearance for emergency vehicles, a dust control program, and the provision of attendants, if necessary to monitor proper parking and access road clearance for emergency vehicles.

11.25.120 Parking and Storage of Recreational Vehicles

Recreational vehicles, including travel trailers and boats, may not be parked or stored in a required front yard or street side setback area (excluding driveways). Recreational vehicles may be parked or stored in a driveway, side yard, or rear yard. Other regulations pertaining to recreational vehicles include:

- A. Parking within the public right of way shall only be for the purpose of loading or unloading, not to exceed 72 hours before or after a trip. The recreational vehicle may be used for purposes of accommodating visitors, not to exceed one week within any consecutive six-month period and shall be fully self-contained and shall not be parked within a public right of way or have any power cords or other items transversing the public right of way.

Chapter 11.26 Performance Standards

Sections:

11.26.010	Purpose
11.26.020	Applicability
11.26.030	General Standard
11.26.040	Location of Measurement for Determining Compliance
11.26.050	Noise
11.26.060	Vibration
11.26.070	Lighting and Glare
11.26.080	Odors
11.26.090	Heat and Humidity
11.26.100	Air Contaminants
11.26.110	Liquid or Solid Waste
11.26.120	Fire and Explosive Hazards
11.26.130	Hazardous and Extremely Hazardous Materials
11.26.140	Electromagnetic Interference
11.26.150	Radioactivity

11.26.010 Purpose

The purposes of this chapter are to:

- A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;
- B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions;
- C. Protect industry from arbitrary exclusion from areas of the County; and
- D. Protect and sustain the natural environment by promoting conservation of energy and natural resources, improving waste stream management, and reducing emission of greenhouse gases.

11.26.020 Applicability

The minimum requirements in this section apply to all land uses in all zoning districts, unless otherwise specified.

11.26.030 General Standard

Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazards that would adversely affect the surrounding area.

11.26.040 Location of Measurement for Determining Compliance

Measurements necessary for determining compliance with the standards of this chapter shall be taken at the property line of the establishment or use that is the source of a potentially objectionable condition, hazard, or

nuisance unless another location is specific in this Chapter or within the General Plan. Property owners shall be responsible for demonstrating compliance with standards.

11.26.050 Noise

- A. **Noise Limits.** No use or activity shall create ambient noise levels that exceed the standards established in the Public Health and Safety Element of the Yuba County General Plan.
- B. **Acoustic Study.** The Planning Director may require an acoustic study for any proposed project that could cause any of the following:
 - 1. Locate new residential uses within the 55 Community Noise Equivalent (CNEL) impact area of the Yuba County Airport;
 - 2. Locate new residential uses within the 55 CNEL impact area of Beale Air Force Base (excludes housing located on Base);
 - 3. Cause noise levels to exceed the limits in Chapter 8.20, Noise Regulations, of the Yuba County Code and Yuba County General Plan;
 - 4. Create a noise exposure that would require an acoustic study and noise attenuation measures listed in the Public Health and Safety Element of the General Plan; or
 - 5. Cause the Day-night equivalent (Ldn) noise level at noise-sensitive uses to increase 5 dB or more.
- C. **Noise Attenuation Measures.** Any project subject to the acoustic study requirements of subsection B may be required as a condition of approval to incorporate noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.
 - 1. New noise-sensitive uses (e.g. schools, hospitals, churches, and residences) shall incorporate noise attenuation measures to achieve and maintain an interior noise level of 45 Ldn.
 - 2. Noise attenuation measures identified in an acoustic study shall be incorporated into the project to reduce noise impacts to satisfactory levels.
 - 3. Emphasis shall be placed upon site planning and project design measures. The use of noise barriers shall be considered only after all feasible design-related noise measures have been incorporated into the project.

11.26.060 Vibration

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the property lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

- A. New developments that propose vibration sensitive uses within 100 feet of a railroad or industrial facility shall analyze and mitigate potential vibration impacts to the greatest extent feasible.
- B. New developments that would generate substantial long-term vibration shall provide analysis and mitigation to achieve velocity levels of less than 78 vibration decibels as experienced at habitable structures of vibration-sensitive land uses.

11.26.070 Lighting and Glare

Activities, processes, and uses shall be operated in compliance with the following provisions:

- A. **Mechanical or Chemical Processes.** Light or glare from mechanical or chemical processes, high-temperature processes such as combustion or welding, or from reflective materials on buildings used or stored on a site, shall be shielded or modified to prevent emission of adverse light or glare onto other properties.
- B. **Lighting.** Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public street lights, no light or combination of lights, or activity shall cast light on a public street exceeding one foot-candle as measured from the centerline of the street. No light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot-candle.
- C. **Glare.** No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.

11.26.080 Odors

No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the property lines of a site. Odors from permitted agricultural operations, temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

11.26.090 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase in excess of five degrees Fahrenheit on another property.

11.26.100 Air Contaminants

Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, smoke, or particulate matter. Sources of air pollution shall comply with rules identified by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the Feather River Air Quality Management District.

11.26.110 Liquid or Solid Waste

- A. **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, whether directly or indirectly, into a public or private body of water, sewage system, storm water system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 3 and California Water Code, Division.)

- B. **Solid Wastes.** Solid wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.

11.26.120 Fire and Explosive Hazards

All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Fire fighting and fire suppression equipment and devices standard in industry shall be approved by local fire district. With the exception of waste allowed by the fire authority and Air Quality Management District, all incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the fire authority deems it a practical necessity.

11.26.130 Hazardous and Extremely Hazardous Materials

The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Code, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.

11.26.140 Electromagnetic Interference

No use, activity or process shall cause electromagnetic interference with normal radio and television reception in any Residential district, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

11.26.150 Radioactivity

No radiation of any kind shall be emitted that is dangerous to humans.

Chapter 11.27 Signs

Sections:

11.27.010	Purpose
11.27.020	Applicability
11.27.030	Exempt Signs
11.27.040	Prohibited Signs
11.27.050	Permits Required
11.27.060	Sign Measurement
11.27.070	General Standards
11.27.080	Standards for Specific Sign Types
11.27.090	Sign Standards—Agricultural Districts
11.27.100	Sign Standards—Residential Districts
11.27.110	Sign Standards—Nonresidential Uses
11.27.120	Temporary Promotional Signs
11.27.130	Planned Sign Permit Program (PSPP)
11.27.140	Non-conforming Signs
11.27.150	Sign Maintenance
11.27.160	Removal of Illegal Signs
11.27.170	Waivers and Variances

11.27.010 Purpose

The purpose of this chapter is to establish regulations for the design, construction, location, and maintenance of signs that balance the need of residents, businesses, visitors, and institutions for adequate identification, communication, and advertising with the objectives of protecting public health, safety, and general welfare and promoting a well-maintained and visually attractive community, consistent with State and federal law. Specifically, these regulations are intended to:

- A. Promote and aid in the identification, location, and advertisement of goods and services.
- B. Enhance the County's ability to attract sources of economic development and growth.
- C. Promote an attractive, positive image and protect the County from visual clutter and blight.
- D. Protect property values and enhance community appearance by ensuring that signs are compatible with the character of surrounding architecture, districts, and neighborhoods.
- E. Reduce or eliminate traffic and safety hazards through proper location and design.
- F. Ensure that the constitutionally guaranteed right of free speech is protected.
- G. Provide for eventual elimination of preexisting non-conforming signs on a fair and equitable basis.

11.27.020 Applicability

The provisions set forth in this chapter apply in all zoning districts of the County, except where expressly stated otherwise. No sign shall be erected or maintained anywhere in the County except in conformity with this chapter.

11.27.030 Exempt Signs

The following signs or modifications to signs do not require a Zoning Clearance or other review by the Planning Department, nor shall the area of such signs be included in the maximum allowable sign area measurement for the purposes of this chapter. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of the safe erection and safe and attractive maintenance of the sign, of obtaining a building permit where applicable, or of compliance with applicable provisions of this chapter or any other requirement of this Code.

- A. **Address Signs.** Required address identification signs that are in conformance with the Building Code.
- B. **Barber Poles.** Barber poles not exceeding six feet in height, located wholly on commercial private property, and bearing no lettering.
- C. **Building Directory Sign.** A sign on which the names and locations of occupants or the use of a building is provided, oriented to pedestrian traffic and not exceeding six square feet in area.
- D. **Bulletin Boards.** One bulletin board not exceeding 20 square feet in area or five feet above existing grade, serving a public, or semi-public agency, community facility or institution, if located on the premises of the institution.
- E. **Change-of-Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity for a nonresidential use may be displayed for no longer than 30 days following the change of ownership or activity for which the sign is intended. The sign shall be no larger than the previously permitted permanent sign.
- F. **Commemorative Signs.** Commemorative plaques, memorial signs or tablets, or signs indicating names of buildings and dates of building erection, either attached to or cut into the surfaces of buildings, provided that no such sign exceeds three square feet in area.
- G. **Construction Signs.** A temporary construction sign may be erected on a construction site for the duration of construction activities, provided that it is immediately removed after issuance of a certificate of occupancy or certificate of completion for the project, or abandonment of work. A temporary construction sign may not exceed 32 square feet in area and eight feet above finished grade in non-residential districts or eight square feet in area and five feet above finished grade in residential districts.
- H. **Decorative Holiday Displays.** Non-commercial decorative holiday displays, provided that such displays are removed within 45 days of their installation.
- I. **Election Signs.** Election signs that meet the requirements as set forth by the Elections Office and Community Development And Services Agency.
- J. **Flags.** Official flags, emblems and historical markers. This exemption does not apply to flags or pennants bearing corporate emblems, logos or commercial copy.
- K. **Home Occupation Signs.** Permitted home occupations are allowed one wall sign not to exceed four square feet in area and six feet in height.
- L. **Informational Signs.** Non-commercial informational signs not exceeding two square feet in area erected for the safety and convenience of the public, such as signs identifying rest rooms or telephones, "no parking" and "no trespassing" signs.
- M. **Equipment Signs.** Signs not more than four square feet in area and incorporated into machinery or equipment by a manufacturer, distributor or vendor and identifying or advertising only the product or

service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, and vending machines.

- N. **Interior Signs.** Signs that are located in interior areas of a building or site and are not visible from public streets or adjacent properties. For the purpose of this regulation, “visible” means legible to a person of ordinary eyesight (with vision adequate to pass a state driver’s license exam) standing at ground level at a location on the public right of way or other private property.
- O. **Kiosk and Mobile Vendor Signs.** Signs fixed to mobile vending carts that identify or advertise the name, product, or service provided by the vendor. Each mobile vending cart is limited to a maximum sign area of eight square feet.
- P. **Newspaper Stands.** Signs that are part of newspaper stands, provided the sign area does not exceed six square feet.
- Q. **Official Government Signs.** Official notices issued by a court, public body or office; official notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; public hearing or meeting notices; seismic warning signs, or other signs required or authorized by law.
- R. **Public Service and Civic Identity Signs.** Signs erected on public or private property to promote County-sponsored activities or other community events, as authorized by the Community Development & Services Agency. Signs may include district identification banners; temporary signs or when authorized by the Department of Public Works banners erected above streets or attached to lamp posts or utility poles..
- S. **Real Estate Signs.**
 - 1. ***On-Site Real Estate Signs.*** On-premises signs conveying information about the sale, rental, or lease of the lot, premises, dwelling, or structure on which they are located, provided that they comply with the following standards:
 - a. No more than one real estate sign for lots in residential districts, or one real estate sign per public street frontage per lot in non-residential districts, is displayed at any one time;
 - b. The sign or signs do not exceed an aggregate area of six square feet in residential districts or 32 square feet in non-residential districts;
 - c. Wall signs shall not be higher than seven feet above grade in residential districts or fifteen feet in non-residential districts. Freestanding signs shall not exceed five feet in height in residential districts or ten feet in height in non-residential districts.
 - d. The sign or signs are not illuminated;
 - e. The sign or signs shall not be placed on roof tops or above parapet or eave lines;
 - f. The sign or signs are removed within seven days after the sale, lease, or rental of the property has been completed; and
 - g. Real estate signs are not permitted in the public right-of-way, and must not obstruct pedestrian walkways or motorists’ line of sight, including line-of-sight for those exiting driveways.
 - 2. ***Directional Signs for Open Houses.*** Up to three off-site signs directing the public to “open house” events for the viewing of lots, premises, dwellings or structures that are for sale, lease,

or rent, are permitted on public or private land, provided that they comply with the following standards:

- a. No sign or signs shall exceed four square feet in area, or three feet in height from finished grade.
 - b. The sign or signs may not be placed more than 12 hours before the start or remain more than 12 hours after the conclusion of the open house event.
 - c. Signs shall not interfere with public facilities or roads.
- T. **Small Signs.** All businesses and residences may display up to two signs, each no larger than six square feet in area and no higher than five feet, attached to a freestanding sign structure, a window, or a building wall. This exemption includes, but is not limited to, freedom of speech signs and political signs.
- U. **Window Signs.** Window signs on a building in non-residential districts subject to the following provisions:
 - 1. Window signs shall not exceed 20 percent of the area of window and transparent door frontage on any building façade.
 - 2. Window signs may be located on the ground floor or second floor of a building.
 - 3. Any sign either hung within two feet of a window or attached to a display located within two feet of a window shall be considered a window sign.

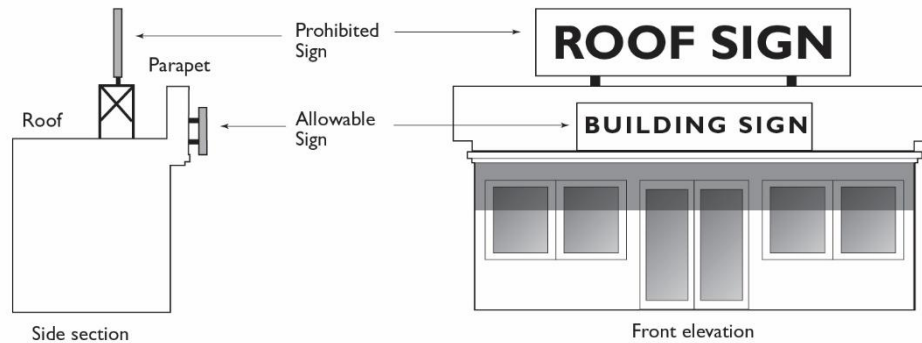
11.27.040 Prohibited Signs

The following types of signs, materials, designs, messages, and locations are prohibited:

- A. **Animated and Moving Signs.** Animated, flashing, blinking, reflecting, revolving, or other similar signs or signs with visibly moving or rotating parts or visible mechanical movement of any kind, either adjacent to or as an integral part of the display, unless expressly allowed by this chapter.
- B. **Inflatable Signs.** Signage or displays that are inflatable are prohibited regardless of location.
- C. **Portable Signs.** Signs not permanently attached to the ground or other permanent structure or signs designed to be transported including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; menu and sandwich board signs except where expressly provided for in this chapter (See “Temporary Signs” in Section 11.27.120). Signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business identified on the sign.

D. Roof Signs.

1. Attached signs that extend above the top of roof or parapet (whichever is higher) of a building with a flat roof.
2. Attached signs that extend above the deck line of a mansard roof.
3. Signs on rooftop structures such as penthouse walls or mechanical enclosures.
4. However, signs that do not extend above the deck line of a mansard roof, and that do not extend above the parapet (or the roofline if no parapet is present) of a flat roof are permitted subject to the standards of Section 11.27.080(B), Wall Signs.

FIGURE 11.27.040(D): PROHIBITED SIGNS—ROOF SIGNS**E. Signs Creating Traffic Hazards.**

1. Signs located in such a manner as to constitute a traffic hazard or obstruct the view of traffic, any authorized traffic sign or signal device, or signs that may be confused with any authorized traffic sign, signal, or device; or which makes use of the words “stop,” “look,” “danger,” or any other word, phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers in their use of roads.
2. Signs within five feet of a fire hydrant, street sign, or traffic signal if such placement could create a safety hazard.

F. Signs That Produce Noise or Emissions. Signs that emit visible smoke, vapor, particles, or odor; or signs that produce noise or sounds that can be heard at the property line, excluding voice units at menu boards.

G. Signs in the Right-of-Way. No signs shall erected in the public right of way, with the exception of legal notices that are required by law to be placed upon public property to provide notice to the public; signs erected by a governmental body to promote public safety or direct or regulate pedestrian or vehicular traffic; public holiday lights and displays; district identification signs; civic identity signs; signs and banners posted by the County above streets or attached to lamp posts or utility poles that promote County-sponsored events.

11.27.050 Permits Required

A. Zoning Clearance. All non-exempt signs require zoning clearance. When signs also require a building permit (i.e. free standing or signs with electrical), the Planning Department will review applications for building permits for signs and determine if the proposed signs are consistent with the requirements

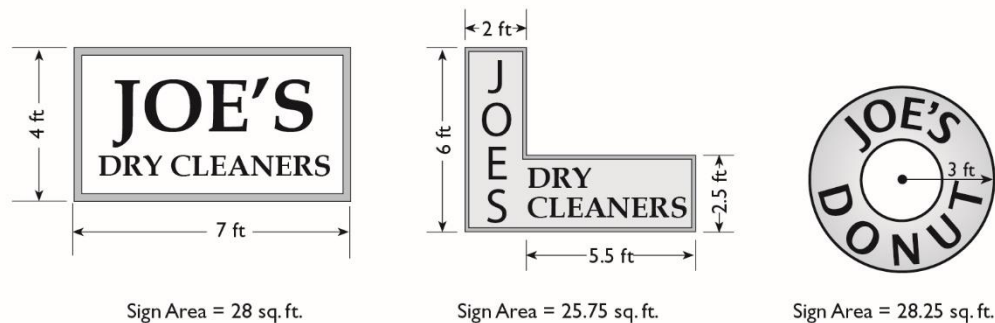
contained in this chapter. Where a building permit is required a separate zoning clearance is not required.

- B. **Building Permit Required.** No person shall erect, alter, repair, or relocate any sign without first obtaining any required building permit for such work from the Building Official. No permit shall be issued until zoning clearance has been given and the Building Department determines that such work is in accordance with the building or electrical codes of the County. Except as otherwise provided, permits required by this chapter will be issued pursuant to the same terms and according to the same fee schedule as all other building permits.
- C. **Planned Sign Permit Program.** A Planned Sign Permit Program (PSPP) is required for multi-tenant projects and for signs that do not conform with all the standards of this chapter, as specified in Section 11.27.130, Planned Sign Permit Programs.

11.27.060 Sign Measurement

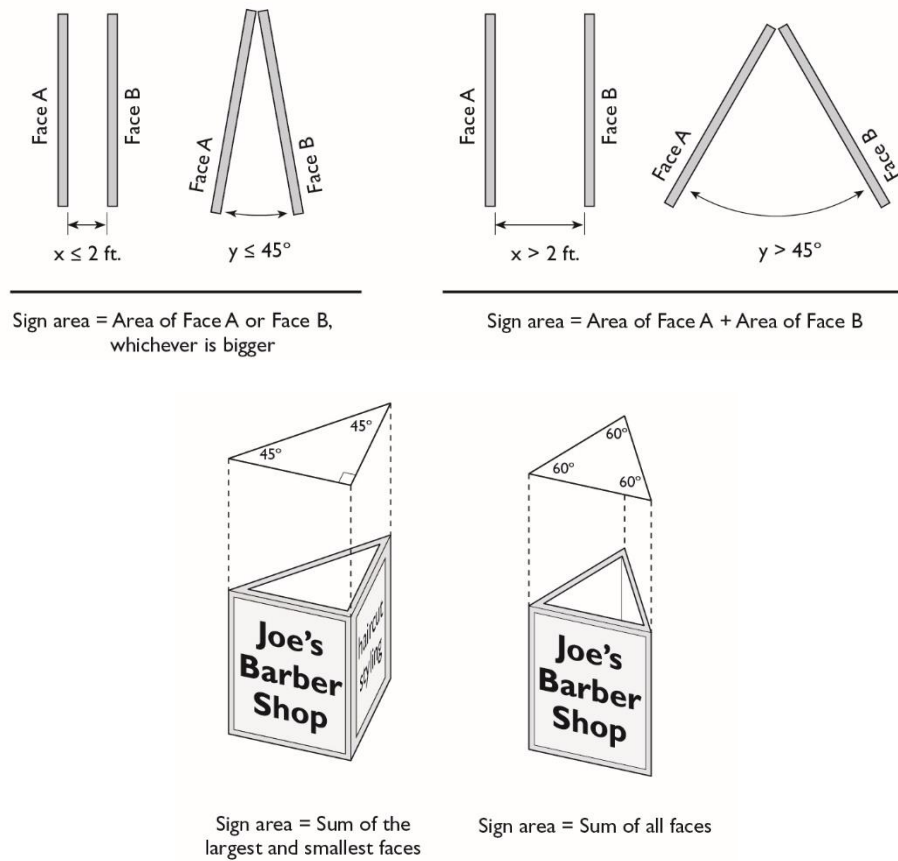
- A. **Calculation of Sign Area.** The area of an individual sign shall be calculated as follows.
1. **Single-faced Signs.** Sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, individual channel letters, written copy, logos, symbols, illustrations, and color. Supporting structures such as sign bases and columns are not included in sign area provided that they contain no lettering or graphics except for addresses or required tags. The calculation of sign area for various types of single-faced signs is illustrated in Figure 11.27.060(A)(1).

FIGURE 11.27.060(A)(1): CALCULATION OF SINGLE-FACED SIGN AREA



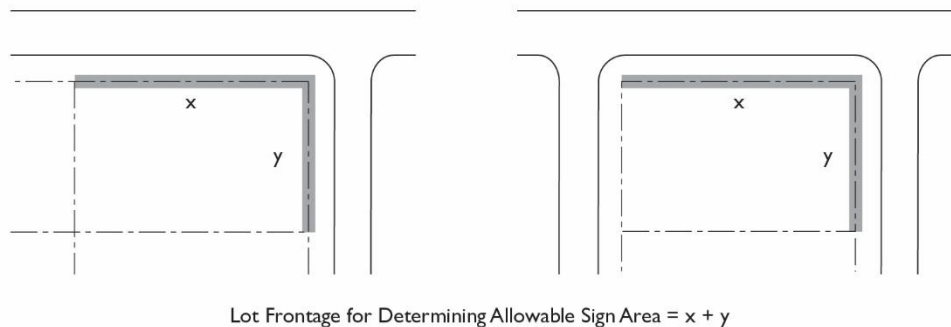
2. **Double-faced Signs.** Where two faces of a double-faced sign are located two feet or less from one another at all points, or located at an interior angle of 45 degrees or less from one another, the sign area shall be computed as the area of one face. Where the two faces are not equal in size, the larger sign face shall be used. Where two faces of a double-faced sign are located more than two feet or 45 degrees from one another, both sign faces shall be counted toward sign area. See Figure 11.27.060(A)(2).

FIGURE 11.27.060(A)(2): CALCULATION OF DOUBLE-FACED SIGN AREA



- 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.

FIGURE 11.27.060(B): CALCULATION OF LOT FRONTAGE



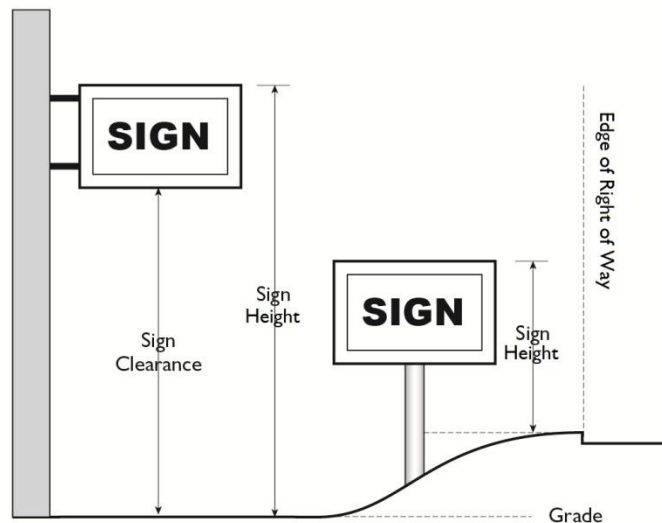
- C. **Measuring Sign Height.** The height of a sign is the vertical distance measured from the ground level directly beneath the sign to the highest point at the top of the sign, including any structural or

architectural components of the sign. The ground level shall be either the natural grade or finished grade, whichever is lowest.

1. **Height of Freestanding Signs.** The height of freestanding signs shall be measured as the vertical distance from grade at the edge of the right-of-way along which a sign is placed to the highest point of the sign, including any structural or architectural components of the sign. When the grade at the edge of the right-of-way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the right-of-way shall not be included in determining the sign's overall height. Signs oriented towards a freeway shall be measured from the project site grade or pad, whichever is lower.

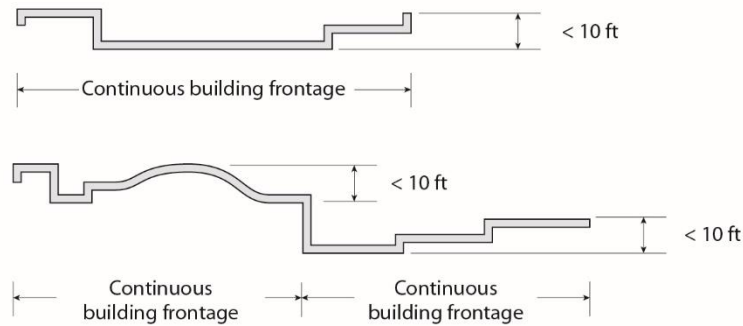
- D. **Measuring Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

FIGURE 11.27.060(D): MEASURING SIGN HEIGHT AND CLEARANCE



- E. **Building Frontage.** Building frontage is the building facade that directly abuts a public street, private street, parking lot driveway or parking spaces in which main customer access is provided to the business. A building's frontage is considered continuous if projections or recesses in a building wall do not exceed 10 feet in any direction. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.

FIGURE 11.27.060(E): BUILDING FRONTAGE



11.27.070 General Standards

This section establishes general physical standards and requirements that apply to all signs types and districts.

- A. **Code Compliance.** Signs erected, installed, located or maintained in the County must comply with all applicable structural provisions of the most recently adopted versions of the Uniform Sign Code, California Building Code, and California Electrical Code adopted by the County.
- B. **Highway Signs—Compliance with State and Federal Standards.** No sign shall be allowed to conflict with State or federal standards for regulation of signs along State or interstate highway.
- C. **Encroachment into Public Street or Sidewalk.** Signs shall not project over a public street or sidewalk unless an encroachment permit has been approved by the Public Works Department.
- D. **Intersection and Driveway Visibility.** Signs shall not obstruct the visibility area specified in Section 11.19.130, Visibility at Intersections and Driveways.
- E. **Materials.** Paper, cardboard, or other material subject to rapid deterioration shall be limited to signs displayed for no more than 60 days. Fabric signs shall be restricted to district identification and civic identity banners, awning signs, and temporary signs permitted pursuant to Section 11.27.120, Temporary Signs.
- F. **Illumination.** The illumination of signs, from either an internal or external source, shall be designed to avoid negative impacts on surrounding rights-of-way and properties. The following standards apply to all illuminated signs:
 1. Sign lighting shall not be of an intensity or brightness, or generate glare, that will create a nuisance for residential buildings in a direct line of sight to the sign;
 2. External light sources shall be directed, shielded, and filtered to limit direct illumination of any object other than the sign.
 3. All sign illumination shall be non-pulsating, continuous, and stationary.

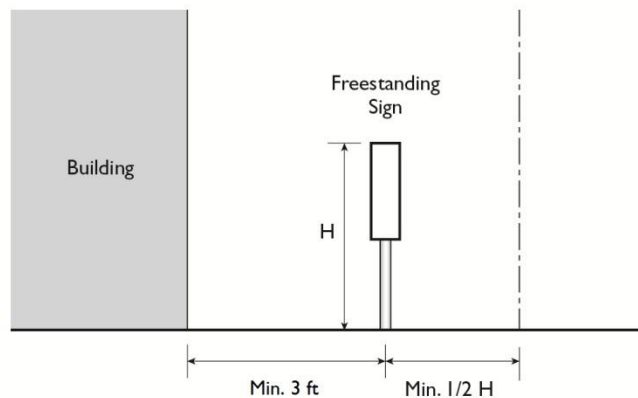
11.27.080 Standards for Specific Sign Types

This section establishes locational and other general standards for specific sign types that apply to all districts where such signs are permitted. Additional standards applicable to these signs in specific zoning districts are located in Sections 11.27.090, 11.27.100, and 11.27.110.

A. **Freestanding Signs.** Freestanding signs, including pole and monument signs, are allowed, subject to the specific zoning district and use standards and the following standards:

1. Freestanding signs shall not be erected or maintained closer than three feet to any building.
2. Freestanding signs shall be located so as to maintain a setback, measured from that part of the sign that is closest to the nearest property line of the parcel or lot on which it is placed, equal to at least one-half the height of the sign.
3. Free standing signs shall include a base treatment that is consistent with the colors and materials of the buildings on the project site. Signs over ten feet in height shall include at least a five foot tall by two foot wide base.
4. The colors and materials of the sign(s) shall be compatible with the colors and materials of the building(s).

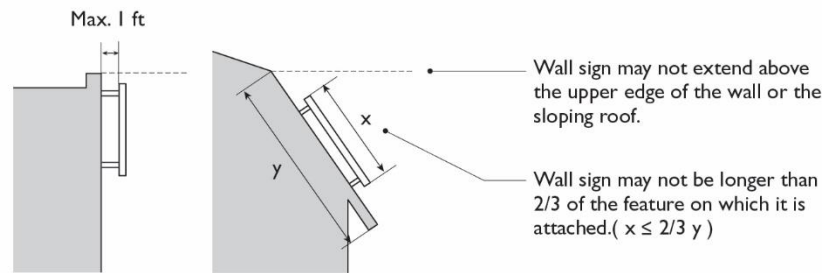
FIGURE 11.27.080(A): FREESTANDING SIGNS



B. **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure. Wall signs are allowed, subject to the specific zoning district and use standards and the following standards:

1. Wall signs may be:
 - a. Attached flat against or pinned away from a building wall, but shall not extend or protrude more than one foot from the wall; or
 - b. Attached to the facade of a building or on a sloping roof (mansard roof), but shall not extend above the upper edge of the facade or the sloping roof.
2. Wall signs shall not be placed higher than the second story of a building.
3. Wall signs shall not cover or interrupt major architectural features, including such features as doors, windows, or tile embellishments.
4. Wall signs shall not extend higher than the building wall upon which they are attached.
5. Signs placed on window spandrels, fascias, or sloping mansard roofs shall be centered vertically on such spandrel, fascia, or roof. The height of a sign placed on a spandrel, fascia, or roof shall not exceed two-thirds of the height of the feature to which the sign is attached.

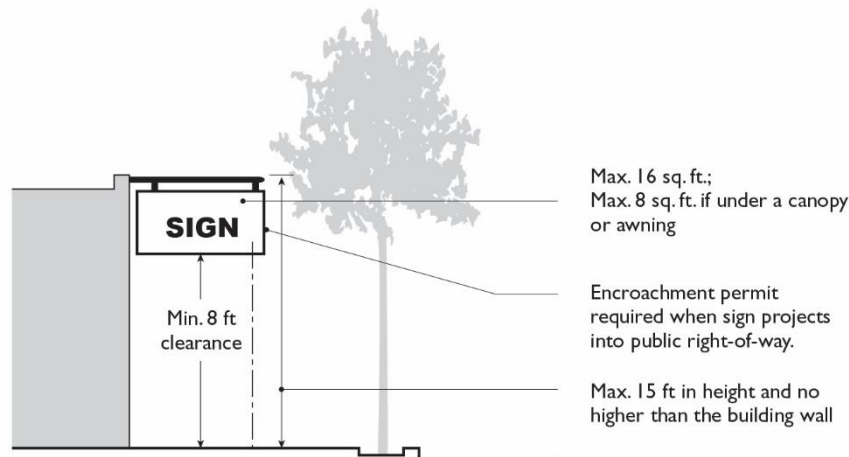
FIGURE 11.27.080(B): WALL SIGNS



C. **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall are allowed, subject to the specific zoning district standards and use and the following standards:

1. **Placement.** No portion of a projecting sign shall extend above the highest point of a building wall or parapet. The highest point of any projecting sign shall not exceed 15 feet above grade.
2. **Minimum Clearance.** The lowest point of a projecting sign must be at least eight feet above the surface of any public sidewalk or street.
3. **Encroachment.** All signs that project into the public right-of-way shall be designed and located so as to cause no harm to street trees. Signs projecting into the public right-of-way are subject to an encroachment permit.
4. **Maximum Area.** No projecting sign shall exceed 16 square feet in area or eight square feet if hung under a canopy or awning.

FIGURE 11.27.080(C): PROJECTING SIGNS

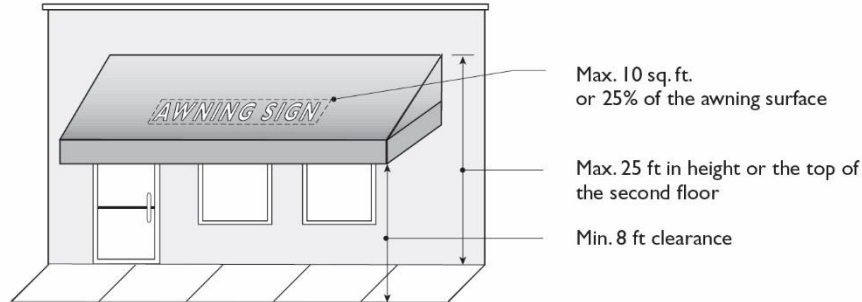


D. **Awning Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures are allowed. Awning signs are subject to the specific zoning district and use standards and the following standard:

1. **Maximum Surface Area.** No awning sign shall exceed 10 square feet or 25 percent of the surface area of the awning, whichever is less.

2. **Placement.** No awning or awning sign shall extend above 25 feet or the top of the second floor of a building, whichever is less.
3. **Minimum Clearance.** Awnings and canopies shall be located a minimum of eight feet above grade, measured from the lowest structural element of the awning or canopy.
4. **Illumination.** Awning and canopy signs shall be unlighted.

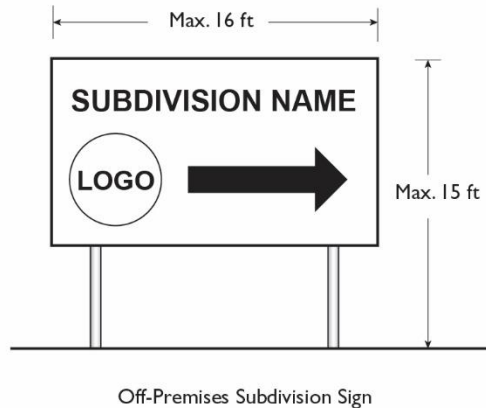
FIGURE 11.27.080(D): AWNING SIGNS



- E. **Menu/Order Board Signs.** Outdoor menu/order board signs are subject to the following standards:
 1. **Uses Allowed With.** Outdoor menu/order board signs are allowed on the site of a permitted drive-in, walk-up, or drive-thru facility.
 2. **Number.** A maximum of two per business with a drive-thru facility and one per business with a walk-up window.
 3. **Location.**
 - a. Menu/order board signs shall be located adjacent to the drive-thru aisle or walk-up window; and
 - b. The signs shall not be located so as to impair the vision of the driver of a vehicle traveling either into, out of, or through the drive-thru aisle.
 4. **Area.** The area of each menu/order board sign shall not exceed 32 square feet.
 5. **Height.** The height of a menu/order board sign, including the pole or base, shall not exceed six feet from grade.
- F. **Subdivision Signs.** Signs for residential subdivisions include temporary off-premises advertising signs as well as permanent on-premises signs that serve as community identification.
 1. **Off-Premises Subdivision Signs.** Off-premises signs that advertise a residential subdivision shall comply with the following standards.
 - a. **Number.** No more than two signs are allowed per intersection.
 - b. **Location.**
 - i. Freestanding signs shall maintain a setback, measured from the part of the sign that is closest to the nearest property line of the parcel or lot on which it is placed, equal to at least one-half the height of the sign;

- ii. Off-premises subdivision signs shall be located only on property with written permission from property owner;
 - iii. Off-premises subdivision signs shall be located within 500 feet of an intersection (measured at centerline); and
 - iv. Signs at other locations may be approved as part of an area plan or Planned Sign Permit Program.
- c. *Area.* The area of any off-premises subdivision sign shall not exceed 64 square feet Each.
- d. *Height and Width.* Off-premises subdivision signs shall not exceed:
 - i. Fifteen feet in height; and
 - ii. Sixteen feet in width.
- e. *Design.* Off-site subdivision signs shall be freestanding and shall not contain more than two advertising sides. They shall conform to any plan area sign guidelines for the area or, if there are no applicable guidelines, they shall conform to the following design standards:
 - i. Copy relating to specific subdivisions is limited to the subdivision name, a logo, and a directional arrow or directions to the subdivision; and
 - ii. Any deviation from this design or the design established in the specific plan sign guidelines shall be reviewed as a Planned Sign Permit Program.
- f. *Erection and Removal.*
 - i. No off-site subdivision sign shall be erected until at least one subdivision is advertised on the sign;
 - ii. A subdivision name may not be advertised on the sign before either a building permit or a public report by the Department of Real Estate has been issued for the subdivision;
 - iii. A subdivision name shall be removed from the sign within 30 days if no model homes or lots are available for viewing or sale; and
 - iv. The off-site subdivision signs shall be removed if no subdivision name has been advertised on it for a period of 90 days.
- g. *Other.* Other types of subdivision advertising signage, such as ladder signs and model home complexes, may be approved as part of a plan area or Planned Sign Permit Program.

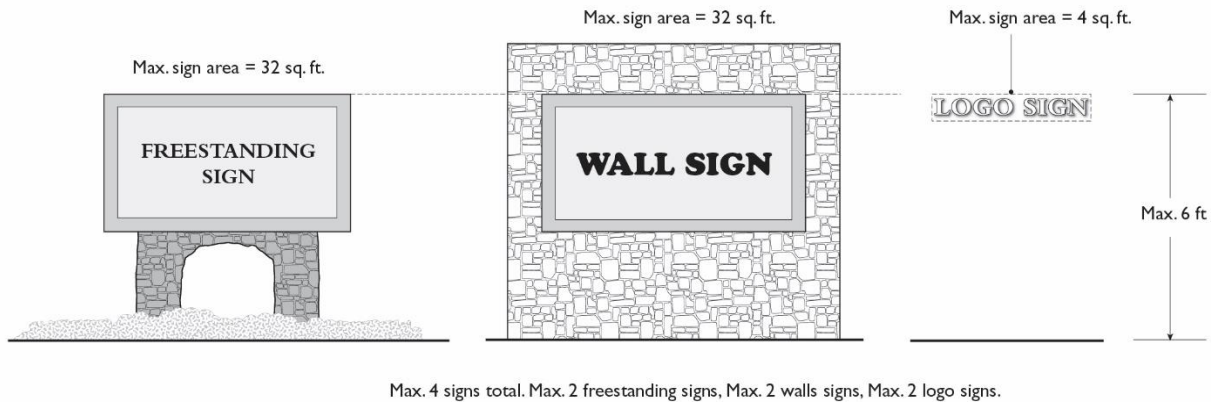
FIGURE 11.27.080(F)(1): OFF-PREMISES SUBDIVISION SIGNS



2. ***On-Site Subdivision Signs.*** On-site subdivision signs shall comply with the following standards.
- a. ***Number.*** No more than a total of four signs are permitted at each subdivision entrance. Within this total may be included:
 - i. No more than two freestanding signs; or
 - ii. No more than two walls signs; and
 - iii. No more than two logo signs.
 - b. ***Location.***
 - i. Free standing subdivision sign(s) shall:
 - (1) Be located at the entrance to the subdivision to which they relate on either one or both sides of the subdivision entrance; and
 - (2) Maintain a setback, measured from the part of the sign that is closest to the nearest property line of the parcel or lot on which it is placed, equal to at least one-half the height of the sign.
 - ii. No on-site subdivision signs shall be permitted for an entrance from another subdivision.
 - iii. Wall signs may be mounted on an entry wall or sound wall on one or both sides of the entrance road to the subdivision.
 - iv. Logo signs may be mounted on an entry wall or sound wall (including pilasters) on one or both sides of the entrance road to the subdivision.
 - c. ***Area.***
 - i. The maximum area of each freestanding sign shall be 32 square feet.
 - ii. The maximum area of each wall sign shall be 32 square feet.
 - iii. The maximum area of each logo sign shall be four square feet.
 - d. ***Height.*** The maximum height of an on-premises subdivision sign shall be six feet.

- e. *Design.* On-site subdivision signs shall be used as community identification and shall not have the community builder's name or logo located on any signs.

FIGURE 11.27.080(F)(2): ON-SITE SUBDIVISION SIGNS



11.27.090 Sign Standards—Outside the Valley Growth Boundary

The following signs are allowed in agricultural districts, rural community districts, and natural resource districts.

A. Freestanding Signs.

1. *Number.*

- a. *Individual Uses.* For purposes of this section, individual uses are sites with three or fewer tenant spaces or buildings on a single parcel. One freestanding sign is permitted for each street frontage of the lot. For lots with over 700 lineal feet of frontage and more than one driveway entrance a second freestanding sign shall be permitted. The total number of freestanding signs for an individual use shall not exceed two.
- b. *Rural Commercial Centers.* For purposes of this section, rural commercial centers are sites designated as Rural Commercial that have four or more tenant spaces or buildings on a single parcel or adjacent parcels with shared parking and access. One freestanding sign is permitted for each street frontage of the lot. One additional freestanding sign is permitted for every 700 lineal feet of street frontage. The total number of freestanding signs for a rural commercial center shall not exceed four.

2. **Area.** Each freestanding sign shall not exceed a signage area of 36 square feet for individual uses or 60 square feet for rural commercial centers.
3. **Height.** Monument signs shall not exceed a height of eight feet. Properties that are directly accessed off of a state high way or a roadway with a posted speed limit of 55 miles per hour may install a pole sign not to exceed a height of 15 feet.
4. **Setbacks.** Freestanding signs shall be set back at least 10 feet from the road right-of-way.

- B. **Wall Signs.** Each tenant may have one wall sign not to exceed 1.5 square feet per lineal foot of building frontage of the tenant space, with a maximum of 40 square feet per tenant..

- C. **Subdivision Signs.** On-premises and off-premises subdivision signs are allowed according to the standards of Subsection 11.27.080(F), Subdivision Signs.
- D. **Illumination.** With the exception of properties designated as rural commercial or public facility, signs shall not be internally illuminated.

11.27.100 Sign Standards—Residential Districts

The standards of this Section shall apply to signs in residential districts, as well as to residential uses located in any mixed-use district.

- A. **Freestanding Signs and Signs Mounted on Fences or Sound Walls.** One freestanding sign or a sign mounted on a fence or sound wall is allowed on the site of a Multi-Unit Residential or Single Room Occupancy use with three or more units. The sign shall not exceed 32 square feet in area or six feet in height.
- B. **Wall Signs.** One wall sign not to exceed 40 square feet in area is allowed on the site of a Multi-Unit Residential or Single Room Occupancy use with three or more units.
- C. **Directory Sign.** One directory sign per primary entrance is allowed per primary entrance on the site of a Multi-Unit Residential or Single Room Occupancy use with three or more units.
- D. **Subdivision Signs.** On-premises and off-premises subdivision signs are permitted according to the standards of Subsection 11.27.080(F), Subdivision Signs.
- E. **Illumination.** No sign in a residential district shall be internally illuminated. Illumination, if any, shall be indirect.

11.27.110 Sign Standards—Nonresidential Uses

The standards of this section apply to signs for nonresidential uses located in commercial and mixed-use, employment, and public and semi-public districts. Residential uses located within these districts shall be subject to the provisions in Section 11.27.100, Sign Standards—Residential Districts and Uses.

- A. **Freestanding Signs.** Freestanding signs are permitted according to the standards of Section 11.27.080, Standards for Specific Sign Types and the following:
 - 1. **Number.**
 - a. *Individual Uses.* Every individual use may erect and maintain one freestanding sign plus one additional sign if the project has more than one street frontage or is adjacent to a freeway, or has over 700 lineal feet of street frontage and more than one driveway entrance. The total number of freestanding signs for an individual use shall not exceed two.
 - b. *Building Complexes.* Developments of three or more nonresidential buildings, tenants, or uses may erect and maintain:
 - i. One on-site freestanding sign per building complex;
 - ii. One additional on-site freestanding sign for building complexes with more than one street frontage when an entrance to the building complex is provided, or when freeway frontage exists and the additional sign is oriented towards the freeway; and

- iii. One additional on-site freestanding sign is permitted for every 700 lineal feet of street frontage.

2. **Height.**

- a. *DC Districts and Neighborhood Service uses in residential districts:* 8 feet.
- b. *Other Nonresidential Districts:* Signs may not exceed a height of 20 feet.
- c. *Sites that are adjacent to a freeway or state highway may increase the height of one of their permitted signs to a maximum height of 25 feet so long as the sign is oriented towards the freeway or highway.*

3. **Area.**

- a. *DC Districts and Neighborhood Service uses in residential districts:* 36 square feet (excluding sign base)
- b. *Other Nonresidential Districts:* 150 square feet (excluding sign base).

B. **Wall Signs.** Wall signs are permitted according to the standards of Section 11.27.080, Standards for Specific Sign Types and the following:

1. **Number.**

- a. *Individual Uses.* Every individual use may erect and maintain up to two wall signs, provided that each sign is located on a different side of the building and faces a public entrance, street, or parking lot.
- b. *Building Complexes.* Developments of three or more non-residential buildings, tenants, or uses may erect and maintain:
 - i. Major tenants are permitted an unlimited number of wall signs;
 - ii. Freestanding pad buildings with one tenant are permitted three wall signs, provided that each sign is located on a different side of the building and faces a public entrance, public street or parking lot;
 - iii. Freestanding pad buildings with two or more tenants are permitted two wall signs per tenant, provided that the signs for each tenant are located on a different side of the building and face a public entrance, public street or parking lot; and
 - iv. Uses that are neither major tenants nor freestanding pad buildings are permitted one wall sign; however, a use on a corner of the building is permitted two wall signs, provided that each sign is located on a different side of the building and faces a public entrance, a public street, or a parking lot.

2. **Area.** The combined area of all wall signs for a building shall not exceed 1.5 square feet per lineal foot of building frontage, with a maximum of 200 square feet per use. Major tenants of a building complex with 100,000 square feet or more of floor area are permitted up to a maximum of 300 square feet of cumulative wall sign area.

3. **Length.** The length of any wall sign shall not exceed 70 percent of the length of the tenant space façade or building façade to which it is attached.

C. **Projecting Signs.** Every individual use in the DC and NMX districts and in building complexes with three or more non-residential buildings, tenants, or uses, may erect and maintain one projecting sign according to the standards of Section 11.27.080, Standards for Specific Sign Types.

- D. **Awning Signs.** Each non-residential ground-floor establishment may display up to three awning signs, with only one sign per awning in accordance with the standards of Section 11.27.080, Standards for Specific Sign Types.
- E. **On-Site Directional Signs.** Signs to direct on-site traffic circulation are permitted according to the following standards.
1. **Number.**
 - a. One directional sign is permitted for each one way driveway;
 - b. One directional sign is permitted for each drive-through aisle;
 - c. One directional sign is permitted for each service or delivery entrance; and
 - d. Additional directional signs are permitted if a health and safety need is demonstrated to the satisfaction of the Planning Director.
 2. **Area.** The area of each directional sign shall not exceed four square feet.
 3. **Height.** The height of each directional sign including the base may not exceed four feet.
 4. **Location.**
 - a. Directional signs shall be set back from any property line at least one-half the height of the sign; and
 - b. Signs shall not be located so as to impair the vision of the driver of a vehicle traveling either into, out of, or through the site.
- F. **Off-Site Directional Signs.** Non-residential uses located outside the Valley Growth Boundary may request a Zoning Clearance approval for off-site directional signs. Off-site directional sign requests shall meet the following criteria:
1. Applicant has demonstrated the sign(s) is necessary to direct customers to the business.
 2. Signs are located within one mile (to extent feasible) of turn-off road that business is located on.
 3. Sign shall be located at least 500 feet from another off-site directional sign located on the same side of the roadway.
 4. Sign does not exceed 32 square feet in area and eight feet in height. Shared signs for 2 or more businesses shall not exceed 70 square feet in area.
 5. Sign copy is limited to name and address of business, logo not exceeding two square feet in area, turning direction and distance to turn.
 6. Written proof from property owner allowing the placement of off-site sign on their property.
 7. Sign is located outside of public right of way and clear vision triangle.
 8. The business name and information shall be removed from the sign within 30 days of the business closing or relocating. Off-site directional signs shall be removed if no business name has been advertised for a period of 90 days.
 9. Off-Site directional signs shall not be used to affix temporary banner signs or other signs or information not directly related to the purpose of the off-site directional sign.

- G. **Menu/Order Board Signs.** Menu/order board signs are permitted according to the standards of Section 11.27.080, Standards for Specific Sign Types.
- H. **Programmable Electronic Signs.** Programmable electronic signs are permitted according to the following standards.
1. ***Uses Allowed With.*** Programmable electronic signs are allowed on the site of the following uses and for the following purposes:
 - a. On the site of a Service Station, in order to display the price of fuel.
 - b. On the site of a Hotel or Motel, in order to display room rates and vacancies.
 - c. On the site of a theater, cinema, stadium, auditorium, church, or similar Community Assembly, Cultural Institution, Indoor Entertainment and Recreation, and Outdoor Entertainment uses, programmable electronic signs shall be limited to advertisement or notification of events occurring solely on the premises or within the immediate community. Signs may also be used to post emergency information.
 - d. In order to display time and temperature.
 - e. Governmental signs for posting public and community information.
 2. ***Standards.*** Programmable electronic signs shall comply with the provisions for freestanding signs as provided by Subsection 11.27.080(A), Freestanding Signs, and wall signs as provided by Subsection 11.27.080(B), Wall Signs.
 3. ***Cinemas and Theaters.*** In addition to the other standards of this section, the following provisions apply to signs on the site of a cinemas or theaters.
 - a. ***Number.*** A maximum of one programmable electronic sign is permitted per movie theatre.
 - b. ***Location.***
 - i. Displays shall be located within 10 feet of a box office, ticket window, or building entrance.
 - ii. Signs shall be oriented to be readable by pedestrians rather than from auto travel areas.
 - c. ***Area.*** Programmable electronic signs shall be limited to a maximum area of 30 square feet.

- I. **Service Stations.** In addition to the other standards of this chapter, the following provisions apply to signs on the site of a Service Station.

1. ***Freestanding Fuel Price Signs.***

- a. *Number.* In addition to the freestanding sign for an individual use permitted by Section 11.27.110, Sign Standards—Non-residential Districts, each Service Station shall be permitted to erect and maintain one freestanding price sign for the primary purpose of advertising motor vehicle fuel prices. The sign shall comply with the provisions of California Business and Professions Code § 13531 regarding display requirements.
- b. *Location.*
 - i. Freestanding fuel price signs shall not be erected or maintained any closer than three feet to any building; and
 - ii. Any freestanding fuel price sign shall maintain a setback, measured from that part of the sign that is closest to the nearest property line of the parcel or lot on which it is placed, equal to at least one-half the height of the sign.
- c. *Sign Area.* The maximum area of any fuel price sign shall be 100 square feet.
- d. *Maximum Height.* The maximum height for any motor vehicle fuel price sign shall be 15 feet.
- e. *Base Design.* The base of any fuel price sign shall be constructed of materials that match the exterior materials utilized on the main building.
- f. *Electronic Displays.*
 - i. Fuel price signs may consist of programmable electronic signs. Use of such programmable electronic signs shall be limited to the portion of any sign structure devoted exclusively to display of motor vehicle fuel price information required or permitted by California Business and Professions Code § 13530 et seq.
 - ii. Displays shall not be flashing or moving but shall remain static. Displays may not be changed more than once per 12-hour period.

2. ***Wall Signs.*** Wall signs associated with a Service Station shall comply with the standards of Section 11.27.080(B), Wall Signs, except as otherwise specified in this section.
3. ***Awning Signs.*** Each Service Station site may have up to four awning signs located upon the fuel canopy. Corporate logos and symbols shall be included in sign area.
4. ***Combined Area of Wall and Awning Signs.*** The combined area permitted for all wall signs and awning signs for each Service Station shall not exceed 200 square feet.
5. ***Fuel Pump and Under-Canopy Signs.*** Additional signs advertising the price of each grade of gasoline may be placed on each gasoline pump or beneath any canopy which is over the gasoline pumps.

11.27.120 Temporary Promotional Signs

Temporary banners, streamers, flags (excludes official flags pursuant to Chapter 11.27.030, Exempt Signs), or portable signs, as defined herein, for special events or sales, such as new car sales, clearance sales, outdoor fairs

and sales, grand openings, and events of a similar nature. These signs shall not replace the primary permanent sign(s) for a business, and the business must have a permanent sign permit on file with the County.

- A. **Number.** No more than two such temporary signs may be erected per business at any one time.
- B. **Duration.** Signs may be posted on a continuous basis, but shall be kept in a good state of repair and preservation. These signs shall be made of a durable material and shall be subject to the same maintenance provisions as permanent signs.
- C. **Design.** Temporary signs shall not be illuminated and shall not contain moving parts.
- D. **Maximum Area.** The following standards will be utilized in determining the maximum sign square footage allowed per business:
 - 1. Building or tenant spaces having less than 50 linear feet of building frontage are allowed a total of 60 square feet of sign area.
 - 2. Buildings or tenant spaces within a building complex having more than 50 linear feet of building frontage but less than 100 feet of building frontage are allowed a total of 80 square feet of sign area.
 - 3. Buildings or tenant spaces within a building complex having more than 100 feet of building frontage are allowed a total of 120 square feet of sign area.
- E. **Traffic and Visibility.** Such temporary signs shall in no way obstruct or visually impair the public right-of-way or internal walkways.
- F. **Location.** If a banner sign is used, it may be affixed to the face of a building, perimeter wall/fence, or permanent freestanding sign. If attached to a freestanding sign, it shall be fully adhered to the face of the existing sign and be restricted to only one sign per center/use. Freestanding banners shall be adequately anchored to the ground in a manner that can be removed and does not cause a safety hazard. Temporary signs shall be restricted to the building areas that front onto a street or parking lot directly adjacent to the business for which the sign is posted. If affixed to a building, these signs shall not extend above the roofline or parapet of the structure.
- G. Additional temporary signs may be authorized for a limited period of time through approval of a Waiver by the Zoning Administrator.

11.27.130 Planned Sign Permit Program (PSPP)

- A. **PSPP Required.** A planned sign permit program (PSPP) is required for:
 - 1. Off-site subdivision signs not in conformance with Section 11.27.080(F), Subdivision Signs.
 - 2. Plan area (i.e. specific plan, community plan, area plan) signs not in conformance with the standards of this chapter.
 - 3. Community or regional marketing or branding signs.
 - 4. Modification of an existing PSPP.
- B. **Application Information.** An application for a PSPP shall be filed with the Planning Department, consistent with the procedures of Chapter 11.53, Common Procedures. In addition to any other required information, applications for a PSPP shall include the following information as applicable:
 - 1. Computation of total allowable sign area for the site and total area of all proposed signage.

2. A site plan indicating the location of buildings and all proposed signs;
 3. Elevation drawings of all buildings on the site on which signs are proposed to be located, with the general size and placement of signs indicated on the elevations;
 4. Drawings of generic sign types, including information on sign materials and color schemes;
 5. A written program of criteria for all sign types, including, but not limited to, number, type, location, size, height, materials, letter style, colors, and illumination; and
 6. Any additional information or materials necessary for processing and review of the application as deemed necessary by the Planning Director.
- C. **Allowable Modifications.** A PSPP may provide for additional sign area and other deviations from the standards of this chapter.
- D. **Decision-Making Authority.**
1. An application for a PSPP shall be reviewed and acted upon by the Development Review Committee .
 2. In the case of projects that require other approvals from the Planning Commission or Board of Supervisors, the decision-making authority for the other permit shall be the decision-making authority for the PSPP..
- E. **Criteria for Approval.** The decision-making authority shall only approve a PSPP if it makes all of the following findings:
1. The sign program incorporates common design elements such as sign materials, colors, and/or themes that will serve to create a coherent appearance for the site;
 2. The proposed signs will be visually compatible in style, scale, and character with on-site buildings and any surrounding structures;
 3. Building-mounted signs will be in appropriate proportion to building façades;
 4. Proposed signs will not adversely affect surrounding land uses or obscure adjacent conforming signs;
 5. Future tenants will be provided adequate opportunities to construct, erect or maintain a sign for identification;
 6. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access; and
 7. The PSPP is consistent with any adopted design guidelines or sign standards for any specific, community, or area plan covering the site.

F. **Effect of PSPP.**

1. Upon approval of a PSPP, all future signs erected in the area governed by the PSPP shall conform to the PSPP, and no permits shall be issued for signs not in conformance with the criteria of the PSPP.
2. Relief from the provisions or criteria of a PSPP may be granted only with the approval of a new PSPP.
3. If the provisions of an approved PSPP conflict with other provisions of this chapter, the PSPP shall control.

G. **Permits for Sign Within a PSPP.** Any person wishing to erect or maintain a sign within any area governed by a PSPP shall apply for a building permit and obtain a Zoning Clearance. The Zoning Administrator shall grant a clearance for individual signs consistent with the PSPP and deny an application for any sign(s) not in conformance with the criteria of an applicable PSPP.H. **Lessees to Be Informed of PSPP.** Lessees within developments subject to the requirements of an approved PSPP shall be made aware of the PSPP in their lease.**11.27.140 Non-conforming Signs**

All existing non-conforming signs shall either be removed or modified to conform with provisions of this Chapter when a change of use or occupancy, or expansion of a use is approved, except as provided below.

A. **Pole Signs.** The continued use of legally established pole signs in a Commercial District shall be permitted, provided no modification or alteration is made other than change of copy.B. **Limited Alterations.** A non-conforming sign may not be expanded, extended, reconstructed, moved, or altered in any way, except according to the following provisions.

1. Changes in sign face, copy, graphic design or color are permitted.
2. Such non-conforming sign may be removed for purposes of repair and routine maintenance, including painting, provided that such sign is replaced within 60 days of its removal.
3. Such non-conforming sign may be removed for the purpose of remodeling a building, provided that replacement occurs within 30 days after remodeling is completed.

C. **Restoration of a Damaged Sign.**

1. Whenever a lawful non-conforming sign is destroyed by fire or other calamity to an extent of 50 percent or less, the sign may be restored and the non-conforming use of the sign may be resumed, provided that restoration is started within one year and diligently pursued to completion.
2. Whenever a non-conforming sign is destroyed by fire or other calamity to a greater extent than 50 percent, or is voluntarily razed or is required by law to be razed, the sign shall not be restored except in full conformity with this Code.
3. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the sign to its condition prior to such damage or partial destruction, to the estimated cost of duplicating the entire sign as it existed prior thereto. Estimates for this

purpose shall be made or shall be reviewed and approved by the Building Official or his or her designee.

- D. **Abandonment of Non-Conforming Sign.** Whenever a non-conforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of 90 days, the non-conforming sign shall be removed.

11.27.150 Sign Maintenance

Every sign displayed within the County, including but not limited to those signs for which permits are or are not required, shall be maintained in good physical condition. All signs, together with supports, braces, anchors, and electrical components, shall be kept in a safe, presentable condition. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required. The Planning Director may order the repair or removal of any sign determined by the County to be unsafe, defective, damaged, or substantially deteriorated. The Planning Director may declare a sign abandoned if, after 90 days' written notice to the permit holder, the permit holder has failed or refused to maintain the sign. Upon such declaration, the sign may be considered abandoned and abated as provided in Section 11.27.160, Removal of Illegal Signs.

11.27.160 Removal of Illegal Signs

The following signs as described below are declared to be public nuisances and may be removed by the Planning or Building Director or his or her designated representative in accordance with the abatement procedure described in Chapter 7.36, Property Maintenance Ordinance, of the County Code.

- A. Abandoned signs (over 90 days).
- B. Destroyed or damaged signs (over 50 percent and the destruction is other than facial copy replacement).
- C. Flashing, rotating, or flying signs.
- D. Non-conforming temporary signs.
- E. Unsafe signs or any sign that constitutes a traffic hazard.
- F. Any other sign that is prohibited per Section 11.27.040, Prohibited Signs.
- G. Any sign installed after March 26, 1985 without a building permit which sign required a building permit at the time of its installation.

11.27.170 Waivers and Variances

The provisions of this Section may be waived or modified through approval of a waiver or variance where the decision-making authority finds the strict adherence to the sign regulations is not practical or will cause an undue hardship.

Chapter 11.28 Frontage Improvements

Sections:

11.28.010	Findings of Necessity, Public Interest
11.28.020	Required Construction of Curbs, Gutters, Sidewalks and Streets
11.28.030	General Provisions
11.28.040	Fees in Lieu of Construction
11.28.050	Dedications

11.28.010 Findings of Necessity, Public Interest

- A. The lack of improved sidewalks within the Valley Growth Boundary of Yuba County in many instances forces pedestrians, including school children, to walk in the streets and to be subjected to the hazards of vehicular traffic, and the lack of sidewalks during rainy weather has caused unhealthy conditions resulting from pedestrians walking through mud or water along the street or dirt sidewalks.
- B. The lack of improved curbs and gutters within the Valley Growth Boundary of Yuba County permits poor drainage, puddles of water, the accumulation of filth, and subjects pedestrians and children in the normal sidewalk area to increased risk from accidental injury by vehicular traffic.
- C. The lack of improved streets within the Valley Growth Boundary of Yuba County also permits poor drainage, puddles of water, and accumulation of filth and, in addition, impedes the operation of fire trucks, police cars and other emergency vehicles.
- D. The existence of unimproved curbs, gutters, sidewalks and streets adjoining unimproved real property dwellings and buildings within the Valley Growth Boundary of Yuba County or conversely, the lack of adequate curbs, gutters, sidewalks and streets is hereby found and declared to be prejudicial and dangerous to the public health, safety and welfare of the inhabitants of the County.
- E. Throughout the County of Yuba, in order to provide for the proper and orderly development of public road, drainage, utility, and related systems for the benefit of the public and to provide for the general welfare, health and safety of the public, it has been determined that Right of Way dedications shall be required as provided in this Chapter.

11.28.020 Required Construction of Curbs, Gutters, Sidewalks and Streets

- A. **Construction of New Buildings within the Valley Growth Boundary.** Any person who places or constructs or causes to be placed or constructed in the urban areas of Yuba County any building, dwelling, or other structure on a vacant parcel for which a building permit is required, shall construct driveways, curbs, gutters, sidewalks and streets in accordance with the County of Yuba Standard Plans and Specifications along all street frontage adjoining the property upon which building, dwelling, or other structure is constructed, unless adequate curbs, gutters, sidewalks or streets already exist. In each instance, the Department of Public Works of the County of Yuba shall determine whether or not adequate curbs, gutters, sidewalks and streets already exist, and an endorsement to that effect shall be made on each application for a building permit prior to the time such permit is issued.
- B. **Alteration, Expansion or Enlargement of Existing Buildings within the Valley Growth Boundary.** Any person who constructs or causes to be constructed any accessory building or who alters, enlarges or expands or causes to be altered, enlarged or expanded any building, dwelling, or other structure in any urban area of Yuba County where the valuation of such accessory building,

alteration, enlargement, or expansion exceeds the sum of \$25,000.00 (within a three year period), shall also construct curbs, gutters, sidewalks and streets in accordance with the County of Yuba Standard Plans and Specifications along all street frontage adjoining the property upon which such building, dwelling, or other structure is altered, enlarged, or expanded, or upon which such accessory building is constructed, unless adequate curbs, gutters, sidewalks or streets already exist. In each instance the Department of Public Works of the County of Yuba shall determine whether or not adequate curbs, gutters, sidewalks and streets already exist, and an endorsement to that effect shall be made on each application for a building permit prior to the time such permit is issued.

- C. **Use Permit or Variance.** The decision-making authority may require as a condition for the issuance of a Use Permit or Variance that the applicant for such Use Permit or Variance construct or cause to be constructed driveways, curbs, gutters, sidewalks, streets, and drainage improvements to conform to the policy provisions of the Yuba County General Plan as adopted or amended and in accordance with the County of Yuba Standard Plans and Specifications.
- D. **Waiver.** The Director of Public Works may modify, or through recordation of a Deferred Improvement Agreement, defer the requirement for curbs, gutters, sidewalks, or streets when he or she finds that any of the following conditions exist:
 - 1. The proposed improvement cannot function properly due to lack of complementary facilities on the adjacent frontage or reasonably appurtenant to such frontage, and there is no planned or budgeted work by the County or other appropriate agency to provide such complementary facilities.
 - 2. Topographical features or other physical conditions would prevent the actual installation.
 - 3. Topographical features or other physical conditions would permanently obstruct or prevent proper functioning and use of the completed improvements.
- E. **Review by Board of Supervisors.** Upon written application being made to the Board of Supervisors, the Board of Supervisors may waive or modify by resolution or minute action the requirements of the Department of Public Works when the Board of Supervisors finds that any one of the following conditions exist. The decision of the Board to approve, modify, conditionally approve, or waive the requirements of the Department of Public Works shall be final. Said conditions are as follows:
 - 1. The Board of Supervisors determines that because of lack of adequate data in regard to grades, plans or surveys, the construction of curbs, gutters and sidewalks should be deferred to a later date.
 - 2. The Board of Supervisors determines that the County or any other agency has planned or budgeted for a project encompassing the block or other appropriate unit of the area in question and the proposed improvements normally required under this chapter would conflict with such project; or such improvements could not function properly without completion of the above-mentioned project, in which event the required improvement may be deferred for a period of two years subject to the execution of an agreement providing for the installation of the improvements within such two-year period or within such period thereafter as extended by the Board of Supervisors. Such agreement shall provide that the applicant shall furnish a faithful performance bond to be approved by the Board and by its terms made to inure to the benefit of the County and conditioned upon the performance of the terms and conditions of said agreement.
 - 3. The Board of Supervisors determines that the public health, safety and welfare of the inhabitants of said county would not be endangered by the deferment of the construction of

curbs, gutters, sidewalks and streets in conjunction with the proposed construction or expansion.

11.28.030 General Provisions

The required street frontage improvements shall be designed and constructed in accordance with County standards and specifications, and shall be subject to inspection and approval by the Director of Public Works.

- A. **Arrangements for Relocation of Public Utility Facilities.** In the event that the Public Works Director determines that the contemplated construction of adequate curbs, gutters, sidewalks or streets as may be required in individual cases will necessitate the relocation or alteration of public utility facilities, including, but not limited to gas, electricity, telephone and water, said Public Works Director may require the person requesting the building permit pursuant to this chapter to produce satisfactory evidence that such person has made arrangements and financial coverages with such public utility companies for the relocation or modification of said public utility facilities.
- B. **Denial of Final Approval and Acceptance.** The Building Official shall deny final approval and acceptance and shall refuse to allow final public utility connections to any such building or structure, unless the Director Public Works determines that the installation of such improvements may be made at some future date, and in such event their construction and installation shall be guaranteed to the satisfaction of the Public Works Director or the Board of Supervisors.

11.28.040 Fees in Lieu of Construction

The Director of Public Works is empowered to collect fees in lieu of actual construction to cover the estimated costs of constructing curbs, gutters, sidewalks and streets and related improvements required by this chapter when the following conditions exist:

- A. The Director of Public Works finds that the proposed improvements will not function properly at the time of development of the property.
- B. The proposed improvements can be more economically constructed in conjunction with programmed complementary facilities that are planned to be constructed subsequent to the date of map recordation or other granting of entitlement by the County, provided that said delay would not result in any detriment to the general health, safety and welfare to the residents of the County.

11.28.050 Dedications

- A. **General.**
 - 1. ***Dedication.*** In both urban and non-urban areas of Yuba County, any person who places or constructs or causes to be placed or constructed any building, dwelling, or other structure, or any new installation for which a building permit, use permit, or other entitlement is required shall, in addition to other requirements of this chapter and subject to the requirements stated in Subsections (B) and (C) of this section, dedicate to the County sufficient right-of-way from the centerline of the roadway to bring the one-half width of the right-of-way adjoining the property upon which such building, dwelling, or other structure is constructed, to one-half of the width outlined in the Circulation section of the Community Development Element of the General Plan or the County standard plans for the particular road classification, or as approved by the Director of Public Works. Right of way section shall be full width if road bisects subject

property (i.e. property is located on both sides of the road). Such right of way dedication may be offered to County in fee or easement as determined by the Director of Public Works

2. **Setback Requirement.** In both urban and non-urban areas of Yuba County, any person who places or constructs or causes to be placed or constructed any building, dwelling, or other structure, or any new installation for which a building permit, use permit or other entitlement is required shall, in addition to other requirements of this chapter, comply with a building setback area over that portion of the property which fronts existing streets. The setback area shall be as required by the zone district that the property is located in.
- B. **Conditional Use Permits.** All Minor Use Permits and (Major) Conditional Use Permits will require dedications in accordance with Subsection (A) of this section. However for parcels having greater than 200 feet of undeveloped frontage, instead of dedications being required along the entire frontage, dedications may be limited to the frontage of that portion of the parcel being improved, except that in no case shall the length of the dedication be less than 200 feet or the width of the lot frontage, whichever is less. For parcels in which the proposed site improvements are not contiguous with the road, the Public Works Department will determine the length of the required dedication within the property limits necessary to provide for right-of-way needs for all current and future impacts produced by the project and ensure adequate right-of-way to meet future circulation needs, but in no case shall such dedication be less than 200 feet of frontage or the width of the lot frontage, whichever is less. The determination made pursuant to the preceding sentence may be appealed to the Planning Commission.
- C. **Building permits.** All building permits will require dedications in accordance with Subsection (A) of this section. However, for parcels having greater than 200 feet of undeveloped frontage, instead of dedications being required along the entire frontage, dedications may be limited to the frontage of that portion of the parcel being improved, except that in no case shall the length of dedication be less than 200 feet or the width of the lot frontage, whichever is less. For parcels in which the proposed site improvements are not contiguous with the road, the Public Works Department will determine the length of the required dedication within the property limits necessary to provide for right-of-way needs for all current and future impacts produced by the project and ensure adequate right-of-way to meet future circulation needs, but in no case shall such dedication be less than 200 feet of frontage or the width of the lot frontage, whichever is less. The determination made pursuant to the preceding portions of this subsection may be appealed to the Planning Commission.
- D. **Exemption.**
1. Right-of-way dedications shall not be required pursuant to Subsection (C) above for a building permit issued for improvements having a valuation less than \$25,000.00 (within a three year period) and provided that any building meets the building setback requirements described in Subsection (A)(2) of this section.

2.

E. **Waiver.**

1. ***Director of Public Works.*** The Director of Public Works shall have the authority to waive dedications for right-of-ways and requirement for setback width required for future right-of-way where there are existing permanent structures within these areas. The waiver shall be limited to the area necessary to preserve the existing facilities.
2. ***Board of Supervisors.*** Upon written application being made to the Board of Supervisors of the County of Yuba, the Board of Supervisors may waive or modify the dedication and setback requirements of this section upon the showing of good cause. Good cause shall be shown if a finding can be made that such action is in keeping with the purposes and intent of this section and the Yuba County General Plan.

Chapter 11.29 Underground Utility Districts

Sections:

11.29.010	Applicability
11.29.020	Procedures
11.29.030	Responsibilities
11.29.040	Extensions of Time

11.29.010 Applicability.

Urban development within the Valley Growth Boundary shall be subject to the following requirements.

- A. **Required Undergrounding of Utility Wires in District.** Whenever the Board of Supervisors creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 11.29.030, Responsibilities, hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this chapter.
- B. **Exception for Emergency or Unusual Circumstances.** Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed 10 days, without authority of the Board of Supervisors in order to provide emergency service. The Board of Supervisors may grant special permission, on such terms as the Board may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.
- C. **Other Exceptions.** This chapter and any resolution creating a District, unless otherwise provided in such resolution, does not apply to the following types of facilities:
 1. Any County facilities or equipment installed under the supervision and to the satisfaction of the Chief Building Official.
 2. Poles or electroliers used exclusively for street lighting.
 3. Overhead wires (exclusive of supporting structures) crossing any portion of a District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead and associated overhead structures are not prohibited.
 4. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.
 5. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street.

6. Antennae, associated equipment and, supporting structures used by a utility for furnishing communication services.
7. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts.
8. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

11.29.020 Procedures

- A. **Public Hearing by Board of Supervisors.** The Board of Supervisors may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the county and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The County Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least 10 days prior to the date thereof. Such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Board of Supervisors shall be final and conclusive.
- B. **Board of Supervisors may Designate by Resolution.** If after any such public hearing the Board of Supervisors finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Board of Supervisors shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.
- C. **Notice to Property Owners and Utility Companies**
 1. Within 10 days after the effective date of a resolution creating a District; the County Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution or the adoption thereof. Said County Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities of a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the County
 2. Notification by the County Clerk shall be made by mailing a copy of the resolution together with a copy of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

11.29.030 Responsibilities

- A. **Utility Companies.** If underground construction is necessary to provide utility service within an established District, the supplying utility shall furnish that portion of the conduits, conductors, and

associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission.

B. Property Owners.

1. Every person owning, operating, leasing, occupying or renting a building or structure within a District shall allow to be constructed and provide that portion of the service connection on his or her property between the facilities under responsibility of the utility companies and the termination facilities on or within said building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission, and within the ordinances and regulations of the County of Yuba. If the above is not accomplished by any person within the time provided for in the resolution establishing the District, the Chief Building Official shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll to provide the required underground facilities within 10 days after receipt of such notice.
2. The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within 48 hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the Chief Building Official shall, within 48 hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches in size, to be posted in a conspicuous place on said premises.
3. The notice given by the Chief Building Official to provide the required underground facilities shall be particularly specific that work is required to be done, and shall state that if said work is not completed within 30 days after receipt of such notice, the Chief Building Official will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.
4. If upon the expiration of the 30-day period, the said required underground facilities have not been provided, the Chief Building Official shall forthwith proceed to do the work provided, however, if such premises are unoccupied and no electric or communication services are being furnished thereto, the Chief Building Official shall in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the Chief Building Official, he or she shall file a written report with the Board of Supervisors setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Board of Supervisors shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than 10 days thereafter.
5. The Chief Building Official shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Board

of Supervisors will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

6. Upon the date and hour set for the hearing of protests, the Board of Supervisors shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.
 7. If any assessment is not paid within five days after its confirmation by the Board of Supervisors, the amount of the assessment shall become a lien upon the property against which the assessment is made by the Chief Building Official, and the Chief Building Official is directed to turn over to the County Clerk Recorder a notice of lien on each of said properties on which the assessment has not been paid and said Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per annum.
- C. **County.** The County shall remove at its own expense all County-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution establishing the District.

11.29.040 Extensions of Time

In the event that any act required by this chapter or by resolution cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

Chapter 11.30 Density Bonus Incentive Program

Sections:

11.30.080 Purpose

11.30.010 11.30.090 Applicability

The density bonuses and incentives contained in this chapter shall apply to housing developments eligible for a density bonus under state density bonus law. This chapter shall be applicable to all zoning districts that permit residential uses. When an applicant seeks a density bonus for a housing development or for the donation of land for housing within the County that meets the requirements set out in California Government Code Section 65915, the actions and procedures set out in this chapter shall apply. The density bonus provisions of California Government Code Sections 65915 et seq., as may be amended from time to time, are incorporated by reference into this chapter.

11.30.100 General Provisions

11.30.110 Qualifying Projects

11.30.020 11.30.120 Density Bonus Allowance for Housing Development with Affordable Housing Component

- A. As demonstrated in Table 11.30.050-1, the amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentages below. The applicant may also elect to accept a lesser percentage of density bonus.
- B. Density bonus units authorized by this chapter shall not be included when determining the number of target units required to qualify for a density bonus.
- C. All density calculations resulting in fractional units shall be rounded up to the next whole number.
- D. For a housing development set to be 100-percent affordable to lower-income households, exclusive of managers' units, refer to Section 11.30.100.

<u>HOUSEHOLD INCOME CATEGORY</u>	<u>MINIMUM PERCENT OF AFFORDABLE UNITS</u>	<u>MINIMUM DENSITY BONUS</u>	<u>ADDITIONAL DENSITY BONUS FOR EACH 1% INCREASE IN AFFORDABLE UNITS</u>	<u>MAXIMUM PERCENT OF AFFORDABLE UNITS</u>	<u>MAXIMUM POSSIBLE DENSITY BONUS</u>
<u>Affordable Housing Development</u>					
<u>Very Low Income</u>	<u>5%</u>	<u>20%</u>	<u>2.5%; 3.75% for each unit greater than 12</u>	<u>15%</u>	<u>50%</u>
<u>Low Income</u>	<u>10%</u>	<u>20%</u>	<u>1.5%; 3.75% for each unit greater than 21</u>	<u>24%</u>	<u>50%</u>
<u>Moderate Income (Common Interest Developments)</u>	<u>10%</u>	<u>5%</u>	<u>1%; 3.75% for each unit greater than 41</u>	<u>44%</u>	<u>50%</u>
<u>100-Percent Affordable Housing Development</u>					
<u>Lower Income, including up to 20% moderate-</u>	<u>100%</u>	<u>80% density bonus if not within half-mile of a major transit stop; No maximum if within half-mile of a major transit stop</u>			

<u>HOUSEHOLD INCOME CATEGORY</u>	<u>MINIMUM PERCENT OF AFFORDABLE UNITS</u>	<u>MINIMUM DENSITY BONUS</u>	<u>ADDITIONAL DENSITY BONUS FOR EACH 1% INCREASE IN AFFORDABLE UNITS</u>	<u>MAXIMUM PERCENT OF AFFORDABLE UNITS</u>	<u>MAXIMUM POSSIBLE DENSITY BONUS</u>
<u>Income units</u>					

11.30.030 Allowed Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility

A. A density increase may be granted provided that all of the following criteria are met:

1. Compliance with Section 11.30.040 (Government Code Section 65915(h)(1)).
2. The housing development must include a childcare facility that will be located on the premises of, as part of, or adjacent to, the housing development (Government Code Section 65915(h)(1)).
3. Approval of the housing development must be conditioned to ensure that both of the following occur:
 - a. The childcare facility must remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable, pursuant to Section 11.30.130.B (Government Code Section 65915(h)(2)(A)).
 - b. Of the children who attend the childcare facility, the children of very low-income households, low-income households, or moderate-income households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required under the respective minimum affordable housing component income category for which the density bonus is sought (Government Code Section 65915(h)(2)(B)).
4. The County has not made a finding based upon substantial evidence that the community has adequate childcare facilities (Government Code Section 65915(h)(3)).

B. If the requirements of Subsection 11.30.060.A are met, then an applicant for a housing development with an affordable housing component and childcare facility is entitled to:

1. A density bonus pursuant to Section 11.30.050 (Density Bonus Allowance for Housing Development with Affordable Housing Component); and
2. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility (Government Code Section 65915(h)(1)(A)).

11.30.040 Allowed Density Bonus for Senior Citizen Housing Development

An applicant for a senior citizen housing development or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5 is entitled to a density bonus of 20 percent of the number of senior citizen housing development units and up to a maximum of 50 percent (Government Code Section 65915(b)(1)(C) and (f)(3)).

11.30.050 Allowed Density Bonus for Land Donations

- A. For a density bonus for a qualified land donation to be granted pursuant to Subsection 11.30.080.B, all the requirements of this section must be met.
1. The applicant must be applying for a tentative subdivision map, parcel map, or other residential development approval (Government Code Section 65915(g)(1)).
 2. The application must include at least a 10-percent minimum affordable housing component for very low-income households (Government Code Section 65915(g)(1)).
 3. The applicant must agree to donate and transfer qualified land, which is land that meets both the following criteria:
 - a. The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed development pursuant to Section 8116-2.5.1(a) (Government Code Section 65915(g)(2)(B)).
 - b. The transferred land must be at least 1 acre in size or of sufficient size to permit development of at least 40 units, have the appropriate General Plan land use designation, be appropriately zoned with development standards for development at the density described in Government Code Section 65583.2(c)(3), and is or will be served by adequate public facilities and infrastructure (Government Code Section 65915(g)(2)(C)).
 4. The qualified land must be transferred to the County or to a housing developer approved by the County. The County may require the applicant to identify and transfer the land to an approved housing developer (Government Code Section 65915(g)(2)(F)).
 5. The qualified land must have all of the permits and approvals, other than Building Permits, necessary for the development of the very low-income housing affordable units on the qualified land, not later than the date of approval of the final subdivision map, parcel map, or residential development application filed. However, the County may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(i) if the design is not reviewed by the County prior to the time of transfer (Government Code Section 65915(g)(2)(D)).
 6. The qualified land must be donated and transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application (Government Code Section 65915(g)(2)(A)).
 7. The qualified land and the affordable units must be subject to a deed restriction ensuring continued affordability of the units consistent with Section 11.30.060 (Allowed Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility) or Section 11.30.100 (Allowed Density Bonus for 100-Percent Affordable Housing Development), which must be recorded against the qualified land at the time of the transfer (Government Code Section 65915(g)(2)(E)).
 8. The qualified land must be within the boundary of the proposed development or, if the County agrees, within 0.25 mile of the boundary of the proposed development (Government Code Section 65915(g)(2)(G)).
 9. A proposed source of funding for the very low-income household units must be identified not later than the date of approval of the final subdivision map, parcel map, or residential

development application (Government Code Section 65915(g)(2)(H)).

- B. If the requirements of Subsection 11.30.080.A are satisfied, the applicant shall be entitled to at least a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows in Table 11.30.80-1 (Government Code Section 65915(g)(1)):

Table 11.30.080-1 Density Bonus Allowances for Qualified Land Donation Projects				
<u>HOUSEHOLD INCOME CATEGORY</u>	<u>MINIMUM PERCENT OF VERY LOW-INCOME UNITS</u>	<u>DENSITY BONUS</u>	<u>ADDITIONAL DENSITY BONUS FOR EACH 1% INCREASE IN VERY LOW-INCOME UNITS</u>	<u>MAXIMUM POSSIBLE DENSITY BONUS</u>
<u>Very Low-Income Housing</u>	<u>10% of entire development</u>	<u>15%</u>	<u>1%</u>	<u>50% (max. combined)</u>

11.30.060 Allowed Density Bonus for Floor Area Ratio

A floor area ratio density bonus may be granted to an eligible housing development, upon request of the developer, in lieu of a density bonus awarded on the basis of dwelling units per acre.

- A. In calculating the floor area ratio bonus pursuant to this section, the allowable gross residential area in square feet shall be the product of all of the following amounts:
1. The allowable residential base density in dwelling units per acre.
 2. The site area in square feet, divided by 43,560.
 3. 2,250.
- B. The County Board of Supervisors shall not impose any parking requirement on an eligible housing development in excess of 0.1 parking spaces per 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 per unit that is offered at market rate.
- C. An applicant seeking to develop an eligible residential development shall be allowed to calculate impact fees based on square feet, instead of on a per-unit basis.
- D. If an eligible housing development is zoned for mixed-use purposes, any floor area ratio requirement under a zoning ordinance or land use element of the General Plan applicable to the nonresidential portion of the eligible residential development shall continue to apply, notwithstanding the award of a floor area ratio bonus in accordance with this section.

An applicant for a floor area ratio bonus may also submit to the County a proposal for specific incentives or concessions, pursuant to Section 11.30.130.

11.30.070 Allowed Density Bonus for 100-Percent Affordable Housing Development

- A. A density bonus shall be provided to a developer who agrees to construct a housing development in which 100 percent of the total units, including total units and density bonus units, exclusive of managers' units, are for lower-income households. Up to 20 percent of the total units may be designated moderate-income households.
- B. A housing development that meets these criteria shall receive the following density bonus:
1. If not within a half-mile of a major transit stop: 80 percent

2. If located within a half-mile of a major transit stop: No maximum controls on density
Additional Incentives or Concessions~~Additional Incentives or Concessions~~

11.30.190 Maximum Parking Requirements

11.30.200 Appeals

~~11.30.010~~11.30.080 Purpose

- A. To implement state legislation (Government Code § 65915) intending that density bonuses and other incentives contribute significantly to the economic feasibility ~~of very low, lower, and moderate income and senior households~~ housing that is affordable to the types of household and qualifying residents identified in Section 11.30.040 (Qualifying Projects). If any provision of this chapter conflicts with state law, the latter shall control. Applicable statutes shall be consulted for amendments prior to applying the provisions in this chapter. The County reserves the right to review applications for a density bonus in accordance with state density bonus law.
- B. To provide both owner-occupied and rental housing units that are affordable to all households, particularly to those of very low, lower, moderate income families, and senior citizens in a manner that will protect the health, safety, and general welfare of the residents of Yuba County.

~~11.30.090~~ Applicability

The density bonuses and incentives contained in this chapter shall apply to housing developments eligible for a density bonus under state density bonus law. This chapter shall be applicable to all zoning districts that permit residential uses. When an applicant seeks a density bonus for a housing development or for the donation of land for housing within the County that meets the requirements set out in California Government Code Section 65915, the actions and procedures set out in this chapter shall apply. The density bonus provisions of California Government Code Sections 65915 et seq., as may be amended from time to time, are incorporated by reference into this chapter.

~~11.30.020~~ Applicable Zoning Districts

~~This chapter shall be applicable to all zoning districts that permit residential uses.~~

~~11.30.100~~ General Provisions

- A. The granting of a density bonus shall not require a General Plan amendment, Zoning Map amendment, Zoning Code amendment, or other discretionary approval. If approval of the base units in the project (without the bonus units) requires discretionary review that shall be conducted without considering the bonus units.

~~A conditional use permit application and supplemental questionnaire shall be utilized to request a density increase or other incentives under this chapter.~~

- B. Application fees shall be collected in accordance with Section 11.57.040. If an application for a density bonus requires an unusual amount or specialized type of study or evaluation by County staff, consultant or legal counsel, County staff shall estimate the cost thereof and require the applicant to pay an additional fee or make one or more deposits to pay such cost before the study or evaluation is begun. On completion of the study or evaluation, and before the Board of Supervisors decides the application, County staff shall determine the actual cost of the work and the difference between the actual cost and the amount paid by the applicant and shall require the applicant to pay any deficiency or shall refund to the applicant any excess.

- ~~C. A proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Government Code Section 65915(d).~~
- ~~A. The County shall require the execution of an affordability agreement with the developer as a condition of approval. Said agreement shall include, but not limited to, the following:~~
- ~~1. Term of agreement.~~
 - ~~2. Description of project including location, number of total units (including bedrooms) and number of reserved affordable units (including bedrooms).~~
 - ~~3. Standards for qualifying household incomes and maximum rents or sale prices.~~
 - ~~4. Process used of how vacancies will be marketed and filled.~~
 - ~~5. Enforcement mechanisms restricting reserved affordable units upon sale or transfer~~
- ~~D. Process used to monitor and enforce affordability of reserved units. The density bonus market developer may locate the density bonus units in areas on the project site other than where the units for the lower-income households are located in the housing project. rate units may be permitted on parcels other than where the restricted units are located.~~
- ~~E. The development shall conform to all lot area, yard, building height and set back, sign, wall and fence, landscaping and sidewalk, and parking standards contained in the underlying zone, except as listed in Section 11.30.110(A).~~
- ~~F. The development shall be connected to and served by a publicly owned and operated sanitary sewer system, piped community water system and storm water drainage facilities.~~
- ~~G. The County shall, within 90 days of receipt of a written proposal, notify the housing developer of the County's preliminary response and schedule a meeting with the applicant to discuss the proposal and the County's preliminary response in writing of the procedures under which it will comply with Government Code § 65915 (Government Code Section 65915.5(d)).~~

H. Decisions are final unless an appeal is filed pursuant to the procedures of Section 11.53.150, Appeals and Calls for Review.

~~11.30.030~~11.30.110 **Density Bonuses and Qualifying Projects**

A. Density bonuses are available to affordable housing developers for developments with five or more dwelling units in accordance with this chapter for the following:

1. Housing developments that include a minimum affordable housing component (Section 11.30.050 and Section 11.30.140(A)).
2. Housing developments that include a minimum affordable housing component and a childcare facility (Section 11.30.060).
3. Senior citizen housing developments (Section 11.30.070).
4. Land donations for very low-income housing (Section 11.30.080).
5. One hundred (100)-percent affordable housing development, except that up to 20 percent of the total units in the development may be for moderate-income households (Section 11.030.100).

B. For the purpose of calculating a density bonus, the residential units must be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels (Government Code Section 65915(i)).

A. ~~A density increase may be granted if a conditional use permit has first been secured in accordance with Chapter 11.57, Use Permits and provided that all of the following criteria are met:~~

1. ~~A "density bonus" means a density increase of at least 20 percent, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentages below. For each one percent increase above ten percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of 35 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number. If an applicant agrees or proposes to construct a condominium project as defined in Civil Code § 1351(f) or a planned development as defined in Civil Code § 1351(k), in which at least ten percent of the total dwelling units are reserved for persons and families of moderate income, as defined in Health and Safety Code § 50093, a "density bonus" of at least five percent shall be granted. For each one percent increase above ten percent of the percentage of units affordable to moderate income households, the density bonus shall be increased by one percent up to a maximum of 35 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number.~~
2. ~~The development must consist of five or more dwelling units.~~
3. ~~The developer shall agree to construct at least ten percent of the total units of the housing development for low income households as defined in Health and Safety Code § 50079, or~~

4. ~~Five percent of the total units for very low income households as defined in Health and Safety Code § 50105, or~~
5. ~~Agrees to construct a senior housing development as defined in Civil Code §§ 51.3 and 51.12, or~~
6. ~~Ten percent of the total dwelling units in a common interest development as defined in Civil Code § 1351 for families of moderate income as defined in Health and Safety Code § 50093, or~~
7. ~~An applicant for a tentative subdivision map, parcel map, or other residential development approval donates land suitable for the construction of affordable housing to the County as provided for in the subdivision, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan for the entire development. For each one percent increase above the minimum ten percent land donation described below the density bonus shall be increased by one percent, up to a maximum of 35 percent. An applicant shall be eligible for the increased density bonus described in this Subsection if all of the following conditions are met:~~
 - a. ~~The applicant 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 lands being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent of the number of residential units of the proposed development.~~
 - c. ~~The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.~~
 - d. ~~The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Subsection b. above, which shall be recorded on the property at the time of dedication.~~
 - e. ~~The land is transferred to the County or to a housing developer approved by the County. The County may require the applicant to identify and transfer the land to the developer.~~
 - f. ~~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.~~
8. ~~An applicant proposes to construct a housing development that conforms to the requirements of Subsection b. and includes a child care facility that meets the requirements of Government Code § 65915, and that will be located on the premises of, as part of, or adjacent to the project, in which case the County shall grant either of the following:~~
 - a. ~~An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.~~

- ~~b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.~~
- ~~9. As a condition of approving the housing development the following shall occur:~~
- ~~a. The target units are affordable for a minimum term of 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.~~
- ~~b. Of the children who attend the child care facility, the children of 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 very low income households, lower income households, or families of moderate income.~~

11.30.120 Density Bonus Allowance for Housing Development with Affordable Housing Component

- ~~E. As demonstrated in Table 11.30.050-1, the amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentages below. The applicant may also elect to accept a lesser percentage of density bonus.~~
- ~~F. Density bonus units authorized by this chapter shall not be included when determining the number of target units required to qualify for a density bonus.~~
- ~~G. All density calculations resulting in fractional units shall be rounded up to the next whole number.~~
- ~~H. For a housing development set to be 100-percent affordable to lower-income households, exclusive of managers' units, refer to Section 11.30.100.~~

<u>HOUSEHOLD INCOME CATEGORY</u>	<u>MINIMUM PERCENT OF AFFORDABLE UNITS</u>	<u>MINIMUM DENSITY BONUS</u>	<u>ADDITIONAL DENSITY BONUS FOR EACH 1% INCREASE IN AFFORDABLE UNITS</u>	<u>MAXIMUM PERCENT OF AFFORDABLE UNITS</u>	<u>MAXIMUM POSSIBLE DENSITY BONUS</u>
<u>Affordable Housing Development</u>					
<u>Very Low Income</u>	<u>5%</u>	<u>20%</u>	<u>2.5%; 3.75% for each unit greater than 12</u>	<u>15%</u>	<u>50%</u>
<u>Low Income</u>	<u>10%</u>	<u>20%</u>	<u>1.5%; 3.75% for each unit greater than 21</u>	<u>24%</u>	<u>50%</u>
<u>Moderate Income (Common Interest Developments)</u>	<u>10%</u>	<u>5%</u>	<u>1%; 3.75% for each unit greater than 41</u>	<u>44%</u>	<u>50%</u>
<u>100-Percent Affordable Housing Development</u>					
<u>Lower Income, including up to 20% moderate- income units</u>	<u>100%</u>	<u>80% density bonus if not within half-mile of a major transit stop; No maximum if within half-mile of a major transit stop</u>			

11.30.130 Allowed Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility

- ~~C. A density increase may be granted provided that all of the following criteria are met:~~

1. Compliance with Section 11.30.040 (Government Code Section 65915(h)(1)).
 2. The housing development must include a childcare facility that will be located on the premises of, as part of, or adjacent to, the housing development (Government Code Section 65915(h)(1)).
 3. Approval of the housing development must be conditioned to ensure that both of the following occur:
 - a. The childcare facility must remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable, pursuant to Section 11.30.130.B (Government Code Section 65915(h)(2)(A)).
 - b. Of the children who attend the childcare facility, the children of very low-income households, low-income households, or moderate-income households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required under the respective minimum affordable housing component income category for which the density bonus is sought (Government Code Section 65915(h)(2)(B)).
 4. The County has not made a finding based upon substantial evidence that the community has adequate childcare facilities (Government Code Section 65915(h)(3)).
- D. If the requirements of Subsection 11.30.060.A are met, then an applicant for a housing development with an affordable housing component and childcare facility is entitled to:
1. A density bonus pursuant to Section 11.30.050 (Density Bonus Allowance for Housing Development with Affordable Housing Component); and
 2. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility (Government Code Section 65915(h)(1)(A)).

11.30.140 Allowed Density Bonus for Senior Citizen Housing Development

An applicant for a senior citizen housing development or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5 is entitled to a density bonus of 20 percent of the number of senior citizen housing development units and up to a maximum of 50 percent (Government Code Section 65915(b)(1)(C) and (f)(3)).

11.30.150 Allowed Density Bonus for Land Donations

- C. For a density bonus for a qualified land donation to be granted pursuant to Subsection 11.30.080.B, all the requirements of this section must be met.
1. The applicant must be applying for a tentative subdivision map, parcel map, or other residential development approval (Government Code Section 65915(g)(1)).
 2. The application must include at least a 10-percent minimum affordable housing component for very low-income households (Government Code Section 65915(g)(1)).
 3. The applicant must agree to donate and transfer qualified land, which is land that meets both the following criteria:
 - a. The developable acreage and zoning classification of the land being transferred

- must be sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed development pursuant to Section 8116-2.5.1(a) (Government Code Section 65915(g)(2)(B)).
- b. The transferred land must be at least 1 acre in size or of sufficient size to permit development of at least 40 units, have the appropriate General Plan land use designation, be appropriately zoned with development standards for development at the density described in Government Code Section 65583.2(c)(3), and is or will be served by adequate public facilities and infrastructure (Government Code Section 65915(g)(2)(C)).
4. The qualified land must be transferred to the County or to a housing developer approved by the County. The County may require the applicant to identify and transfer the land to an approved housing developer (Government Code Section 65915(g)(2)(F)).
5. The qualified land must have all of the permits and approvals, other than Building Permits, necessary for the development of the very low-income housing affordable units on the qualified land, not later than the date of approval of the final subdivision map, parcel map, or residential development application filed. However, the County may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(i) if the design is not reviewed by the County prior to the time of transfer (Government Code Section 65915(g)(2)(D)).
6. The qualified land must be donated and transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application (Government Code Section 65915(g)(2)(A)).
7. The qualified land and the affordable units must be subject to a deed restriction ensuring continued affordability of the units consistent with Section 11.30.060 (Allowed Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility) or Section 11.30.100 (Allowed Density Bonus for 100-Percent Affordable Housing Development), which must be recorded against the qualified land at the time of the transfer (Government Code Section 65915(g)(2)(E)).
8. The qualified land must be within the boundary of the proposed development or, if the County agrees, within 0.25 mile of the boundary of the proposed development (Government Code Section 65915(g)(2)(G)).
9. A proposed source of funding for the very low-income household units must be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application (Government Code Section 65915(g)(2)(H)).
- D. If the requirements of Subsection 11.30.080.A are satisfied, the applicant shall be entitled to at least a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows in Table 11.30.80-1 (Government Code Section 65915(g)(1)):

Table 11.30.080-1 Density Bonus Allowances for Qualified Land Donation Projects				
<u>HOUSEHOLD INCOME CATEGORY</u>	<u>MINIMUM PERCENT OF VERY LOW-INCOME UNITS</u>	<u>DENSITY BONUS</u>	<u>ADDITIONAL DENSITY BONUS FOR EACH 1% INCREASE IN VERY LOW-INCOME UNITS</u>	<u>MAXIMUM POSSIBLE DENSITY BONUS</u>
<u>Very Low-Income Housing</u>	<u>10% of entire development</u>	<u>15%</u>	<u>1%</u>	<u>50% (max. combined)</u>

11.30.160 Allowed Density Bonus for Floor Area Ratio

A floor area ratio density bonus may be granted to an eligible housing development, upon request of the developer, in lieu of a density bonus awarded on the basis of dwelling units per acre.

E. In calculating the floor area ratio bonus pursuant to this section, the allowable gross residential area in square feet shall be the product of all of the following amounts:

4. The allowable residential base density in dwelling units per acre.

5. The site area in square feet, divided by 43,560.

6. 2,250.

F. The County Board of Supervisors shall not impose any parking requirement on an eligible housing development in excess of 0.1 parking spaces per 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 per unit that is offered at market rate.

G. An applicant seeking to develop an eligible residential development shall be allowed to calculate impact fees based on square feet, instead of on a per-unit basis.

H. If an eligible housing development is zoned for mixed-use purposes, any floor area ratio requirement under a zoning ordinance or land use element of the General Plan applicable to the nonresidential portion of the eligible residential development shall continue to apply, notwithstanding the award of a floor area ratio bonus in accordance with this section.

An applicant for a floor area ratio bonus may also submit to the County a proposal for specific incentives or concessions, pursuant to Section 11.30.130.

11.30.170 Allowed Density Bonus for 100-Percent Affordable Housing Development

C. A density bonus shall be provided to a developer who agrees to construct a housing development in which 100 percent of the total units, including total units and density bonus units, exclusive of managers' units, are for lower-income households. Up to 20 percent of the total units may be designated moderate-income households.

D. A housing development that meets these criteria shall receive the following density bonus:

1. If not within a half-mile of a major transit stop: 80 percent

2. If located within a half-mile of a major transit stop: No maximum controls on density

~~11.30.040~~11.30.180 Additional Incentives or Concessions

The following additional incentives or concessions requested by an applicant shall be granted provided the developer agrees to construct affordable housing units in accordance with Section 11.30.040 unless the County makes the necessary findings contained in Government Code § 65915(d), (i).

A. **Affordable Housing Incentives.** Government Code Subsections 65915(d), (j), (k) and (l) govern the following provisions regarding affordable housing incentives.

1. Subject to Section 11.30.110.C (Criteria for Denial of Application for Incentives), all of the following applicable requirements must be satisfied to be granted an incentive(s) pursuant to Subsection 11.30.110.A.1 and Section 11.30.110.B (Number of Incentives Granted):

- a. The applicant for an incentive must also be an applicant for a density bonus and qualify for a density bonus pursuant to Section 11.30.040 (Government Code Section 65915(d)(1)).
 - b. A specific written proposal for an incentive(s) must be submitted with the application for density bonus (Government Code Section 65915(b)(1) and (d)(1)).
 - c. If an incentive(s) pursuant to Section 11.30.110 is sought, the applicant must establish that each requested incentive would result in identifiable, financially sufficient, and actual cost reductions for the qualified housing development (Government Code Section 65915(k)(1) & (3)).
 - d. If an incentive(s) pursuant to Section 11.30.110 is sought, the applicant must establish that requirements of that section are met (Government Code Section 65915(k)(2)).
 - e. If an additional incentive for a childcare facility is sought pursuant to Subsection 11.30.060.B, the applicant must establish that requirements of that section are met (Government Code Section 65915(h)(1)(B)).
 - f. The granting of an incentive shall not be interpreted, in and of itself, to require a General Plan Amendment, Zoning Change, or other discretionary approval (Government Code Section 65915(j)). An incentive is applicable only to the project for which it is granted. An applicant for an incentive may request a meeting with the County and, if requested, the County will meet with the applicant to discuss the proposal (Government Code Section 65915(d)(1)).
2. For the purposes of this chapter, “incentive” means any of the following:
- a. A reduction in site development standards or a modification of Development Code requirements or design guidelines that exceed the minimum building standards approved by the California Building Standards Commission, as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions (Government Code Section 65915(k)(1)).
 - b. Approval of mixed-use zoning in conjunction with the qualified housing development if commercial, office, industrial, or other land uses will reduce the cost of the qualified housing development and if the commercial, office, industrial, or other land uses are compatible with the qualified housing development and the existing or planned development in the area where the proposed qualified housing development will be located (Government Code Section 65915(k)(2)).
 - c. Other regulatory incentives proposed by the affordable housing developer or the County that result in identifiable, financially sufficient, and actual cost reductions (Government Code Section 65915(k)(3)).
 - d. Nothing in this section limits or requires the provision of direct financial incentives by the County for the qualified housing development, including the provision of publicly owned land, or the waiver of fees or dedication requirements (Government Code Section 65915(l)).
- B. Number of Incentives Granted.** Subject to Section 11.30.110.C (Criteria for Denial of

Application for Incentives), the applicant who meets the requirements of Section 11.30.040 shall receive the following number of incentives and as shown in Table 11.30.110-1.

1. One incentive for qualified housing development projects that include at least 5 percent for very low-income households, at least 10 percent of the total units for lower-income households, or at least 10 percent for persons and families of moderate-income households in a common interest development (Government Code Section 65915(d)(2)(A)).
2. Two incentives for qualified housing development projects that include at least 10 percent for very low-income households, at least 17 percent of the total units for low-income households, or at least 20 percent for persons and families of moderate-income households in a common interest development (Government Code Section 65915(d)(2)(B)).
3. Three incentives for qualified housing development projects that include at least 15 percent for very low-income households, at least 24 percent of the total units for lower-income households, or at least 30 percent for persons and families of moderate-income households in a common interest development (Government Code Section 65915(d)(2)(C)).
4. Four incentives or concessions for qualified housing development projects that include 100-percent affordable units, except that up to 20 percent of the total units in the development may be for moderate-income households. If the project is located within 0.5 mile of a major transit stop, the project is also eligible to receive a height increase of up to three additional stories, or 33 feet.
5. A qualified housing development proposal that includes a childcare facility shall be granted an additional incentive that contributes significantly to the economic feasibility of the construction of the childcare facility (Government Code Section 65915(h)(1)(B)).

Table 11.30.110-1 Incentive Allowances for Qualified Housing Developments					
<u>INCOME CATEGORY</u>	<u>MINIMUM % OF AFFORDABLE UNITS</u>				<u>MAJOR TRANSIT STOP</u>
<u>Very Low Income</u>	<u>5%</u>	<u>10%</u>	<u>15%</u>	<u>80%</u>	<u>Within 0.5 mile</u>
<u>Low Income</u>	<u>10%</u>	<u>20%</u>	<u>30%</u>		
<u>Common Interest Development (Moderate-Income)</u>	<u>10%</u>	<u>20%</u>	<u>30%</u>	<u>20%</u>	
<u>Incentives Allowed</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>41</u>	<u>---</u>
<u>1. See additional incentives in Section 11.30.110(B)(4).1</u>					

C. **Criteria for Denial of Application for Incentives.** Except as otherwise provided in this chapter or by state law, if the requirements of Section 11.30.110.A are met, the County shall grant the incentive(s) that are authorized by Section 11.30.110 unless a written finding, based upon substantial evidence, is made with respect to any of the following, in which case the County may refuse to grant the incentive(s):

1. The incentive is not required to provide affordable housing costs or affordable rents for the affordable units subject to the qualified housing development application (Government Code Section 65915(d)(1)(A)).
2. The incentive would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse

impact without rendering the development unaffordable to low- and moderate-income households (Government Code Sections 65915(d)(1)(B) and 65915 (d)(3)).

3. The incentive would be contrary to state or federal law (Government Code Section 65915(d)(1)(C)).
4. The community has adequate childcare facilities, in which case the additional incentive for a childcare facility, pursuant to Subsection 11.30.060, may be denied (Government Code Section 65915(h)(3)).

D. Requirements for Waiver or Modification of Development Standards

1. To qualify for a waiver or reduction of one or more development standards, the applicant must submit a written application (together with an application for a qualified housing development) that states the specific development standard(s) sought to be modified or waived and the basis of the request (Government Code Section 65915(e)(1)). An applicant for a waiver or modification of development standard(s) pursuant to this section may request a meeting with the County to review the proposal. If requested, the County shall meet with the applicant (Government Code Section 65915(e)(1)). An application for the waiver or reduction of development standard(s) pursuant to this section shall neither reduce nor increase the number of incentives to which the applicant is entitled pursuant to Section 11.30.110.B (Government Code Section 65915(e)(2)).
2. All of the following findings must be made for each waiver or reduction requested:
 - a. The development standard for which a waiver or reduction is requested will have the effect of physically precluding the construction of the proposed qualified housing development at the densities or with the incentives permitted under this chapter (Government Code Section 65915(e)(1)).
 - b. The requested waiver or reduction of a development standard will not have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the health, safety, and/or physical environment or, if such a specific, adverse impact exists, there is a feasible method to satisfactorily mitigate or avoid the specific, adverse impact (Government Code Section 65915(e)(1)).
 - c. The requested waiver or reduction of a development standard will not have an adverse impact on any real property that is listed in the California Register of Historical Resources (Government Code Section 65915(e)(1)).
 - d. The requested waiver or reduction of a development standard is not contrary to state or federal law (Government Code Section 65915(e)(1)).
3. If the requirements of Subsection 11.30.110.D.1 and 2. are satisfied, the application for waiver or modification of development standard(s) shall be granted, and the County shall not apply a development standard that will have the effect of physically precluding the construction of a qualified housing development at the densities or with the incentives permitted by this chapter (Government Code Section 65915(e)(1)).

A housing development that receives a waiver from any maximum controls on density shall only be eligible for a waiver or reduction of development standards pursuant to Section 11.30.110.D.1 and 2. unless the County agrees to additional waivers or reductions of development standards (Government Code Section 65915(e)(3)).

A. The applicant shall receive the following number of incentives or concessions:

1. One incentive or concession for projects that include at least ten percent of the total units for lower income households, at least five percent for very low income households, or at least ten

~~percent for persons and families of moderate income in a condominium or planned development.~~

- ~~2. Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least ten percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development.~~
- ~~3. Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or planned development.~~

~~B. For the purpose of this chapter, concession or incentive means any of the following:~~

- ~~1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in the Health and Safety Code Div. 13, Pt. 2.5 (Health and Safety Code § 18901 et seq.), including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.~~
- ~~2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.~~
- ~~3. Other regulatory incentives or concessions proposed by the developer or the County that result in identifiable, financially sufficient, and actual cost reductions.~~

~~11.30.050~~11.30.190 **Maximum Parking Requirements**

- ~~A. Parking standard modifications pursuant to Subsection 11.30.120.B are available only for qualified housing developments. An application for parking standard modifications stating the specific modification requested pursuant to Subsection 11.30.120.B must be submitted with the qualified housing development application (Government Code Section 65915(p)(3)).~~
- ~~B. The maximum parking requirements, inclusive of parking for persons with a disability and guests, of a development meeting the criteria of Section 11.25.020 shall not exceed the following ratios if the applicant requests the use of such alternative standards:~~
 - ~~1. Zero to one bedroom: one on-site parking space.~~
 - ~~2. Two to three bedrooms: one and one-half on-site parking spaces.~~
 - ~~3. Four or more bedrooms: two and one-half parking spaces.~~
- ~~C. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.~~
- ~~D. For purposes of this subsection, a development may provide “on-site parking” through tandem parking or uncovered parking, but not through on-street parking.~~

- E. **Exceptions.** Upon request of the applicant, the following maximum parking standards shall apply, inclusive of parking for persons with a disability and guest parking, to the entire housing development subject to this chapter, as required by Government Code Section 65915(p)(2):
1. A maximum of 0.5 parking spaces per bedroom shall apply when all the following conditions apply:
 - a. The development includes at least 20-percent low-income units or at least 11-percent very low-income units provided for in Section 11.30.050 (Density Bonus Allowance for Housing Development with Affordable Housing Component). The development is located within 0.5 mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development.
 2. No parking ratio shall apply when all of the following conditions apply:
 - a. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code and the development meets either of the following criteria:
 - i. The development is located within one-half-mile of a major transit stop and there is unobstructed access to the major transit stop from the development.
 - ii. The development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code and the development has either paratransit service or unobstructed access, within one-half-mile, to fixed bus route service that operates at least eight times per day.
 - b. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code, and the development is either a special-needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code. A development that is a special-needs housing development shall have either paratransit service or unobstructed access, within one-half-mile, to fixed bus route service that operates at least eight times per day.
- F. If the total number of parking spaces required for the qualified housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, "on-site parking" may be provided through tandem parking or uncovered parking, but not through on-street parking (Government Code Section 65915(p)(2)).
- G. Except as otherwise provided in this section, all other provisions of Chapter 11.25.040 (Parking Space Requirements) applicable to residential development apply.
- H. An applicant may request additional parking incentives beyond those provided in this section if applied for pursuant to Section 11.30.110 (Government Code Section 65915(p)(3)).
- I. Notwithstanding allowances in Subsection 11.30.120.C, if the County or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven years, then the County may impose a higher vehicular parking ratio not to exceed the ratio described previously in Subsection 11.30.120.B, based on substantial evidence found in the parking study that includes, but

is not limited to, an analysis of parking availability, differing levels of transit access, walkability to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low-income individuals, including seniors and special-needs individuals. The County shall pay the costs of any new study. The County shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

~~The maximum parking requirements, inclusive of handicapped and guest parking, of a development meeting the criteria of Section 11.24.030 shall not exceed the following ratios if the applicant requests the use of such alternative standards:~~

- ~~A. Zero to one bedrooms: one on-site parking space.~~
- ~~B. Two to three bedrooms: two on-site parking spaces.~~
- ~~C. Four or more bedrooms: two and one-half parking spaces.~~
- ~~D. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this Subsection, a development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking.~~

11.30.200 Density Bonus and Affordable Housing Incentive Program

- ~~A. **Project Design and Phasing.** Projects seeking an affordable housing benefit pursuant to this chapter must comply with the following requirements, unless otherwise specified in writing by the County:~~
 - ~~1. **Location/Dispersal of Units.** Affordable units shall be reasonably dispersed throughout the development where feasible and shall contain, on average, the same (or greater) number of bedrooms as the market-rate units.~~
 - ~~2. **Phasing.** If a project is to be developed in phases, each phase must contain the same or substantially similar proportion of affordable units and market-rate units.~~
 - ~~3. **Exterior Appearance.** The exterior appearance and quality of the affordable units must be similar to the market-rate units. The exterior materials and improvements of the affordable units must be similar to, and architecturally compatible with, the market-rate units.~~
- ~~B. **Application Requirements.** An application for one or more affordable housing benefits must be submitted as follows:~~
 - ~~1. Each affordable housing benefit requested must be specifically stated in writing on the application form provided by the County.~~
 - ~~2. The application must include the information and documents necessary to establish that the requirements of this chapter are satisfied for each affordable housing benefit requested, including:~~
 - ~~a. For density bonus requests, that the requirements of Section 11.30.040 are met;~~
 - ~~b. For incentive requests, that the requirements of Section 11.30.110 are met;~~
 - ~~c. For development standard waiver or modification requests, that the requirements of Section 11.30.110.D are met; and/or~~
 - ~~d. For parking standard modification requests, that the requirements of Section~~

11.30.120 are met.

3. The application must be submitted concurrently with a complete application for a qualified housing development. When notifying the applicant for a density bonus whether the application is complete, the County shall also notify the applicant of the amount of density bonus for which the applicant is eligible, and if requested by the applicant, the parking ratio for which the applicant is eligible.
4. If the applicant requests incentives or concessions, or waivers or reductions of development standards, the County will now also be required to notify the applicant whether the applicant has provided adequate information for the County to make a determination as to those incentives, concessions, or waivers or reductions of development standards.
5. The application must include a site plan that complies with and includes the following:
 - a. For senior citizen housing development projects, the number and location of proposed total units and density bonus units.
 - b. For all qualified housing development projects other than senior citizen housing development projects, the number and location of proposed total units, affordable units, and density bonus units. The density bonus units shall be permitted in geographic areas of the qualified housing development other than the areas where the affordable units are located (Government Code Section 65915(i)).
 - c. The location, design, and phasing criteria required by Subsection 11.30.130.A, including any proposed development standard(s) modifications or waivers pursuant to Section 11.30.110.D.
6. The application for a qualified housing development must state the level of affordability of the affordable units and include a proposal for compliance with Section 11.30.140 for ensuring affordability.
7. If a density bonus is requested for a qualified land donation pursuant to Section 11.30.080, the application must show the location of the qualified land in addition to including sufficient information to establish that each requirement in Section 11.30.080 has been met.
8. If an additional density bonus or incentive is requested for a childcare facility pursuant to Section 11.30.060 and/or Subsection 11.30.110.B, the application shall show the location and square footage of the childcare facility in addition to including sufficient information to establish that each requirement in Section 11.30.060 and/or Subsection Section 11.30.110.B has been met.
- C. An application for an affordable housing benefit under this chapter will not be processed until all of the provisions of this section are complied with as determined by the County and shall be processed concurrently with the application for the qualified housing development project for which the affordable housing benefit is sought. Prior to the submittal of an application for a qualified housing development, an applicant may submit to the County a preliminary proposal for affordable housing benefits.
- D. The County shall adjust the amount of density bonus and parking ratios awarded based on any changes to the project during the course of development.
- E. **Determination on Density Bonus and Affordable Housing Incentive Program Requirements.** The decision-making body for the underlying qualified housing development

application is authorized to approve or deny an application for an affordable housing benefit in accordance with this chapter.

1. **Affordable Housing Benefit Determinations.** An application for an affordable housing benefit shall be granted if the requirements of this chapter are satisfied, unless:
 - a. The application is for an incentive for which a finding is made in accordance with Section 11.30.110.C; or
 - b. The underlying application for the qualified housing development is not approved independent of and without consideration of the application for the affordable housing benefit.
2. **Affordable Housing Benefit Compliance Provisions.** To ensure compliance with this chapter and state law, approval of an application for an affordable housing benefit may be subject to, without limitation:
 - a. The imposition of conditions of approval to the qualified housing development, including imposition of fees necessary to monitor and enforce the provisions of this chapter;
 - b. An affordable housing agreement and, if applicable, an equity-sharing agreement pursuant to Section 11.30.140; and
 - c. Recorded deed restriction implementing conditions of approval and/or contractual or legally mandated provisions.
3. A decision regarding an affordable housing benefit application is subject to the appeal provisions of Section 11.53.150 (Appeals and Calls for Review).

11.30.210 Affordable Housing Agreement and Equity-Sharing Agreement

- A. **General Requirements.** The County shall require the execution of an affordability agreement with the affordable housing developer, or its designee approved in writing by the County, as a condition of approval. The County may designate a qualified administrator or entity to administer the provisions of this section on behalf of the County. The affordable housing agreement shall be recorded prior to, or concurrently with, final map recordation or, where the qualified housing development does not include a map, prior to issuance of a Building Permit for any structure on the site. The County is hereby authorized to enter into the agreements authorized by this section on behalf of the County upon approval of the agreements by County Counsel for legal form and sufficiency. Said agreement shall be in the form provided by the County to include, but not be limited to, the following:
 1. Term of agreement necessary to implement state law and this section.
 2. Description of project, including location, number of total units (including bedrooms), and number of reserved affordable units (including bedrooms).
 3. Standards for qualifying household incomes and maximum rents or sale prices.
 4. Process used to certify tenant income.
 5. Description of how vacancies will be marketed and filled.
 6. Enforcement mechanisms restricting reserved affordable units upon sale or transfer.
 7. Process used to monitor and enforce affordability of reserved units.

B. Low- or Very Low-Income Minimum Affordable Housing Component or Senior Citizen Housing Development

1. The affordable housing developer of a qualified housing development based upon the inclusion of low-income and/or very low-income affordable units must enter into an agreement with the County to maintain the continued affordability of the affordable units for 55 years (for rental units) or 30 years (applies to for-sale units), or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, as follows (Government Code Section 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the County if such compliance standards are not met. The agreement shall, among other things, specify the number of lower-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria, such as age; standards for maximum rents or sales prices; the person responsible for certifying tenant or owner incomes; procedures by which vacancies will be filled and units sold; required annual report and monitoring fees; restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions.
2. **Rental Units.** Rents for the low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to Section 11.30.040 shall be set and maintained at an affordable rent (Government Code Section 65915(c)(1)). The agreement shall set rents for the lower-income density bonus units at an affordable rent, as defined in California Health and Safety Code Section 50053. The agreement shall require that owner-occupied units be made available at an affordable housing cost, as defined in the Health and Safety Code Section 50052.5.
3. **For-Sale Units.** Owner-occupied low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to Section 11.30.040 shall be available at an affordable housing cost (Government Code Section 65915(c)(1)). The affordable housing developer of a qualified housing development based upon a very low- or low-income minimum affordable component shall enter into an equity-sharing agreement with the County or developer. The agreement shall be between the County and the buyer or the developer and the buyer if the developer is the seller of the unit. The County shall enforce the equity sharing unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity-sharing agreement shall include, at a minimum, the following provisions:
 - a. 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 subparagraph (b), and its proportionate share of appreciation, as defined in subparagraph (c), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.
 - b. For purposes of this section, 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 very low-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.
 - c. For purposes of this subdivision, 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.

4. **Senior Units.** At least 35 senior-citizen housing development units are maintained and available for rent or sale to senior citizens, as defined in Civil Code Section 51.3.

C. Moderate-Income Minimum Affordable Housing Component.

1. The affordable housing developer of a qualified housing development based upon the inclusion of moderate-income affordable units in a common interest development must enter into an agreement with the County ensuring that:
 - a. The initial occupants of the moderate-income affordable units that are directly related to the receipt of the density bonus are persons and families of a moderate-income household.
 - b. The units are offered at an affordable housing cost (Government Code Section 65915(c)(2)).
2. The affordable housing developer of a qualified housing development based upon a moderate-income minimum affordable component shall enter into an equity-sharing agreement with the County or developer (Government Code Section 65915(c)(2)). The agreement shall be between the County and the buyer or the developer and the buyer if the developer is the seller of the unit. The County shall enforce the equity-sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity-sharing agreement shall include, at a minimum, the following provisions:
 - a. Upon resale, the seller of the unit shall retain the value of improvements, the down payment, and the seller's proportionate share of appreciation. The County shall recapture any initial subsidy, as defined in subparagraph (b), and its proportionate share of appreciation, as defined in subparagraph (c), 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 homeownership (Government Code Section 65915(c)(2)(A)).
 - b. The County's initial subsidy shall be equal to the fair-market value of the unit 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 (Government Code Section 65915(c)(2)(B)).
 - c. 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 unit at the time of initial sale (Government Code Section 65915(c)(2)(C)).
3. **Minimum Affordable Housing Component and Childcare Facility.** If an additional density bonus or incentive is granted because a childcare facility is included in the qualified housing development, the affordable housing agreement shall also include the affordable housing developer's obligations pursuant to Subsection 11.30.060.A(3) for maintaining a childcare facility, if not otherwise addressed through conditions of approval.

D. 100-Percent Affordable Housing Development

1. At least 20 percent of the units, including both base density and density bonus units, in a qualified housing development shall be restricted to an affordable rent, as defined in Section 50053 of the Health and Safety Code, for at least 55 years.

2. The remaining units may be rented at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

11.30.220 Allowed Density Bonus or Incentives for Condominium Conversion Projects

A. Requirements for Density Bonus or Incentive for Condominium Conversion Projects.

1. Applicant to convert apartments to a condominium project agrees to provide at least:
 - a. 33 percent of the total units of the proposed condominium project to persons and families of moderate-income households, or
 - b. 15 percent of the total units of the proposed condominium project to persons and families of low-income households.
2. If applicant agrees to pay for the reasonably necessary administrative costs incurred by the County pursuant to this section, the County shall either:
 - a. Grant a density bonus, or
 - b. Provide other incentives of equivalent financial value (Government Code Section 65915.5(a)).

- B. Definition of Density Bonus for Condominium Conversion Projects.** If the requirements of Subsection 11.30.150.A are met, then the condominium conversion project will be entitled to an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion from apartments to condominiums (Government Code Section 65915.5(b)).

- C. Pre-Submittal Preliminary Proposals for Density Bonus or Incentive for Condominium Conversion Projects.** Prior to the submittal of a formal request for subdivision map approval or other application for necessary discretionary approvals, an applicant to convert apartments to a condominium project may submit to the County a preliminary proposal for density bonus or other incentives of equivalent financial value.

- D. Application for Density Bonus or Incentives for Condominium Conversion Projects.** An applicant must submit a completed application provided by the County for a density bonus or for other incentives of equivalent financial value. The application must be submitted concurrently with the application for the condominium conversion project. The application must include the following:

1. All information and documentation necessary to establish that the requirements of Subsection 11.30.150.A are met.
2. The proposal for a density bonus or the proposal for other incentives of equivalent financial value.
3. Site plans demonstrating the location of the units to be converted, the affordable units, the market-rate units, and the density bonus units in the condominium conversion project.
4. Any other information and documentation requested by the County to determine if the requirements of Subsection 11.30.150.A are met.

- E.** Both the application for a density bonus or other incentives of equivalent financial value and the application for the condominium conversion must be complete before the application for a density bonus or other incentives of equivalent financial value will be considered.

F. Granting Density Bonus or Incentive for Condominium Conversion Projects**1. Approval**

- a. If the requirements of Subsection 11.30.150.A are met, the decision-making body for the condominium conversion project application is authorized to grant an application for a density bonus or other incentives of equivalent financial value, subject to Subsection 11.30.150.F(2).
- b. Reasonable conditions may be placed on the granting of a density bonus or other incentives of equivalent financial value that are found appropriate, including, but not limited to, entering into an affordable housing agreement pursuant to Section 11.30.140 (Affordable Housing Agreement and Equity-Sharing Agreement), which ensures continued affordability of units to subsequent purchasers who are persons and families of moderate-income households or low-income households (Government Code Section 65915.5(a)).

2. Ineligibility. An applicant shall be ineligible for a density bonus or other incentives of equivalent financial value if the apartments proposed for conversion constitute a qualified housing development for which a density bonus, as defined in Section 11.30.040 (Qualifying Projects) or other incentives were provided (Government Code Section 65915.5(f)).

3. Decision on Condominium Conversion Project. Nothing in this section shall be construed to require the County to approve a proposal to convert apartments to condominiums (Government Code Section 65915.5(e)).

11.30.060—Appeals Enforcement Provisions

~~Decisions are final unless an appeal is filed pursuant to the procedures of Section 11.53.150, Appeals and Calls for Review.~~

- A. **Occupancy.** Prior to occupancy of an affordable unit, the household's eligibility for occupancy of the affordable unit must be demonstrated to the County. This provision applies throughout the restricted time periods pursuant to Section 11.30.140 (Affordable Housing Agreement and Equity-Sharing Agreement) and applies to any change in ownership or tenancy, including subletting, of the affordable unit.
- B. **Ongoing Compliance.** Upon request, the affordable housing developer must show that the affordable units are continually in compliance with this chapter and the terms of the affordable housing agreement. Upon 30-day notice, the County may perform an audit to determine compliance with this chapter and the terms of any agreement or restriction.
- C. **Enforcement.** The County has the authority to enforce the provisions of this chapter, the terms of affordable housing agreements and equity-sharing agreements, deed restrictions, covenants, resale restrictions, promissory notes, deed of trust, conditions of approval, permit conditions, and any other requirements placed on the affordable units or the approval of the qualified housing development. In addition to the enforcement powers granted in this chapter, the County may, at its discretion, take any other enforcement action permitted by law, including those authorized by County ordinances. Such enforcement actions may include, but are not limited to, a civil action for specific performance of the restrictions and agreement(s), damages for breach of contract, restitution, and injunctive relief. The remedies provided for herein shall be cumulative and not

exclusive and shall not preclude the County from seeking any other remedy or relief to which it otherwise would be entitled under law or equity.

Chapter 11.31 Non-conforming Uses, Structures, and Lots

Sections:

11.31.010	Purpose
11.31.020	Applicability
11.31.030	Establishment of Lawful Non-conforming Uses, Structures, and Lots
11.31.040	Non-conforming Uses and Structures—Right to Continue Non-conforming Uses and Structures—Right to Continue
11.31.050	Maintenance and Repair of Non-conforming Structures Maintenance and Repair of Non-conforming Structures
11.31.060	Alterations and Enlargements to Non-conforming Structures Alterations and Enlargements to Non-conforming Structures
11.31.070	Restoration of Damaged or Partially Destroyed Non-conforming Structures Restoration of Damaged or Partially Destroyed Non-conforming Structures
11.31.080	Expansion of Non-conforming Uses Expansion of Non-conforming Uses
11.31.090	Changes and Substitutions of Non-conforming Uses
11.31.100	Abandonment of Non-conforming Uses Abandonment of Non-conforming Uses

11.31.010 Purpose

This chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the current standards and requirements of this Code in a manner that does that does not impair public health, safety, or general welfare or conflict with the General Plan. These regulations also distinguish between non-conforming uses that are detrimental to public health, safety, or general welfare and those uses that are economically productive and compatible with surrounding development despite being inconsistent with applicable regulations and requirements.

11.31.020 Applicability

- A. The provisions of this chapter apply to any lawfully established use or structure, as defined in the following section. Non-conforming uses and structures may only be continued, altered, or enlarged subject to the requirements of this chapter.
- B. The provisions of this chapter also apply to non-conforming lots. Non-conforming lots may be developed according to the provisions of Section 11.31.040(C), Development on Non-conforming Lots.
- C. Nothing contained in this Code shall be deemed to require any change in the plans, construction, or designated use of any building or structure for which a building permit has properly been issued, in accordance with the ordinances then in effect and upon which actual construction has been started prior to the effective date of this Code, provided that in all such cases, actual construction shall be diligently carried on until completion of the building or structure.

11.31.030 Establishment of Lawful Non-conforming Uses, Structures, and Lots

- A. **Definition.** Any use, structure, or lot that was lawfully established prior to the adoption of this Code or any subsequent amendment to this Code or to the Official Zoning Map but that does not comply with all of the current standards and requirements of this Code shall be considered lawful non-conforming.

1. ***Non-conforming Use.*** This term means any use of land or property that was lawfully established in compliance with all applicable ordinances and laws at the time of establishment and has remained in continuous existence but is not a use listed as permitted, accessory, or allowed subject to approval of a use permit in the district in which it is located. Non-conforming uses also include uses made non-conforming by the addition of a development standard (e.g., floor area limitation, restriction to certain floor level, minimum separation requirement) previously not required for such use, where such added standard is specified to be a condition of the use.
 2. ***Non-conforming Structure.*** This term means any building or structure that was lawfully established and in compliance with all applicable ordinances and laws at the time of establishment but no longer complies with all applicable development standards of the district in which it is located.
 3. ***Non-conforming Lot.*** Any lot that is smaller than the minimum lot area, width, depth, or frontage required by this Code shall be considered a lawful non-conforming lot if it is described in the official records on file in the office of the Yuba County Recorder as a lot of record.
- B. **Non-conformities.** Non-conforming status for a use or structure may result from any inconsistency with the requirements of this Code, including but not limited to location, density, floor area, height, yards, usable open space, performance standards, or the lack of an approved conditional use permit, variance, or other required authorization.
1. ***Exceptions.*** A use or structure shall not be deemed non-conforming solely because it does not conform with the parking dimension standards, loading space requirements, planting area, or screening regulations of the district in which it is located or does not conform to the standards for the following building features: garage door location; garage door width; chimney height; cornices, eaves, and other ornamental features that exceed maximum projections into required yards.
- C. **Development on Non-conforming Lots.** A non-conforming lot may be used as a building site subject to compliance with all applicable development standards (e.g., setbacks, height, etc.) of the district in which it is located. Deviations to standards shall not be allowed unless a Variance, Waiver, or Modification to such standards is approved as provided for in this Code.

11.31.040 Non-conforming Uses and Structures—Right to Continue

- A. **Non-conforming Uses.** Any lawful non-conforming use may be continued and maintained, provided that there be no alteration, enlargement, or addition to any building or structure housing the use; no increase in occupant load; nor any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this chapter. The right to continue a non-conforming use shall run with the land. No substitution, expansion, or other change in use is permitted except as provided in this chapter.
- B. **Non-conforming Structures.** Any lawful non-conforming building or structure may be continued and maintained provided that there be no alteration, enlargement, or addition to the building or structure except as otherwise provided in this chapter. The right to continue a non-conforming structure shall run with the land.
- C. **New Development on a Lot with a Non-conforming Use or Structure.** New development, including accessory structures, may occur on a lot with a non-conforming use or structure provided

the new development conforms to the regulations of this Code and that such development does not alter any existing non-conforming structure or increase the degree of non-conformity.

11.31.050 Maintenance and Repair of Non-conforming Structures

Lawful non-conforming structures may be continued, maintained, and repaired in compliance with the requirements of this section unless deemed to be a public nuisance because of health or safety conditions.

- A. **Maintenance and Non-structural Repairs.** Maintenance, non-structural repairs and non-structural interior alterations are permitted to a non-conforming structure as long as the changes and improvements do not enlarge or extend the structure.
- B. **Structural Repairs.** Structural repairs that do not enlarge or extend the structure, including modification or repair of bearing walls, columns, beams, or girders, may be undertaken only if the Building Official determines that such modification or repair is immediately necessary to protect public health and safety, occupants of the non-conforming structure, or occupants of adjacent property, and if the cost of such work does not exceed 50 percent of the higher of the assessed value of the non-conforming structure as determined by the Yuba County Assessor or an appraisal performed by a certified appraiser for the applicant. If an applicant chooses not to submit an appraisal, the County Assessor's determination shall be used.
- C. **Non-conforming Signs.** Lawfully established signs that do not conform to the requirements of this Code may only be maintained in compliance with the requirements of Chapter 11.27, Signs.

11.31.060 Alterations and Enlargements to Non-conforming Structures

Non-conforming structures may be altered, enlarged or extended if the addition conforms to the regulations applicable to the district where it is located and that such alterations or additions do not extend any existing non-conformity or increase the degree of non-conformity.

- A. **No Expansion of Area Occupied by Non-conforming Use.** An alteration to a non-conforming building or structure containing a non-conforming use shall not increase the area occupied by any non-conforming use, except as otherwise provided in Section 11.31.080, Expansion of Non-conforming Uses.
- B. ~~Accessory Dwelling Units~~**Second Dwelling Units.** An ~~Accessory~~**Second** Dwelling Unit in compliance with Section 11.32.240, ~~Second Accessory~~ Dwelling Units, may be developed on a lot that contains a non-conforming Single-Unit Dwelling.
- C. **Non-conforming Signs.** Lawfully established signs that do not conform to the requirements of this Code may only be altered in compliance with the requirements of Chapter 11.27, Signs.

11.31.070 Restoration of Damaged or Partially Destroyed Non-conforming Structures

A lawful non-conforming building or structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster that is not caused by an act or deliberate omission of a property owner, an owner's agent, or a person acting in concert with or on behalf of an owner may be restored or rebuilt subject to the following provisions.

- A. **Restoration When Damage is 50 Percent or Less of Value.** If the cost of repair or reconstruction does not exceed 50 percent of the replacement cost, as determined by the Building Official, of the

building or structure, replacement of the damaged portions of the building is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed.

- B. **Restoration When Damage Exceeds 50 Percent of Value.** If the cost of repair or reconstruction exceeds 50 percent of the replacement cost, as determined by the Building Official, of the building or structure, the land and building shall be subject to all of the requirements of this Code, except as provided below.
1. **Non-Residential Structures.** The Planning Commission may approve a Conditional Use Permit for the structure to be rebuilt to the same size, extent, and configuration as previously existed. In such cases any expansion or change to the previous structure must conform to the requirements of this Code.
 2. **Residential Structures.** Any non-conforming residential structure may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage. The non-conforming use, if any, may be resumed subject to a Zoning Clearance in the case of Single-Unit Dwellings or a Conditional Use Permit approval in the case of other residential housing types, unless the decision-making authority finds that:
 - a. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood; or
 - b. The existing non-conforming use of the building or structure can be more appropriately moved to a zoning district where the use is permitted.
 3. **Building Code Compliance.** Any reconstruction, restoration, or rebuilding undertaken pursuant to this section shall conform to all applicable Building Code requirements.
 4. **Building Permit.** A building permit must be obtained within two years after the date of the damage or destruction.

11.31.080 Expansion of Non-conforming Uses

No lawful non-conforming use may be expanded without the approval of a Use Permit, subject to the following requirements.

- A. **Within a Conforming Structure.** A non-conforming use occupying a portion of a structure that conforms to this Code may expand the portion that it occupies with approval of a Use Permit in accord with Chapter 11.57, Use Permits.
- B. **Expansion within a Structure that Does Not Conform to this Code.** A non-conforming use in a structure that does not conform to the requirements of this Code but does conform to the requirements of the Building Code may expand its occupancy and building floor area subject to approval of a Use Permit in accordance with Chapter 11.57, Use Permits, provided, however, that the expansion meets the requirements of this Code.
- C. **Expansion within a Structure That Does Not Conform to the Building Code.** Any non-conforming use in a structure that does not conform to the Building Code may not expand the area it occupies until and unless the structure is brought into conformance with all applicable Building Code requirements.

11.31.090 Changes and Substitutions of Non-conforming Uses

No lawful non-conforming use shall be changed to a different use type or subclassification without the approval of a Use Permit unless the new use is permitted by right. This requirement does not apply to a change of ownership, tenancy, or management where the new use is of the same use type and use classification, if applicable, as the previous use, as defined in Chapter 11.72, Use Classifications, and the use is not expanded or intensified.

- A. **Change from Non-conforming to Permitted Use.** Any non-conforming use may be changed to a use that is allowed by right in the district in which it is located and complies with all applicable standards for such use.
- B. **Addition of Permitted Uses and Structures.** Any parcel with a non-conforming use or structure may add new uses and structures that are permitted within the zone district so long as they meet all applicable development standards. Non-conforming residential uses that also have a commercial use located within the residential unit shall comply with the requirements of Section 11.32.130, Home Occupations.
- C. **Absence of Permit.** Any use that is non-conforming solely by reason of the absence of a Use Permit may be changed to a conforming use by obtaining a Use Permit pursuant to the requirements in Chapter 11.57, Use Permits.
- D. **Substitutions.** The Zoning Administrator may allow substitution of a non-conforming use with another non-conforming use, subject to approval of a Minor Use Permit. In addition to any other findings required by this Code, the Administrator must find that:
 - 1. The existing non-conforming use was legally established;
 - 2. The proposed new use would not preclude or interfere with implementation of the General Plan or any applicable adopted specific, area, or community plan;
 - 3. The proposed new use will not depress the value of nearby properties or create conditions that would impede their redevelopment or use in compliance with the General Plan;
 - 4. The proposed new use will be no less compatible with the purposes of the district and surrounding uses that comply with the requirements of this Code than the non-conforming use it replaces;
 - 5. The proposed new use will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the surrounding area or be detrimental or injurious to property and improvements of adjacent lots, the surrounding area, or the neighborhood because of noise, odors, dust, glare, vibrations, or other effects; and
 - 6. The proposed new use will comply with all applicable standards of this Code, there are special circumstances peculiar to the property and its relation to surrounding uses or to the district itself that would justify modification to applicable standards, or the impacts of the new use will be mitigated.

11.31.100 Abandonment of Non-conforming Uses

No non-conforming use may be resumed, reestablished, reopened or replaced by any other non-conforming use after it has been abandoned or vacated for a period of six months, unless the Planning Commission approves a Conditional Use Permit after making all the following findings in addition to any other required findings.

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- A. The structure cannot be used for any conforming use because of its original design or because of lawful structural changes made for a previous non-conforming use;
- B. The structure can be reasonably expected to remain in active use for a period of 20 years without requiring repairs or maintenance in excess of 50 percent of the replacement cost of the structure, as defined in this article, within any five year period; and
- C. The continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses.

Chapter 11.32 Standards for Specific Uses

Sections:

11.32.010	Purpose and Applicability
11.32.020	Applicability
<u>11.32.030</u>	<u>Accessory Dwelling Units</u>
11.32.040 30	Agricultural Labor Housing
11.32.0540	Animal Raising and Keeping
11.32.0650	Automobile/Vehicle Sales and Services
11.32.0760	Campgrounds
11.32.0870	Caretaker Residences
11.32.0980	Drive-In and Drive-Thru Facilities
11.32.10990	Emergency Shelters
11.32.1190	Employee Housing
11.32.1240	Family Day Care, Large
11.32.1320	Farmer's Markets
11.32.1430	Home Occupations
11.32.1540	Lodging
<u>11.32.1650</u>	<u>Low-Barrier Navigation Centers</u>
11.32.17650	Mobile Vendors
11.32.18760	Outdoor Dining and Seating
11.32.19870	Outdoor Retail Sales
11.32.204980	Personal Storage
11.32.210490	Planned Mobile Home Parks
11.32.22400	Produce Stands
11.32.23240	Ranch Marketing
11.32.24320	Recycling Facilities
11.32.25430	Residential Care Facilities, General
11.32.2540	Second Dwelling Units
11.32.26650	Single-Room Occupancy
11.32.27760	Alternative Energy Systems
11.32.28870	Wind Energy Systems
11.32.292980	Surface Mining
11.32.309290	Wireless Communications Facilities
<u>11.32.310</u>	<u>Supportive and Transitional Housing</u>
11.32.31400	Temporary Uses and Special Events
11.32.3210	Transitional and Supportive Housing
<u>11.32.3320</u>	Wineries and Tasting Rooms

11.32.010 Purpose and Applicability

The purpose of this chapter is to establish standards for specific uses that are permitted or conditionally permitted in several or all districts. These provisions are supplemental standards and requirements intended to

minimize the impacts of these uses on surrounding properties and protect the health, safety, and welfare of their occupants and of the general public.

11.32.020 Applicability

The uses addressed in this chapter shall be located only where allowed by the regulations of Division II, Zoning and Overlay Districts. The uses shall comply with any applicable standards for the district(s) in which they are located, as well as the standards of this chapter. In the case of a conflict, the most stringent requirements apply.

In cases in which this chapter addresses accessory uses not specifically addressed by Division II, Zoning and Overlay Districts, such accessory uses shall be allowed wherever the primary use with which they are associated is permitted by the regulations of Division II, and any limitations of this chapter.

11.32.030 Accessory Dwelling Units

A. Purpose. This section establishes regulations and procedures for reviewing and permitting Accessory Dwelling Units through a ministerial process consistent with state law.

B. Applicability.

1. Applicable to All. Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit or a junior accessory dwelling unit shall comply with the requirements of this section and the County's building and fire codes. An accessory dwelling unit or junior accessory dwelling unit that conforms to the standards of this section shall not be:

- a. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located.
- b. Deemed to exceed the allowable density for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located.
- c. Considered in the application of any County ordinance, policy, or program to limit residential growth.
- d. Required to correct a nonconforming zoning condition, as defined in Chapter 11.72 (Use Classifications). This does not prevent the County from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

2. Accessory Dwelling Units. Accessory dwelling units are allowed on parcels zoned for single-family or multifamily residential uses where such a parcel includes a proposed or existing dwelling.

3. Junior Accessory Dwelling Units. Junior accessory dwelling units are allowed on parcels zoned for single-family residential uses where such a parcel includes an existing single-family dwelling.

C. Permits and Approval.

1. Ministerial Action. Approval or denial of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is a ministerial action and subject to compliance with the standards in this section and all other applicable codes.

2. **Building Permit.** All Accessory Dwelling Units or Junior Accessory Dwelling Units shall require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally. No other planning-related permit is required.
 3. The County shall issue a building permit within 60 calendar days from the date on which the County received a completed application, unless either:
 - a. The applicant requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or
 - b. The application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is submitted with an application to create a new single-unit primary dwelling on the parcel. The City may delay acting on the permit application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit until the City acts on the permit application to create the new single-unit primary dwelling.
- D. **Types.** An accessory dwelling unit approved under this chapter shall be one of the following types:
1. **Attached:** An accessory dwelling unit that is created as a result of new construction that is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or ceiling. An attached accessory dwelling unit can also be constructed within an existing or proposed primary dwelling.
 2. **Detached:** An accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the primary dwelling. The detached accessory dwelling unit shall be located on the same parcel as the proposed or existing primary dwelling. Detached includes a second-story addition above an existing detached garage.
 3. **Converted:** An accessory dwelling unit that meets the following requirements:
 - a. Is located within the proposed or existing primary dwelling or accessory structure, including, but not limited to, attached garages, storage areas, or similar uses; or an accessory structure, including, but not limited to, studio, pool house, detached garage, or other similar structure. Such conversion may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure.
 - b. The proposed conversion of a structure into an accessory dwelling unit that does not satisfy the requirements of subsection (c)(i) of this section shall either be defined by the director as an attached accessory dwelling unit, a detached accessory dwelling unit, or a junior accessory dwelling unit, or shall be defined as an accessory structure and not an accessory dwelling unit.
 4. **Junior Accessory Dwelling Unit:** A junior accessory dwelling unit is a unit that meets all of the following characteristics:
 - a. Is no more than 500 square feet in size and is contained entirely within

a single-unit primary dwelling. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

- b. Is located and contained entirely within a proposed single-unit primary dwelling or entirely within an existing single-unit primary dwelling.
- c. Has a separate entrance from the main entrance to the proposed or existing single-unit dwelling.
- d. Has a bathroom that is either shared with or separate from those of the primary dwelling.
- e. Includes an efficiency kitchen.

E. **Number of Accessory Dwelling Units Per Lot or Parcel in Zones which Allow Single-Family Homes.** The following number of accessory dwelling units apply in all Zoning Districts that allow single-family homes as a permitted use:

- 1. One attached or detached accessory dwelling unit shall be allowed on a parcel with one proposed or existing primary dwelling.
- 2. One junior accessory dwelling unit shall be allowed on a parcel with one proposed or existing primary dwelling.
- 3. Up to one attached or detached accessory dwelling unit and one junior accessory dwelling unit shall be allowed on a single parcel.

F. **Type and Number of Accessory Dwelling Units Per Lot or Parcels Which Allow Multifamily Homes.** The following apply to accessory dwelling units in all Zoning Districts that allow multifamily homes as a permitted use:

1. **Attached Accessory Dwelling Units:**

- a. At least one attached or up to 25 percent of the existing multifamily units shall be allowed as attached accessory dwelling units in an existing multifamily development.
- b. Attached accessory dwelling units in a multifamily development may be created only through the conversion of parts of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

- 2. **Detached Accessory Dwelling Units:** Up to two detached accessory dwelling units shall be allowed on a parcel with one or more multifamily structures, subject to compliance with the development standards for detached accessory dwelling units in this chapter.

G. **Attached or Converted Accessory Dwelling Unit Development Standards**

- 1. **Location, Size, Setbacks, and Height:** The following standards apply to attached accessory dwelling units:
 - a. **Location:** Shall be located on the same lot or parcel as a primary dwelling. An attached accessory dwelling unit can be created by converting a portion

- of an existing primary dwelling, by constructing a new primary dwelling with an integral accessory dwelling unit, or by constructing an addition to an existing primary dwelling.
- b. **Size:** The total floor area of an attached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit or 1,000 square feet for an accessory dwelling unit that provides more than one bedroom. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling, with a maximum increase in floor area of 1,200 square feet. These limits do not include up to 150 square feet of area added to the primary dwelling for the sole purpose of providing access to the accessory dwelling unit.
- c. **Setbacks:**
- i. None, if existing living area, garage, or other accessory structure is converted to an accessory dwelling unit (or portion of accessory dwelling unit) with the same dimensions as the existing structure.
- ii. Five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
- d. **Height:** Per the zoning district standard for the primary dwelling.
- e. **Access:** An attached accessory dwelling unit shall have direct exterior access separate from the main entrance to the primary dwelling.
- f. **Minimum Requirements.** An accessory dwelling unit shall include at least one bathroom, one kitchen, and one living/dining room.
- g. **Garage Allowances:** Limited to one attached garage, which shall be limited to 50 percent of the accessory dwelling unit conditioned/unconditioned floor area.
- h. **Buildup and Underfloor Regulations:** Buildup/underfloor space areas shall not have any improved floor area. Buildup/underfloor areas shall be limited to one light and one plug and may be used as space for equipment serving the accessory dwelling unit.
2. **Sale of Unit.** An accessory dwelling unit may be rented, but it shall not be offered for sale apart from the principal unit, nor shall the lot or parcel be subdivided to create a separate building site unless approved pursuant to the subdivision ordinance of this County. No accessory dwelling unit may be offered for rental terms of less than 30 days for accessory dwelling units permitted on or after January 1, 2020. Notwithstanding Section 11.32.240.I, the County may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all the following apply:
- a. The property was built or developed by a qualified nonprofit corporation.
- b. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit that satisfies all the requirements of paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

- c. The property is held pursuant to a recorded tenancy in common agreement that includes all the following provisions:
 - i. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
 - ii. A repurchase option that requires the qualified buyer first offer the qualified nonprofit corporation the opportunity to buy the property if the buyer desires to sell or convey the property.
 - iii. A requirement that the qualified buyer occupy the property as the buyer's principal residence.
 - iv. Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
- d. A grant deed naming the grantor and grantee and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
- e. Notwithstanding any provisions in this chapter, if requested by a utility providing service to the primary residence, the accessory dwelling unit shall have a separate water, sewer, or electrical connection to that utility.

H. Detached Accessory Dwelling Unit Development Standards

- 1. **Location, Size, Setbacks, and Height:** The following standards apply to detached accessory dwelling units:
 - a. **Location:** Shall be located on the same lot or parcel as a primary dwelling and be detached from the primary dwelling unit.
 - b. **Size:** No minimum size, except as needed to conform with the requirements for an efficiency unit, as defined in the Building Code. A detached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit or 1,200 square feet for an accessory dwelling unit that provides more than one bedroom. The living area includes all conditioned and unconditioned space in the detached accessory dwelling unit.
 - c. **Setbacks:**
 - i. Front yard setback: Per the zoning district standard for the primary dwelling.
 - ii. Side yard: Four feet minimum.
 - iii. Rear yard: Four feet minimum.
 - d. **Height:** 16 feet for new structures built specifically as an accessory dwelling unit. Existing structures taller than 16 feet can be converted to an accessory dwelling unit consistent with the requirements of this

chapter.

- e. **Minimum Requirements.** An accessory dwelling unit shall include at least one bathroom, one kitchen, and one living/dining room.
 - f. **Garage Allowances:** Limited to one attached garage, which shall be limited to 50 percent of the accessory dwelling unit conditioned/unconditioned floor area.
 - g. **Buildup and Underfloor Regulations:** Buildup/underfloor space areas shall not have any improved floor area. Buildup/underfloor areas shall be limited to one light and one plug and may be used as space for equipment serving the accessory dwelling unit.
 - i. **Maximum Floor Area.** The floor area of the Second Dwelling Unit for an attached unit shall not exceed 30 percent of the primary dwelling's living area. In addition, the floor area of a detached Second Dwelling Unit shall not exceed 1,200 square feet. A larger floor area may be permitted upon approval of an Administrative Permit.
2. **Sale of Unit.** An accessory dwelling unit may be rented, but it shall not be offered for sale apart from the principal unit, nor shall the lot or parcel be subdivided to create a separate building site unless approved pursuant to the subdivision ordinance of this County. No accessory dwelling unit may be offered for rental terms of less than 30 days for accessory dwelling units permitted on or after January 1, 2020. Notwithstanding Section 11.32.240.I, the County may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all the following apply:
- a. The property was built or developed by a qualified nonprofit corporation.
 - b. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit that satisfies all the requirements of paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
 - c. The property is held pursuant to a recorded tenancy in common agreement that includes all the following provisions:
 - i. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
 - ii. A repurchase option that requires the qualified buyer first offer the qualified nonprofit corporation the opportunity to buy the property if the buyer desires to sell or convey the property.
 - iii. A requirement that the qualified buyer occupy the property as the buyer's principal residence.
 - iv. Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
 - d. A grant deed naming the grantor and grantee and describing the

property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed, pursuant to Section 480.3 of the Revenue and Taxation Code.

- e. Notwithstanding any provisions in this chapter, if requested by a utility providing service to the primary residence, the accessory dwelling unit shall have a separate water, sewer, or electrical connection to that utility.

I. Junior Accessory Dwelling Unit Development Standards

1. **Location, Size, Setbacks, Height:** The following standards apply to junior accessory dwelling units:
 - a. **Location:** Shall be located on the same lot or parcel as a primary dwelling and be attached to the primary dwelling by at least one wall or by a ceiling. The junior accessory dwelling unit may be located above or below the primary dwelling.
 - b. **Size:** Maximum of 500 square feet of living area. Up to 150 square feet of building space may be added to the primary dwelling for the sole purpose of providing access to the junior accessory dwelling unit; this shall not count toward the maximum area for the junior accessory dwelling unit.
 - c. **Setbacks:** If the primary dwelling is expanded to create the junior accessory dwelling unit, the addition may maintain the same setbacks as the existing structure, unless a different setback is required by the Fire or Building codes.
2. **Access:** A junior accessory dwelling unit shall have direct exterior access separate from the main entrance to the primary dwelling.
3. **Kitchen:** Each junior accessory dwelling unit shall include an efficiency kitchen.
4. **Utilities:**
 - a. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service, or impact fees.
 - b. No new or separate utility connection between the junior accessory dwelling unit and the utility shall be required, although the property owner may voluntarily install a submeter for the junior accessory dwelling unit.
 - c. Any utility charges or fees shall be consistent with state law.
5. **Parking:** No additional off-street parking is required for the junior accessory dwelling unit.
6. **Garage Allowances:** Limited to one attached garage, which shall be limited to 50 percent of the accessory dwelling unit conditioned/unconditioned floor area.
7. **Buildup and Underfloor Regulations:** Buildup/underfloor space areas shall

not have any improved floor area. Buildup/underfloor areas shall be limited to one light and one plug and may be used as space for equipment serving the junior accessory dwelling unit.

8. **Owner-Occupancy Requirements:**

- a. A person with legal or equitable title to the primary dwelling shall reside on the property in either the primary dwelling or junior accessory dwelling unit as that person's legal domicile and permanent residence.
- b. The owner occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or non-profit housing organization.
- c. Prior to issuance of a Building Permit for a junior accessory dwelling unit, a deed restriction shall be recorded in the chain of title of the primary single-unit property. The form of the deed restriction shall be approved by the City Attorney and shall provide that the junior accessory dwelling units not be sold separately from the primary dwelling.
- d. The deed restriction shall run with the land and shall be enforced against future property owners.

9. **Connection Fee.** A connection fee shall not be collected for water, sewer, power, or other utility for a junior accessory dwelling unit.

10. **Safety Requirements.** For purposes of fire or life-protection regulations, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

11. **Deed Restrictions.** Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner of the lot or parcel on which it is to be constructed shall record a deed restriction in a form satisfactory to the County attorney that includes the following:

- a. A prohibition of the sale of the junior accessory dwelling unit separately from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers; and
- b. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with Section 65852.2 of the Government Code that regulates accessory dwelling units.

12. **Inspections.** No subdivision of this Development Code shall be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if a junior accessory dwelling unit complies with applicable development standards.

J. **Additional standards applicable to all accessory dwelling units.**

1. **Conversion Setback.** No setback shall be required for an existing living area, garage, or other accessory structure that is converted to an accessory dwelling unit (or portion of accessory dwelling unit) with the same dimensions as the existing structure.

2. **Certificate of Occupancy.** The County shall not issue a certificate of occupancy for an accessory dwelling unit before **the** certificate of occupancy is issued for the primary residence.
3. **Encroachments.** Except as otherwise provided in this chapter, the accessory dwelling unit shall not increase an **existing** or create a new encroachment upon any required front, side, or rear yard space; increase building height or coverage beyond the standards prescribed for the district in which it is located; or decrease the distance between structures that is required.
4. **Passageways and Entrances.** No passageway or entrance within view of a street shall be required in conjunction with **the** construction of an accessory dwelling unit.
5. **Fire Sprinklers.** Fire sprinklers are not required for accessory dwelling units if they are not required by the building code for the proposed single-family or multifamily residence. Fire sprinklers would not be required for the existing primary structure unless triggered by some other building code or fire code requirement.
6. **Utility Connections.** Notwithstanding any provision to the contrary contained in this code (or in any code adopted by reference in this code), an accessory dwelling unit may be connected to a district sewerage system through a side sewer shared with the existing residence on the site, or it may have its own side sewer. In either case, the connection of the accessory dwelling unit to the district sewerage system is subject to the requirements of this Chapter 11.32.240, including obtaining applicable permits, paying connection charges (where applicable), and paying user charges. Accessory **dwelling** units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, and other utilities as defined, unless the accessory dwelling unit was constructed with a new single-family dwelling. Separate metering of utilities is not required for accessory dwelling units unless they are constructed with a new primary dwelling.
7. **Well or Septic Systems.** Where a well or septic system is used for the proposed ADU, approval by the Environmental Health Department will be required, as allowed by Government Code Section 65852.2(a)(1)(D)(ix). An on-site sewage treatment, conveyance, and disposal system will be required by the County Code, Chapter 7.07.
8. **Manufactured Housing.** Except as otherwise provided in this chapter, accessory dwelling units shall comply with all uniform building codes adopted, and all other applicable laws, rules, and regulations. An **accessory** dwelling unit may consist of manufactured housing on a permanent foundation if such housing is permitted in the district in which it is proposed to be located and meets the standards for such housing.
9. **Permit Denial Exemption.** No other local ordinance, policy, or regulation shall be the basis for the delay or **denial** of a building permit, administrative use permit, minor-use permit, or conditional use permit.
10. **Transfer of Sale.** Any covenant, restriction, or condition contained in any deed,

contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or **unreasonably** restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

11. **Development Fees.** Fees will be charged for the construction of accessory dwelling units, in accordance with **Chapter 13.50** of the Yuba County Development Code and state law.

- a. The County, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet.
- b. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- c. School districts are authorized but do not have to levy impact fees for accessory dwelling unit greater than 500 square feet pursuant to Section 17620 of the Education Code. Accessory dwelling units less than 500 square feet are not subject to school impact fees.

K. **Code Enforcement.** The code enforcement officer may conduct a review of accessory dwelling units within the county. The code enforcement officer or designee may enforce all provisions of this code and provisions of state law pertaining to the development, occupation, and maintenance of residential properties and accessory dwelling units, pursuant to the following provisions:

1. **Reporting.** A code enforcement officer may report:

- a. A change in ownership of the lot or parcel of land on which the residential units are situated.
- b. A change in the occupancy of the residential units that is not in compliance with this section.

2. **Violation.** A code enforcement officer may issue to an owner of an accessory dwelling unit a notice to correct a violation of any provision of any building standard or any failure to comply with this section. The code enforcement officer shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to the following findings:

- a. The accessory dwelling unit was built before January 1, 2020.
- b. The accessory dwelling unit was built on or after January 1, 2020; however, at the time the unit was built, the County had a noncompliant accessory dwelling unit ordinance, but the unit is compliant at the time the request is made.

3. **Violation Correction.** The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances, as described in Section 11.67, may submit an application to the County requesting that enforcement of the violation

be delayed for up to five years on the basis that correcting the violation is not necessary to protect health and safety.

- a. The County shall grant an application described in Section 11.67 if it is determined that correcting the violation is not necessary to protect health and safety. In making this determination, the Zoning Administrator shall consult with the code enforcement officer, building official, and/or the State Fire Marshal or designee pursuant to Section 13146 of the Health and Safety Code.
- b. The County shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the County before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application, pursuant to Section 11.67. If upon such review it appears that in a particular case a violation of the provisions of this chapter has occurred, the code enforcement officer may take such action as deemed necessary by the county attorney to correct any violation.

~~11.32.030~~ 11.32.040 **Agricultural Labor Housing**

- A. **Applicability.** Housing for agricultural employees or immediate family of those employed for the exclusive purpose of agricultural pursuits either on the premises or off-site shall be designed, operated and located according to the standards of this section except as provided below.
 1. ***Housing for Six or Fewer Persons.*** A residential structure providing accommodation for six or fewer persons shall be considered a single-unit residential use and shall be allowed by right in any district that permits single-unit residential uses.
 2. ***Residential Development in Non-Agricultural Districts.*** Multi-Unit Residential, Boarding Facility, or Single-Room Occupancy uses located in a non-agricultural district. These housing types, whether designed for and occupied by farm workers or other residents, shall be subject to the same use and development regulations as they otherwise would in the applicable districts.
- B. **Number of Housing Units Allowed.** No more than 36 beds in a group quarters or up to 12 dwelling units or spaces designed for use by a single family or household (up to six agricultural employees) are allowed on an individual parcel ~~where the CDSA Director in consultation with the Agricultural Commissioner determines that the need for Agricultural Labor Housing exists.~~ The Planning Commission may authorize additional beds or units through a Conditional Use Permit where the Planning Commission makes specific findings that document the necessity for the number of approved units. For sites with a combination of group quarters or individual units the following combinations are permitted without approval of a Conditional Use Permit:
 1. 18 beds and six single household units (50:50 percent) or
 2. 27 beds and three single household units (75:25 percent) or
 3. Nine beds and nine single household units (25:75 percent).
- C. **Development Standards.**
 1. **Agricultural Employee Verification.** As part of the building permit application, an agricultural employee verification form shall be submitted to the Planning Department. The verification

form shall include information regarding the housing type, number of dwelling units or beds, type of residency (permanent, temporary, or seasonal), entity responsible for housing maintenance and upkeep, copy of permit to operate from the California Department of Housing and Community Development if applicable, and notarized statement that the housing is for agricultural employees and their families as defined in the County Code.

2. All housing, whether permanent or temporary, shall meet the development standards of the district and be subject to all applicable building, fire, and health codes.
 - a. Location. Agricultural employee housing shall be located at least 50 feet from barns, pens or other structures that house livestock. The housing shall be located off of prime and productive agricultural land, unless no other alternative locations exist on the site.
3. Housing shall be constructed and maintained to conform to the State Department of Housing and Community Development regulations for employee housing. Housing for five or more agricultural employees is subject to the permitting requirements of the California Housing Employee Act. The property owner shall obtain and maintain all required permits from the California Housing and Community Development (HCD) Department.
4. Mobile homes used specifically for such housing shall be maintained in compliance with the applicable requirements of the Manufactured Housing Act (Health and Safety Code Section 18000, et seq.). For purposes of zoning, manufactured homes utilized for agricultural labor housing shall not be considered a mobile home park.
5. Temporary housing facilities. The use of tents, recreational vehicles, mobile camping equipment or other temporary facilities approved for human habitation for agricultural employees may be allowed upon approval of an Administrative Use Permit. In addition to the criteria stated above, temporary housing facilities for agricultural employees shall meet the following requirements:
 - a. Use of temporary housing facilities is limited to a maximum duration of 90 days per calendar year in one location (cumulative) unless a longer time period is approved through approval of an Administrative Use Permit;
 - b. Shall be located a minimum of 100 feet from public right of ways, property lines, and season or permanent water ways;
 - c. Shall obtain clearances from the Environmental Health Department for the provisions of water; waste water, solid waste; and any proposed food facilities.

~~D. **Removal of Housing Units.** Upon termination of the agricultural use or elimination of the agricultural employment upon which the need for the housing is based, the housing units shall be removed within 45 days or converted to another allowed use. This section shall not apply if a finding is made that elimination of the agricultural use for no more than 24 months is related to the long-term functioning of agriculture on the site(s) used to establish the housing need (e.g., crop rotation, replanting, disease, etc.).~~

11.32.04011.32.050 Animal Raising and Keeping

It is the intent of the following regulations to allow persons to keep and maintain domestic, farm/livestock, and exotic animals on their private property in a manner that will protect the health, safety, and welfare of nearby residents, and to protect the health, safety, and welfare of animals.

A. **Regulations Pertaining to Livestock.**

1. ***Enclosure Location (County-wide).*** No barn, coop, stable, or corral shall be located closer than 50 feet to any abutting dwelling, except for caretaker quarters and shall be a minimum of 100 feet from any well or year round creek or river.
2. ***Minimum Parcel Size.*** Within the Valley Growth Boundary, parcels shall be a minimum of one acre in size.
 - a. ***Educational Project Exemption.*** Temporary education projects, including, but not limited to FFA, 4-H, and school projects, conducted by students (living at the subject property) through the twelfth grade plus one year thereafter and under the direct supervision of a qualified, responsible adult advisor or instructor may apply for a Waiver to the minimum lot size or zone district which do not otherwise permit the raising and keeping of such animals pursuant to Chapter 11.60, Waivers and Modifications. The Zoning Administrator may only approve a waiver after consultation with the agricultural commissioner and a determination that adverse impacts to neighboring residents are effectively mitigated. Waivers shall be valid for a 12 month period and may be renewed annually.
 - b. ***The raising of animals on a Residential parcel located within the Valley Growth Boundary that has not established a primary use is not permitted.***
3. ***Maximum Number of Animals:*** Within the Valley Growth Boundary, the number of animals permitted is based on the zone district, acreage of the site and type of animals calculated by animal unit equivalent.
 - a. ***Animal Unit (AU).*** For purposes of this Code, an animal unit is a unit of measure indicating the ability of land to support a specific density of livestock as well as maintain the intended character of the zone district. For calculation purposes only livestock are counted. See Table 11.32.040-A(3)(A1) for animal calculations.

TABLE 11.32.040-A(3)(A1): NUMBER OF LIVESTOCK PER ANIMAL UNIT (AU)	
<i>Type of Livestock</i>	<i>Number of Livestock per one AU</i>
Horses, cattle, camels & similar	1
Swine & similar	2
Sheep, goats, llamas, alpacas & similar	4
Chickens, game fowl, turkeys, peacocks, squab, rabbits & similar	20
Ostrich, emus & similar	4

- b. ***Specific Type of Animals Permitted.*** The following requirements apply to the keeping or raising of livestock. More than one type of animal may be kept on a single site so long as the number of animal units per acre and maximum number of animal units per parcel is not exceeded. For example a parcel designated as RS that is 1 acre in size is allowed a total of one animal unit equivalent (1 AU) which could be comprised of one horse (1 AU) or two sheep and 13 chickens (1 AU), or two goats, eight chickens, and eight rabbits (1 AU).

TABLE 11.32.040-A(3)(B): PERMITTED LIVESTOCK UNITS		
Zone District	Number of AUs per Acre	Maximum Number of AUs Per Parcel
RS, RM, RH	1	3
RE within VGB	1	5
1. No roosters are permitted 2. Swine. The keeping of swine shall not include more than one brood sow. Any additional brood sows shall constitute a hog farm. New Hog farms, dairies, and feed lots are prohibited within the Valley Growth Boundary. 3. The keeping of livestock owned by others, or offering training, therapy, boarding or other commercial services is considered a boarding or equestrian facility and is not permitted within the Valley Growth Boundary.		

- c. *Exceptions.* Increases in the maximum number of Animal Units allowed per acre or parcel may be allowed through approval of a Waiver when the increase is less than 25 percent, an Administrative Use Permit for increases up to 50 percent, or a Minor Conditional Use Permit for increases greater than 50 percent.
 - i. The decision-making authority may only approve an increase in the number of livestock after consultation with the Agricultural Commissioner, Environmental Health Department and a determination that adverse impacts to neighboring residents are effectively mitigated.
 - d. *Fuel Reduction (Brush and Vegetation).* The temporary use of sheep and goats to reduce the amount of on-site brush and vegetation is permitted on sites greater than one acre in size, but shall not exceed a total of two weeks within any 12 month period.
 - 4. ***Operation and Maintenance Standards (County-wide).***
 - a. *Odor and Vector Control.* Except parcels designated as AE or AI, Pastures agricultural accessory structures and animal enclosures, including but not limited to pens, coops, cages, barns, corrals, paddocks and feed areas shall be maintained free from excessive litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors, and offensive odors. Sites shall be maintained in a neat and sanitary manner.
 - b. *Erosion and Sedimentation Control.* In no case shall any person allow keeping of livestock to cause significant soil erosion, or to produce sedimentation on any public road, adjoining property, or in any drainage channel.
 - c. If the keeping of livestock on the site is not maintained in compliance with the provisions of this section it shall be deemed a public nuisance and may be subject to abatement as set forth in Section 11.67.020, Enforcement of this Code and Titles VII (Health and Sanitation) and VII (Public Peace & Safety) of the County Code.
- B. **Regulations Pertaining to Outdoor Aviaries.** Within the Valley Growth Boundary, the keeping of domestic or exotic birds primarily, other than those classified as livestock (game fowl and chickens, squab, ostriches, emus, peacocks, turkeys, and similar birds), is permitted pursuant to Table 11.32.040-B(2). Any species of domestic or exotic bird(s) (except livestock) which is raised or kept inside of a residence is considered a household pet and is otherwise regulated by the provisions in subsection

11.32.040(E) of this Section. The keeping of imported birds may also require approval by: U.S. Department of Agriculture, Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Wildlife, and/or the California Department of Food and Agriculture, in addition to any approval required by this code.

1. ***Bird Classes.***

- a. *Class 1.* Canaries, Parakeets, Finch and similar small songbirds
- b. *Class 2.* Cockatiels, Quail, Doves, Pigeons , and similar types of birds
- c. *Class 3.* Cockatoos, Parrots and similar types of birds

2. ***Number of birds permitted.*** Outdoor aviaries are permitted in all agricultural districts and as an incidental and accessory use to a permitted residence when no commercial activity is involved in all applicable zone districts that allow for a residence. The number of birds allowed is based on the net acreage of the parcel the aviary is located on.

TABLE 11.32.040-B(2): NUMBER OF BIRDS PERMITTED IN OUTSIDE AVIARIES			
Parcel Size	Maximum Number of Birds	Bird Class	Distance from adjacent residences (feet)
Less than 5,000 sq. ft.	12	1	10
	6	2	
5,001 to 10,000 sq.ft.	24	1	15
	12	2	
	3	3	
10,001 to 20,000 sq. ft.	48	1	30
	24	2	
	6	3	
Over 20,0001 sq. ft.	96	1	50
	48	2	
	12	3	

3. ***Exceptions.*** Increases in the maximum number of birds is allowed through approval of a Waiver when the increase is less than 25 percent, an Administrative Use Permit for increases up to 50 percent, or a Minor Conditional Use Permit for increases greater than 50 percent.
4. ***Operation and Maintenance Standards.*** The standards specified in Subsection 11.32.040A.4 above shall apply to outdoor aviaries.
- C. **Regulations Pertaining to Apiaries/Bee Keeping.** The keeping of bees shall not be permitted within the Valley Growth Boundary except on existing agricultural properties. Where bees are permitted they are subject to the requirements of the Agricultural Commissioner.
- D. **Regulations Pertaining to Wild Animals (County-wide).** The keeping of wild animals shall be limited to wildlife sanctuaries or wildlife rehabilitations facilities. All such facilities shall obtain approval of an Administrative Use Permit and any required licenses from Yuba County Animal Care Services and the California Department of Fish and Wildlife.
- E. **Regulations Pertaining to Household Pets (County-wide).** When conducted within the house or within a residential accessory structure on the same site, the keeping of common household pets,

including but not limited to: dogs, cats, guinea pigs, hamsters, rabbits, domestic or exotic birds (except livestock breeds), non-poisonous reptiles and amphibians, fish, and/or the keeping of other small domesticated or caged small animals incidental and accessory to a permitted residential use when no commercial activity is involved is permitted in all applicable zone districts.

1. ***Operation and Maintenance Standards.***

- a. *Odor and Vector Control.* The premises where household pets are kept shall be maintained in a clean and sanitary manner by the removal of waste, litter or garbage, so as to discourage the proliferation of flies, other disease vectors, and offensive odors.
- b. *Erosion and Sedimentation Control.* In no case shall any person allow animal keeping to cause significant soil erosion, or to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a public nuisance and may be subject to abatement as set forth in Section 11.67.020, Enforcement of this Code and Titles VII (Health and Sanitation) and VII (Public Peace & Safety) of the County Code.
- c. *Nuisance Declared.* Where it is found by the Environmental Health Director that the keeping of household pets in such a number or manner is injurious to the health, safety, or welfare of the inhabitants of the home, the household pets, or adjacent residences, the Environmental Health Director may through written findings declare the keeping of such pets a public nuisance subject to the procedures listed in Chapter 11.67, Enforcement and Abatement Procedures.
- d. *Hobby and Commercial Kennels.* Hobby and commercial kennels are also subject to any permits and requirements established by the Environmental Health Department.

2. ***Dogs.*** The keeping of dogs and similar animals (pygmy goats, pot-bellied pigs, etc.) for personal purposes (pets) including the temporary fostering of such animals is permitted in all zone districts that allow for a residence or where guard dogs are permitted. The number of dogs and similar animals permitted is based on the zone district as identified in Table 11.32.040(E)(2) of this Chapter. Dogs kept for personal purposes are limited to no more than one litter per 12 month period regardless of the number of dogs owned/permitted. The breeding of dogs in excess of one litter per 12 month period is considered a commercial kennel and is only allowed in those districts that allow for commercial kennels subject to any required permits including but not limited to a kennel permit from the Environmental Health Department.

- a. Dogs over four months of age in excess of the number principally permitted may be allowed as a hobby kennel with approval of an Administrative Use Permit.
- b. The keeping of dogs over four months of age in excess of the number allowed as a hobby kennel will be considered a commercial kennel and is only allowed in those districts that allow for kennels subject to any required permits.
- c. The keeping of dogs and similar animals owned by others, or offering training, grooming, therapy, boarding or other services is considered a commercial kennel or pet service and is only allowed in those districts where kennel, pet grooming, and animal services are listed as a permitted or conditionally permitted use.

- d. *Agricultural operations.* Dogs used in herding livestock or other permitted agricultural use are excluded from the provisions in Table 11.32.040(E)(2) below.
- e. *Guard dogs.* In non-residential areas, up to two guard dogs are permitted per business establishment. Additional guard dogs may be authorized through a Waiver from the Zoning Administrator where it can be demonstrated that additional guard dogs are needed to adequately secure the facility.

TABLE 11.32.040-(E)(2): NUMBER OF DOGS PERMITTED BY ZONE DISTRICT		
Zone District	Number of Dogs (over 4 months of age)	Discretionary Permit Required
RS, RM, RH (per unit)	Up to 4	None
	5-8 (hobby kennel)	Administrative Use Permit
RE, AR, RR, RC, AI, AE, TPZ, RPR less than 5 acres in size	Up to 6	None
	7-15 (hobby kennel)	Administrative Use Permit
RE, AR, RR, RC, AI, AE, TPZ, RPR greater than 5 acres in size	Up to 8	None
	9-20 (hobby kennel)	Administrative Use Permit
1. All other zone districts: Keeping (boarding, breeding, sale) of dogs or similar animals is considered a commercial kennel or pet store and is subject to the requirements and permitted uses of the specific zone district. 2. The decision-making authority may only approve an increase in the number of animals after consultation with the Environmental Health Department and Animal Control and a determination that the property has adequate space to allow for additional animals and any adverse impacts to neighboring residents are effectively mitigated.		

- F. **Non-Conforming Animal Keeping.** The keeping of types or numbers of animals not allowed in a particular zoning district may be continued provided that:
1. The number of animals existing on the site was legally permitted prior to the adoption of this Development Code.
 2. The number of animals legally existing on the site on the effective date of this Development Code shall not be increased unless allowed pursuant to the requirements of this Section.
 3. New offspring of legally existing animals may be retained on-site until four months of age or until weaned, after which the new animals are to be removed.
 4. Deceased animals shall not be replaced.
 5. Animals that are relocated to another location for a period greater than 90 days shall not be replaced or brought back to the non-conforming site.
 6. Owners of non-conforming animals shall also be subject to the management practices of this chapter.

~~11.32.050~~11.32.060 Automobile/Vehicle Sales and Services

Automobile/Vehicle Sales and Service establishments shall be located, developed and operated in compliance with the following standards.

- A. **Landscaping and Screening.** Within the Valley Growth Boundary, landscaping and screening shall be provided as follows:

1. A masonry wall at least six feet in height shall be provided along all lot lines adjacent to a residential district for parcels located in the Valley Growth Boundary.
 2. A landscaped planter with a minimum inside width of eight feet and enclosed within a six-inch-high curb shall be provided along the front and street side property lines, except for vehicular circulation openings. A landscaping buffer with a minimum inside width of at least six feet shall be provided along all other property lines that abut a residential district.
- B. **Application Review and Findings for Approval.** The decision-making authority shall only approve an Automobile/Vehicle Sales and Service facility if it finds that:
1. The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.
 2. The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.
 3. Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties.
 4. Lighting is designed to be low-profile, indirect or diffused and to avoid adverse impacts on surrounding uses.
 5. The washing facility will not have an adverse impact on water supply and quality.
- C. **Conditions of Approval.** Conditions of approval may include limitations on operational characteristics of the use; restrictions on outdoor storage and display, location of pump islands, canopies and service bay openings; and/or requirements for buffering, screening, lighting, planting areas, or other site elements, in order to avoid adverse impacts on adjacent lots or the surrounding area.
- D. **Automobile/Vehicle Sales and Leasing.** Automotive servicing or repair is permitted as an accessory use for automobile/vehicle dealers that offer maintenance and servicing of the type of vehicles sold on site.
- E. **Automobile/Vehicle Service and Repair, Major and Minor.** Major and minor automobile/vehicle service and repair uses, as well as any other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity, are subject to the following standards.
1. **Noise.** All body and fender work or similar noise-generating activity shall be conducted within an enclosed building with sound-attenuating construction to absorb noise. Air compressors and other service equipment shall be located inside a building or enclosure to attenuate noise unto adjacent properties.
 2. **Work Areas.** All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.
 3. **Vehicle Storage.** Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is screened in compliance with Section 11.19.080, Screening.
 4. **Litter.** The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.

- F. **Automobile/Vehicle Washing.** Automobile/vehicle washing facilities are subject to the following standards.
1. **Washing Facilities.** No building or structure shall be located within 30 feet of any public street or within 20 feet of any interior property line of a residential use or residential district. Washing facilities are subject to drainage and clean water regulations as determined by the Public Works Department.
 2. **Hours of Operation.** When abutting a Residential District, the hours of operation are limited to 8:00 a.m. to 8:00 p.m., seven days a week.
- G. **Service Stations.** Service stations and any other commercial use that includes fuel pumps for retail sales of gasoline are subject to the following standards.
1. **Pump Islands.** Pump islands shall be located a minimum of 15 feet from any property 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.
 2. **Abandonment.** Any service station shall in the case of abandonment or non-operation of the primary use be dismantled and the site cleared within 12 months subsequent to the close of the last business day.

~~11.32.060~~11.32.070 **Campgrounds**

Private campgrounds and RV parks shall be located, developed, and operated in compliance with following standards.

- A. **Unauthorized Camping Prohibited.** It shall be unlawful to place, maintain, use, or occupy any vehicle or temporary structure, such as a tent, lean-to, or other makeshift enclosure for which no building permit has been issued, on any lot of real property for the purpose of camping, dwelling, maintaining, or establishing a temporary or permanent residency except under the following circumstances:
1. **Properties located outside the Valley Growth Boundary.** Property owners camping on their own real property shall be limited to 14 days within any 60 day period.
 - a. Refuse and solid waste shall be properly managed in accordance with the requirements of Environmental Health Department and Chapter 7.05 of the County Code, Removal of Refuse.
 - b. Burning of refuse is prohibited.
- B. **Compliance with State Law.** All Campgrounds shall comply with the minimum standards of the Special Occupancy Parks Act (Health and Safety Code Section 18860, et seq.) and the applicable regulations adopted by the Department of Housing and Community Development (Code of Regulations, Title 25, Chapter 2.2) including, but not limited to setback and separation standards, infrastructure requirements, operations, maintenance, and inspections within these facilities.
1. Organized camps meeting the definition of CA Health and Safety Code, Division 13, Part 2.3, Sections 18897-18897.7; and Title 17, Subchapters 6, Sections 30700-30753 of the California Code of Regulations are subject to regulation by the Environmental Health Department. Permits to operate organized camps along with the associated food facility, public swimming pools and public water systems are issued by the Environmental Health Department.

Enforcement of building code standards for organized camps will be delegated from the Environmental Health Department to the Building Department.

- C. **Minimum Area and Density.** The minimum area of a Campground shall be three acres. A minimum of 50 percent of the total site area shall be left in its natural state or be landscaped. The remaining 50 percent of land is eligible for development. For campgrounds with designated camping areas, each individual campsite or RV space shall be no less than 1,000 square feet. The overnight population per campsite, RV space, or cabin shall not exceed six persons. Occupancy of group sites and cabins will be determined through the Use Permit based on size and location.
- D. **Fencing.** A fence, wall, landscaping screen, earth mound or other screening approved by the Planning Director, or otherwise required by this Code, may be required as needed for public safety. Fencing to delineate campground boundaries may also be permitted, but should be of a design consistent with character of the neighborhood.
- E. **Access.** Campground access roads shall have clear and unobstructed access to a public roadway. There shall be no direct access from an individual campsite, RV space, or cabin to a public roadway.
- F. **Trash Collection Areas.** Trash collection areas shall be adequately distributed and enclosed by a six-foot-high landscape screen, solid wall, or fence that is accessible on one side. Bear-resistant garbage can containers may be required.
- G. **Water Supply and Sewage Disposal.** Adequate water supply and/or septic capability is available to serve the project, as determined by the County Department of Environmental Health.
- H. **Commercial Use.** Campgrounds may include minor accessory commercial uses such as recreational equipment rental or general stores subject to Use Permit approval.
- I. **Length of Stay.** The maximum length of stay in any Campground shall not exceed 21 consecutive days within a 30 day period unless a longer time period is approved through the Use Permit.
- J. **Structures and Recreational Facilities.** The following standards apply to structures on the site, apart from the personal residence of the property owner or caretaker:
 - 1. Structures are limited to: restrooms/showers; clubhouse, which may contain one commercial kitchen facility and be used for minor recreational purposes; and, cabins, yurts, and permanent RV trailers for transient occupancy.
 - 2. Campgrounds may include minor accessory recreational uses or structures such as but not limited to swimming pools and tennis courts.

11.32.07011.32.080 Caretaker Residences

Caretaker Residences shall be located, developed, and operated in compliance with following standards.

- A. **Accessory Use.** A Caretaker Residence is intended for sites that do not allow a single-unit dwelling by right. The caretaker residence must be accessory to a primary use that requires a caretaker for security purposes or for continuous supervision or care of people, plants, animals, equipment, or other conditions on site. See also agricultural labor housing and employee housing.
- B. **Number of Units.** A maximum of one Caretaker Residence is permitted per site.
- C. **Occupancy.** At least one of the occupants of the Caretaker Residence shall be the owner or lessee, or an employee of the owner or lessee of the site.

- D. **Location.** A Caretaker Residence shall be located on the same lot as the primary use it serves. It may be located within or attached to a building on the site or as a detached structure.
- E. **Compliance with Building Standards.**
1. All housing, whether permanent or temporary, shall meet the development standards for the zone and be subject to all applicable building, fire, and health codes.
 2. Permanent housing shall be constructed and maintained to conform to State Department of Housing and Community Development regulations for employee housing (Health and Safety Code Section 17000 et seq.).
 3. Mobile homes and recreational vehicles used specifically for such housing shall be maintained in compliance with the applicable requirements of the Manufactured Housing Act (Health and Safety Code Section 18000 et seq.).
- F. **Removal of Housing Unit.** A Caretaker Residence shall remain in use concurrent with the existence of the use that justifies the housing unit. Upon termination of the allowed primary use, the Caretaker Residence shall be removed if a temporary structure, or converted to another allowed use if a permanent structure.

~~11.32.080~~11.32.090 Drive-In and Drive-Thru Facilities

Drive-in or drive-thru facilities shall be located, developed and operated in compliance with the following standards:

- A. **Where Allowed.** Drive-in and drive-thru facilities are allowed, subject to approval of a Zoning Clearance or in conjunction with a discretionary permit as authorized by the base zone district.
- B. **Drive-In and Drive-Through Aisles.** Drive-in and drive-through aisles shall be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas.
- C. **Drive-In and Drive-Through Queue Area.** Each drive-through aisle shall provide a sufficient queue for four cars, of at least 80 feet, and the queue area shall not interfere with public rights-of-ways or streets, or with on- or off-site circulation and parking. The Planning Director may grant exceptions to the queue size based on an interior traffic circulation study.
- D. **Screening.** Each drive-through aisle shall be screened with a combination of decorative walls and landscape to a height of 20 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.
- E. **Menu Boards.** Menu boards shall not exceed 20 square feet in area, with a maximum height of six feet, and shall face away from public rights-of-ways unless located at least 35 feet from the street and adequately screened from view. All outdoor speakers shall be directed away from any residential district or residential use.
- F. **Pedestrian Walkways.** Pedestrian walkways shall not intersect drive-in or drive-through aisles, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

~~11.32.090~~11.32.100 Emergency Shelters

Emergency Shelters shall be located, developed, and operated according to the following standards:

- A. **Location.** An Emergency Shelter providing up to 25 beds shall not be ~~located within~~ required to be more than 300 feet of another Emergency Shelter. ~~Large Emergency Shelters with over 25 beds shall not be located within 1,000 feet of another small or large Emergency Shelter. Shelters shall not be located within 500 feet of any existing school or daycare facility.~~
- B. **Length of Stay.** Occupancy for any one individual in the Emergency Shelter shall be limited to six months (180 days) within any 12-month period.
- C. **On-site Waiting and Intake Areas.** The Emergency Shelter shall provide on-site waiting and intake areas, such areas shall be located either inside the facility or fully screened from view of the public right-of-way and neighboring properties.
- D. **Hours of Operation.** Each Emergency Shelter shall establish and maintain set hours of operation for client intake and discharge. These hours shall be clearly displayed at the entrance to the shelter at all times. The shelter operator shall discourage loitering of clients in the vicinity of the shelter during non-intake hours of operation.
- E. **Staffing.** On-site management shall be provided 24 hours a day seven days a week and accompanied by support staff. Only individuals that do not utilize a client bed/or other on-site services are eligible as on-site management.
- F. **Management Plan.** Prior to commencing operation, the Emergency Shelter provider must have a written management plan ~~which shall be approved by the Director.~~ The management plan must include the following:
1. Total number of beds provided, including the number of beds, if any, are reserved for persons under the age of 16.
 2. Minimum square footage of personal living space for each resident, the square footage of indoor and outdoor common areas, and the number of bathing/bathroom facilities.
 3. Staffing information including the total number of staff and staffing by shift, provisions for staff training, and contact information for key staff.
 4. Resident identification process and the type of clientele served. Include provisions for dealing with sex offenders and/or parolees.
 5. Description of training, counseling, social services, or other types of services that will be provided on-site. Food related services may require additional permits and/or clearances from the Environmental Health Department.
 - ~~6. Neighborhood outreach including provisions to insure compatibility with surrounding area.~~
 - 7.6. Policies regarding pets. Kennels may require a permit from the Environmental Health Department. Outdoor Kennels require approval of a Conditional Use Permit when associated with an Emergency Shelter.
 - 8.7. Timing and location of outdoor activities.
 - 9.8. Temporary storage of residents' belongings.
 - 10.9. Safety and security including lighting.
 - 11.10. Site plan, floor plan, and building elevations.

11.32.10011.32.110 Employee Housing

- A. **Applicability.** To provide a mechanism for on-site employee housing where the subject business, operation or institution proposing employee housing is in a location where other housing is unavailable, infeasible, or is necessary for the operational characteristics of the business.
- B. **Occupancy.** At least one of the occupants of each employee housing unit shall be a full-time employee of the business, operation or institution that qualifies for employee housing pursuant to this section.
- C. **Location.** Employee housing shall be located on the same lot as the primary use it serves, unless an off-site location is approved by the Planning Commission through approval of a minor conditional use permit. A finding shall be made indicating that due to topography, operational characteristics, or other site constraints it is infeasible for the employee housing to be located on the same site as the use requiring the employee housing. In no instance shall the employee housing be located more than one mile from the use requiring the employee housing.
- D. **Number of units:** The number of dwelling units designed for single family/households or number of beds in group quarters shall be determined by the decision-making authority. The applicant shall submit documentation demonstrating the number of units/beds necessary for the conduct of the principal use.
- E. **Removal of Housing Unit.** Employee housing may remain in use concurrent with the existence of the use that justifies the housing unit. Upon termination of the allowed primary use, the employee housing shall be removed if a temporary structure, or converted to another allowed use if a permanent structure.
- F. **Development Standards.**
 - 1. All housing, whether permanent or temporary, shall meet the development standards of the district and be subject to all applicable building, fire, and health codes.
 - a. Location. Employee housing shall be located at least 50 feet from barns, pens or other structures that house livestock.
 - 2. Mobile homes used specifically for such housing shall be maintained in compliance with the applicable requirements of the Manufactured Housing Act (Health and Safety Code Section 18000, et seq.). For purposes of zoning, manufactured homes utilized for employee housing shall not be considered a mobile home park.
 - 3. Temporary housing facilities. The use of tents, recreational vehicles, mobile camping equipment or other temporary facilities approved for human habitation for employees may be allowed upon approval of a Minor Conditional Use Permit. In addition to the criteria stated above, temporary housing facilities for employees shall meet the following requirements:
 - a. Length of time temporary housing facilities may be used during a calendar year shall be determined through the use permit process;
 - b. Shall be located a minimum of 100 feet from public right of ways, property lines, and seasonal or permanent water ways;
 - c. Shall obtain clearances from the Environmental Health Department for the provisions of water; waste water, solid waste; and any proposed food facilities.

~~11.32.110~~11.32.120 **Family Day Care, Large**

- A. **Number.** The number of Large Family Day Care homes located along a street frontage are limited to the following:
1. One per 1,000 linear feet of street frontage in the residential zones and Plumas Lake Specific Plan.
 2. One per 2,500 linear feet of street frontage in the AE and AR, zones.
- B. **Parking.** Three spaces are in addition to the two off-street spaces for primary residence. Driveways may be utilized to accommodate parking for the day care.

~~11.32.120~~11.32.130 **Farmer's Markets**

- A. **Limitation in Valley Growth Boundary.** In any residential district, farmers' markets may be permitted only on parking lots and other paved areas serving community facilities; schools; or other public or quasi-public uses. Farmers markets in commercial districts may be permitted as special events as identified in Section 11.32.300.
- B. **Limitation in Agricultural and Rural Community Districts.** Farmer's Markets in agricultural districts and rural residential districts that are not located at community facilities or schools may be permitted as part of a ranch marketing operation. Farmers markets in rural commercial zone districts may be permitted as special events as identified in Section 11.32.300.
- C. **Operational Standards.** Farmers markets shall comply with the following standards::
1. The market is operated by one or more certified producers, a nonprofit organization, or a local government agency;
 2. All producers are authorized by the County Agricultural Commissioner to sell directly to consumers farm products or value-added farm products;
 3. The market operator and/or producers secure all necessary licenses, certificates and health permits, and all agricultural products meet all pertaining health and safety standards;
 4. Documentation is provided to show that all standards set forth in this section are met.
- D. **Hours of Operation.** Market activities shall be conducted between the hours of 7 a.m. and 7 p.m., with one hour provided for set-up and one hour for clean-up and take-down.
- E. **Lighting.** Any lighting must be shielded so as not to shine directly or indirectly on adjacent property.
- F. **Waste Disposal.** Adequate composting, recycling, and trash containers shall be provided during hours of operation, and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.
- G. **Management Plan.** In instances where a Zoning Clearance or Administrative Use Permit is required, a Management Plan shall also be prepared and provided to the Review Authority, including the following:
1. Identification of (a) Market Manager(s), who shall be present during all hours of operation.
 2. A set of operating rules addressing dates and hours of operation; maintenance; security; refuse collection; and parking.

- a. *Site Circulation.* Market shall not block accessible pathways or parking spaces, public rights-of-way, sidewalks, or impede on-site circulation and parking for either the market or any businesses that are operating on the site.

~~11.32.130~~11.32.140 Home Occupations

Home Occupations shall be located and operated in compliance with the following standards.

- A. **Terms of Use.** A home occupation is considered accessory and incidental to a primary residential use.
- B. **Zoning Clearance Required, Not Transferable.** A Zoning Clearance or self certification is required for each home occupation, pursuant to the provisions of Chapter 11.55, Zoning Clearances. A Zoning Clearance to conduct a home occupation at a particular address is not transferable from one party to another, nor may the type of business be modified. A new Zoning Clearance or self certification must be obtained for each new home occupation.
- C. **Operational and Performance Standards.** Home occupations must be located and operated consistent with the following standards:
 1. No person other than members of the family residing on the premises shall be engaged in such occupation.
 2. Instructional services shall be limited to no more than two students at one time and no more than four lessons/appointments per day;
 3. Personal services such as barbers, beauty salons and nail salons or dog grooming when conducted by appointment only and do not exceed four appointments per day.
 4. Not more than 25 percent of the floor area of the dwelling unit, including attached garages, shall be used in the conduct of the home occupation.
 5. Within the Valley Growth Boundary, no building or space outside of the dwelling unit and attached garage shall be used for home occupation purposes. Any work conducted within a garage shall be done with the garage doors closed. Outside the Valley Growth Boundary, detached garages, workshops and enclosed accessory structures may be utilized as part of the home occupation and do not count towards the limitation on floor area specified above.
 6. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use.
 7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in the line voltage off the premises.
 8. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.
 9. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement related to the home occupation or any other similar vehicle shall be garaged or entirely screened. Such vehicle shall not have more than two axles.

10. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential or agricultural purposes as defined in the district.
11. There shall be complete conformity with Fire, Building, Plumbing, Electrical and Health Codes and to all Federal, State and County laws or ordinances.
12. Home Occupations that exceed the standards for vehicle trips, employees, or that have display/sales areas may be permitted upon approval of an Administrative or Minor Use Permit as established by the following table:
- 13.

TABLE 11.32.130: HOME OCCUPATIONS	
<i>Administrative Use Permit</i>	<i>Minor Conditional Use Permit</i>
1 non-resident employee	Instructional Services: up to 5 students at one time or more than 4 appointments per day
Personal services: more than 4 appointments per day but does not exceed 16 vehicle trips/day (business related) including deliveries.	Personal services: that generates more than 16 vehicle trips/day but less than 32 vehicle trips/day (business related) including deliveries.
Does not exceed 4 vehicle trips/hour and no more than 16 vehicle trips/day (business related) including deliveries.	Does not exceed 8 vehicle trips/hour and no more than 32 vehicle trips /day (business related) including deliveries.
Outside Valley Growth Boundary, sales and display areas incidental to the home occupation of up to 300 sq ft may be permitted	Outside of Valley Growth Boundary the following deviations may be permitted: <ul style="list-style-type: none"> • Up to 3 employees • Requires less than 5 parking spaces for business and employees • Business is conducted outdoors or requires more than 300 square feet of sales/display area.
Vehicle trip: each vehicle to or from establishment counts as one trip (i.e. Two deliveries to an establishment in one day constitutes 4 vehicle trips).	

- D. **Cottage Food Operations.** A cottage food operation is allowed as an accessory use to any legally established residential unit subject to the standards of this Code, which are consistent with and implement State law (Sections 51035 et seq. of the Government Code and Sections 109947, 110050, 110460, 111955, 113789, 113851, 114021, 114023, 114390, 114405, and 114409, 113758, and 114088, and 114365 et seq. of the Health and Safety Code), relating to food safety:

1. **Registration.** Cottage food operations shall be registered as “Class A” or “Class B” cottage food operations and shall meet the respective health and safety standards set forth in Section 114365 et seq. of the California Health and Safety Code.
2. **Sales.** Sales directly from a cottage food operation are limited to the sale of cottage food products. A cottage food operation shall not have more than \$50,000 in gross annual sales in each calendar year that follows.
3. **Operator and Employee Allowed.** Only the cottage food operator and members of his or her household living in the unit, as well as one full-time equivalent cottage food employee, may participate in a cottage food operation.

4. **No Exterior Alteration.** No exterior physical alteration or addition that would change the residential character of the unit is allowed in conjunction with the establishment of a cottage food operation.
 5. **Location of Operations.** No sales, production, or materials storage associated with the cottage food operation may be located in an area generally visible from a public right-of-way.
 6. **Equipment.** Cottage food operations may employ kitchen equipment as needed to produce products for which the operation has received registration, provided that equipment would not change the residential character of the unit, result in safety hazards, or create smoke or steam noticeable at the lot line of an adjoining residential property. Venting of kitchen equipment shall not be directed toward neighboring residential uses. If a commercial kitchen is required, the use is not classified as a cottage food industry. Please refer to Section 11.72.040, Commercial Use Classifications: Food Preparation and Section 11.74 Land Use Regulation Table.
- E. **Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations.
1. Adult-oriented business;
 2. Ambulance services;
 3. vehicle or equipment repair, painting, body/fender work, upholstery, detailing, washing, including motorcycles, trucks, trailers and boats;
 4. Automotive/vehicle sales with any on-site storage or sale of vehicles;
 5. Boarding, care, training, or breeding of animals for commercial purposes (except as permitted as a hobby kennel and subject to the regulations of Chapter 6.25, Pet Shops and Kennels, of the County Code).
 6. Veterinary services;
 7. Commercial food preparation, food handling, processing or packing other than that qualifying as a cottage food industry.
 8. 8. Wood working or similar uses with excessive dust or noise when located within the Valley Growth Boundary. Outside Valley growth Boundary must meet home occupation development standards;
 9. 9. Medical and dental offices, clinics, and laboratories;
 10. 10. Mini storage;
 11. 11. Mortuaries;
 12. 12. Recording studio (electronic composition, recording, and re-mixing conducted with headphones and using no amplification, live instruments or live performance excepted);
 13. 13. Restaurants;
 14. 14. Retail stores;
 15. 15. Towing service;
 16. 16. Welding, metal working, and machining businesses when located within the Valley Growth Boundary. Outside Valley growth Boundary must meet home occupation development standards.

- F. **Denial and Revocation of Home Occupation Zoning Clearances.** A home occupation approval may be revoked or modified by the Planning Director subsequent to an administrative hearing for violation of any standard of this section. In the event of the revocation of any home occupation approval, or of objection to the limitations placed thereon, appeal may be made in accordance with Section 11.53.150, Appeals and Calls for Review.

~~11.32.140~~ 11.32.150 Lodging

Agricultural Homestays and Bed and Breakfast Inns (B&B) shall be developed, located, and operated in compliance with the following standards.

TABLE 11.32.140: BED & BREAKFASTS AND AGRICULTURAL HOMESTAYS		
<i>Principally Permitted</i>	<i>Administrative Use Permit</i>	<i>Minor Conditional Use Permit</i>
Up to two rooms within the primary residence.	3 to 5 bedrooms within the primary residence, or up to five rooms within an accessory building permitted for habitation or combination of primary and accessory building not to exceed five rooms.	B&B: 6 to 10 rooms Agricultural Homestays: 6 rooms. Activities that include camping, cattle drives or similar outdoor activities (excluding day use/tours)

- A. **Other permits and clearances.** All B&B and agricultural homestays are subject to obtaining any required business licenses and payment of transient occupancy taxes as determined by the County Tax Collector's office. Facilities that provide meals or snacks to guests shall also obtain all required Environmental Health permits and clearances for a "restricted food service facility".
- Establishments that exceed the thresholds listed for B&Bs or agricultural homestays (i.e. number of rooms rented or meals served) shall be classified as a hotel/motel and is subject to the requirements and zone districts that allow such uses.
- B. **Agricultural Homestays.** Agricultural Homestays shall be accessory and subordinate to an on-site, bona fide agricultural or ranching operation and operated by a resident of the property. They shall comply with the following standards:
- The use is limited to a maximum of 15 visitors at any one time.
 - Meals may be served to overnight guests only. There are no limitations on the number of meals or the times at which they are served. The price of food shall be included in the price of the overnight accommodations, in compliance with the California Retail Food Codes (Health and Safety Code Section 113893) enforced by the County.
- C. **Bed and Breakfasts.** Bed and Breakfast establishments shall be located, developed, and operated in compliance with the following standards.
- Type of Structure.** A Bed and Breakfast may only be located, developed and operated in a single-family dwelling, unless authorized with the approval of a Use Permit..
 - Appearance.** In all residential districts, the exterior appearance of a structure housing a Bed and Breakfast shall not be altered from its original single-family character.
 - Limitation on Services Provided.** Service of meals and rental of bedrooms shall be limited to registered guests. Separate or additional kitchens for guests are prohibited. Unless a commercial kitchen is installed and approved by the Environmental Health Department, meals

are limited to breakfast and pre-packaged self serve snacks as regulated by the California Health and Safety Code.

D. Health Resorts and Retreat Centers.

1. ***Compatibility with Adjacent Uses.*** Lots adjacent to or within Agricultural zoning must be reviewed by the Yuba County Agricultural Commissioner for compatibility with surrounding agricultural uses prior to action by the decision-making authority.
2. ***Limitations on Services Provided.*** Meals may be served to registered day use or overnight guests only. There are no limitations on the number of meals or the times at which they are served.

11.32.160 Low-Barrier Navigation Center

A low-barrier navigation center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the following requirements:

- A. **Connected Services.** It offers services to connect people to permanent housing through a services plan that identifies services staffing.
- B. **Coordinated Entry System.** It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
- C. **Code Compliant.** It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- D. **Homeless Management Information System.** It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

Within 30 days of receipt of an application for a low-barrier navigation center development, the County shall notify a developer whether the developer’s application is complete, pursuant to Government Code Section 65943. Within 60 days of receipt of a completed application for a low-barrier navigation center development, the County shall act upon its review of the application.

~~11.32.150~~ 11.32.170 Mobile Vendors

Mobile vendors shall be located and operated in compliance with the following standards:

- A. **Itinerant/Roving Vendors.** Itinerant vending is permitted pursuant to the standards listed below pertaining to the location, appearance of vehicle and maintenance of the site (Sections C through E). Mobile vending shall only occur during daylight hours and are subject to the County’s Noise Ordinance. Additional regulations pertaining to mobile vending may be found in CDSA’s “Guidelines for Mobile Vending Facility Operation” handout.

- B. **Non-Itinerant Vending.** Non-itinerant vending on private property, public property or in the public right-of-way requires a Temporary Use Permit, pursuant to the procedures of Chapter 11.58, Temporary Use Permits, as well as any other permits, such as but not limited to a health certificate, vendor permit (County parks and public property), or encroachment permits, that may be required by affected agencies.
1. **Site Plan.** A mobile food vendor shall submit a site plan indicating the location of the operation relative to surrounding buildings, parking lots and public rights-of-way, as well as such other information deemed necessary by the Planning Director.
 2. **Operational Parameters.** A Temporary Use Permit for non-itinerant vending shall not exceed a period of one year. Extensions may be applied for prior to the expiration of the Temporary Use Permit in one year increments up to a cumulative total of four years, unless findings can be made that there is still a need for the use. The Temporary Use Permit may limit the days and hours of operation based on location.
 3. **Sanitation Facilities.** All vendors shall arrange for access to a restroom for the operator; such facility for any vendor with food operations shall have hot and cold running water.
 4. **Location and Transferability.** The Temporary Use Permit is for a specific location and cannot be transferred to another location or vendor,
- C. **Location.**
1. **Conflict with Merchants.** Vendors shall not interfere with access to any public or private establishment.
 2. **Pedestrian and Emergency Access.** Vendors are permitted only in locations that will not conflict with pedestrian access or interrupt traffic flow or emergency access.
 3. **Setback from Public Right-of-Way.** A mobile food vending vehicle located on private property shall be set back a minimum of 10 feet from any public sidewalk or right-of-way when the service window faces the street. Less obstructive orientations shall insure that the queue does not encroach upon the public right-of-way.
 4. **Parking.** The mobile food vendor shall not locate in parking spaces that are required to meet minimum parking requirements for any other business.
- D. **Condition and Appearance of Vehicles.**
1. **Display of Permits.** The mobile food vendor shall display current business tax certificate, health department permit (and decal) and mobile food vending permit in plain view and at all times on the exterior of the food vending vehicle.
 2. **Signs.** Signs must be affixed to the apparatus and may not exceed eight square feet.
 3. **Self-Contained Utility Hookups.** The mobile food vending vehicle and use shall be entirely self-sufficient in regards to gas, water, and telecommunications. Should any utility hook-ups or connections to on-site utilities be required for Non-Itinerant Vendors, the mobile food vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building codes. Hookups shall be located to pose no danger to pedestrians.
 4. **Type of Vehicle.** The mobile food vending vehicle shall be a self-propelled vehicle or trailer maintained in mobile operating condition at all times. The vehicle shall not become a fixture of the site and shall not be considered an improvement to real property.

E. **Condition and Appearance of Site.**

1. **Litter.** The mobile food vendor shall provide a minimum of two 32-gallon litter receptacles within 15 feet of the mobile food vending vehicle. The receptacles will serve both employees and customers.
2. **Discharge Prohibited.** The vendor shall not discharge items onto the sidewalk, gutter or storm inlets.
3. **Site Condition.** The site shall be maintained in a safe and clean manner at all times. Exterior storage of refuse, equipment or materials associated with the mobile food vending enterprise is prohibited. The lot shall be paved.

~~11.32.160~~11.32.180 **Outdoor Dining and Seating**

Eating and drinking establishments with outdoor dining or seating areas shall be located, developed, and operated in compliance with the following standards:

- A. **Permit Requirements.** Outdoor dining or seating is considered an accessory use and no additional land use permit is necessary other than the permit required for the primary use except as provided below.
 1. Administrative Use Permit approval is required when the outdoor dining or seating area is located immediately abutting the property line of a residential district or use and contains seating for more than 15 customers.
- B. **Hours of Operation.** Hours of operation shall be limited to the hours of operation of the associated eating and drinking establishment. When adjacent to a residential district, hours of operation and outdoor activities such as music or lighting may be restricted as determined through the Administrative Use Permit..

~~11.32.170~~11.32.190 **Outdoor Retail Sales**

The on-going or permanent outdoor display of merchandise—except for Automobile/Vehicle Sales and Leasing, which is subject to Section 11.32.050, Automobile/Vehicle Sales and Services—shall comply with the following minimum standards:

- A. **Location.** Outdoor sales shall be located entirely on private property outside any required setback (or landscaped planter in zoning districts that do not have required setbacks), fire lane, or fire access way.
- B. **Screening.** All outdoor sales and activity areas other than vehicle sales lots, produce stands, and nursery product sales shall be screened from adjacent public rights-of-way and residential districts. .
- C. **Location of Merchandise.** Displayed merchandise shall occupy a fixed location that does not disrupt the normal function of the site or its circulation and does not encroach upon required parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays shall also not obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

~~11.32.180~~11.32.200 **Personal Storage**

Personal storage facilities shall be located, developed and operated in compliance with the following standards.

- A. **Applicability.** The provisions of this Section shall apply to all new Personal Storage uses and to all existing facilities at such time as the storage area of the existing business is expanded.
- B. **Business Activity.** The use of Personal Storage facilities by customers shall be limited to inactive storage only. No retail, repair, or other business activity shall be conducted out of the individual rental storage units. No activities other than rental of storage units, pick-up and deposit of storage, sale of packing supplies or rental of moving equipment shall be allowed on the premises. Examples of activities prohibited in said facilities include, but are not limited to the following:
 - 1. Auctions, commercial wholesale or retail sales, or miscellaneous garage sales. An exception is made for auctions required by law to comply with lien sale requirements. During the course of said lien sales, customer vehicles shall not be allowed to obstruct travelways within the Personal Storage facility.
 - 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - 4. The establishment of a transfer and storage business.
- C. **Enclosure.** Outdoor storage is prohibited within the Valley Growth Boundary unless screened. No boats, trailers, and/or other vehicles shall be parked or otherwise stored outside the storage units except in areas approved for such storage.
- D. **Hazardous Materials.** No caustic, hazardous, toxic or flammable or explosive matter, material, liquid, or object, nor any matter, material, liquid or object that creates obnoxious or offensive dust, odor or fumes shall be stored in a Personal Storage unit.
- E. **Utilities.** Water, gas or telephone service to any rental space is prohibited.
- F. **Habitation.** Human habitation of any rental space is prohibited.
- G. **Notice to Tenants.** As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.
- H. **Exterior Wall Treatments and Design. Within Valley Growth Boundary,** exterior walls visible from a public street or residential district shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural “caps,” attractive posts, or similar measures. Outside Valley Growth Boundary, exterior walls visible from a public street shall be constructed with materials compatible with the surrounding neighborhood.

~~11.32.190~~11.32.210 **Planned Mobile Home Parks**

- A. **Purpose.** The purpose of this section is to promote housing opportunities for the present and future residents of Yuba County through the establishment of policies and development standards for Planned Mobile Home Parks. The development standards for Planned Mobile Home Parks will further encourage the creation of stable, attractive, residential environments within the individual parks.
- B. **Development Standards.** Planned Mobile Home Parks shall comply with the following development standards:

1. **Mobile Home Sites.**
 - a. *Site Identification.* Each mobile home site shall be plainly marked and numbered for identification.
 - b. *Minimum Site Area.* The mobile home sites in a Planned Mobile Home Park shall average at least 2,700 square feet in area, but no site shall be smaller than 2,000 square feet.
 - c. *Minimum Site Width.* Each mobile home site shall be an average width of 30 feet plus the width of the mobile home, unless it can be shown that adequate space for a patio, parking, and side yard(s) will be ensured, despite a site of lesser width.
2. **Yards.**
 - a. *Front Yard.* Each mobile home site shall have a front yard of not less than five feet. The front yard so required shall not be used for vehicle parking, except such portion thereof as is devoted to driveway use.
 - b. *Side Yard, Corner Sites.* On corner sites, the side yard adjoining the Planned Mobile Home Park street shall not be less than five feet.
 - c. *Side Yards, Interior.* Each mobile home site shall have a side yard on each side of not less than five feet, or one side yard of not less than 10 feet.
 - d. *Side Yard, Driveway.* When used for access of a parking facility, a side yard shall be wide enough for a 10-foot-wide unobstructed driveway. All such side yard driveways shall be paved with concrete or asphaltic concrete unless located outside the Valley Growth Boundary.
 - e. *Rear Yard.* Each mobile home site shall have a rear yard of not less than five feet in depth.
3. **Projection into Yards.** The following structures may be erected or projected into any required yard:
 - a. Eaves, stairways and awnings not to exceed one foot.
 - b. Landscape elements including trees, shrubs, and other plants, except hedges, provided that such landscape feature does not hinder the movement of the manufactured home in or out of its space.
 - c. Manufactured home hitches.
 - d. Necessary appurtenances for utility services.
 - e. A single accessory structure that is less than 120 square feet in area and eight feet in height may be located within side or rear setbacks.
4. **Minimum Distance between Structures.** No portion of a manufactured home or attached accessory structure shall be closer than 10 feet to another manufactured home or attached accessory structure.
5. **Minimum Size of Mobile Homes.** No mobile home that is less than 10 feet wide or has a floor bed of less than 370 square feet may be parked or located on a mobile home site in a Planned Mobile Home Park.

6. **Maximum Site Coverage.** The mobile home and accessory structures shall not cover more than 75 percent of the mobile home site.
7. **Number of Homes per Site.** Not more than one single-family mobile home may be placed on a mobile home site.
8. **Off-street Parking.** In addition to the parking requirements of Chapter 11.25, Parking and Loading, the following standards shall apply to Planned Mobile Home Parks:
 - a. Each mobile home site shall have a paved space suitable for providing automobile shelter with space for at least two automobiles for each manufactured home. Gravel or other surfacing may be approved outside of the Valley Growth Boundary
 - b. Recreation and laundry areas shall have sufficient parking facilities to accommodate one automobile for every 10 mobile home sites.
9. **Signs.** In addition to the requirements of Chapter 11.27, Signs, the following standards shall apply to Planned Mobile Home Parks:
 - a. Adequate signs and markings indicating directions, parking areas, recreation areas, and street names shall be established and maintained in the manufactured home park. Such signs shall not exceed six square feet in area.
 - b. Signs or name plates not exceeding two square feet in area and displaying the name and address only of the occupant of the manufactured home may be erected at each mobile home site.
 - c. Signs which identify or advertise the Planned Mobile Home Park may be erected if approved by the hearing body on its action on the conditional use permit for the manufactured home park. Such signs must be located on the premises and shall not be more than 120 square feet in area. They shall not be animated or have flashing lights.
10. **Landscaping.** In addition to the landscaping requirements of Chapter 11.24, Landscape, the following landscaping provisions shall apply to all Planned Mobile Home Parks:
 - a. All open areas except driveways, parking areas, walkways, utility areas, improved decks, patios, or porches shall be maintained with landscaping as hereinbefore defined.
 - b. The trees shall be planted along street frontage as may be required by the hearing body upon recommendation of the Community Development and Services Agency's Public Works Department.
11. **Walls and Fences.** Walls and fences on individual mobile home sites shall not exceed three feet in height. Walls or fences erected around the perimeter of the Planned Mobile Home Park may be required by the hearing body. The height, construction, and type of material for such perimeter walls shall be as specified by the hearing body in the permit authorizing the use.
12. **Trash Storage.** Containers for trash storage of a size, type and quantity approved by the County shall be provided. They shall be placed so as to be concealed from the street and easily accessible to the mobile home sites.
13. **Streets.** Streets within Planned Mobile Home Parks shall be provided in such a pattern as to provide convenient traffic circulation within the manufactured home park. On-street parking is not permitted. Streets shall be designed as follows:

- a. *Width.* Streets shall have a width of not less than 30 feet, including curbs.
 - b. *Curbs.* There shall be concrete roll curbs on each side of the streets.
 - c. *Paving.* Streets shall be paved in accordance to standards established by the Community Development and Services Agency's Public Works Department.
 - d. *Lighting.* Streets shall be lighted in accordance to standards established by the Community Development and Services Agency's Public Works Department.
14. ***Park and Recreation Areas.*** A central recreation area shall be established in each Planned Mobile Home Park created pursuant to the provisions of this chapter. The size of such area shall be at least 200 square feet per mobile home site. The recreation area may contain community club houses, swimming pools, shuffleboard courts, and similar facilities. The hearing body may permit decentralization of the recreation facilities in accordance with principles of good planning provided that the total recreation area meets the above stated minimum size.
15. ***Office.*** Every Planned Mobile Home Park shall include a permanent building for office use. Such building may include a single-family dwelling for the exclusive use of the owner or manager.
16. ***Laundry Rooms.*** Every Planned Mobile Home Park shall have one or more laundry rooms. Laundry drying lines shall not be permitted on any mobile home site.
17. ***Mail Boxes.*** Each mobile home site shall be equipped with a receptacle for mail deliveries in accordance with the standards prescribed by the local residents.
18. ***Storage Areas.*** Areas used for the storage of travel trailers, boats, and other such items may be established in a Planned Mobile Home Park provided they are adequately screened from public view.
19. ***Utilities.*** All utility distribution facilities serving individual mobile home sites within the Valley Growth Boundary shall be placed underground. The owner is responsible for complying with the requirements of this Subsection and he shall make the necessary arrangements with each of the serving utilities for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenant structures may be placed above ground. Water and sewer distribution facilities shall be installed in conformance with specifications of the Utility Engineer. All mobile home sites must be served with water, electricity, and a solid waste disposal.
20. ***Transient Mobile Home Sites.*** Sites reserved for transient mobile homes shall be so designated on the plans submitted with the application for the Planned Mobile Home Park conditional use permit. The site, yard, and property development standards of this section shall fully apply to sites reserved for transient mobile homes. Mobile homes less than 10 feet wide or with a floor bed of less than 370 square feet may occupy such designed transient mobile home sites for periods up to 90 days.
21. ***Sale of Mobile Homes at Manufactured Home Parks.***
 - a. *Conditional Use Permit.* The operation of a business or occupation either full or part-time, for the purpose of manufactured home sales, shall be allowed on the premises of any legally established Planned Mobile Home Park, subject to the issuance of a Conditional Use Permit. This does not include the sale of individual manufactured homes by the owner of the unit.

- b. *Restrictions.* In no event shall the holder of the conditional use permit or any other person maintain or allow to be maintained on the Planned Mobile Home Park premises for display any manufactured home either assembled or disassembled which is not installed on the site and connected to all utilities sufficient to be legally adequate for immediate occupancy. The maximum number of unoccupied mobile homes so installed for display shall not exceed three units at any one time.

C. **Allowed Density**

1. *RM Medium Density Residential and RH High Density Residential Districts.* The density for mobile home parks is limited to the allowed density within the RM Medium Density Residential and RH High Density Residential zoning districts unless a density bonus is approved.
2. *RC Rural Commercial District.* The allowed density for mobile home parks in the RC Rural Commercial district shall be determined by approval of a conditional use permit and carrying capacity for wells and septic systems as determined by the Department of Environmental Health.

~~11.32.200~~11.32.220 **Produce Stands**

- A. **Accessory Use.** Produce stands shall be operated in conjunction with and accessory to a primary agricultural use on the same site. They shall be operated by the agricultural producer and on premises controlled by the producer. Produce stands that do not meet the requirements of this section shall be classified as a farm store and shall meet the requirements listed in Section 11.32.210, Ranch Marketing.
- B. **Products for Sale.** Products sold or offered for sale at a Produce Stand are limited to the following:
 1. ***Unprocessed Agricultural Products.*** A minimum of 50 percent of the selling space of the stand shall be dedicated to selling whole produce, shell eggs, and/or cut flowers grown or raised on the same premises as the stand or on neighboring farms.
 2. ***Value-Added Agricultural Products.*** Up to 30 percent of the selling space may be used for un-refrigerated processed agricultural products such as jams, preserves, pickles, juices, cured olives, and other value-added products made with ingredients produced on the premises or neighboring farms and may be sold concurrently with unprocessed agricultural products with approval from the Environmental Health Director.
 3. ***Pre-packaged Foods and Beverages.*** No more than 50 square feet or 10 percent of the selling space may be occupied by pre-packaged food and drinks such as bottled water, sodas, and crackers.
- C. **Number of Stands.** One stand shall be permitted per parcel, or per group of adjacent parcels under the same ownership.
- D. **Size Limitation.** The floor area of any permanent structure utilized as part of the produce stand shall not exceed 120 square feet in area. The total display area shall not exceed 500 square feet. Use of temporary structures such as but not limited to display tables and pop-up awnings shall only be used during the operational hours of the produce stand.
- E. **Minimum Setbacks.** Stands shall be located at least 20 feet from any street or highway and 100 feet from any existing residence outside the ownership of the stand operator. In addition, no part of the use, including selling area, signs, and parking, may be located within the triangular visibility area described in Section 11.19.130, Visibility at Intersections and Driveways.

- F. **Access.** Access shall not be directly from a State highway unless the operator has secured an access agreement from Caltrans. The access drive is not required to be paved, but if not paved, shall be improved with gravel.
- G. **Parking.** Sufficient area shall be provided for at least two vehicles to park; such parking area may consist of gravel and is not required to be paved.

~~11.32.210~~11.32.230 **Ranch Marketing**

- A. **Purpose.** This section is intended to allow the marketing and sale of agricultural products directly to consumers, as well as the provision of agricultural tourism, when such uses are accessory to a primary agricultural use (Animal Raising, Crop Production, Dairy, or Grazing) on the same site. Ranch Marketing can provide supplementary income to agricultural operations, particularly to small farms, while maintaining the rural character of Yuba County's agricultural areas. This section is intended to implement General Plan policies to:
 - 1. Support rural communities in the development of economic opportunities such as agricultural and ecological tourism.
 - 2. Support agriculture, agricultural processing, agricultural tourism, recreational uses, and other natural-resource-based economic development in areas with land-based natural resources, natural beauty, and cultural attractions.
 - 3. Preserve and enhance rural character.
- B. **Applicability.** The regulations of this section apply to Ranch Marketing uses, as defined in Chapter 11.72, Use Classifications, where they are permitted or conditionally permitted by the use regulations of the base and overlay zoning districts (Division II: Zoning and Overlay Districts) and are accessory to agricultural uses. This section does not apply to the following uses:
 - 1. Produce Stands that meet all of the standards of Section 11.32.200, Produce Stands.
 - 2. Indirect sales by mail, telephone, or Internet in which delivery of the goods occurs off-site.
 - 3. Wholesale sale of agricultural products.
- C. **General Provisions.**
 - 1. **Minimum Lot Size.** Ranch Marketing uses may only be established and operated on a site with an area of at least five acres. A smaller lot size may be approved through a Waiver when the following findings can be made:
 - a. The operation produces an agricultural commodity in sufficient quantity that a farm store rather than a seasonal produce stand is justified; and
 - b. The farm store and any other related ranch market activities including required parking areas will not reduce the area utilized for agricultural production.
 - 2. **Accessory Use.** Ranch Marketing uses shall be accessory to a primary agricultural production use (Animal Raising, Crop Production, Dairy, Grazing, or wineries) on the same property and shall be operated by the property owner or lessee of the agricultural property. Should the primary agricultural use of the property cease, as determined by the Agricultural Commissioner and Community Development and Services Agency Director, the ranch marketing operation shall also cease.

- D. **Permitted and Conditionally Permitted Uses.** The following table outlines the type of permit needed, if any, for various types of ranch marketing uses. The Planning Director shall make a determination of the most applicable permit type based on similarities between listed uses for any ranch marketing use not listed.

TABLE 11.32.210 RANCH MARKETING				
Use	Permitted	Administrative Use Permit (AP)	Minor Conditional Use Permit (MUP)	Major Conditional Use Permit (CUP)
Picnic areas for day use	Principally permitted: trash receptacles shall be provided in proximity to all picnic areas.			
Farm Store or Bake shop (no seating-onsite food consumption or commercial kitchen facility) ¹	1,000 sq ft	1,001 to 2,500 sq ft	2,501 to 7,000 sq ft	Over 7,001 sq ft
Handicrafts and agricultural promotional items	In conjunction with a farm store or bake shop not to exceed 30% of store area not to exceed a maximum of 500 sq ft		In conjunction with a farm store or bake shop, percent of store area as determined by Use Permit.	
General retail products	In conjunction with a farm store or bake shop not to exceed 10% store area up to a maximum of 200 sq ft.		Permanent or temporary booths for handicrafts (MUP unless other uses require a CUP)	
Commercial kitchen (minor food preparation) ³	Not applicable	Requires approval of an Administrative Use Permit.		
Food stands and Dining facilities ⁴ with seating or on-site food consumption	Not applicable	1 food stand per project and/or dining facility with up to 16 seats. ⁵	More than 1 food stand and/or dining facilities with seating capacity in excess of 16 seats (MUP up to 30 seats and CUP when 31 or greater seats or 3 or more food stands)	
Agricultural Museums	Principally permitted as a component of a ranch marketing operation. As a primary use see cultural institutions for applicable zoning districts and permit requirements.			
RV or overnight camping ²	Not Applicable		Up to 5 spaces	Over 5 spaces
B&Bs and Agricultural Homestays	See Section 11.32.140, Lodging			
Recreation and Entertainment	Self-pick fruit and vegetables, trails, hay rides, corn mazes, labyrinths and similar passive agriculturally related recreation uses	Mini train rides, pony rides, petting zoos, fishing ponds, and other agriculturally related recreation and entertainment as determined through the Minor Use Permit.		
Special Events	See Section 11.32.300.I Special Events outside the Valley Growth Boundary			
Wineries and Tasting Rooms	See Section 11.32.320, Wineries and Tasting Rooms			

TABLE 11.32.210 RANCH MARKETING				
Use	Permitted	Administrative Use Permit (AP)	Minor Conditional Use Permit (MUP)	Major Conditional Use Permit (CUP)
<ol style="list-style-type: none"> 1. Prepared food shall be from a permitted cottage food facility or food preparation facility. At least 75 percent of store area (excluding storage and other non-sale areas) dedicated to agricultural products shall be comprised of local agricultural products grown or raised on the same premises or neighboring farms within Yuba County. 2. Camping that is directly associated with and ancillary to a ranch marketing operation. When camping is the primary use it is classified under Entertainment and Recreation (See use classification tables for allowed zoning districts.) 3. Food preparation areas that require a commercial kitchen and are not part of an approved food stand or dining facility. 4. Dining facilities also includes bake shops and farm stores with on-site food consumption. 5. Seating is located within the dining facility or within 100 feet of dining facility or food stand. 				
<p>Multiple Uses. Where multiple uses are proposed the permit type shall be determined by the most intense use proposed. For example a 500 square foot farm store, agricultural museum and 5 space overnight camping would require a Minor Conditional Use Permit.</p>				
<p>CEQA: All projects are subject to CEQA. For uses that are listed as permitted or require approval of an Administrative Use Permit where due to site location, presence of natural resources or other site constraints and the proposed development plan results in the inability to Exempt the project from CEQA, the project will be subject to approval of a Minor Use Permit, preparation of the appropriate CEQA document and any associated fees.</p>				

E. **Development Standards.**

1. **Parking.** Parking for uses shall be as established in Section 11.25, Parking and Loading or as determined by the decision-making authority for those activities that require a use permit.
2. **Hours of Operation.** Ranch Marketing activities are limited to daylight hours unless alternative hours are authorized through a use permit or as authorized under Section 11.32.300.I Temporary Uses and Special Events.
3. **Amplified Music or Speech.** Amplified music or speech is prohibited except as authorized under Section 11.32.300.I Temporary Uses and Special Events or as part of an approved use permit.
4. **Food Safety (and Compliance with Other Agency Requirements).** Sale of processed agricultural products, prepackaged food items, and prepared foods, where permitted, shall comply with the California Health and Safety Code, subject to approval from all applicable agencies including, but not limited to the Yuba County Department of Environmental Health, California Department of Public Health, and California Department of Food and Agriculture.

F. **Findings for Approval.** Prior to approving a ranch marketing project the decision-making authority shall make the following findings:

1. The site meets the minimum acreage and planting standards.

2. The proposed use is secondary and subordinate to the agricultural use.
3. The proposed use does not detract from or diminish the on-site agricultural uses.
4. There is no adverse effect on agricultural production on surrounding properties.
5. There is no adverse effect on the surrounding properties and community character that cannot be mitigated to less than significant.

G. **Exceptions to Standards.** The standards of this section may be waived or modified through Conditional Use Permit Approval where in addition to the necessary findings for a Conditional Use Permit, the Planning Commission shall also make the findings listed in Section 11.32.210(F), Findings for Approval.

~~11.32.220~~11.32.240 Recycling Facilities

A. **Recycling Collection Facilities.** Recycling Collection Facilities (Convenience Recycling), including reverse vending machines, shall comply with the following standards:

1. **Accessory Use.** Recycling Collection Facilities shall be located on the same site as a permitted primary use that sells CRV products (i.e. grocery stores, convenience stores, and service stations). Ancillary sale of CRV products (i.e. vending machines for employees/customers, sale or complimentary to customers where primary business is not retail food products) does not constitute a primary use that sells CRV products. The Zoning Administrator may approve deviations to this requirement for facilities outside the Valley Growth Boundary where a public benefit can be demonstrated by having the Recycling Collection Facility at that location and the site is located within a convenience zone as determined by CalRecycle. However, recycling facilities shall not be permitted within an AE or AI zone district.
2. **Size.** Recycling Collection Facilities shall not exceed a footprint of 350 square feet.
3. **Equipment.** No power-driven processing equipment, except for reverse vending machines, may be used.
4. **Location.** Facilities shall not be located within 50 feet of any residential district. There shall be a minimum of one mile distance between convenience recycle centers.
5. **Hours of Operation.** Attended facilities located within 100 feet of any residential district shall operate only during the hours between 8 a.m. and 7 p.m.
6. **Setback.** Facilities shall be set back at least 10 feet from any lot line abutting a street and shall not obstruct pedestrian or vehicular circulation.
7. **Containers.** Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material. Capacity shall be sufficient to accommodate materials collected in the collection schedule. Screening with fences, walls and landscaping is encouraged. No temporary shade structures (i.e. pop-up tents) or similar structures shall be permitted.
8. **Identification.** Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator, and the hours of operation.
9. **Signs.** The maximum sign area shall be 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. The Director may authorize

increases in the number, size and nature of additional signs for necessary directional or identification purposes but not for outdoor advertising.

10. **Parking.** Patrons and any attendant shall not reduce available parking spaces below the minimum number required for the main use of the site unless a parking study shows available capacity during recycling facility operation.
11. **Site Maintenance.** Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials. All litter generated by the recycling operation shall be removed. The litter control shall be provided at the entrance(s) of the facility and along the street, sidewalk, and setback areas adjacent to the facility. Facilities shall also meet the requirements of the Public Works Department regarding drainage and water quality regulations.
12. **Sorting.** No sorting of materials shall occur on site, with the exception of reverse vending machines, which automatically sort materials.
13. **Reverse Vending Machines.** Reverse vending machines shall comply with the following additional standards:
 - a. *Location.* Machines shall be located adjacent to the entrance of the commercial host use and shall not obstruct pedestrian or vehicular circulation. If located outside of a building, the machines shall not occupy required parking spaces
 - b. *Maximum Size.* Each reverse vending machine shall not exceed an area of 50 square feet each (including any protective enclosure) or a height of eight feet.
 - c. *Identification.* Machines shall 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.
 - d. *Signs.* Notwithstanding the above provisions for signs on collection facilities, the maximum sign area on a reverse vending machine shall be four square feet, exclusive of operating instructions.
 - e. *Lighting.* Machines shall be illuminated to ensure comfortable and safe operation between dawn and dusk.
 - f. *Trash Receptacle.* A garbage can of at least 40-gallon size shall be located adjacent to the reverse vending machine for the deposit of non-recyclable materials.

B. Recycling Processing Facilities.

1. **Location.** Facilities shall not abut a Residential District.
2. **Screening.** The facility must be screened from public rights-of-way by solid masonry walls or located within an enclosed structure. In industrial districts alternative screening mechanisms may be approved by the Planning Director.
3. **Outdoor Storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required screen walls.
4. **Identification.** Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.

11.32.23011.32.250 Residential Care Facilities, General

General Residential Care Facilities shall be located, developed, and operated in compliance with the following standards.

- A. **Location.** A General Residential Care Facility must be located a minimum of 300 feet from any other General Residential Care Facility.
- B. **Outdoor Activities.** Outdoor activities may only be conducted between the hours of 7:00 a.m. and 10:00 p.m.
- C. **State Licensing.** All Residential Care Facilities shall be licensed and certified by the State of California and shall be operated according to all applicable State and local health and safety regulations.
- D. **No Drug or Alcohol Use.** Residents and staff shall sign an agreement affirming that use of drugs or alcohol on the premises is prohibited and acknowledging that drug or alcohol use will result in termination or eviction.

11.32.240—Second Dwelling Units

~~A permit will be issued as a ministerial matter for a second dwelling unit, in addition to the first single unit dwelling on a lot when all of the conditions below are met. Such permits may be processed and issued as an administrative matter by the Planning Director after review and consideration of the application without requirements of hearing.~~

- ~~A. **Location.** A Second Dwelling Unit may be established on any lot where a primary Single Unit Dwelling has been previously established (except in the Extrative (EX), Resource Preservation and Recreation (RPR), and Timber Production (TP) districts) or is proposed to be established in conjunction with the construction of a Second Dwelling Unit and can meet all required development standards.~~
- ~~B. **Number of Units.** A maximum of one second dwelling unit shall be permitted by this section. Total residential dwelling units on the parcel shall not exceed two dwellings.~~
- ~~C. **Setbacks.** A Second Dwelling Unit is subject to the setbacks required in the district in which it is located. In addition, a minimum of 10 feet shall be maintained between the primary dwelling and a detached Second Dwelling Unit. However, detached, single-story Second Dwelling Units may have a reduced rear yard setback of 10 feet.~~
- ~~D. **Maximum Floor Area.** The floor area of the Second Dwelling Unit for an attached unit shall not exceed 30 percent of the primary dwelling's living area. In addition, the floor area of a detached Second Dwelling Unit shall not exceed 1,200 square feet. A larger floor area may be permitted upon approval of an Administrative Permit.~~
- ~~E. **Minimum Facilities.** The Second Dwelling Unit shall include permanent provisions for independent living, sleeping, eating, cooking and sanitation within the unit. The primary residence and the Second Dwelling Unit may maintain separate utilities, subject to approval by the appropriate utility provider. Proposed Second Dwelling Units requiring wells and/or septic systems are subject to approval by the Environmental Health Department.~~
- ~~F. **Parking.** In addition to the parking required for the primary residence on the site, each one-bedroom or studio Second Dwelling Unit shall be provided at least one off-street parking space. Parking shall be provided according to the standards of Chapter 11.25, Parking and Loading, except that one parking~~

~~space for a Second Dwelling Unit may be located within the front yard setback and/or may be located in tandem with other on-site parking. Second Dwelling Units with two or more bedrooms shall meet the standard parking requirements of the applicable district for Single Unit Dwellings.~~

- ~~G. **Appearance.** The Second Dwelling Unit shall be designed and constructed so as to be compatible with the existing neighborhood in terms of height, form, and materials and the unit shall be subordinate in appearance to the primary residence. In addition, the unit must be located on a permanent foundation.~~
- ~~H. **Second Dwelling Unit with Non-conforming Primary Structure.** With the exception of lot size, when the primary structure is non-conforming, a Second Dwelling Unit in compliance with the development standards of this subsection is still permitted, provided that the Second Dwelling Unit does not increase the non-conformity.~~
- ~~I. **Owner Occupancy; Rental and Sale Limitations.** Either the primary Single Unit Dwelling or the Second Dwelling Unit shall be owner occupied. Either unit may be rented but both may not be rented at the same time. A Second Dwelling Unit shall not be sold separately from the primary dwelling unit. A deed restriction on a form prescribed by the Planning Department shall be recorded prior to building permit issuance.~~

~~11.32.250~~11.32.260 **Single-Room Occupancy**

Single room occupancy (SRO) facilities shall be located, developed, and operated in compliance with the following standards:

- A. **Maximum Occupancy.** Each SRO living unit shall be designed to accommodate a maximum of two persons.
- B. **Minimum Size.** An SRO living unit must have at least 150 square feet of floor area, excluding closet and bathroom. No individual unit may exceed 400 square feet.
- C. **Minimum Width.** An SRO of one room shall not be less than 12 feet in width.
- D. **Entrances.** All SRO units must be independently accessible from a single main entry, excluding emergency and other service support exits.
- E. **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual SRO units, SRO units shall have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; a small refrigerator; and cabinets for storage.
- F. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.
- G. **Closet.** Each SRO unit shall have a separate closet.
- H. **Common Area.** Four square feet per living unit shall be provided, excluding janitorial storage, laundry facilities and common hallways. At least 200 square feet in area of interior common space provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.
- I. **Tenancy.** Tenancy of SRO units shall be limited to 30 or more days.

- J. **Facility management.** An SRO Facility with 10 or more units shall provide full-time on-site management. An SRO Facility with less than 10 units shall provide a management office on-site.
- K. **Management Plan.** A management plan shall be submitted with the permit application for all SRO projects. 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 appliance;
 3. **Rental Procedures.** All rental procedures, including tenancy requirements;
 4. **Staffing and Services.** Information regarding all support services, such as job referral and social programs; and
 5. **Maintenance.** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

~~11.32.260~~ 11.32.270 Alternative Energy Systems

- A. **Purpose.** The provisions of this section are intended to encourage the use of renewable energy sources that are compatible with surrounding uses. Solar energy systems, including Personal Solar Energy Systems and Solar Power Generation Facilities, shall be designed, located, and operated consistent with the standards of this section.
- B. **Allowable Size of Solar Energy Systems.** Any number of solar panels may be in operation on a single site, in accordance with this section.
1. **Personal Solar Energy Systems.** It is assumed that systems consistent with Table 11.32.260, below, are primarily providing power to offset consumption. Uses that have a higher energy requirement than stated in the table may submit documentation demonstrating that a larger system is needed to provide for historic energy demands (energy use from the previous 24 months and either: maximum output of panels, maximum continuous output of the inverters, or estimated KWh the system will produce over a year based on location/orientation of panels and output of inverters). For new construction, documentation demonstrating typical energy demands for similar uses, size buildings, and construction type may be considered.
 - a. For systems located in the AE, AL, IG, IL, PF, and EX zoning districts the power consumption can be for onsite consumption as well as other offsite consumption associated with the business or agency within Yuba County as allowed by the CPUC, so long as offsite solar system is not located in a Residential or Mixed Use District. In addition to the building permit requirements, a plan shall be submitted identifying location of all facilities intended to be offset by the small solar energy system, identify the location of the solar system(s) and a summary of the cumulative energy consumption of the facilities and the anticipated KWh the solar system will produce. Allow development standards for the solar system as identified below shall apply.

TABLE 11.32.260: SOLAR ENERGY SYSTEM CONSUMPTION OFFSET THRESHOLDS	
Land Use Type	Maximum Kilowatts
Agricultural uses	50

TABLE 11.32.260: SOLAR ENERGY SYSTEM CONSUMPTION OFFSET THRESHOLDS	
Land Use Type	Maximum Kilowatts
Residential uses (ground mounted)	20
Residential uses (roof mounted)	no limit
Commercial uses	50
Industrial uses	50

2. **Solar Power Generation Facilities.** The number of panels and kilowatt generation shall be determined through the Use Permit process. Any project not meeting the requirements of 11.32.260 (B)(1) will be considered a solar generation facility.
 - a. **Small Solar Power Generation Facilities.** Facilities on sites less than five acres in size within the Valley Growth Boundary or less than 10 acres in size outside the valley growth boundary may be processed as a Minor Conditional Use Permit in those districts that allow for such facilities.
- C. **Maximum Height.** Solar panels, as well as attachments to existing buildings and towers, shall comply with the maximum permitted height of the zoning district in which they are located.
- D. **Location.**
 1. In the RS zone freestanding Small Solar Energy System (not attached to an existing structure) shall only be located in the rear yard portion of any lot. This requirement does not apply if the solar energy system is attached to a building.
 2. It is the property owner's responsibility to situate any solar collector so that a neighbor's trees or buildings—now or in the future, or any time of the year do not block access to the sun.
- E. **Maintenance.** When a system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within 120 days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal. Failure to remove the system will be considered a nuisance and abated per Chapter 11.67, Enforcement and Abatement Procedures.

~~11.32.270~~11.32.280 Wind Energy Systems

- A. **Purpose.** The provisions of this section are intended to encourage the use of renewable energy sources that are compatible with surrounding uses. Wind energy systems, including Personal Wind Energy Systems and Wind Power Generation Facilities, shall be designed, located, and operated consistent with the standards of this section.
- B. **Minimum Lot Size.** Wind energy systems are allowed on properties that are at least five acres in size within the Valley Growth Boundary and any size parcel outside the Valley Growth Boundary.
- C. **Maximum Power Generation.** The size of Personal Wind Energy Systems shall not exceed the following:
 1. Personal Wind Energy Systems shall not exceed 20 kilowatts for residential uses and 50 kilowatts for non-residential uses unless the owner can demonstrate that the historical power consumption (energy use from the previous 24 months) is greater than the kilowatts allowed

by use type. (See also personal power generation facility) For systems located in the AE, IG, IL, PF, and EX zoning districts the power consumption can be for onsite consumption as well as other offsite consumption associated with the business or agency located within Yuba County as allowed by the CPUC, so long as offsite wind system is located in a zone district that allows for wind energy systems.

2. Those projects not meeting the requirements of 11.32.270 (C)(1) will be considered a Wind Power Generation Facility and maximum power generation shall be determined through a Conditional Use Permit.

D. **Height.** The total height of wind energy systems is measured as the vertical distance from the ground level to the tip of a wind generator blade when the tip is at its highest point, and shall not exceed the following maximum height requirements:

1. ***Wind Towers.***

- a. On parcels less than 5 acres, the tower shall not exceed 35 feet.
- b. On parcels between five and 10 acres, the tower height shall not exceed 80 feet.
- c. On parcels greater than 10 acres, the tower height shall not exceed 100 feet unless additional height is provided through the Use Permit approval.
- d. Properties within 10,000 feet of an airport must comply with FAA height standards and regulations.

2. ***Attachments to Existing Buildings and Towers.***

- a. ***Building.*** A wind turbine(s) may be affixed to the building or the roof, provided that:
 - i. The total height of the wind turbine is less than 20 feet above the highest point of the building.
 - ii. The base of the wind turbine cannot be seen from the road right-of-way.
- b. ***Towers.*** A wind turbine may be attached to an existing tower, provided that:
 - i. The tower is designed to accommodate the wind turbine.
 - ii. The tower is in compliance with Subsection (G), Liability, of this section.

E. **Location.**

1. ***Personal Wind Energy Systems.***

- a. ***Rear Yard Location.*** Personal Wind Energy Systems shall only be located in the rear yard portion of any lot. The above locational limitation does not apply in the following situations:
 - i. When located in AE, IG, SE, EX, RP, and TP districts and a rear-yard location would interfere with agricultural, mining, timber, or other permitted operations on the site..
 - ii. When the wind system is attached to a building the base of which cannot be viewed from any roadway.
- b. ***View Maintenance.*** The system shall not substantially obstruct views of adjacent properties, and, where feasible, shall be placed below any major ridgeline.

2. ***Tower Setbacks.*** Towers must be located:

- a. At least 1.2 times their height from any public road right-of-way.
 - b. At least 1.2 times their height from any overhead utility lines, except those lines directly serving the subject property.
 - c. At least 1.2 times their height from all property boundaries.
 - d. Outside of the setback for the zoning district.
3. ***Guy Wire Anchors Setbacks.*** If guy wires are utilized as part of the tower design, then the guy wire anchors shall be placed at least 30 feet from any abutting property boundaries and outside any front yard setback.
4. ***Turbines Attached to Buildings.*** The minimum distance a wind turbine may be from the property boundaries, if it is located on a building, must be 1.2 times the distance that is equal to the total height of the wind turbine from the ground.
- F. **Liability.** The property owner shall be prepared to demonstrate proof of public liability insurance prior to issuance of permits and maintain said insurance during the entire useful life of the power generation facility.
- G. **Variances to Personal Wind Energy Systems.** Deviations to the following development standards for Personal Wind Energy Systems may be granted upon approval of a minor use permit.
 1. To locate wind turbines in the front or side yard of primary structure if pre-existing geography, vegetation or built environment would preclude the use of wind power in the rear of the primary structure.
 2. To increase the permitted height of a tower or wind turbine.
- H. **Electrical Interference.** The wind energy system shall not cause any radio, television, microwave, or navigation interference. If a signal disturbance problem is identified, the applicant shall correct the problem within 90 days of being notified by the Yuba County Community Development and Services Agency of the problem.

I. **Noise.**

1. **Personal Wind Energy Systems.** Decibel levels for the system shall not exceed 60 decibels as measured at the nearest property line, except during short-term events, such as utility outages and severe wind storms.
2. **Wind Power Generation Facilities.** Wind Power Generations Facilities shall not exceed the sound level (decibels) as specified in the Conditional Use Permit and environmental document.

J. **Color of Towers.** All towers shall be painted a non-contrasting gray, blue, white, green or similar color, minimizing their visibility, unless otherwise required by the Federal Aviation Administration (FAA). The applicant has the responsibility of determining the applicable FAA regulations and securing the necessary approvals prior to issuance of permits. Copies of FAA correspondence must be included as part of the application process for the wind energy systems.K. **Lighting.** Except as required by law, a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the tower. If lighting is required by the FAA regulations, white strobe lights shall not be permitted at night unless FAA permits no other alternatives. No lighting shall be constructed, placed or maintained in a manner that will constitute a nuisance to any surrounding property. Lighting shall in no way impair safe movement of traffic on any street or highway.L. **Advertising.** No advertising is permitted anywhere on the facility, with the exception of signage being utilized for product identification and warnings.M. **Warnings.**

1. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

N. **Maintenance.**

1. The design and location of any wind energy system shall ensure that all maintenance can be conducted from the installation site.
2. A wind energy system that is not functional shall be repaired by the owner or removed.
3. When a wind energy system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within 120 days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal. Failure to remove the system will be considered a nuisance and abated per Chapter 11.67, Enforcement and Abatement Procedures.
4. Any wind energy system that is not operated on a functional basis for a period of six consecutive months shall be deemed abandoned and shall be removed pursuant to paragraph 3 above.

O. **Safety Features.**

1. The base of the tower must be designed so it is not climbable for a distance of 15 feet, as measured from the ground.
2. All access doors to wind turbines and electrical equipment shall be locked to prevent entry by non-authorized persons.

3. The wind energy system turbine shall be required to have an automatic over speed control to render the system inoperable when the winds are in excess of the speed the system is designed to accommodate.
4. The wind energy system shall be required to have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
5. **Blade Clearances.**
 - a. The clearance or the distance between the blades of a wind turbine and the blades of another wind turbine shall be no less than 10 feet. Unless a lesser distance is provided by the manufacturer.
 - b. The clearance or the distance between the blades of a wind turbine and the ground shall be no less than 15 feet.

~~11.32.280~~11.32.290 Surface Mining

A. General Provisions.

1. **Authority.** This section is adopted under the provisions of the Surface Mining and Reclamation Act of 1975 (Public Resources Code §2710 et seq.) and the power of the County of Yuba to protect the public health, safety, and welfare of its residents.
2. **Findings.** The Board of Supervisors hereby finds and declares:
 - a. The extraction of minerals is essential to the continued economic well-being of Yuba County and to the needs of society. The reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.
 - b. The reclamation of mined lands as provided in this section will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.
 - c. Surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.
3. **Intent.** It is the intent of the Board to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to ensure that:
 - a. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
 - b. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
 - c. Residual hazards to the public health and safety are eliminated.
4. **Exceptions.** The provisions of this section shall not apply to any of the following activities:

- a. Excavations or grading conducted for farming or the immediate excavation or grading of lands affected by a flood or natural disaster for the purpose of restoring those lands to their prior condition.
- b. Onsite excavation and onsite earthmoving activities that are an integral and necessary part of a construction project and that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements associated with those structures, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
 - i. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of State law and locally adopted plans and ordinances, including, but not limited to, Public Resources Code Div. 13 (Public Resources Code §21000 et seq.).
 - ii. The lead agency's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to Public Resources Code Div. 13 (Public Resources Code §21000 et seq.).
 - iii. The approved construction project is consistent with the general plan and zoning of the site.
 - iv. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
- c. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:
 - i. The plant site is located on lands designated for industrial uses in the County general plan.
 - ii. The plant site is located on lands zoned industrial, or are contained within a zoning category intended exclusively for industrial activities by the County.
 - iii. None of the minerals being processed are being extracted on site.
 - iv. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred onsite after January 1, 1976.
- d. Prospecting for, or the extraction of, minerals for commercial purposes where the removal of overburden or mineral product totals less than 1,000 cubic yards in any one location, and the total surface area disturbed is less than one acre.
- e. Surface mining operations that are required by Federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

- f. Any other surface mining operations that the Board, as defined by Public Resources Code §2001, determines to be of an infrequent nature and which involve only minor surface disturbances.
- g. Emergency excavations or grading conducted by the State Department of Water Resources, the Reclamation Board or County for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.
- h. *State Department of Water Resources Projects.*
 - i. Surface mining operations conducted on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the State Department of Water Resources for the purpose of the State Water Resources Development System or flood control, and surface mining operations on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the State Reclamation Board for the purpose of flood control, if the Department of Water Resources adopts, after submission to and consultation with, the Department of Conservation, a reclamation plan for lands affected by these activities, and those lands are reclaimed in conformance with the standards specified in regulations of the Board adopted pursuant to this section. The Department of Water Resources shall provide an annual report to the Department of Conservation by the date specified by the State Department of Conservation on these mining activities.
 - ii. Nothing in this Subsection shall require the Department of Water Resources or the Reclamation Board to obtain a permit or secure approval of a reclamation plan from the County in order to conduct surface mining operations. Nothing in this Subsection shall preclude the bringing of an enforcement action pursuant to Public Resources Code §2774.1, if it is determined that a surface mine operator, acting under contract with the Department of Water Resources or the Reclamation Board on lands other than those owned or leased, or upon which easements or rights-of-way have been obtained, by the Department of Water Resources or the Reclamation Board, is otherwise not in compliance with this section.
- i. *Excavations.*
 - i. Excavations or grading for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity. This exemption is limited to excavation and grading that is conducted adjacent to timber operation or forest management roads and shall not apply to on-site excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavation for materials that are, or have been, sold for commercial purposes.
 - ii. This exemption shall be available only if slope stability and erosion are controlled in accordance with 14 CCR §3704(f) and 3706(d) and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the State Department of Forestry and Fire Protection.

- j. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions:
 - i. The operations are being conducted in accordance with Public Resources Code Div. 3 (Public Resources Code §3000 et seq.).
 - ii. The operations are consistent with any general plan and zoning applicable to the site.
 - iii. The earthmoving activities are within oil or gas field properties under a common owner or operator.
 - iv. No excavated materials are sold for commercial purposes.
5. ***Limitations.*** No provision of this section or any ruling, requirement, or policy of the State Board is a limitation on any of the following:
- a. The police power of the County or on the power of the County to declare, prohibit, and abate nuisances.
 - b. The power of the District Attorney, at the request of the Board, or upon the District Attorney's motion, to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance.
 - c. The power of the County in the enforcement or administration of any provision of law which it is specifically authorized or required to enforce or administer.
 - d. The right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in Civil Code Div. 4, Pt. 3 (Civil Code §3479 et seq.) or for any other private relief.
 - e. The power of the County to adopt policies, standards, or regulations imposing additional requirements on any person if the requirements do not prevent the person from complying with the provisions of this section.
 - f. The power of the County to regulate the use of buildings, structures, and land as between industry, business, residents, open space (including agriculture, recreation, the enjoyment of scenic beauty, and the use of natural resources), and other purposes.

B. **Permits.**

- 1. ***Permit Required; Issuance; Standards For Issuance.*** Except as provided in this subsection, no person shall conduct surface mining operations in the County unless:
 - a. An application for a permit is filed with the Planning Department on a form approved by the Director;
 - b. A permit is approved by, the Planning Commission for the operation under this section;
 - c. A copy of an approved reclamation plan and financial assurances from the State shall be submitted to the Planning Department prior to the commencement of mining operations;

- d. All fees established by the Board to pay for the costs of processing and review of the application for the permit, the reclamation plan, and the financial assurances are paid.
- 2. ***Idle Mine, Interim Management Plan and Appeal.*** Within 90 days of a surface mining operation becoming an idle mine, the operator shall submit to the Planning Department for Planning Commission review and approval, an interim management plan. The review and approval of an interim management plan shall not be considered a project within the meaning of CEQA. The approved interim management plan shall be considered an amendment to the surface mining operation's approved reclamation plan, for purposes of this section. The interim management plan shall provide measures the operator will implement to maintain the site in compliance with this section, including, but not limited to, all permit conditions.
 - a. The interim management plan may remain in effect for a period not to exceed five years, at which time the Planning Commission shall do one of the following:
 - i. Renew the interim management plan for another period not to exceed five years, if the Planning Commission finds that the surface mining operator has complied fully with the interim management plan; or,
 - ii. Require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.
 - b. In any event, required financial assurances shall remain in effect during the period the surface mining operation is an idle mine. If the surface mining operation is still idle after expiration of its interim management plan, the surface mining operation shall commence reclamation in accordance with its approved reclamation plan.
 - c. Within 60 days of the receipt by the Planning Department of the interim management plan, or a longer period, not to exceed an additional 60 days, mutually agreed upon by the Director and the operator, the Planning Commission shall review and approve the plan in accordance with this section, so long as the plan satisfies the above requirements, and so notify the operator in writing. Otherwise, the Planning Commission shall notify the operator in writing of any deficiencies in the plan. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Planning Commission, to submit a revised plan.
 - d. The Planning Commission shall approve or deny approval of the revised interim management plan within 60 days of receipt by the Planning Department. If the Planning Commission denies approval of the revised interim management plan, the operator may appeal that action to the Board, which shall schedule a public hearing within 45 days of the filing of the appeal with the Clerk of the Board, or any longer period mutually agreed upon by the operator and the Board. The provisions of Section 11.53.150 shall apply to such appeal.
- C. **Stay of Enforcement Action.** Any enforcement action which may be brought against a person with an existing surface mining operation who has received Planning Commission approval of its financial assurances for reclamation prior to January 1, 1991, or a person who has filed an appeal with the Board or with the Planning Commission, shall be held in abeyance pending the resolution of an appeal pursuant to this section.
- D. **Operation in 100-Year Floodplain and Near State Bridge.** Whenever surface mining operations are proposed in the 100-year flood plain for any stream, as shown in zone A of Flood Insurance Rate

Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, within ten days of the Planning Department's receipt of the application for the issuance or renewal of a permit to conduct the surface mining operations, the Planning Department shall notify the California Department of Transportation that the application has been received. The Planning Commission shall not issue or renew the permit until the Department of Transportation has submitted its comments or until 45 days from the date the application for the permit was submitted to the Department of Transportation, whichever occurs first.

- E. **Vested Rights.** No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to this section as long as the vested right continues and as long as no substantial changes are made in the operation except in accordance with this section. A person shall be deemed to have vested rights if, prior to January 1, 1976, the person has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefore. Expenses incurred in obtaining the enactment of an ordinance in relation to particular operation or the issuance of a permit shall not be deemed liabilities for work or materials. An official vested rights determination needs to be made by the approving authority pursuant to a public hearing.
 - 1. Nothing in this section shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976, and not since disturbed.
- F. **Effect of Vested Rights on Areas of Significance.** Neither the designation of an area of regional or statewide significance nor the adoption of any regulation for such an area shall in any way limit or modify the rights of any person to complete any development that has been authorized pursuant to Business and Professions Code Div. 4, Pt. 2 (Business and Professions Code §11000 et seq.), pursuant to the Subdivision Map Act (Government Code §64410 et seq.), or by a building permit or other authorization to commence development, upon which such person relies and has changed that person's position to that person's substantial detriment, and, which permit or authorization was issued prior to the designation of such area pursuant to Public Resources Code §2790. If a developer has by his or her actions taken in reliance upon prior ordinances and regulations obtained vested or other legal rights that in law would have prevented the County from changing such ordinances and regulations in a way adverse to his or her interests, nothing in this section authorizes the State Board to abridge those rights
- G. **Permit; Recording.** No permit granted pursuant to this section shall be effective until the same has been recorded by the County Recorder for all affected parcels and proof thereof given to the Director. An approved surface mining permit shall be considered null and void unless recorded within 24 months of final approval or such other time period as may be set by conditions of approval. One extension of time, not to exceed 12 months, may be granted. Phased projects may be recorded in phases.
- H. **Permit; Notification to Assessor.** Subsequent to January 1, 1979, the Director shall notify the Assessor of Yuba County of any permits issued pursuant to this section.
- I. **Permits; Copies for Board of Supervisors.** Subsequent to January 1, 1979, the Director shall forward a copy of any permits issued pursuant to this section to the Clerk of the Board of Supervisors. The Clerk shall maintain a permanent file of such permits.
- J. **Permit; Revocation and Modification.** Upon 15 days ordinary mail notice which provides the time and place of public hearing and the reason(s) for revoking or modifying a permit and after public hearing, a permit granted or approved under this section may be revoked or modified by the Planning Commission, in the event it finds a violation of the terms and conditions of the permit, reclamation

plan, and/or financial assurances or for other good cause consistent with the purposes and objectives of this section.

- K. **Noticed Public Hearing, Action, and Findings.** Any hearing before the Planning Commission or the Board on a matter arising under this section shall be after the giving of a public notice by ordinary mail no less than 15 days prior to the hearing to all residents and property owners within 500 feet of the parcel or parcels which are the subject of the hearing. The action and findings of the Planning Commission and the Board shall be set forth in writing.

~~11.32.290~~11.32.300 **Wireless Communications Facilities**

- A. **Purpose.** This article provides standards and procedures to regulate the development, siting, installation, and operation of wireless communications antennas and related facilities consistent with the applicable requirements of state and federal law. The regulations are intended to provide for the appropriate development of wireless communication facilities within the county to meet the needs of residents, business-owners, and visitors while protecting public health and safety and preventing visual blight and degradation of the community's aesthetic character.
- B. **Applicability and Exemptions.** The requirements of this article apply to all wireless communication facilities that transmit and/or receive electromagnetic signals, including but not limited to personal communications services (i.e. cellular, paging, data, and internet) and radio and television broadcast facilities. The requirements apply to communication facilities that are the primary use of a property and those that are accessory facilities, except that the following accessory facilities are exempt:
1. Licensed amateur (ham) radio and citizen band operations that do not exceed the maximum allowable building height for the zone district in which the antenna is located and are ancillary to a primary use on the same site.
 2. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
 3. Emergency services radio.
 4. Carrier on Wheels or Cell on Wheels (COW) are radio and television mobile broadcast facilities and are exempt when placed for a period of not more than 72 hours at any location unless an emergency or a disaster is declared by the Board of Supervisors
 5. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
 6. A single ground- or building-mounted receive-only radio, internet or television antenna not exceeding the maximum height permitted by this Code, including any mast, or a receive-only radio, internet or television satellite dish antenna.
 7. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Planning Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.
 8. Ordinary maintenance of existing wireless facilities and wireless support structures.
- C. **Application Requirements.** Where approval of a Use Permit or Zoning Clearance is required, an applicant shall file a written application with the Planning Director pursuant to the application procedures in Chapter 11.53, Common Procedures, accompanied by the required fee as established in

the County's fee schedule. Applications shall be submitted pursuant to application requirement handouts maintained by the County and as amended from time to time.

1. Zoning Clearance Required. The following require approval of a Zoning Clearance prior to installation or commencement of use:
 - a. Eligible Facilities Requests, collocations, or removal or replacement of transmission equipment on an existing wireless tower or base station that does not result in a substantial modification as defined in this Code.
 - b. COWs placed for a period greater than 72 hours (not part of a declared emergency or disaster) but not more than 120 days at any location.
 - c. Wireless facilities placed on existing utility poles that do not increase the height of the pole by more than 15 feet and all equipment is located within the utility easement.
 - d. New wireless support structures that are less than 150 feet in height, in any Industrial or Agricultural district or within the Timber Production or Extractive zone districts. When a new facility is proposed to be located within an Airport Compatibility Safety Zone; the requirements of the Airport Overlay District shall apply. Those safety zones that conditionally allow for communication towers shall be processed as an Administrative Use Permit (AUP) if exempt from CEQA and a Minor Conditional Use Permit if a CEQA document is required.
2. Administrative Review and Approval: The follow require approval of an Administrative Use Permit prior to installation or commencement of use:
 - a. New wireless support structures greater than 150 feet in height, in any Industrial or Agricultural district or within the Timber Production or Extractive zone districts..
 - b. Camouflage wireless facilities that are 75 feet or less in height, in any non-residential district or Rural Community District.
 - c. Substantial modifications as defined by this Code.
 - d. COWs that that will be placed at a location for greater than 120 days.
3. Minor Conditional Use Permit Review and Approval. The following require approval of a Minor Conditional Use Permit:
 - a. Camouflage wireless facilities that are 60 feet or less in height, in any residential district.
 - b. Camouflage wireless facilities that are greater than 75 feet in height in any non-residential or Rural Community districts.
 - c. New wireless support structures less than 125 feet in height in any Special Purpose District district.
4. Conditional Use Permit Review and Approval. The following require approval of a Conditional Use Permit:
 - a. Camouflage wireless facilities that are greater than 60 feet in height, in any residential district.

- b. New wireless support structures greater than 125 feet in height in any Special Purpose district.
 - c. New wireless support structures in Residential, Rural Community, or Commercial and Mixed-Use Districts or Resource Preservation & Recreation, Planned Development or Planning Reserve zone districts.
- D. **Standards.** All wireless communication facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district in which they are located.
 - 1. ***Location and Siting.***
 - a. Within the Valley Growth Boundary and Rural Communities, no new freestanding facility, including a tower, lattice tower, or monopole, shall be located within 1,000 feet of another freestanding facility, unless appropriate camouflage techniques have been used to minimize the visual impact of the facility to the extent feasible, or when it can be demonstrated that co-location on an existing pole or tower or camouflage techniques are not feasible.
 - b. Countywide: All wireless communication facilities shall meet the building setback standards of the district which they are to be located unless due to topography or other site constraints a waiver to the setback is approved by the decision-making authority.
 - c. Countywide: When feasible, providers of personal wireless services shall co-locate facilities in order to reduce adverse visual impacts. The decision-making authority may require co-location or multiple-user wireless communication facilities for new facilities based on a determination that it is feasible and consistent with the purposes and requirements of this article.
 - i. When determined to be feasible and consistent with the purposes and requirements of this article, the applicant shall make unused space available for future co-location of other wireless communication facilities, including space for different operators providing similar, competing services.
 - 2. ***Support Structures.*** Support structures for wireless communication facilities shall be any of the following:
 - a. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole should be constructed to allow for co-location of at least one other similar wireless communications provider.
 - b. A monopole mounted on a trailer or a portable foundation if the use is for a temporary wireless communications facility (COW).
 - c. An existing non-residential building.
 - d. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.

- e. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the wireless telecommunication facility. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.
 - f. Existing publicly-owned and operated monopole or a lattice tower.
3. ***Height Requirements.***
- a. *Freestanding Antenna or Monopole.* The height of a freestanding antenna or monopole should be limited to what is necessary to provide adequate service and coverage while still providing opportunities for co-location or future expansion.
 - b. *Building-Mounted Facilities.* Building-mounted wireless telecommunication facilities shall not exceed a height of 15 feet above the height limit of the district or 15 feet above the existing height of the legally established building or structure that is located on, whichever is higher, measured from the top of the facility to the point of attachment to the building.
 - c. *Facilities Mounted on Structures.* Wireless telecommunication facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennas may extend up to 15 feet above the height of an electric utility pole.
4. ***Design and Screening.*** Wireless telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts to the extent feasible.
- a. *Screening of Base Stations.* Within the Valley Growth Boundary with the exception of Industrial zone districts, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or solid fence and landscaping, as approved by the County. Any wall shall be architecturally compatible with the building or immediate surrounding area. Equipment cabinets and related facilities located in Industrial zone districts and outside the Valley Growth Boundary shall be fenced or screened with landscaping when located within 100 feet of a public right of way. Existing terrain and vegetation may be counted towards screening requirements.
 - b. *Lighting.* Artificial lighting of a wireless telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.
 - c. *Advertising.* No advertising shall be placed on wireless telecommunication facilities, equipment cabinets, or associated structures.
5. ***Security and Maintenance Requirements.*** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.
- a. *Fencing.* Security fencing and walls shall not exceed 10 feet in height. Chain link fencing is prohibited within the Valley Growth Boundary with the exception of

Industrial zone districts. In Industrial zone districts and outside the Valley Growth Boundary, no chain link fences shall be visible from public view (typically within 100 feet of a right of way unless screened by existing terrain or vegetation).

- b. *Maintenance.* The permittee shall be responsible for maintaining the site and facilities free from graffiti. Where landscaping is provided it shall be irrigated and maintained for the life of the project.
- c. *Removal of Facilities.* The operator of a wireless communication facility must remove all unused or abandoned equipment, antennas, poles or towers within 30 days of abandonment. The facility shall be deemed abandoned if it has not been operational for a consecutive 90-day period.

6. ***Radio Frequency Standards; Noise.***

- a. *Radio Frequency.* Wireless telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.
- b. *Noise.* Wireless telecommunication facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of the noise standards established in Yuba County Code Chapter 8.20, Noise Regulations. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place between the hours of 7:00 a.m. and 10 p.m.

7. ***Fire Prevention.*** All wireless telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.

8. ***Surety Bond.*** As a condition of approval, an applicant for a building permit to erect or install a wireless telecommunication facility shall be required to post a cash or surety bond in a form and amount acceptable to the County to cover removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated.

9. ***Required Findings.***

- a. *General Findings.* The decision-making authority may approve or approve with conditions any use permit or Zoning Clearance required under this article after making the following findings in addition to any other findings required by this Code:
 - i. The proposed use conforms with the specific purposes of this article and any special standards applicable to the proposed facility;
 - ii. The proposed communication facility is a co-location or camouflage facility or the applicant has provided reasonable justification to demonstrate that a co-location or camouflage facility is not feasible and a new ground-mounted antenna, monopole, or lattice tower is needed;
 - iii. The proposed site and wireless communication facility has been designed to achieve compatibility with the surrounding community and limit environmental impacts to the extent reasonably feasible in accordance with the provisions of this Chapter.
- b. *Additional Findings for Facilities in a Residential Districts and Public Facilities.* To locate a facility in a residential district where it is readily visible from the habitable area of a

dwelling unit within 300 feet, or at any location where it is readily visible from a public right-of-way, public park, or other public recreation or cultural facility, the decision-making authority shall find that:

- i. It is not feasible to provide the service at another location; or to incorporate additional measures such as a decrease in height, increase in setback, change in design, relocation relative to other structures or natural features, that would further reduce its visibility; and
- ii. The proposed facility provides an important link in applicant's service area build-out and is necessary to provide personal wireless services to County residents.
- c. *Additional Findings for Any Other Exception to Standards.* The decision-making authority may waive or modify requirements of this article upon finding that strict compliance would result in noncompliance with applicable federal or State law.

11.32.310 Supportive and Transitional Housing

A. Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district. Supportive housing is also permitted by right in nonresidential zones permitting multifamily uses, if the proposed housing development satisfies the following requirements:

1. Units within the development shall be subject to a recorded affordability restriction for 55 years.
2. All units, excluding managers' units, within the development shall be dedicated to lower-income households, provided they are receiving public funding to ensure affordability of the housing to lower-income Californians.
3. At least 25 percent of the units in the development, or 12 units, whichever is greater, shall be restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, 100 percent of the units (excluding managers' units) in the development shall be restricted to residents in supportive housing who meet criteria of the target population.
4. Per Section 65652 of the California Government Code, the developer shall provide the County with a plan for providing supportive services, and include documentation demonstrating that supportive services will be provided on site to residents in the project, and shall include all of the following information:
 - a. The name of the proposed entity or entities that will provide supportive services.
 - b. The proposed funding source or sources for the provided on-site supportive services.
 - c. Proposed staffing levels.
5. Nonresidential floor area shall be used for on-site supportive services in the following amounts:
 - a. For a development with 20 or fewer total units, at least 90 square feet shall be provided for on-site supportive services.

- b. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for on-site supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
- 6. Units within the development, excluding managers' units, shall include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
- 7. If the developer replaces any dwelling units on the site of the supportive housing development, the units subject to these provisions shall be replaced as specified in subdivision (c) of Government Code Section 65915.

~~11.32.300~~ 11.32.320 Temporary Uses and Special Events

This section establishes standards for certain temporary uses and special events that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur. This section also provides standards for longer term special events and event centers.

- A. **Construction Office Trailers.** On-site temporary construction offices are permitted in conjunction with an approved construction project during the period of construction with a Zoning Clearance and performance bond for removal. The trailer shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit.
- B. **Construction Yards.** Contractors' construction yard(s) are 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 Building Permit. Off-site construction yards for capital improvement projects require approval of a Zoning Clearance; all other off-site construction yards require approval of a Temporary Use Permit. No Zoning Clearance is required for on-site contractors' construction yards. A performance bond for removal and site clean-up may be required as determined by the Community Development and Services Agency Director.
- C. **Garage Sales.** Garage sales of personal property conducted by a resident of the premises may be conducted in accordance with the following standards.
 - 1. ***No Permit or Clearance Required.*** Garage sales are allowed by right, and require no Zoning Clearance, if they meet all of the following standards:
 - a. Garage sales shall be conducted by a resident of the premises and goods shall be limited to personal property.
 - b. Items offered for sale shall be limited to the personal property not acquired for resale, and either owned by the resident(s) of the dwelling unit where the sale is to be conducted or by another person participating in the sale with the resident.
 - c. No more than four garage sales shall be conducted on a site in any calendar year.
 - d. No single sale event shall be conducted for longer than three consecutive days.
 - e. Garage sales may be conducted during daylight hours.
 - 2. Garage sales that exceed these thresholds shall be considered temporary sales events.

D. **Subdivision-Related Temporary Uses (Model Home Complexes).** Certain temporary structures and uses associated with an approved subdivision are allowed with a Temporary Use Permit.

1. ***Permitted Uses.*** The following uses and structures may be allowed with a Temporary Use Permit, subject to the procedures of Chapter 11.58, Temporary Use Permits, in connection with a subdivision of 20 or more lots with an approved tentative map.
 - a. Up to six model homes;
 - b. A temporary building used as a contractor's office; and
 - c. A real estate sales office in connection with marketing of a subdivision.
2. ***Standards.***
 - a. All such uses must be located within the subdivision.
 - b. The uses are allowed in connection with a subdivision of 20 lots or more with an approved tentative map.
 - c. A real estate sales office may be located within a new residence that is part of the development or within a temporary building.
 - d. Model homes may be used in conjunction with an approved temporary tract office but not a general real estate business.
 - e. At the end of the approved time period, structures shall either be removed or restored for a use permitted in the zone where they are located.
3. ***Time Limits and Extensions.***
 - a. The temporary structures and uses may be granted for an initial period of no more than two years.
 - b. The Zoning Administrator may renew said permits for up to additional one-year periods upon written application at least 30 days prior to expiration.

E. **Temporary Housing.** Temporary housing for family members or care givers may be granted in certain zones, as specified in Division II, Base and Overlay Districts, in order to prevent the dislocation of families and to allow for in-home care of certain individuals by family members where such care is needed.

1. ***Temporary Use Permit Required.*** Establishment of a temporary housing requires approval of a Temporary Use Permit, pursuant to the procedures of Chapter 11.58, Temporary Use Permits.
2. ***Standards.***
 - a. The lot on which a temporary permit for a temporary housing is granted must meet the same setbacks as that required for the primary residence. At least ten feet of separation shall be provided between the primary residence and temporary housing.
 - b. The project must comply with all other statutes and ordinances relating to health and building codes. Due to the temporary nature of the housing, Capital Facility Fees shall not be collected.
 - c. The occupants of the temporary housing shall be limited to: relatives of the property owner; a licensed caregiver needed to care for a member of the primary household; or a caretaker of the property.

- d. *Conditions/Recorded Agreement.* The applicant shall sign an agreement that at the conclusion of the permit or upon violation thereof, the temporary housing shall be removed from the property or the County may be authorized to remove the residence and record a lien on the property for the cost thereof. Such agreement may be recorded.
 - 3. ***Time Limits and Extensions.***
 - a. A Temporary Use Permit to allow Temporary Housing shall be granted for no more than a two-year period. The applicant may apply for additional two-year extensions, not to exceed a total of six years unless approved by the CDSA Director.
 - b. A Temporary Use Permit to allow a Temporary Housing Unit shall expire if the temporary residence is removed from the property or if the residence is no longer occupied by a qualifying relative or the TUP has not been renewed.
- F. **Temporary Emergency Shelters.** Temporary Emergency Shelters, as defined in Chapter 11.72, Use Classifications, are permitted according to the following standards. (For permanent shelters, see Section 11.32.090, Emergency Shelters).
 - 1. ***Zoning Clearance.*** Temporary emergency shelters in any zoning district are permitted with a Zoning Clearance if they meet all of the following standards:
 - a. The shelter will operate for no more than 26 days in any 90-day period.
 - b. No other temporary emergency shelter may be operated within 500 feet during the same 90-day period.
 - 2. ***No Permit or Clearance Required.*** Facilities providing lodging and other services during a declared emergency are exempt from the above requirement for a CDSA Clearance.
- G. **Temporary Sales Events.** Temporary sales that meet the standards of this subsection are permitted for up to seven days within a 90 day period. Sales events for a longer period or that exceed the standards may be allowed with a Temporary Use Permit.
 - 1. ***General Requirements.*** The following requirements apply to all temporary sales events:
 - a. Location. Sales events are limited to non-residential districts. The sales event must be conducted solely on private property and not encroach within the public right-of-way or occupy needed parking at the time of the event.
 - b. 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.
 - c. Events shall comply with Chapter 8.20, Noise Regulations, of the County Code.
 - 2. ***Seasonal Sales.*** The annual sales of Christmas trees, pumpkins, fireworks and similar items on private property is permitted, provided that the following standards are met:
 - a. Seasonal Sales shall comply with the General Requirements listed in Section 11.32.300.G.1.
 - b. *Time Period.* Christmas tree sales are permitted from Thanksgiving Day through December 31st. Seasonal sales associated with other holidays are permitted up to a month preceding and one week following the holiday.

- c. *Goods, Signs and Temporary Structures.* All trees, pumpkins, or other items for sale, as well as signs and temporary structures, shall be removed and the site shall be returned to its previous condition within five days of the end of sales. A clean-up deposit may be required.
 - d. *Seasonal sales on undeveloped properties require approval of a Zoning Clearance and property owner's authorization.*
 - 3. **Longer-Term Sales Events.** Other special sales events and displays that exceed the time limits of this section may be allowed with the approval of a Temporary Use Permit, pursuant to the procedures of Chapter 11.58, Temporary Use Permits and subject to the following standards:
 - a. *Location.* Events are limited to non-residential districts.
 - b. *Existing Business.* Temporary outdoor sales shall be part of an existing business on the same site.
 - c. *Maximum Duration.* The duration of such special sales events shall be established by the Temporary Use Permit but in no case shall exceed a period of three months.
 - d. *Signs.* Outdoor uses may include the addition of one nonpermanent sign up to a maximum size of ten sq. ft. in area, subject to Chapter 11.27, Signs.
 - e. *Existing Parking.* The available parking shall not be reduced to less than 75 percent of the minimum number of spaces required by Chapter 11.25, Parking and Loading.
- H. **Fairs, Festivals, and Other Special Events within the Valley Growth Boundary.** Fairs, festivals, and other special events that are general open to the general public (e.g., craft fairs, art shows, cultural festivals, carnivals, recreational events) located on private property may be permitted with a Zoning Clearance, subject to the following standards.
- 1. **Time Limit.** Special events under this subsection may not operate for more than three consecutive or ten total days per year. A longer period may be requested with a Temporary Use Permit or Minor Use Permit pursuant to thresholds in 11.32.300 Temporary Uses and Special Events sections I.2 and I.3 and TABLE 11.32.300.
 - 2. **Hours of Operation.** When located adjacent to a residential district, the hours of such special events shall be limited to between 8:00 a.m. to 10:00 p.m.
 - 3. **Location.** Events are limited to areas within nonresidential districts, or on land owned by a school, church or other public or quasi-public facility.
 - 4. **Site Circulation.** Temporary events shall not block accessible pathways or parking spaces, public rights-of-way, sidewalks, or impede on-site circulation and parking for either the event or any businesses that are operating on the site, subject to approval by the Public Works Director and the local fire district.
 - 5. **Noise.** Events shall comply with Chapter 8.20, Noise Regulations, of the County Code.
 - 6. **Other Permits.** Special events shall obtain any and all permits required by other agencies or other sections of the County Code (i.e. food vendor permits from Environmental Health).
- I. **Special Events outside the Valley Growth Boundary or on Lots with Permitted Agricultural Uses.** Special events on property outside the Valley Growth Boundary or on lots with agricultural uses are subject to the following standards:

1. ***Special Events—Permitted.*** The following types of temporary uses may be conducted without a Temporary Use Permit. Other permits, such as Zoning Clearances, may be required.
 - a. No more than five events or ten total days per year per site shall occur per calendar year.
 - b. The capacity of each event shall not exceed 100 persons at one time and all parking is contained onsite.
 - i. Special events with high-risk exposure will be required to also meet the requirements of Section 6.05.162, Special Events of the Yuba County Code.
 - c. Events shall be limited in duration to no more than three consecutive days (ten days per year total). Outdoor events shall only occur between the hours of 8:00 a.m. to 10:00 p.m.
 - d. Temporary sanitation facilities shall be provided to handle the additional occupant loading.
 - e. No permanent structures shall be constructed or grading activities directly related to the special event shall be permitted.
 - f. Outdoor music that is amplified shall be limited to 8 a.m. to 10 p.m. and shall not exceed 45 decibels measured at the property line.
2. ***Special Events Requiring a Temporary Use Permit.*** Special events that exceed the thresholds of Subsection 11.32.300(I)(1), Special Events—Permitted, above, may be allowed with a Temporary Use Permit, subject to the following provisions:
 - a. Such events shall be limited to no more than 12 events or 24 days per site per calendar year.
 - b. The capacity of each event shall not exceed 250 persons at any one time and all parking is contained onsite and reviewed and approved by the local fire department.
 - i. Special events with high-risk exposure will be required to also meet the requirements of Section 6.05.162, Special Events of the Yuba County Code.
 - c. Events shall be limited in duration to no more than three consecutive days.
 - d. Parking and assembly areas shall be located in such a manner as to avoid impacts to sensitive habitat.
 - e. Temporary sanitation facilities shall be provided, as required by the Environmental Health Director.
 - f. Any outdoor music shall meet County noise standards. Amplified music or amplified speech shall comply with Chapter 8.20, Noise Regulations, of the County Code. For any events with amplified sound, occurring between 7:00 PM and 10:00 PM, a noise analysis shall be submitted to the Planning Department demonstrating that the noise standards will not be exceeded. No outdoor music will be allowed after 10:00 p.m. This subsection does not permit concerts or other live, outdoor amplified music where the music is the primary attraction. (See Chapter 8.70, Outdoor Music Festivals, for events involving outdoor music for more than 200 attendees.)

3. ***Special Events Requiring a Minor Use Permit (Special Event Centers).*** The following uses require a Minor Use Permit:
- Special events that exceed the thresholds of Subsection 11.32.300(I)(2), Special Events Requiring Temporary Use Permit, above
 - Temporary campgrounds associated with a special event exceeding 48 hours in duration.
 - Concerts or other live, outdoor amplified music where the music is the primary attraction. (See also Chapter 8.70, Outdoor Music Festivals, of the County Code.)
 - Required Findings.*** In order to approve a Minor Use Permit for a Special Event Center, the Development Review Committee shall make the following findings in addition to the findings for approval of a Use Permit in Section 11.57.060.
 - The proposed use does not detract from or diminish the on-site crop production uses.
 - There is no adverse effect on agricultural production or public health and safety on surrounding properties.

- J. **Other Temporary Uses.** If a temporary use is proposed that is not listed or addressed in this section or another section of this Code, the Planning Director shall determine the most similar temporary use, and the proposed use will be subject to the same standards and procedures as the most similar use.

TABLE 11.32.300: TEMPORARY USES AND SPECIAL EVENTS PERMIT TYPE	
<i>Use/Event</i>	<i>Type of Permit or Clearance</i>
Fixed Mobile Vendor	TUP Type 1
Construction Trailer	ZC
Off-Site Construction Yard: Capital Improvement	ZC
Off-Site Construction Yard	TUP Type 2
Model Home Complex	TUP Type 2
Temporary Housing	TUP Type 1
Temporary Emergency Shelter	ZC
Longer-term Sales Events	TUP Type 2
VGB Fairs & Special Events less than 10 days/year	ZC
VGB Fairs & Special Events more than 10 days/year	TUP Type 2
<i>Special Events Outside the Valley Growth Boundary and Lots with Agricultural Uses</i>	
Less than 5 per year and 100 people per event	ZC
6 to 12 events per year or 101 to 250 people per event	TUP Type 1
Over 12 events per year or 250 people per event	MUP

- K.

Transitional and Supportive Housing

~~Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.~~

11.32.31011.32.330 Wineries and Tasting Rooms

For purposes of this section, the regulations associated with wineries also pertain to olive oil, micro-brewery and micro-distillery production facilities. Wineries and Tasting rooms shall be developed, located and operated in conformance with the following standards:

- A. **Wineries.** The growing and harvesting of grapes, olives, fruit, hops and other products suitable for processing and bottling of wine, olive oils, beer and distilled beverages or products.
1. Milling, pressing, processing, and bottling of grapes, olives, beer and distilled beverages is principally permitted in agricultural districts, in the Rural Residential zone district up to 5,000 cases per year (case = case of wine or equivalent in olive oil, beer or distilled beverage), and permitted through approval of an Administrative Use Permit in the Residential Estate district.
 2. Processing of more than 5,000 cases per year shall be subject to approval of a Minor Conditional Use Permit within the Rural Residential and Residential Estate districts.
 3. **Incidental Uses.** Tasting rooms pursuant to Section 11.32.320.B; retail sales, special events, lodging, and agricultural recreation and entertainment are permitted as incidental uses to a permitted winery in accordance with regulations listed under Section 11.32.210, Ranch Marketing and Section 11.32.300, Temporary Uses and Special Events.
 - 4.
 - 5.
- B. **Tasting Rooms**
1. **Accessory Use.** Tasting facilities shall be clearly related to the winery with the focus of the tasting facilities on the marketing and sale of the products grown and/or processed on the site or neighboring properties under the same ownership and/or lease.
 2. **Maximum Size.** Tasting rooms are subject to the size limits listed in Table 11.32.320.B below:

TABLE 11.32.320.B TASTING ROOMS				
Use	Permitted	Administrative Use Permit (AP)	Minor Conditional Use Permit (MUP)	
Gross square footage of tasting room including display or retail areas.	2,500 sq ft	2,501 to 7,000 sq ft	over 7,000 sq ft	
Parking. Parking for uses shall be as established in Section 11.25, Parking and Loading or as determined by the decision-making authority for those activities that require a use permit.				

TABLE 11.32.320.B TASTING ROOMS				
Use	Permitted	Administrative Use Permit (AP)	Minor Conditional Use Permit (MUP)	
CEQA: All projects are subject to CEQA. For uses that are listed as permitted or require approval of an Administrative Use Permit where due to site location, presence of natural resources or other site constraints and the proposed development plan results in the inability to Exempt the project from CEQA, the project will be subject to preparation of the appropriate CEQA document and any associated fees.				

3.

4. ***Complimentary Food Items for On-Site Consumption.*** Complimentary food items including but not limited to fruit slices, cheese, and crackers, may be offered to customers along with tastings, provided that:
 - a. Food items are not advertised on signage; and
 - b. Such food is prepared in a facility approved by the Yuba County Department of Environmental Health and handled in accordance with the California Health and Safety Code.
5. ***Merchandise and Prepackaged Food Sales.*** Tasting rooms may engage in the retail sale of the following items, provided that the aggregate area for the display of all such items occupies no more than 15 percent of the area of the tasting room.
 - a. ***Product-Related Merchandise.*** Incidental merchandise relating to the use and consumption of the product that is the subject of the tasting room, including but not limited to wine glasses, corkscrews, accessory clothing, key chains, and pens.
 - b. ***Value-Added Agricultural Products.*** Packaged food for off-site consumption, including but not limited to jam, jellies, olives, and olive oil, provided that:
 - i. The packaged food is produced from agricultural products grown on lots or parcels of land owned or leased by the holder of a Type 02 license issued by the California State Department of Beverage Control;
 - ii. The associated producer's logo is permanently and prominently affixed to all food sold; and
 - iii. The packaged food is prepared and offered in accordance with any and all regulations and/or requirements of the applicable government agencies regarding the preparation, licensing, and inspection of such packaged food.
 - c. ***Pre-packaged Foods.*** Prepackaged food items intended to complement the product that is the subject of the tasting room, including but not limited to crackers, for off-site consumption. These shall be non-potentially hazardous prepackaged food products from an approved source.
6. ***Picnic Areas.*** Picnic areas may be provided but shall be subordinate to the tasting room.
7. ***Utilities.*** Sanitary facilities and potable water shall be provided pursuant to applicable codes.

Chapter 11.33 Reserved

Chapter 11.34 Reserved

Chapter 11.35 Reserved

Chapter 11.36 Reserved

Chapter 11.37 Reserved

Chapter 11.38 Reserved

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Yuba County Development Code

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Chapter 11.39 General Provisions

Sections:

11.39.010	Citation and Authority
11.39.020	Purpose
11.39.030	Applicability
11.39.040	Exemptions
11.39.050	Application and Review Procedures
11.39.060	Maps Required
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11.39.010 Citation and Authority

Division IV of this Code shall be known and cited as the “Subdivision Ordinance of Yuba County” and will be referred to herein as “the Subdivision Ordinance” or “this division.”

Authority for this division is found in Title 7, Division 2 of the California Government Code, commencing with Section 66410, hereinafter referred to as the “Subdivision Map Act,” as may be amended from time to time.

11.39.020 Purpose

The purpose of this division is to regulate the division of land within Yuba County. The provisions of this division implement and supplement the requirements of the Subdivision Map Act concerning the design and improvement of subdivisions and regulating other divisions of land within the County, including the form and content of all maps and the procedure to be followed in securing official approval. It is also the purpose of this division to ensure that the design and improvements of subdivisions are consistent with and promote the goals and policies of the General Plan. In order to protect and preserve public health, safety and general welfare and promote orderly growth and development, the provisions of this division are more specifically intended to:

- A. Protect and enhance property values;
- B. Ensure that new developments are served by adequate infrastructure, facilities, and services; and
- C. Provide for the future development of adjacent properties.

11.39.030 Applicability

The regulations set forth in this division apply to all parts of subdivisions within Yuba County and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act. Each subdivision and each part thereof lying within the County shall be made and each map shall be prepared and presented for approval as provided for and required by this division. Areas that fall within the FP Overlay District shall comply with the provisions of Chapter 11.14 and Chapter 10.30

11.39.040 Exemptions

This division shall not apply to any projects or uses listed as Exclusions in Section 66412 et seq. of the Subdivision Map Act.

11.39.050 Application and Review Procedures

- A. **Application.** Any person who proposes to subdivide land regulated by this division shall first file an application with the Planning Department on the prescribed application forms in accordance with the application procedures in Chapter 11.53, Common Procedures.
- B. **Environmental Review.** Actions and projects governed by the provisions of this division shall be subject to Chapter 11.54, Environmental Review and any other guidelines and regulations that the County has adopted for the preparation and consideration of Initial Studies, Negative Declarations, and Environmental Impact Reports in compliance with the California Environmental Quality Act (State Public Resources Code Sec. 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Sec. 15000 et seq.).
- C. **Notification Procedures.**
 - 1. Whenever this division requires a public hearing, notification shall be provided and the hearing shall be conducted in compliance with the provisions for public notice and hearings in Section 11.53.050, Notice of Public Hearings.
 - 2. If the proposed subdivision is a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, in addition to the notification required by Section 11.53.050, Notice of Public Hearings, notice shall be given by United States mail to each tenant of the subject property, and shall include notification of the tenant's right to appear and be heard.
- D. **Appeals.** Decisions that are subject to appeal under the Subdivision Map Act or the provisions of this Code shall be filed and processed in compliance with the procedures for appeals and calls for review in Section 11.53.150, Appeals and Calls for Review.

11.39.060 Maps Required

The provisions of this section shall determine the need for tentative subdivision or vesting tentative maps, final maps, tentative parcel maps, and parcel maps.

- A. **Tentative Subdivision and Final Maps.** A tentative subdivision map and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where 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 or improvements 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.
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.
5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

A tentative and parcel map shall be required for those subdivisions described in subsections (1) through (5).

B. **Tentative Parcel and Parcel Maps.** A tentative parcel map and parcel map shall be required for all divisions of land into four or fewer parcels, as well as for divisions of land into five or more parcels described in Subsections (1) through (5) of Subsection A, Tentative Subdivision and Final Maps, above, except that a tentative parcel map and parcel map shall not be required for the following:

1. ***Right-of-Way Subdivisions.*** Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the Public Utilities Code that are created by short-term leases terminable by either party on not more than 30 days' notice in writing.
2. ***Conveyances.*** Land conveyed to or from a governmental agency, public entity, public utility, or 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 section, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license.
3. ***Lot Line Adjustments.*** Lot line adjustments that meet the requirements of Section 11.43.040, Lot Line Adjustments.
4. ***Required Dedication.*** A division of land into four or fewer parcels for the purpose of dedication of land to a governmental agency, public entity or public utility pursuant to a requirement the County has imposed as a condition of approval of a development project.

C. **Waiver of Preparation of Parcel Maps.**

1. The Development Review Committee may, upon written request of the applicant, waive or conditionally waive the filing of a parcel map provided that it specifically makes a finding that the proposed subdivision complies with requirements of the Subdivision Map Act and this division as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or this division.
2. The applicant shall submit a tentative map with the request for waiver.
3. No waiver of preparation of a parcel map is valid unless the applicant records, within 60 days of approval of the waiver, a certificate on a form provided by the Community Development and Services Agency. On the form, the applicant shall provide a legal description that indicates the boundaries of the parcels and all conditions of approval.

- D. **Conveyances to Governmental Agencies, Public Entities or Public Utilities for Rights-Of-Way; Computing Number of Parcels.** Any conveyance of land to a governmental agency, public entity, public utility or subsidiary of a public utility for conveyance to that public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels as further defined in Section 66426.5 of the Subdivision Map Act. For purposes of this section, any conveyance of land to a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license as referenced in Section 66428(a)(2) of the Subdivision Map Act.

11.39.070 Condominiums; Community Apartment Project, Stock Cooperative Project; Three-Dimensional Portions

- A. A map of a condominium project, a community apartment project, or of the conversion of five or more existing dwelling units to a stock cooperative project need not show the buildings nor the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor shall the governing body have the right to refuse approval of a tentative map, parcel map, or final map of the project on account of the design or the location of buildings on the property shown on the map that are not violative of this Code or on account of the manner in which airspace is to be divided in conveying the condominium.
- B. A map need not include a condominium plan or plans, as defined in Civil Code Section 1351(e), and the Board of Supervisors may not refuse approval of a tentative map, parcel map, or final map of the project on account of the absence of a condominium plan.
- C. Fees and lot design requirements shall be computed and imposed with respect to those maps on the basis of parcels or lots of the surface of the land shown thereon as included in the project.
- D. Nothing herein shall be deemed to limit the power of the Board of Supervisors or delegated governing body to regulate the design or location of buildings in a project pursuant to the standards of this Code.
- E. If the governing body has approved a parcel map or final map for the establishment of condominiums on property pursuant to the requirements of this division, the separation of a three-dimensional portion or portions of the property from the remainder of the property or the division of that three-dimensional portion or portions into condominiums shall not constitute a further subdivision as defined in Section 66424 of the Subdivision Map Act, provided each of the following conditions has been satisfied:
1. The total number of condominiums established is not increased above the number authorized by the County in approving the parcel map or final map.
 2. A perpetual estate or an estate for years in the remainder of the property is held by the condominium owners in undivided interests in common, or by an association as defined in Civil Code Section 1351(a), and the duration of the estate in the remainder of the property is the same as the duration of the estate in the condominiums.
 3. The three-dimensional portion or portions of property are described on a condominium plan or plans, as defined in Civil Code Section 1351(e).

Chapter 11.40 Tentative Maps

Sections:

11.40.010	General
11.40.020	Form and Contents
11.40.030	Review and Referral
11.40.040	Action on the Tentative Map
11.40.050	Expiration and Extensions
11.40.060	Amendments to Approved Tentative Maps

11.40.010 General

The form and contents, submittal and approval of tentative maps shall be governed by the provisions of this chapter. The term “tentative map” shall encompass both tentative parcel maps and tentative subdivision maps. Tentative Maps for areas that fall within the FP Overlay District shall comply with the provisions of Chapter 11.14 and Chapter 10.30.

11.40.020 Form and Contents

Applications for tentative maps shall be filed with the Planning Department on the prescribed application forms in accordance with the application procedures in Chapter 11.53, Common Procedures. In addition, the tentative map shall be clearly and legibly drawn on sheets of 18 x 26 inches, using an engineer's scale in all cases. A marginal line shall be drawn around each sheet leaving a blank margin of one inch.

11.40.030 Review and Referral

- A. **Determination of Complete Application.** The Planning Director shall determine whether the application is complete within 30 days after receipt of the application and shall notify the applicant of its determination in writing. The tentative map application shall be accepted for filing only when the Planning Director determines that:
 1. All maps and information required by this division and the Subdivision Map Act have been submitted, checked, and accepted as complete;
 2. All information required to conduct environmental review in compliance with the California Environmental Quality Act, and the County's environmental review regulations (Chapter 11.54, Environmental Review) has been submitted;
 3. The required fees and deposits have been paid.
- B. **Referral.** The Planning Department may transmit copies of the application, the tentative map and any accompanying data to other departments of the County, other public agencies or interested persons for review and comment. Section 66453 et seq. of the Subdivision Map Act shall be complied with as required therein.
- C. **Public Hearing.** Upon determining that an application for a tentative map is complete, the Planning Director shall schedule the proposed map for review and public hearing and shall provide notice of the public hearing according to the requirements of Section 11.53.050, Notice of Public Hearings.

- D. **Report or Recommendation.** Any report or recommendation on a tentative map by the staff of the County to the Development Review Committee, Planning Commission or Board of Supervisors shall be in writing, and a copy thereof shall be served upon the applicant at least three days prior to any hearing or action on such map by the governing body.

11.40.040 Action on the Tentative Map

- A. **Final Date of Filing.** The application is not to be considered filed for purposes of Subsection 11.40.040(B), Action Required, below, until a certificate of exemption from environmental review or a negative declaration is approved and adopted or, if an environmental impact report is required, the EIR is finally approved and adopted and these documents are filed as required by law. The governing body may review the application prior to filing but may not take final action until filing is completed.
- B. **Action Required.** Within 50 days after the date upon which the application is deemed finally filed, unless the applicant and the Planning Director agree to extend said time period, the governing body shall approve, conditionally approve or disapprove a tentative parcel map by a majority vote of the Committee. The Planning Director shall supply the applicant with a written statement of the action taken by the Committee.
- C. **Basis for Action.** The approval, conditional approval, or denial of a tentative map shall be based on the ordinances, policies, and standards in effect on the date of notification to the developer of the determination that the application is complete. If the County has initiated formal proceedings and published notice of an ordinance or resolution amending ordinances, policies, and standards applicable to the developer's project prior to acceptance of a complete application, the amended ordinances, policies, and standards in effect on the date of complete application shall apply.
- D. **When Deemed Approved.** If no action is taken by the Development Review Committee (in the case of a tentative parcel map) or the Planning Commission (in the case of a tentative subdivision map) within the time limit as specified, and all other State and County requirements have been met, including but not limited to the California Environmental Quality Act, the tentative map application shall be deemed to be approved if it complies with other applicable provisions of the Subdivision Map Act, this division, other County ordinances, and the General Plan, and it shall be the duty of the County Clerk to certify the approval. The appeal period to the Board of Supervisors shall begin on the date of such certification.
- E. **Required Findings for Approval.** The Development Review Committee (in the case of a tentative parcel map) or the Planning Commission (in the case of a tentative subdivision map) may approve or conditionally approve a tentative map only if it makes all of the following findings:
1. **Consistency.** The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, the Development Code, and other applicable provisions of the County Code. A proposed subdivision shall be considered consistent with the General Plan or a specific plan only when the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan.
 2. **Passive and Natural Heating and Cooling.** The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accordance with Section 66473.1 of the Subdivision Map Act.

3. **Availability of Water.** Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Section 66473.7 of the Subdivision Map Act.
- F. **Basis for Denial.** The Development Review Committee or Planning Commission shall deny approval of a tentative map if it makes any of the following findings:
1. The proposed map is not consistent with the General Plan, any applicable specific plans, or any applicable provision of this division.
 2. The design or improvement of the proposed subdivision is not consistent with the General Plan or any applicable specific plans or adopted policies of the County.
 3. The site is not physically suitable for the type of development proposed.
 4. The site is not physically suitable for the proposed density of development.
 5. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 6. The design of the subdivision or the type of improvements are likely to cause serious public health problems.
 7. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the Development Review Committee or Planning Commission may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to easements previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the Development Review Committee or Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
 8. Either the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, according to the specific provisions of Section 66474.4 of the Subdivision Map Act.
 9. The waste discharge into the sewer system from the proposed subdivision would add to, or result in, violations of requirements imposed by the Central Valley Regional Water Quality Control Board.
 10. The proposed subdivision is to be fronted upon a public waterway, lake or reservoir, river or stream that does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision. The governing body shall initially determine whether the proposed subdivision provides for reasonable public access, and in making that determination, shall consider all of the factors and criteria contained in Sections 66478.4, 66478.5, and 66478.12 of the Subdivision Map Act.

11. The project does not make use of public sewage and water facilities when available. Construction of on or off-site facilities or removal of existing facilities relating to water or sewage may be made a condition of approval. Availability shall be determined by the governing body considering:
 - a. Rational engineering design and reasonable cost of the proposed system.
 - b. Policy of the public agency providing public sewage or water facilities.
 - c. Such other information deemed necessary by the governing body to reach a conclusion as to availability of public sewage or water facilities.
12. Any other finding requiring disapproval of a tentative map as set out in Section 66474 et seq. of the Subdivision Map Act.

G. **Conditions of Approval.** In approving an application for a tentative map, the Development Review Committee or Planning Commission may impose any conditions necessary to make the required findings for approval of Subsections (E) and to meet the requirements of this ordinance.

1. **Conditions Generally.** Conditions may include a condition prohibiting further subdivision of any units on any grounds consistent with the protection of the public health, safety and welfare, based upon written findings of fact.
2. **Tentative Parcel Maps.**
 - a. The Development Review Committee may require, as conditions of approval of a tentative parcel map, dedications of rights-of-way, easements, and the construction of reasonable off-site and on-site improvements for the parcels being created.
 - b. The Development Review Committee shall have the power to make findings as set out in Section 66411.1 of the Subdivision Map Act to require the fulfillment of construction requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel.
 - c. At the option and discretion of the Public Works Director, the County will accept any of the forms of security provided for in Section 66499 of the Subdivision Map Act.
3. **Tentative Subdivision Maps.** The decision-making authority may require, as conditions of approval of tentative subdivision maps, all conditions, dedications or improvements which may be required by local ordinance under the Subdivision Map Act, together with the payment of fees in lieu thereof, and subject to all conditions as set forth in the Subdivision Map Act. The decision-making authority may require any conditions necessary to bring the project into conformance with all local ordinances and standards as set forth by resolution or ordinance of the Board of Supervisors including a provision permitting County enforcement of any required conditions, restrictions or agreements.
4. **Enforcement.** Any condition, when appropriate for enforcement, may be required to be placed in all deeds of units shown on the map as a restriction on the land conveyed.

11.40.050 Expiration and Extensions

- A. **Expiration.** The approval or conditional approval of a tentative map shall expire 36 months from the date the map was approved or conditionally approved.

1. The period of time specified shall not include any period of time during which a development moratorium is in effect according to Section 66452.6(b) of the Subdivision Map Act.
 2. The period of time specified above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map only if a stay of the time period is approved by the Board of Supervisors. Within 10 days of the service of the initial petition or complaint upon the County, the subdivider shall, in writing, to the CDSA Director, request a stay in the time period of the tentative map. Within 40 days after receiving the request, the Board of Supervisors shall either stay the time period for up to five years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and to the appellant/petitioner and upon conclusion of the hearing, the Board of Supervisors shall, within 10 days, declare its findings.
- B. **Extension.** A tentative map may be eligible for an extension of time pursuant to Section 66452.6 of the Subdivision Map Act.
1. ***Automatic Extensions.*** Any extensions as provided for by the California State Legislature shall automatically be applied to the expiration date of an approved tentative map.
 - a. If the subdivider is required to expend funds (amount as set forth in the Subdivision Map Act) to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 of the Subdivision Map Act shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Government Code Section 65864 et seq. may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the Development Review Committee at the time of the approval or conditional approval of the tentative map.
 - b. "Public improvements," as used in this Subsection, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.
 2. ***Discretionary Extensions.*** A tentative map may be eligible for an extension of time provided that a complete application form is received by the Planning Department prior to the expiration date of the approved or conditionally approved tentative map.
 - a. Upon timely filing of an application for an extension of time, the tentative map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied by the Development Review Committee at a public hearing, whichever occurs first.
 - b. The Development Review Committee may extend the original expiration date of a tentative map for a period up to 24 months. In no case shall the parcel map

approval exceed a total of five years from the date the tentative map was originally approved, except for those time extensions provided by Section 66452.6 of the Subdivision Map Act. Prior to approving an extension, the Development Review Committee shall make a determination that:

- i. The tentative map is still consistent with the General Plan and any adopted community plan or specific plan.
- ii. The subdivider has demonstrated that the project has been pursued in a timely manner, which shall include proof of submittal of improvement plans for the project or any other items that demonstrate progress.
- c. If the Development Review Committee denies approval of an extension, the subdivider may appeal such denial in writing to the Board of Supervisors, pursuant to Section 2.25.040 of the County Code, within 10 calendar days of the denial.

- C. **Termination of Proceedings.** The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or final parcel map of all or any portion of the real property included within the tentative map shall be filed with the Yuba County Recorder without first processing an application for a new tentative map.

11.40.060 Amendments to Approved Tentative Maps

Amendments to tentative maps may be made in accordance with Section 11.47.010, Correction and Amendment of Maps. A public hearing may be required.

Chapter 11.41 Parcel and Final Maps

Sections:

11.41.010	General
11.41.020	Final Maps—Submittal by Units
11.41.030	Survey Required
11.41.040	Form and Contents of Maps
11.41.050	Required Approval; Final Map
11.41.060	Certificates
11.41.070	Acceptance of Dedications
11.41.080	Security Agreement; Bond
11.41.090	Required Signatures/Certificates
11.41.100	Filing with County Recorder
11.41.110	Correction or Amendment

11.41.010 General

After the approval or conditional approval of a tentative map and prior to the expiration of the tentative map, the subdivider may cause the real property included within the tentative map to be surveyed and a final map or parcel map prepared in accordance with the approved or conditionally approved tentative map.

The form, contents, accompanying data, and filing of final maps and parcel maps shall be governed by the provisions of this chapter. Final maps and parcel maps shall be prepared by or under the direction of a person registered as a civil engineer prior to January 1, 1982 or a licensed land surveyor. Parcel maps for areas that fall within the FP Overlay District shall comply with the provisions of Chapter 11.14 and Chapter 10.30.

11.41.020 Final Maps—Submittal by Units

- A. Multiple final maps relating to an approved or conditionally approved tentative subdivision map may be filed prior to the expiration of the tentative map if the subdivider, at the time the tentative subdivision map is filed, informs the Development Review Committee in writing of the subdivider's intention to file multiple final maps on the tentative subdivision map, or if after the filing of the tentative subdivision map, the subdivider and Development Review Committee concur in the filing of multiple final maps. In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps.
- B. The decision-making authority shall approve the sequence of map approvals. The filing of a final map on a portion of an approved or conditionally approved tentative subdivision map shall not invalidate any part of the tentative map. Each final map that constitutes a part, or unit, or the approved or conditionally approved tentative subdivision map shall have a separate subdivision number. The public improvement agreement executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

11.41.030 Survey Required

An accurate and complete survey of the land to be subdivided shall be made by a qualified person registered as a civil engineer prior to January 1, 1982 or a licensed land surveyor. All monuments, property lines,

centerlines of streets, alleys, and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/1,000 for field closures and 1/10,000 for calculated closures.

11.41.040 Form and Contents of Maps

- A. **Preparation.** The final map or parcel map shall be prepared by or under the direction of a person registered as a civil engineer prior to January 1, 1982 or a licensed land surveyor.
- B. **General.** The form and contents of maps shall be as required by the County Surveyor. In addition, final maps shall be prepared in conformance with Section 66433 et seq. of the Subdivision Map Act, and parcel maps shall be prepared in conformance with Section 66444 et seq. of the Subdivision Map Act.
- C. **Title and Designation of Maps.**
 - 1. All subdivisions shall be designated by number in the following manner:
 - a. *Final Maps.* The tentative and final maps shall be entitled "Tract No. _____, Yuba County, California, being a subdivision of (here set forth the legal description or other sufficient description to show boundaries and location of the tract)," the section(s), township(s) and range(s) or rancho.
 - b. *Parcel Maps.* The parcel map shall be entitled "Parcel Map No. _____ (No.), Yuba County, California being a subdivision of (here set forth the legal description or other sufficient description to show boundaries and location),"including the section(s), township(s) and range or rancho.
 - c. It shall be permissible to use either words or figures in designating the tract number.
 - d. At the discretion of the developer, a final map may also have a name, but it shall be subordinate to the assigned number.
 - 2. It shall be the duty of the County Surveyor to furnish any subdivider (including a subdivision within the boundaries of any municipality) with the next unallocated consecutive number for the purpose of this section.
 - a. In the event the final map or parcel map covers only a portion of the subdivision delineated upon the tentative map, the remaining portion will, when covered by a final map or parcel map, bear the next available number as furnished by the County Surveyor.
 - b. When a number has been assigned to a tentative map and the subdivider fails to file a final map or parcel map thereof, such number shall not be assigned to any other map.
- D. **Monuments.** The location and description of all existing and proposed monuments shall be shown. All monuments set shall be of the type and character as outlined in Section 66495 of the Subdivision Map Act and the Yuba County Improvement Standards. The final map or parcel map shall be monumented in the following manner:
 - 1. All tract maps shall have all lot corners monumented except where such boundary line lies on meander line, and in that case, reference monuments shall be set.
 - 2. All street centerlines shall be monumented at points of street intersections, radius points of cul-de-sacs, and at the beginning and end termination of street centerline curves. Any

deviation from the street monuments described herein shall not be permitted unless prior approval is obtained from the County Surveyor. The County Surveyor may permit such deviation for good cause. Interior monuments may be set after the filing of the final map in conformance with Section 66496 of the Subdivision Map Act.

11.41.050 Required Approval; Final Map

After all required certificates on the final map are signed and, where necessary, acknowledged, the final map conforming to the approved or conditionally approved tentative map may be filed for approval of the County Surveyor.

- A. The County Surveyor shall notify the Board of Supervisors at its next regular meeting after the County Surveyor receives the map that the County Surveyor is reviewing the map for final approval.
- B. The Clerk of the Board of Supervisors shall provide notice of any pending approval or disapproval by the County Surveyor, which notice shall be attached and posted with the Board of Supervisors' regular agenda and shall be mailed to interested parties who request notice.
- C. The County Surveyor shall approve or disapprove the final map within ten days following the meeting of the Board of Supervisors.

The Board of Supervisors shall periodically review the delegation of final map approval authority provided herein to the County Surveyor.

11.41.060 Certificates

All certificates required by the Subdivision Map Act shall be included in proper form and appropriately signed or acknowledged. In addition, in the case of a parcel map, there shall be a certificate signed by the County Surveyor acknowledging that the parcel map is in substantial compliance with the approved or conditionally approved tentative map.

11.41.070 Acceptance of Dedications

- A. With respect to parcel maps and final maps, the County Surveyor may accept or reject dedications and offers of dedication that are made by a statement on the face of the map or by separate instrument.
- B. Except as provided in Subsection (A) above, at the time the Board of Supervisors approves the final map, it shall also accept, accept subject to improvement, or reject any offer of dedication and the Clerk shall certify on the map the action taken by the Board of Supervisors.

11.41.080 Security Agreement; Bond

If, at the time of approval of the final map or parcel map, any required improvements have not been completed and accepted, the Public Works Director shall require the subdivider to enter into an agreement to thereafter complete the improvements at the subdivider's expense or an agreement to initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of such improvements, provided that the latter agreement stipulates that if the improvements are not completed under the special assessment act, the subdivider must agree to complete them at the subdivider's expense. Subdivider shall provide County adequate security pursuant to Section 11.46.070 and the Subdivision Map Act prior to approval of the final map or parcel map.

11.41.090 Required Signatures/Certificates

- A. No final map or parcel map that creates a subdivision shall be filed with the County without the written consent of all parties having any record title interest in the real property proposed to be subdivided, except as otherwise provided in accordance with the provisions of Government Code Section 66436, or any other provision of the Subdivision Map Act or this division.
- B. Pursuant to Section 66435.1 of the Subdivision Map Act, certificates required for final maps by Sections 66436 and 66443 of the Map Act may be made either on the face of the map or by separate instrument to be recorded concurrently with the required map.
- C. Certificates required for parcel maps by Sections 66447 of the Map Act may be made either on the face of the map or by separate instrument to be recorded concurrently with the required map.

11.41.100 Filing with County Recorder

- A. After the approval by the County of a final map or parcel map of a subdivision, the map shall be transmitted to the County Recorder. When all certificates and security required under the provisions of the Subdivision Map Act or by local regulations have been filed and deposited with the Clerk of the Board of Supervisors (or other County office as designated by the Board of Supervisors) the County Surveyor shall certify that the certificates have been filed and deposits have been made and shall transmit the final map to the County Recorder. In the case of a parcel map, the map shall be certified as complete and transmitted to the County Recorder by the County Surveyor.
- B. If the subdivider dedicates property to the County, the County Surveyor or Clerk of the Board of Supervisors shall also prepare or cause to be prepared and forward for recording a certificate concerning the dedication as provided in Section 66477.5 of the Subdivision Map Act. Said statement shall either be on the face of the map or by separate instrument recorded concurrently with the map,
- C. The subdivider shall present to the County Recorder evidence that the parties consenting to the filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by this division or the Subdivision Map Act, as shown by the records in the office of the Recorder, or the map shall not be filed.
- D. The County Recorder shall have 10 days within which to examine a final map or parcel map and either reject or accept it for filing. If the County Recorder accepts the map for filing, the acceptance shall be certified on the face of the map. The map shall then be filed as provided in the Subdivision Map Act and other provisions of law.
- E. The filing and recording of a final map or parcel map by the County Recorder shall automatically and finally determine the validity of the map and, when recorded, shall impart constructive notice thereof, subject only to the provisions in the Subdivision Map Act for filing a certificate of correction or an amending map as provided by Section 11.47.010, Correction and Amendment of Maps.

11.41.110 Correction or Amendment

Corrections and amendments to final maps and parcel maps may be made in accordance with Section 11.47.010, Correction and Amendment of Maps. A public hearing may be required.

Chapter 11.42 Vesting Tentative Maps

Sections:

11.42.010	Purpose
11.42.020	Scope; Applicability; Consistency
11.42.030	Procedures
11.42.040	Vesting on Approval
11.42.050	Expiration

11.42.010 Purpose

It is the purpose of this chapter to establish procedures necessary for the implementation of Section 66498.1 of the Subdivision Map Act, and to supplement the provisions of the Subdivision Map Act and this division regarding vesting tentative maps.

11.42.020 Scope; Applicability; Consistency

A. Vesting Tentative Map—Right to File.

1. This chapter shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this division, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with the provisions of this chapter.
2. If a subdivider does not seek the rights conferred by a vesting tentative map, 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.

B. General Plan Consistency. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose that is inconsistent with the General Plan and any applicable specific plan.

C. Development Code Consistency. No land shall be subdivided and developed pursuant to a vesting tentative map in such a way that is not permitted by the Development Code (this Code), except as provided in Subsection 11.42.030(D), Development Inconsistent with Zoning, of this chapter, or as authorized by a variance, waiver, or other permit under this Code.

D. Subdivision Ordinance Applicability. Except as otherwise set forth in the provisions of this chapter, the provisions of the Subdivision Ordinance (this division) shall apply to vesting tentative maps.

11.42.030 Procedures

A. Filing and Processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in this division for a tentative map except as hereinafter provided. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words “Vesting Tentative Map” and be accompanied by the following information:

1. Height, size and location of building(s).

2. Provide information on the proposed use of the building(s).
 3. Sewer, water, storm drain and road details.
 4. Detailed grading plans.
 5. Geological studies.
 6. Flood control information as required by the Department of Public Works.
 7. Architectural plans as required by the Planning Department.
 8. Any other studies deemed required by the Planning Department.
- B. **Other Discretionary Approvals.** A subdivider shall obtain all discretionary approvals that will be required under this Code in conjunction with the approval or conditional approval of the vesting tentative map in order to construct the development including, but not limited to, general plan amendments, zoning changes, conditional use permits, variances, and design review. An application for a vesting tentative map shall be determined to be incomplete if other required discretionary permit applications have not been submitted at the same time.
- C. **Fees and Charges.**
1. Upon filing a vesting tentative map, the subdivider shall pay fees and charges required by ordinance or resolution for the filing and processing of a tentative subdivision map, or tentative parcel map, according to the type of subdivision.
 2. Subject to the terms and conditions of any development agreement between the County and subdivider, the amount of any fee or charge imposed by the County as a condition of approval of a vesting tentative map shall be the amount of such fee or charge in effect at the time the fee or charge is required to be paid, and shall not be the amount of such fee or charge in effect on the date of vesting of the vesting tentative map.
 3. The provisions of Subsection (2) above shall be made a condition of approval of each vesting tentative map.
- D. **Development Inconsistent with Zoning (Effect of Inconsistent Zoning on Vesting Tentative Maps).** Whenever a subdivider files a vesting tentative map for a subdivision whose proposed development is inconsistent with this Code in existence at the time of filing, such inconsistency shall be noted on the map. The County may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary amendment to the Development Code to eliminate the inconsistency. If the amendment to the Development Code is obtained, the approved or conditionally approved vesting tentative map shall confer the vested right to proceed with the development in substantial compliance with the change in the Development Code and the vesting tentative map, as approved.

11.42.040 Vesting on Approval

- A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with the development in substantial compliance with the ordinances, policies, and standards in effect at the date the application is deemed to be complete, or according to the provisions of Section 66474.2 of the Subdivision Map Act. However, if Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall convert 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. 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.
 - 2. The condition or denial is required in order to comply with both State and federal law.
- C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 11.42.050, Expiration. If the final map is approved, these rights shall last for the following periods of time:
 - 1. An initial time period of two years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
 - 2. The initial time set forth above shall be automatically extended by any time used by the County for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.
 - 3. A subdivider may apply for a one-year extension at any time before the initial time period set forth expires. If the extension is denied, the subdivider may appeal that denial to the Board of Supervisors within 15 days.
 - 4. If the subdivider submits a complete application for a building permit during the periods of time specified in paragraphs (1) through (3), the rights referred to herein shall continue until the expiration of that permit or any extension of that permit.

11.42.050 Expiration

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, established by this division for the expiration of the approval or conditional approval of a tentative subdivision map or tentative parcel map, respectively.

Chapter 11.43 Reversions, Mergers, Resubdivisions, and Lot Line Adjustments

Sections:

11.43.010	Reversions to Acreage
11.43.020	Parcel Mergers
11.43.030	Mergers and Resubdivisions
11.43.040	Lot Line Adjustments

11.43.010 Reversions to Acreage

- A. **Purpose.** This section establishes procedures and standards, consistent with the requirements of Section 66499.11 et seq. of the Subdivision Map Act, for the reversion of previously subdivided property to acreage.
- B. **Initiation of Proceedings.** Proceedings to revert subdivided property to acreage may be initiated by the Board of Supervisors or by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the CDSA Director and shall contain information deemed necessary to comply with the requirements of the Subdivision Map Act.
- C. **Contents of Petition.** The petition shall contain all of the following:
 - 1. Evidence of title to the real property within the subdivision;
 - 2. Evidence sufficient to permit the Development Review Committee or Planning Commission to make all of the findings required by Section 11.43.010(E);
 - 3. A final map or parcel map in the form required by this division, which delineates dedications that will not be vacated and dedications required as a condition to reversion. Final maps or parcel maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage";
 - 4. Fees as required by the County toward processing and plan checking costs in accordance with Title 13 of the County Code; and
 - 5. Any other information the Community Development and Services Agency may require.
- D. **Hearing.** A duly-noticed public hearing shall be held by the Development Review Committee if the reversion is to be by a parcel map or by the Planning Commission if the reversion is to be by final map. Any decision of the Development Review Committee or Planning Commission may be appealed to the Board of Supervisors by any interested person as outlined in Section 11.53.150 Appeals and Calls for Review. The decision of the Board of Supervisors on appeal shall be final and conclusive.
- E. **Required Findings.** The Development Review Committee or Planning Commission may approve a reversion to acreage only if it finds that dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes and that:
 - 1. All owners of an interest in the real property within the subdivision have consented to reversion; or

2. None of the improvements required to be made have been made within two years from the date the final map or parcel map was filed for recording, or within the time allowed by agreement for completion of the improvements, whichever is later; or
 3. No lots shown on the final map or parcel map were sold within five years from the date such map was filed for recording.
- F. **Conditions.** The Development Review Committee or Planning Commission shall require as conditions of the reversion that:
1. The owners dedicate or offer to dedicate streets, public rights-of-way or easements;
 2. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if necessary to accomplish the purposes of this section; and
 3. Such other conditions as are necessary to accomplish the purposes of this section or necessary to protect the public health, safety, or welfare.
- G. **Filing with County Recorder.** Upon approval of the reversion to acreage, the final map or parcel map for reversion shall be submitted to the County Surveyor for review and certification pursuant to the Subdivision Map Act. Once the County Surveyor certifies the final map or parcel map for reversion, he or she shall deliver it to the County Recorder for filing. Reversions shall be effective when the final map or parcel map is filed with the County Recorder.

11.43.020 Parcel Mergers

- A. **Purpose.** This section establishes procedures and standards, consistent with the requirements of the Subdivision Map Act, for the merger of contiguous parcels of land that were created under the provisions of the Subdivision Map Act or any prior State law regulating the division of land.
- B. **Requirements for Parcel Merger, County-Initiated.** Pursuant to the Subdivision Map Act and the requirements of this section, the County may initiate the merger of two or more contiguous parcels or units held by the same owner if any one of the contiguous parcels or units does not conform to the standards for minimum parcel size established by this Code, and if all the requirements of Article 1.5, Merger of Parcels, of the Subdivision Map Act are satisfied.
- C. **Requirements for Parcel Merger, Applicant-Initiated.** Requirements for Parcel Merger, applicant-initiated. Property owner(s) may request and initiate proceedings for the merger of real property by submitting an application consistent with Section 11.53.020, Application Form and Fees, and the requirements of this section and the Subdivision Map Act. Any two or more contiguous parcels in common ownership, regardless of whether they were created by map or by conveyance, may be merged so as to create one new parcel.
1. An application for a merger shall be processed as an application for a ministerial permit without public notice or hearing, where all of the preexisting parcels are legal lots and any existing structures will continue to comply with all zoning and development standards once merged into a single parcel; OR
 2. In all other cases, upon receipt of a complete application, the Planning Director shall process the application and schedule the matter for a hearing before the Development Review Committee. The Development Review Committee may impose those conditions, with respect to the parcel(s) which it could require for the issuance of a conditional certificate of compliance. If the request is approved, the recording of the parcel notice of merger shall create one new parcel out of the affected existing parcels by eliminating all common lot lines

that separate such parcels from each other. The notice shall also specify the names of the record owners and particularly describing the real property.

11.43.030 Mergers and Resubdivisions

- A. **Purpose.** This section establishes procedures and standards, consistent with the requirements of the Subdivision Map Act, for the merger and resubdivision of parcels without first reverting to acreage.
- B. **Requirements for Mergers and Resubdivisions.** Subdivided lands may be merged and resubdivided without reverting to acreage by complying with the applicable requirements for the subdivision of land as provided by the Subdivision Map Act and this chapter.
 - 1. A tentative parcel map and parcel map shall be required for resubdivisions creating four or fewer parcels. A tentative subdivision and final map shall be required for resubdivisions creating five or more parcels.
 - 2. Any unused fees or deposits previously made pursuant to this Code pertaining to the property shall be credited pro rata towards any requirements for the same purposes which are applicable at the time of resubdivision.
 - 3. The filing of the parcel map or final map shall constitute legal merging of the separate parcels into one parcel and the resubdivision of such parcel.
 - 4. The filing of the parcel map or final map shall constitute abandonment of all public streets and public easements not shown on the map. There shall be a written notation of such abandonment listed by reference to the recording data creating said public streets or public easements. The County Surveyor shall certify such abandonments on the map.

11.43.040 Lot Line Adjustments

- A. **Purpose.** This section establishes the procedures and standards for changing the boundary or boundaries between four or fewer existing adjoining parcels as provided for in Section 66412(g) of the Subdivision Map Act.
- B. **Criteria for Approval of Lot Line Adjustments.** The County Surveyor shall approve a lot line adjustment, subject to certain conditions of approval pursuant to Section 66412(d) of the Subdivision Map Act, based on a determination that:
 - 1. The adjustment is between four or fewer parcels and no additional parcels are created;
 - 2. The adjustment is between parcels legally created in compliance with the Subdivision Map Act;
 - 3. If the adjustment includes a designated Remainder Parcel from a subdivision or parcel map or a parcel created in violation of the Subdivision Map Act, a Certificate of Compliance or a Conditional Certificate of Compliance shall be required to complete the lot line adjustment, which may be processed concurrently subject to application and current fees;
 - 4. The depth of a lot that is less than 330 feet wide (average) shall be not greater than three times the average width of the parcel. Nor shall such width be greater than such depth unless required for a purpose inherent with the proposed use of the lot, or physical conditions (i.e. mountain, peninsula between 2 roads) exist warranting such; and,

5. The lots proposed in the adjustment will comply with the provisions of the General Plan; any applicable specific plan; this Code; and Title X, Buildings and Construction, of the County Code.
 - a. Non-conforming lots: In instances where a Lot Line Adjustment includes a lot(s) that is non-conforming as to size, width, or depth the Lot Line Adjustment will not result in creating additional non-conforming lot(s) or increase the non-conformity of an existing non-conforming lot.
- C. **Procedures.** An application for a lot line adjustment shall be made to the Planning Department as outlined in Section 11.53.020, Application Form and Fees.
 1. Within 30 days of the receipt of the application, the County Surveyor will determine if the application is deemed complete or whether additional information is necessary to determine whether the proposed adjustments meet the requirements of this section. No Record of Survey shall be required for a lot line adjustment unless it is required by Section 8762 of the Business and Professions Code or is a condition of an accompanying Certificate of Compliance.
 - a. The applicant shall submit all information necessary to determine parcels included in the lot line adjustment are legal parcels pursuant to the Subdivision Map Act.
 - b. The County will not process any lot line adjustments for parcels that have Code Enforcement, Environmental Health Department or other Community Development and Services Agency liens placed on them or properties which have outstanding fees owed to the County.
 2. An application for approval of a lot line adjustment may be subject to environmental review if the proposed lot line adjustment does not meet Subsection 11.43.040(B), Criteria for Approval of Lot Line Adjustments.
 3. Within 30 days of the receipt of a complete application, the County Surveyor shall approve, conditionally approve, or deny the application for a lot line adjustment if the application is exempt from environmental review. If the application requires environmental review, the Planning Director shall take action in compliance with the deadlines specified in Chapter 11.54, Environmental Review and the approving authority for the Lot Line Adjustment shall be the Development Review Committee.
 4. If the County Surveyor or Development Review Committee determines that the proposed adjustment does not meet the criteria in Subsection 11.43.040(B), Criteria for Approval of Lot Line Adjustments, the County Surveyor or Committee shall deny the adjustment and provide written notification to the applicant of the decision.

- D. **Recording with County Recorder.** Lot line adjustment approval will not be effective until the “Certificate of Lot Line Adjustment Approval” containing approved exhibits, and the associated documents of transfer, that shall be reflected in a deed, to affect the new resultant property boundaries and any reconveyances or modification of deeds of trust are recorded with the County Recorder.

Chapter 11.44 Subdivision Design

Sections:

11.44.010	Purpose
11.44.020	Countywide Lot and Site Design
11.44.030	Street System and Connectivity
11.44.040	Roadway Design
11.44.050	Energy Conservation and Solar Access
11.44.060	Protection of Natural and Cultural Resources
11.44.070	Agricultural Buffers
11.44.080	Rural Lot Design Guidelines
11.44.110	Valley Growth Boundary Design Guidelines
11.44.100	Infill Development in Urban Residential Areas
11.44.110	Waiver of Subdivision Standards

11.44.010 Purpose

The purpose of this chapter is to provide standards for the design of subdivisions, including the design and layout of lots, blocks, and roadways within a subdivision, connections between subdivisions and adjacent uses and developments, and the preservation of natural resources.

11.44.020 Countywide Lot and Site Design Standards

The design of all lots in the subdivision including parcel maps shall comply with the following standards:

- A. Every lot shall contain the minimum lot area for the zone in which it is located.
- B. Lot lines should maintain a linear configuration without unnecessary jogs and turns to the maximum extent possible. This assists in orderly subdivision design and avoids confusion for future property owners when trying to determine the legal lot limits of their properties.
- C. Side parcel lines shall be as close as practical to right angles to existing rights-of-way.
- D. With the exception of small lot designs, condominiums, and non-residential maps (designed as a center, business park or campus) lots shall have a minimum street frontage as stipulated by the zone district and a minimum depth of 70 feet, measured at right angles from the street line, or as near thereto as is practicable. Cul-de-sac and interior "knuckle" lots shall have a minimum frontage of 40 feet.
- E. For lots less than 330 feet wide (average), the depth of the lot shall be not greater than three times the average width of the parcel. Nor shall such width be greater than such depth unless required for a purpose inherent with the proposed use of the lot, or physical conditions (i.e. mountain, peninsula between 2 roads) exist warranting such.
- F. Residential through lots are only permitted where access is restricted along one of the frontages excluding alleys.
- G. When streets are proposed within the subdivision, all parcels of the subdivision shall be designed to have direct frontage on a street. Tiered or stacked parcels, served by multiple fee strips or easements, shall not be allowed.

- H. Parcels one acre or smaller in size shall provide both a public sewer service and public water supply. Parcels between one acre and 2.5 acres in size shall provide either a public sewer service or public water supply as determined by the Environmental Health Director.

11.44.030 Street System and Connectivity

A. Block Design.

1. **Block Length.**

- a. *Within Valley Growth Boundary.* For new subdivisions within the Valley Growth Boundary, block length is limited to 450 feet. A block length up to 600 feet shall only be allowed when a mid-block pedestrian connection is provided.
- b. *Outside Valley Growth Boundary.* Blocks shall be not more than 1,400 feet in length. The hearing body may approve variations of the foregoing when it finds that pre-existing improvements or physical or natural features or conditions justify such variations.

2. **Block Width.** Blocks shall be of a width to contain two tiers of lots of legal and approved dimensions, except that the decision-making authority may approve variations of the foregoing when it finds that pre-existing improvements or physical or natural features or conditions justify such variations.

3. **Block Pattern, Valley Growth Boundary.** New subdivisions within the Valley Growth Boundary shall arrange roads in an interconnected block pattern, so that local pedestrian, bicycle, and automobile traffic do not have to use arterial streets to circulate within the neighborhood.

B. Connection to Adjacent Areas. Streets shall be aligned with existing and planned arterial and collector streets in adjacent quadrants or neighborhoods.

1. **Frequency of Access.** Subdivisions shall be connected to adjacent planned development areas and adjacent roadways at a minimum of 600-foot intervals. This minimum interval does not apply to development areas that are adjacent to existing or planned limited-access highways, freeways, or expressways, or other areas where physical constraints would make this level of connectivity infeasible.
2. **Extension.** The subdivision shall provide for planned access to undeveloped property adjoining the subdivision.

C. Pedestrian Connections. Pedestrian and bicycle ways may be required:

1. Through the middle of blocks over 450 feet in length;
2. To connect dead-end streets;
3. To provide access to parks, schools, shopping centers, or similar facilities; and/or
4. To provide access to greenways, trails, or bikeways shown in the General Plan and Bikeway Master Plan.

D. Cul-de-Sacs and Temporary Dead-End Streets.

1. **Valley Growth Boundary.** Within the Valley Growth Boundary, the maximum allowable length of a cul-de-sac is 400 feet unless an exception is approved by the hearing body.

2. **Rural Areas.** Outside the Valley Growth Boundary, the maximum length of cul-de-sacs or temporary dead-end streets shall not be more than the following:
 - a. 800 feet for parcels zoned for less than one acre.
 - b. 1,320 feet for parcels zoned for one acre to 4.99 acres.
 - c. 2,640 feet for parcels zoned for five acres to 19.99 acres.
 - d. 5,280 feet for parcels zoned for 20 acres or larger.
 3. **Turnarounds.** A hammer head/T may be used in lieu of the standard cul-de-sac with approval of the Public Works Director. In subdivisions where cul-de-sacs or temporary dead-end streets are proposed, offers of dedication of additional rights-of-way may be required to allow for circulatory looped roads, but construction on the additional rights-of-way may be deferred until future development occurs.
 - a. Subdivisions outside the Valley Growth Boundary utilizing cul-de-sacs or temporary dead end streets shall construct a turnaround every 1,320 feet.
- E. **Gated Developments.** Gated residential developments shall be prohibited unless the hearing body makes the following findings:
1. Multi-modal connectivity and emergency access to and from surrounding areas will not be significantly impaired.
 2. Emergency access can be provided consistent with the standards of the relevant fire district.

11.44.040 Roadway Design

- A. **Horizontal Radius.** Minimum centerline curve radius for all roads within subdivisions shall be as follows:
1. **Arterial and Collector Roads.** As required by Highway Design Manual of the State of California to meet future design speeds.
 2. **Local Roads.** Minimum center line radius of 200 feet. Waiver of this requirement may be granted by the Public Works Department due to topographic conditions but in no case may the radius be less than 100 feet.
 3. **Cul-de-sacs Serving up to Four Parcels and Residential Driveways.** Topographic conditions shall determine the general pattern of alignment. In no instance shall the center line radius be less than 50 feet.
- B. **Vertical Radius.** The vertical curve alignment for all classes of roads except driveways and local roads serving up to four parcels shall conform to the design requirements of the Highway Design Manual of the State of California. Vertical curve alignment for driveways and local roads shall be as approved by the Public Works Director.
- C. **Maximum Road Grade.** Roads should be aligned to conform to existing land contours and minimize grading to the extent feasible. The maximum road grade shall be as follows:
1. Arterial and collector roads: eight percent.
 2. Local roads: 12 percent.
 3. Local roads serving up to four parcels: 15 percent; however paving will be required when grade exceeds 12 percent.

4. **Exceptions.** The vertical grade requirements for arterial, collector and local roads may be partially waived by the Director of Public Works for good cause, but in no case shall such waivers exceed three percent (3%). In such cases additional road structural requirements may be imposed, such as the use of asphalt concrete instead of gravel.
- D. **Driveways.** Driveways shall be constructed in conformance with Yuba County Standards and Specifications and fire safe standards to access the home site within each parcel prior to the issuance of the final Certificate of Occupancy.

11.44.050 Energy Conservation and Solar Access

- A. Subdivisions 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, contour, and 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.

11.44.060 Protection of Natural and Cultural Resources

- A. **Resource Protection.** Sensitive habitat areas, archeological resources, and designated and potential historic resources shall be shown and identified on all tentative maps, and on any improvement and landscape plans. Such features shall be preserved as required by the Development Review Committee or Planning Commission as part of tentative map approval.

B. Existing Trees.

1. All existing oak trees that have a diameter at breast height (DBH) of six inches or greater and all other trees that have a DBH of 30 inches or greater shall be shown on the tentative map or tentative parcel map with a notation as to the size, species and dripline. All trees proposed for removal shall be clearly designated.
2. Existing trees may be required to be preserved. In cases in which tree preservation is required, all grading and necessary tree trimming shall be conducted under the supervision of a certified arborist or registered forester reviewed and approved by the Community Development and Services Agency.
3. Trees within a proposed public right-of-way shall be removed only for good cause to protect the public safety or to allow the installation of adequate public facilities as may be approved by the Public Works Director.

11.44.070 Agricultural Buffers

- A. **Purpose.** The purpose of the agricultural buffer requirement is to provide for the long-term viability of agricultural operations and minimize potential conflicts between agricultural uses and new, non-agricultural development and uses.
- B. **Where Required.** Agricultural buffers are required for new subdivisions at the edges of a Rural Community Boundary or the Valley Growth Boundary where they are adjacent to any Agricultural District or property line of any lot used for agriculture purposes except as provided below.
 1. Agricultural buffers are not required in areas adjacent to planned urban development shown on the General Plan Land Use Diagram.
 2. Agricultural buffers are not required for subdivisions, or portions thereof, adjacent to existing rural residential development on parcels of five acres or less.
- C. **Buffer Requirement.** The size of the buffer shall be a minimum of 50 feet and may be up to 500 feet depending on crop type, agricultural practices, topography, prevalent wind and other relevant factors as determined by the Agricultural Commissioner. The buffer shall be provided and maintained on the site of the proposed subdivision.
- D. **Buffer Location.** The agricultural buffer shall be located:
 1. On the property on which the subdivision is proposed.
 2. Adjacent to the common lot line between the site of the proposed subdivision and the adjacent Agriculture District or use.
 3. Where a roadway lies between the site of the proposed subdivision and the adjacent agriculturally zoned lot, the buffer shall be located adjacent to the right of way, and its width may be reduced by the width of the roadway.
- E. **Use of Buffers.** The agricultural buffer shall incorporate vegetative or other physical barriers as determined necessary to minimize potential land use conflicts. Agricultural buffers should not be used for dwellings, structures designed for human occupancy or outdoor areas designed for intensive human use. Agricultural buffers may accommodate drainage, trails, roads, other facilities or infrastructure, community gardens, native landscaping, and other uses that would be compatible with ongoing agricultural operations and provide valuable services or amenities.

- F. **Buffer Management Plan.** Agricultural buffers shall be maintained in accordance with a buffer management plan acceptable to and approved by the County. Such plans shall, at a minimum, address the following:
1. A description of site conditions such as vegetation and habitat type, natural and man-made features, and allowable uses;
 2. Grass and brush clearing for fire fuel management, as required by site conditions and maintenance of any landscaping;
 3. Erosion control;
 4. Any drainage facilities, including ditches and detention basins or other infrastructure improvements including but not limited to trails, roads, or recreational amenities;
 5. Fencing if required for the protection of resources; and
 6. Other natural resource management activities and uses if applicable. Buffer management plans shall include provisions for long-term maintenance of improvements and facilities that will not result in a fiscal impact on the County.

11.44.080 Rural Lot Design Guidelines

- A. **Purpose.** The rural lands of the County contain numerous resources that are critical to the character, health, safety, well-being, and viability of Yuba County, including its environment and residents. The value of rural land is recognized by the County in the General Plan, which aims to protect and preserve the resources and character of these lands. When land is subdivided, impacts occur directly to the lands and to the surrounding area. In rural lands, these impacts can have significant ramifications to the region's resources and, therefore, these lands must be planned carefully. Rural lands also tend to have the greatest risk of wildfires, and as such, human safety and defensibility should be a key focus of any subdivision. To address these concerns, the County has a number of regulations that relate to subdivisions within areas designated in the General Plan as Rural Communities and Natural Resources. Additionally, there are numerous other local and State regulations that must be complied with for the subdivision of land to be approved.

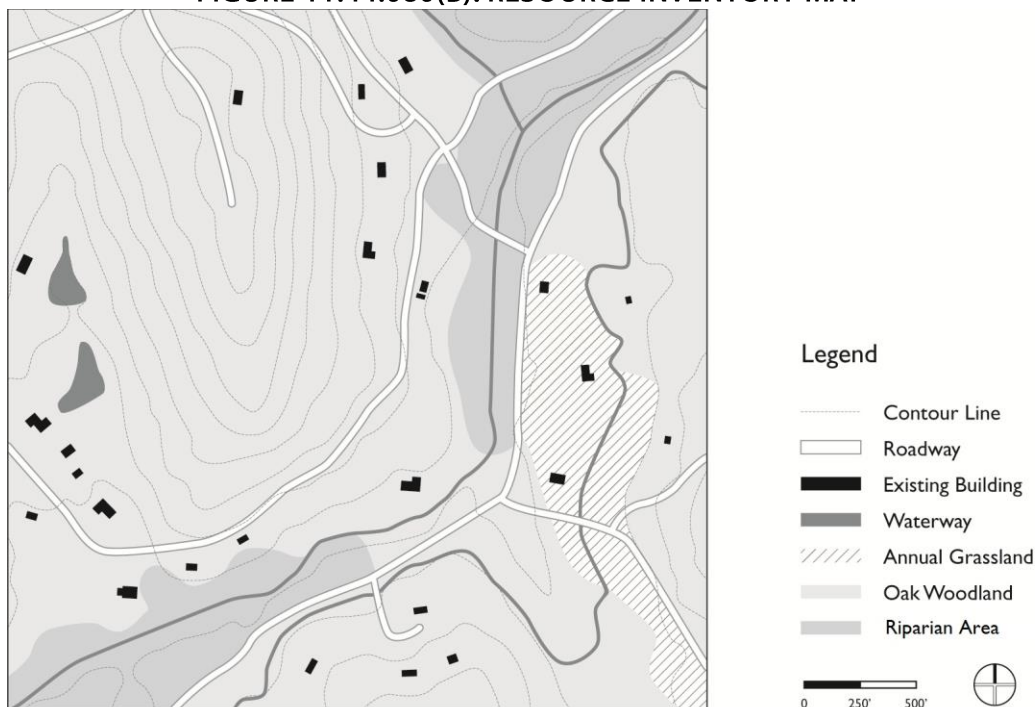
In addition to the Subdivision standards addressed in Sections 11.44.020 through 11.44.070, rural parcel maps and subdivisions shall comply with the rural lot design requirements listed below.

- B. **Resource Inventory Mapping.** The County requires submittal of a Resource Inventory Map for parcel map and subdivision tract map applications located outside of the Valley Growth Boundary. The Resource Inventory Map identifies the project site's natural features and other physical characteristics and constraints. The purpose of the resource inventory is to ensure the subdivision design takes into account the site's significant resources and to evaluate the subdivision's impacts on those resources. It is advised that this map be prepared early in the planning process since the resources identified are fundamental to the location of building pads and overall design of the map. The County will not deem an application complete until a complete and accurate Resource Inventory Map has been submitted. The Resource Inventory Map is required to include the following and may consist of one single exhibit or a group of exhibits:
1. Steep slopes (those slopes equal to or greater than 25% grade).
 2. All existing buildings and structures on the land.
 3. Any known historic mining uses.

4. All encumbrances (easements, covenants, etc.).
5. Hydrologic characteristics (water courses, flow direction, storm drains, areas subject to inundation).
6. Biological Resources Map (prepared by a qualified consultant pursuant to County guidelines) or land cover on site (oak woodlands, grassland, oak savannah, wetlands, riparian areas, etc.) Biological mapping requirements are available at the CDSA public counter or can be viewed on the CDSA website.
7. Cultural Resources. If the project area is identified as moderate to high sensitivity for prehistoric resources on the Yuba County Prehistoric Resource Sensitivity Map (General Plan Exhibit NR-6) a pedestrian survey shall be conducted and avoidance areas identified on the Resource Inventory map. Based on the findings of the pedestrian survey, additional technical studies may be required.

Note: All maps and overlays should be drawn to scale. An example of a Resource Inventory Map prepared following this guidance is provided as Figure 11.44.080(B).

FIGURE 11.44.080(B): RESOURCE INVENTORY MAP



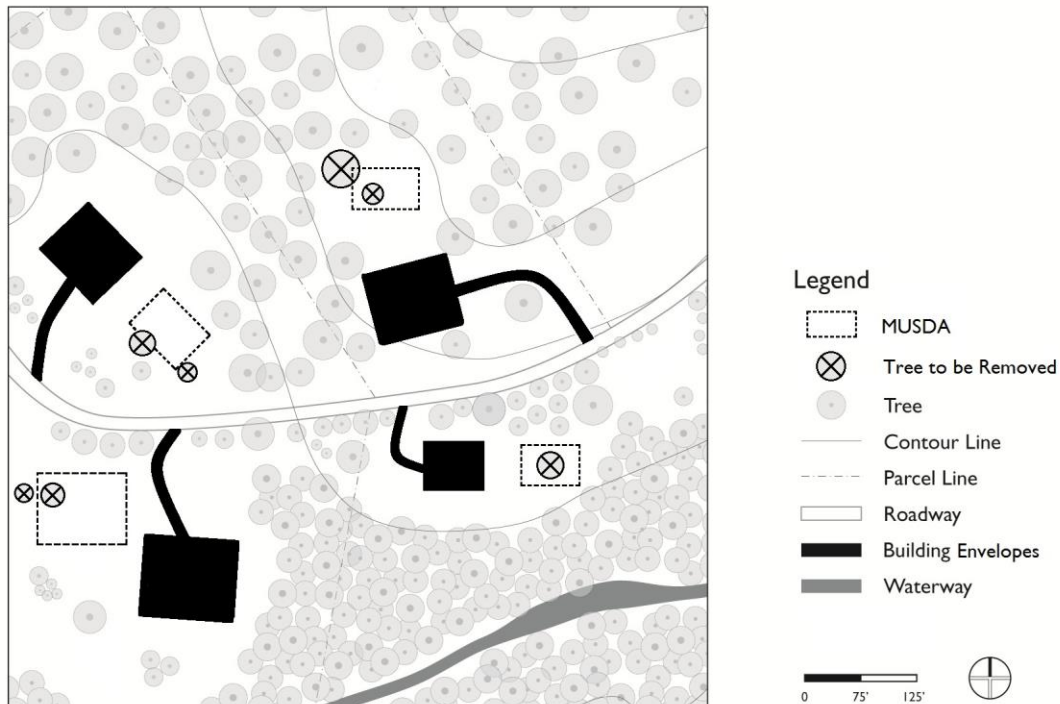
- C. **Locating Housing Sites/Building Envelopes.** The number of housing sites shall be consistent with the density for the zone district and the intended use of the land. Subdividers that wish to accommodate accessory structures and uses to a primary residence should seek out large enough building envelopes to accommodate the additional uses. Building envelopes may also be used to

reduce the study area for cultural, biological, or other environmental analysis. Additional requirements include:

1. Locate the development in areas that avoid impacts to environmental and cultural resources. Compliance with this requirement will largely be achieved through the process of identifying areas for avoidance identified in the Resource Inventory Map(s).
2. Locate and design the development in a manner that maximizes defensibility from wildland fires and accommodates all necessary fuel modification on-site. Homes and other habitable structures require areas where the vegetation can be managed in a way to reduce the fire risk to the home. These areas are referred to as fuel modification zones. These areas typically extend 30 – 100 feet from the structure. Defensibility is also improved by locating structures and/or home sites closer together, eliminating open space/fuel loads between homes, setting back homes from slopes, woodlands or other areas of increased fire intensity.
3. Minor modifications to the location of approved building envelopes may be approved by the Planning Director upon determination that the change is in substantial conformance with the tentative map approval and environmental document prepared for the project. Changes not deemed to be in substantial conformance will require approval of a tentative map modification by the Development Review Committee or in instances where the map has been recorded, preparation and adoption of an environmental assessment to address any impacts the change in the building envelop may have on the environment.

Note: All maps should be drawn to scale. An example of a Building Envelope Map prepared following this guidance is provided as Figure 11.44.080(C).

FIGURE 11.44.080(C): LOCATING HOUSING SITES/BUILDING ENVELOPES



D. **Access Easements.** Where development is allowed pursuant to this section and due to existing development or other site constraints access from a public or private roadway is not feasible, access easements shall be provided as specified below.

1. Access to no more than two rear parcels shall be over a strip of land having a width of not less than 30 feet held in fee or easement and shall be separated from the access for the front parcel.
2. The number of parcels served by the above easements include all parcels, both on site and off site, located along the length of the easement that depend upon the easement for access whether those parcels are improved or unimproved.
3. Tiered or stacked parcels, served by multiple fee strips or easements, shall not be allowed.

11.44.090 Valley Growth Boundary Design Guidelines

In addition to the Subdivision standards addressed in Sections 11.44.020 through 11.44.070, parcel maps and subdivisions within the Valley Growth Boundary shall comply with all the requirements and development standards of the Development Code, including base zoning district regulations, and any applicable design guidelines.

11.44.100 Infill Development in Urban Residential Areas

In-fill development is allowed in the RS, RM, and RH districts, where the configuration of the property prior to division does not permit division in accordance with the minimum lot dimensions and street frontage requirements of the base district standards, provided the lots after subdivision meet the minimum lot size required under the provisions of the applicable zone.

- A. **Access Easements.** Where infill development is allowed pursuant to this section and due to existing development or other site constraints, access from a public roadway is not feasible, access easements shall be provided as specified below.
1. Access to a single rear parcel for a single or two-unit dwelling (flag lot) shall be over a strip of land having a width of not less than 15 feet held in fee or easement by such rear parcel.
 2. Access serving two or more parcels or a multi-unit dwelling shall be served by a non-exclusive easement for road and utility purposes having a width of not less than 30 feet.
 3. The number of parcels served by the above easements include all parcels, both on site and off site, located along the length of the easement that depend upon the easement for access whether those parcels are improved or unimproved.
 4. Access easements for in-fill developments shall not be offered for dedication or deeded to the County.

11.44.110 Waiver of Subdivision Standards

Any of the subdivision standards imposed by this chapter or resolutions adopted thereto may be waived by the hearing body if the hearing body finds that an alternative design substantially conforms to the intent of the standards of this chapter and to the General Plan.

- A. Upon approval of a Planned Unit Development, any variation from subdivision or improvement standards that is explicitly shown within the PUD plan or any conditions of approval shall be deemed a waiver of that standard.
- B. Upon approval of a specific plan or amendment adding a specific plan zoning district, any variation from subdivision or improvement standards that are explicitly shown or specified within the specific plan or specific plan zoning district, shall be deemed a waiver of that standard by the Board of Supervisors.
- C. Whenever, in the opinion of the Development Review Committee or Planning Commission, the land involved in a subdivision is of such size or shape, or is affected by topographical location or condition so that it is impossible or infeasible for the subdivider to conform fully with this division, the Development Review Committee or Planning Commission may consider such modification from its requirements as is reasonably necessary. No modification shall be approved without a specific finding by the Development Review Committee or Planning Commission stating the exact reason making the strict letter of this division impossible or infeasible to observe, and a further finding that the modification is in conformity with the intent and purpose of the Subdivision Map Act and this division.
1. A request for modification or waiver shall be filed with the subdivision application. The application shall state in writing the nature of the waiver requested and explain why the findings necessary to grant the waiver are satisfied.

2. A decision to grant a waiver or modification shall be based on the following findings:
 - a. The waiver or modification is necessary due to the physical characteristics of the property, irregular property boundaries, or other unusual circumstance. Or the waiver or modification will allow for the protection of natural and/or cultural resources. In no case shall a waiver to parcel size exceed five percent of the minimum parcel size required by the zone district.
 - b. There are no alternatives to the requested waiver or modification 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.
 - c. The granting of the requested waiver or modification would not be detrimental to the health or safety of the public or occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Code.

Chapter 11.45 Dedications and Reservations

Sections:

11.45.010	Purpose
11.45.020	Roads and Other Public Rights-of-Way
11.45.030	Bicycle Paths
11.45.040	Transit Facilities
11.45.050	Solar Access Easements
11.45.060	Parkland
11.45.070	School Sites
11.45.080	Public Access to Waterways, Lakes, Reservoirs
11.45.090	Drainage Easements
11.45.100	Acceptance of Dedications
11.45.110	Recording Dedications
11.45.120	Reservations

11.45.010 Purpose

This chapter establishes the dedications and reservations that the County may impose on a subdivider as a condition for approval of a tentative map or a parcel map. The purpose of this chapter is to ensure that new developments designate lands in appropriate locations, sizes, and free of constraints to accommodate public facilities and infrastructure needed to serve such development and/or pay a fair-share fee for land acquisition.

11.45.020 Roads and Other Public Rights-of-Way

When required as a condition of approval for a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision that is needed for roads and other public rights-of-way according to the standards below. Such dedication shall be either in fee or easement as determined by the Public Works Director.

- A. If the proposed subdivision lies only on one side of an existing County road, the subdivider shall offer to dedicate rights-of-way not less than one-half of that required by the Circulation section of the Community Development Element of the General Plan, adjacent to the center line of said County Road. If the subdivision includes both sides of an existing County road, the subdivider shall offer to dedicate an over-all width of right-of-way of at least that required by the adopted Yuba County Circulation Plan. Dedication of land not adjacent to an existing County road may be required for planned projects per said circulation plan.
- B. As part of the subdivision, the owner shall dedicate right-of-way in accordance with the Circulation section of the Community Development Element of the General Plan. Right-of-way for roads within new subdivisions or for adjoining roads required to give access to the subdivision that are not shown on the Vehicular Circulation Diagram shall be dedicated to the standards of their highest future use.
- C. **Waiver of Right-of-Way Dedications by Public Works.** The Public Works Director may authorize a reduction in the requirements for right-of-way dedications if he or she finds that the standard requirements would affect existing structures, existing land uses, or new subdivisions where

the sidewalk will be detached from the curb. In no case may a reduction be granted under this subsection that would allow for right-of-way width of less than 30 feet.

11.45.030 Bicycle Paths

When required as a condition of approval for a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land that is needed to provide bicycle paths for the use, safety, and benefit of the residents of the subdivision or that is in accordance with the Bikeway Master Plan.

11.45.040 Transit Facilities

When required as a condition of approval for a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items that directly benefit the residents of a subdivision.

11.45.050 Solar Access Easements

At such time as the County has adopted solar access standards, and when required as a condition of approval for a tentative subdivision map, the subdivider shall dedicate or make an irrevocable offer of dedication of easements for the purpose of assuring that each parcel or unit in the subdivision for which approval is sought has the ability to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system. The dimensions and locations of such easements shall be in accordance with any standards for solar access adopted by the Board of Supervisors.

11.45.060 Parkland

- A. **Authority.** This section is adopted under the provisions of Section 66477 of the Subdivision Map Act and the power of the County of Yuba to protect the public health, safety and welfare of its residents.
- B. **Applicability and Exemptions.** This section applies to subdivisions of land classified by the County for, or otherwise proposed for, residential use. This section does not apply to:
 - 1. Subdivisions containing fewer than five parcels and not used for residential purposes, provided that a condition is placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years of filing the parcel map with the County Recorder, the fee shall be paid by the owner of each such parcel as a condition to issuance of such permit.
 - 2. Commercial or industrial subdivisions.
 - 3. Condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building that is more than five years old when no new dwelling units are added.
- C. **Requirement for and Use of Land and/or Fees.** As a condition to the approval of a tentative or parcel or subdivision map, each subdivider of land for residential use shall dedicate or reserve land, pay fees in lieu of such dedication of land, or a combination of both, for park or recreational purposes. Park and recreational purposes shall include land and facilities for the activity of recreational community gardening.

1. ***Use of Land and Fees.*** The land, fees, or combination thereof are to be used only for the purpose of developing (including acquiring the necessary land) new, or rehabilitating existing, neighborhood or community park or recreational facilities to serve the subdivision.

D. **Amount of Land and/or Fee to be Dedicated.**

1. ***General Standard.*** The amount of land or fees, or both, shall be the amount necessary to provide five acres of park area per 1,000 persons residing within a subdivision. The general standard is .005 acre/person.
2. ***Standard for Determining Proportion of Subdivision to be Dedicated.*** If a park or recreational facility has been designated in the plans and is to be located within a proposed subdivision, then the subdivider shall dedicate land for a park or recreational purposes sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the future residents of the subdivision. The formula for determining the amount of required dedicated land shall be as follows:

Required Dedication (acres) = 0.005 x Average Number of Persons/Dwelling Unit x Number of Dwelling Units.

- a. ***Average Number Persons/Dwelling Unit.*** The average number of persons per dwelling unit based on the 2030 General Plan is 2.90 for low density residential (i.e. RS and RR zone districts), 2.50 for medium density residential, and 1.5 for high density residential.
- b. ***Dwelling Units.*** The total number of dwelling units of the same type in a subdivision. If a mixture of dwelling unit types exist in a subdivision, the land to be dedicated for each type shall be separately calculated and then added together to obtain the land to be dedicated for a subdivision.
3. ***Standard for Determining Amount of Fees.*** If a park or recreational facility has not been designated in the plans in whole or part within a subdivision, the subdivider shall pay fees in the amount of 120 percent of the Fair Market Value per acre of the required dedication. The fees equal the amount obtained by multiplying the general standard times the value of land that would have been dedicated if such dedication were made under this section, plus another 20 percent of this amount towards off-site improvements.
 - a. ***Fair Market Value.*** The fair market value shall be determined by a written appraisal acceptable to the County and paid for by the developer. The appraisal shall be made within 30 days prior to the date the subdivider files a parcel or final map. The subdivider shall notify the County of the expected filing date at least six weeks prior to filing date of a parcel or final map. If the parcel or final map to which the appraisal relates is not filed within one year after the date of the appraisal, a new appraisal shall be prepared as provided by this section. In appraising the fair market value per acre, the appraisal shall consider, but is not limited to, the following:
 - i. Approval of and conditions of the tentative subdivision map;
 - ii. General Plan or community plan designation;
 - iii. Zoning district;
 - iv. Property location;
 - v. Off-site improvements facilitating use of the property; and

vi. Site characteristics of the property.

4. ***Standard for Determining Combination of Dedication and Fees.*** If the amount of land required for dedication under this section exceeds the portion of land within a subdivision necessary to complete the site within the subdivision for a park or recreational facility proposed in the plans, the subdivider shall dedicate land for park or recreational purposes necessary to complete the site. In addition, the subdivider shall pay fees in the amount of 120 percent of the Fair Market Value per acre for the remaining portion of required dedication.

E. **Fees Only Subdivisions; Exceptions.** Only the payment of fees may be required in subdivisions containing 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

This subsection does not prohibit the voluntary dedication by a subdivider and acceptance by County of land for park or recreational purposes in subdivisions of 50 parcels or less. The credit provisions of this section shall not apply to such a voluntary dedication of land.

F. **Credits.**

1. ***Generally.*** If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this section. However, the subdivider shall not receive a credit for any of the following:
 - a. Any street improvement and utility connection including, but not limited to, curbs, gutters, street paving, traffic control devices, street trees or sidewalks within the boundaries of the land that would have been constructed or installed, regardless of the land being dedicated for park or recreational purposes.
 - b. Fencing along the property line of that portion of the subdivision contiguous to the land.
 - c. Improved drainage through the land.
 - d. Other minimal improvements that the County determines are essential for the County's acceptance of the land.
2. ***Credit for Private Common Open Space.*** In addition to any other credit provided by this section, common interest developments, as defined in Civil Code Section 1351, shall be eligible to receive a credit against the payment of fees or dedication of land required by this section for 50 percent of the value of private common open space within the development which is usable for active recreational uses and where all of the following conditions are satisfied:
 - a. Yards, setbacks, and other open areas required by the zoning and building ordinances, including areas credited against minimum lot sizes, shall not be included in computing the amount of such private common open space;
 - b. Private ownership and maintenance of the open space shall be adequately provided for by deeds and recorded covenants;
 - c. Use of the private common open space shall be restricted for park and recreational purposes by recorded covenants which run with the land in favor of the existing and

future owners of the property within the development and which cannot be eliminated without the consent of County;

- d. The proposed private common open space is reasonably adaptable for use for park and recreational purposes as determined by the County; and
- e. The private common open space for which credit is given shall meet the needs of the future residents of the development, or, alternatively, that the land or facilities offered, or both, provide a special recreational benefit to the development not otherwise provided in available park and recreational facilities.

G. Procedures.

1. ***Determination and Factors.*** The amount and location of land to be dedicated or the fees to be paid, or a combination of both, shall be solely determined by the Community Development and Services Agency Director, after consulting with the Planning Director and the director of the local public parks agency, if one exists, considering the intent of this section, the principal considerations hereafter described, and the following factors:
 - a. Consistency with the Yuba County Parks Master Plan and the General Plan.
 - b. The natural features, access, and location of land in the subdivision available for dedication;
 - c. Size and shape of the subdivision and land available for dedication;
 - d. Feasibility of dedication;
 - e. The location of existing and proposed park sites and railways; and
 - f. The design and location of proposed park and recreational facility improvements.
2. ***Principal Consideration.*** Principal consideration shall be given to land that offers one or more of the following:
 - a. A variety of recreational potential for all age groups.
 - b. Recreational opportunities within walking distance from residential areas or homes.
 - c. Possibility for expansion or connection with school grounds.
 - d. Integration with hiking, riding and bicycle trails, natural stream reserves and other open space.
 - e. Coordination with all other park systems.
 - f. Access to at least one existing or proposed public street.
3. ***Time of Land Determination, Fee Percentage and Conveyance.***
 - a. The amount and location of the land to be dedicated and the percentage of the fees to be paid shall be determined at the time of the approval under this division of a tentative parcel or subdivision map.
 - b. At the time of filing of the final map or parcel map, fee simple absolute title to the dedicated land shall be conveyed in compliance with this section and Government Code Section 27281.
4. ***Time of Fee Amount Determination and Payment.*** The CDSA Director shall determine the amount of fees or remaining fees to be paid after receiving the written appraisal provided

by this section. The CDSA Director shall notify the director of the local public parks agency and the subdivider in writing of the amount of the fees to be paid. The fees shall be paid and received at or prior to the time of filing of the final map or parcel map.

11.45.070 School Sites

As a condition of approval of a final subdivision map, a subdivider who develops or completes the development of one or more subdivisions may be required to dedicate to the school district, or districts, within which such subdivision is to be located, such land as the school district deems necessary for the purpose of constructing schools necessary to assure the residents of the subdivision adequate elementary school service.

- A. **Procedure.** The requirement of dedication shall be imposed at the time of approval of the tentative map. If within 30 days after the requirement of dedication is imposed by the County, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time, before, concurrently with, or up to 60 days after the filing of the final map on any portion of the subdivision.
- B. **Payments to Subdivider.** The school district shall, if it accepts the dedication of land, repay the subdivider the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following:
 - 1. **Improvement Costs.** The cost of any improvements to the dedicated land since acquisition by the subdivider;
 - 2. **Assessed Taxes.** The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication; and
 - 3. **Other Costs.** Any other costs incurred by the subdivider to maintain the dedicated land, including interest costs incurred on any loan on the land.
- C. **Exceptions.** The requirements for dedication shall not apply to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative map.

11.45.080 Public Access to Waterways, Lakes, Reservoirs

- A. **Waterways.** For any subdivision that fronts upon a public waterway, river, or stream:
 - 1. Reasonable public access shall be provided by fee or easement from a public roadway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision. "Reasonable access" shall be determined by the hearing body according to the provisions of Section 66478.4 of the Subdivision Map Act.
 - 2. A public easement shall be dedicated along a portion of the bank of the river or stream bordering or lying within the proposed subdivision, consistent with the provisions of Section 66478.5 of the Subdivision Map Act.
- B. **Lakes and Reservoirs.** For any subdivision that fronts upon any lake or reservoir that is owned in part or entirely by any public agency, reasonable public access shall be provided by fee or easement from public roadways to any water of the lake or reservoir upon which the subdivision borders either within the subdivision or a reasonable distance from the subdivision. "Reasonable access" and

“reasonable distance” shall be determined by the hearing body according to the provisions of Section 66478.12 of the Subdivision Map Act.

11.45.090 Drainage Easements

- A. **Closed Conduits.** An easement no less than 15 feet in width, or that which is sufficient to contain the closed conduit and appurtenances plus two feet on one side of the conduit and a 10-foot maintenance way on the other side of the conduit, whichever is greater, shall be offered for dedication on the final map or parcel map of the subdivision. Drainage easements for closed conduits shall not traverse a building site and shall, insofar as possible, be placed along or adjacent to lot boundary lines in a straight alignment without angle points.
- B. **Meandering Drainage Easements (M.D.E.).** The width of the easement shall be to the limits of the 100-year flood plain or up to a maximum of 20 feet from the general centerline of the drainage course (which shall be shown on the final map or parcel map). The acceptance of such M.D.E. on behalf of the public does not obligate the County for the maintenance of such drainage easement.
- C. **Earth Channels and Maintained Waterways.** Where earth channels or maintained waterways are constructed within the subdivision, easements shall be provided according to the following standards:
 - 1. Channels less than 30 feet in width shall have a sufficient easement dedicated to contain the top width of the channel, plus a 12-foot continuous maintenance way on one side and four feet on the other side.
 - 2. Channels 30 feet or greater in width shall have a sufficient easement dedicated to contain the top width of the channel, plus a 14-foot continuous maintenance way on both sides of the channel or waterway.
 - 3. Any fencing requirement will be determined by the decision-making authority.

11.45.100 Acceptance of Dedications

At the time the County approves a final map or parcel map, the County shall also accept, accept subject to improvement, or reject, any offer of dedication. The County shall certify or have stated on the final map or parcel map the County’s action.

- A. **Offers of Dedication.** If, at the time the final map or parcel map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities that directly benefit the residents of a subdivision, or storm drainage easements are not accepted by the County, the offer of dedication shall remain open and the Board of Supervisors may, by resolution at any later date, accept and open the streets, paths, alleys or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.
- B. **Termination of Offers.** Offers of dedications may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Section 8300 et seq. of the Streets and Highways Code.

11.45.110 Recording Dedications

The County shall record a certificate or statement on the face of the map with the County Recorder for any dedication for public purpose or for making public improvements or constructing public facilities, other than for open space, parks, or schools. If by certificate, the certificate shall be attached to the map. The certificate

or statement shall contain the name and address of the subdivider dedicating the property; a legal description of the real property being dedicated or adequately depicted on the map; and a statement that the County shall reconvey the property to the subdivider if the County makes a determination that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.

11.45.120 Reservations

- A. **General.** As a condition of approval of a tentative map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards contained in this subsection and the Subdivision Map Act.
- B. **Designated Areas (Standards for Reservation).** Where a park, recreational facility, fire station, library, school, or other public use is shown on the General Plan or an adopted specific plan, the subdivider may be required by the County to reserve sites determined by the County to be in accordance with the policies and standards of the General Plan or such specific plan. The reserved area must be of such size and shape as to permit the balance of the property to develop in an orderly and efficient manner. The amount of land 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 specific 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. **Acquisition.** The County or other public agency for whose benefit an area has been reserved shall, at the time of recordation of the final map or parcel map, enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless the period of time is extended by mutual agreement between the subdivider and the public agency for whose benefit the area has been reserved.
- D. **Purchase Price.** The purchase price shall be the market value of the reserved area at the time of the filing of the tentative map plus the taxes against the reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs incurred on any loan covering the reserved area.
- E. **Termination.** If the public agency for whose benefit an area has been reserved does not enter into a binding agreement at the time of recordation of the final map or parcel map, as provided for in Section 66480 of the Subdivision Map Act and Subsection (C) above, the reservation of the area shall automatically terminate.

Chapter 11.46 Improvements

Sections:

11.46.010	Purpose
11.46.020	General Provisions
11.46.030	Improvements Required
11.46.040	Improvement Plans
11.46.050	Improvement Agreements
11.46.060	Deferred Improvement Agreements
11.46.070	Improvement Security
11.46.080	Construction Inspection
11.46.090	Acceptance of Improvements

11.46.010 Purpose

This chapter establishes standards and regulations for improvements for subdivisions. The purpose of this chapter is to ensure that new developments are served by adequate infrastructure, facilities, and services.

11.46.020 General Provisions

- A. No subdivision map, parcel map, or other division of land subject to the provisions of this division or the Subdivision Map Act shall be approved unless improvements are constructed or required to be constructed to serve the lots being created.
- B. All improvements required by the County in the subdivision of land shall be designed and installed in accordance with the standards of this Division, and where applicable, with the current Yuba County Standard Specifications and Standard Plans.
- C. Requirements for construction of on-site and off-site improvements for subdivisions of four or fewer parcels shall be noted on the parcel map, or waiver of parcel map, or the subdivision improvement agreement recorded prior to or concurrent with the parcel map.
- D. As a condition of approval of a tentative map, there may be imposed a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public, subject to the provisions of Sections 66485 – 66489 of the Subdivision Map Act.

11.46.030 Improvements Required

A. Road Improvements.

1. **General.** The subdivider shall improve, or agree to improve, all streets, highways, or public ways within the subdivision, as well as all necessary off-site improvements so that the subdivision will conform to the requirements set forth below. All required improvements shall be installed to permanent line and grade and to the satisfaction of the Public Works Director in accordance with the Standard Plans and Specifications of the County of Yuba as they exist or may be established from time to time.

2. ***Improvements of Existing County Roads.*** Existing County roads along or through proposed subdivisions shall be improved or constructed in accordance with the Yuba County Standard Plans and Specifications based on the current road usage classification as determined by the Department of Public Works, instead of the designation provided by the Vehicular Circulation Plan of the General Plan.
 - a. ***Exceptions for Parcel Maps.*** For maps creating four or fewer parcels, the Department of Public Works may waive or defer the requirements for curbs, gutters and sidewalks in urban areas for said maps if it makes either of the findings provided for in Subsection 11.46.030(K), Waiver of Improvements by Public Works Director.
3. ***Improvements of Off-site Roads.*** Off-site improvements to County and non-County roads giving access to the parcels being created may be required where warranted by projected increased traffic resulting from the proposed subdivision and shall be required when existing access will not meet requirements necessary to provide for public health and safety. An equivalent amount of frontage improvements may be transferred off-site to another section of the road giving access to the parcels being created so as to provide a systematic method of improving the access road.
4. ***Improvements of Roads Within Subdivision.*** Improvements for existing and proposed roads within the subdivision that are offered for dedication shall be constructed in accordance with the Circulation section of the General Plan and Yuba County Standard Plans and Specifications or as may be modified by the Public Works Director due to special overriding circumstances such as topography, property configuration, etc. Yuba County Standards Plans and Specifications are online at the Public Works Section of the Yuba County Website and available at the Yuba County Department of Public Works. Said Standards are hereby established and readopted as such by this provision.
 - a. All street names shall be as approved by the County Surveyor acting as the Address Coordinator.
 - b. A cul-de-sac with a minimum right-of-way radius as defined in the Yuba County Standard Plans and Specifications shall be provided at the end of any dead-end street or road easement, including those which may be designed to be temporary in nature. In rural areas, a 60-foot long hammer head/T turnaround may be constructed in lieu of the standard cul-de-sac with the approval of the Public Works Director. This determination shall be based upon the location, terrain, soil conditions, number of parcels on the roadway to the turnaround, and any other special consideration.
 - c. No improvements or dedications of land shall be required as to contiguous remainder parcels.
5. ***Waivers to Road Improvement Requirements and Standards.*** The Public Works Director may waive the requirement for paving at his or her discretion upon consideration of all of the following performance standards, and when in his or her judgment:
 - a. The road serving the land prior to division is unpaved and the total land served by said road is more than 75 percent developed at the primary residential density permitted under terms of the zoning governing the use of said properties.
 - b. There are no current capital improvement plans to pave the road serving the land prior to division.

- c. The waiver shall be consistent with the intent of this division and with the Yuba County General Plan.
 - d. Parcel sizes are 20 acres or greater.
- B. **Pedestrian Ways.** Pedestrian ways, including paving, landscaping, and fences as approved by the Development Review Committee, Planning Commission or the CDSA Director, may be required:
 - 1. Through the middle of blocks that are more than 600 feet in length;
 - 2. To connect streets that have only one outlet;
 - 3. To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
 - 4. To provide access to greenways, trails or bikeways shown in the General Plan or Bikeway Master Plan.
- C. **Bikeways.** Bikeways shall be required by the Public Works Director and Planning Director in all locations shown in the General Plan, Bikeway Master Plan, and/or as approved by the Planning Commission and Board of Supervisors.
 - 1. Widths shall be subject to approval by the Public Works Director.
 - 2. Appropriate signs and pavement markings as may be required by the Public Works Director shall be furnished and installed by the subdivider.
- D. **Trails and Greenways.** Trail and greenway improvements shall be provided and graded as may be required by the Public Works Director and Planning Director in all locations shown in the General Plan and any implementing plan that the County adopts, or as approved by the Planning Commission and Board of Supervisors. Improvements (e.g., fencing, signs, etc.) to trails and greenways shall be provided as necessary for the public health, safety, and general welfare.
- E. **Street Trees.** The subdivider shall be required to plant street trees at 40 feet on center along all public or private streets within and/or bordering the subdivision located within the Valley Growth Boundary, consistent with the standards in Chapter 11.24, Landscape.
- F. **Drainage (Stormwater).**
 - 1. **General Drainage Requirements.** Subdivisions shall be protected from flood hazard and inundation by storm waters. The design and construction of drainage facilities shall be such that water course traversing the subdivision and water emanating from within the subdivision will be carried through and off the subdivision without injury to improvements, residential sites, or adjacent properties. Drainage design shall be in accordance with the Yuba County Standard Plans and Specifications and the National Pollution Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements (Order No. 2013-0001-DWQ or future permits or modifications thereto).
 - a. Drainage water entering the subdivision shall be received and discharged from the subdivision at the locations and as nearly as possible in the manner as existed prior to the construction of the drainage facilities within the subdivision. Post-development peak flows shall not exceed pre-development peak flows, unless downstream conditions can accommodate the increase.
 - b. Drainage waters originating within a proposed subdivision shall be conveyed into a permanent drainage facility. Such facility shall consist of either a well-defined natural

channel or waterway containing sufficient capacity to accommodate the design discharge of the ultimate drainage of the watershed in which the subdivision is located without experiencing bank erosion or overtopping, or a constructed facility having adequate capacity to carry the design discharge of the subdivision. All required drainage facilities shall be constructed by the developer.

- c. Drainage waters shall not be discharged onto existing County rights-of-way except in a manner approved by the Public Works Department. Proposed subdivisions fronting on existing County rights-of-way shall also conform to these sections.
2. **Hydraulic Design.** Design quantities of flow for major waterways will be provided the subdivider by the County, if the data is available. Design flows for secondary and minor drainage facilities shall be computed by the subdivider's engineer. The Rational Method may be used to calculate peak flows provided that the watershed is less than 100 acres and there are no detention or retention facilities included in the drainage system. Runoff coefficients and intensity-duration curves shall be as approved by the Department of Public Works. Drainage systems that incorporate detention or retention facilities within the drainage system shall use the unit hydrograph method.
 - a. The hydraulic design of the subdivision shall be such that after accumulating all energy losses through the various drainage transmission systems within the subdivision, depth of flow in the streets shall not exceed curb heights or encroach into the travel ways for 25-year average recurrence intervals and, depth of flow or ponding shall not be within one foot elevation of finished floors of residences constructed within the subdivision for a 100-year recurrence interval Unless approved by the Department of Public Works, no design energy grade line of any closed or open waterway, or any bridges, culverts or other appurtenances thereto, excepting curb and gutter or roadside ditch sections shall at any point be less than two feet below ground level for a 100 year event.
 - b. Within the subdivision, catchbasins shall be so placed along the streets that the width of flow in the gutter will not exceed two feet for a one-year average recurrence interval. Bridges and box culverts spanning open waterways shall have a minimum freeboard above high water surface of one foot above the 100 year event.
 - c. The hydraulic design of water quality BMPs shall be in accordance with the current CASQA New Development and Redevelopment handbook or as approved by the Department of Public Works.
- G. **Sanitary Sewers.** A sewage collection system designed and constructed to serve each unit or lot within the subdivision shall be provided.
 1. All subdivisions having sewage collection systems shall be constructed to the standards required of the district that serves the subdivision.
 2. All other subdivisions shall meet the requirements established by the Yuba County Environmental Health Director and shall be in conformance with all current health and safety standards.
 3. All sewage systems shall meet the requirements of Chapter 7.07 and Chapter 10.05.060 of the County Code as such requirements may pertain to Subsections (1) and (2) above.
 - H. **Water Systems.** Each unit or lot within the subdivision shall be served by an approved water distribution system.

1. All water distribution systems within the limits of existing water district boundaries shall be constructed to the standards required by that district.
 2. Water systems or supply sources outside the areas designated in Subsection (1) above shall be required to meet the following:
 - a. All subdivisions requiring a final map that lie within the boundaries of a water-serving entity shall provide adequate water supply for each lot in the subdivision and for fire protection to the area through mains and hydrants.
 - b. All other subdivisions requiring a final map or parcel map shall indicate the availabilities of domestic water and shall meet the requirements established by the Yuba County Environmental Health Director or his or her designee.
 - c. Any water system, public or private, shall meet the requirements as outlined by the State of California, Department of Water Resources, in Bulletin 74-81 "Water Well Standards: State of California" Health and Safety Code Section 117020 et seq., as applicable.
- I. **Utilities.** Each unit or lot within the subdivision may be required to be served by gas, electric, telephone and cable television facilities. Within the Valley Growth Boundary, all utility distribution facilities (including but not limited to electric, video service, communication, and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be placed underground in accordance with the utility's rules and regulations on file with the state Public Utilities Commission. Equipment appurtenant to underground facilities, such as transformers, streetlight poles, pedestal-mounted terminal boxes, and meter cabinets and concealed ducts, may be installed above the surface of the ground.
- Prior to the filing of a final map, written approvals shall be submitted to the County Surveyor from the appropriate public utilities, including but not limited to Pacific Gas and Electric Company, AT&T, and Comcast, or their successors in interest, as well as any other public utility designated in the conditions of approval, indicating that the utility's requirements have been met and that financial arrangements have been made to ensure the utility's facilities will be installed and that the utility is satisfied with the public utility easements as shown on the tentative map.
- J. **Off-Site Improvements.** Prior to approval of the final map, the County shall require the subdivider to enter into an agreement to complete the off-site improvements at the time the County acquires title or interest in the land. The subdivider shall pay all costs, including County staff time, of acquiring off-site land or the necessary interest in the land required to construct the off-site improvements. If the subdivider is required to construct off-site improvements on land in which neither the County nor the subdivider have sufficient title or interest to allow construction and the subdivider is unsuccessful at acquiring said title or interest, the County shall acquire by negotiation or commence condemnation of the land.
- K. **Waiver of Improvements by Public Works Director.** Required improvements may be waived or modified by the Public Works Director when he or she makes any of the following findings:
1. The proposed improvements can or will not function properly due to the lack of complementary facilities, but the subdivision is nonetheless an effective workable design, as modified.
 2. Topographic conditions would obstruct the functioning or installation of such facilities, but the subdivision is nonetheless an effective workable design, as modified.

11.46.040 Improvement Plans

Before beginning construction of any improvements, a complete set of plans, profiles, cross sections, and other drawings for all improvements, together with a complete set of detailed specifications for the work, shall be submitted to the Public Works Director for review. All work shall be according to County standards and specifications. After the plans are signed, one or more complete sets (as determined by the County) including one of Mylar or other durable media shall be furnished, without cost, to the Public Works Director.

11.46.050 Improvement Agreements

The subdivider shall enter into an improvement agreement for the construction of the required improvements. The agreement shall provide for:

- A. Construction of all improvements according to the approved plans and specifications on file with the Public Works Director;
- B. Specified times for completion of improvements;
- C. Right by County to require changes to the plans and specifications in accordance with the development requirements and to require the subdivider to pay for the modifications;
- D. Payment of applicable fees as set forth in the Ordinance of Fees and Charges;
- E. Improvement security as required by this chapter;
- F. Posting of a one-year warranty bond guaranteeing the constructed improvements from defects;
- G. Release and indemnification of the County from all liability incurred by the development and payment of all reasonable attorney's fees that the County may incur because of any legal action arising from the development; and
- H. Any other provisions required by the County as reasonably necessary to comply with the requirements of this chapter.

11.46.060 Deferred Improvement Agreements

Notwithstanding the provisions of this chapter regarding the fulfillment of all conditions prior to the approval of the application and map, the provision of improvements may be deferred pursuant to an agreement and payment of improvement security fees when deemed necessary by the CDSA Director to achieve the purpose of this division. The improvements serving the project may be deferred upon recordation of a deferred improvement agreement in instances where it can be determined that:

- A. The benefits of the project outweigh the temporary deferment of certain improvements, the installation of the improvement is not feasible at this time (i.e. installation of landscaping due to rain or drought) or the deferment would help promote development of the property in a blighted area; and,
- B. The deferment of the improvements would not be eminently injurious to health and safety.

11.46.070 Improvement Security

Any improvement agreement, contract, or act required or authorized by the Subdivision Map Act or this chapter, for which security is required, shall be secured in accordance with Section 66499 et seq. of the Subdivision Map Act and as provided below.

- A. **Improvement Security Required.** No final map or parcel map shall be signed by the Public Works Director or recorded until all improvement securities required by this section have been received and approved.
- B. **Warranty Security.** Upon acceptance of the subdivision improvements by the County, the subdivider shall provide security in the amount as required by the Public Works Director to guarantee the improvements throughout the warranty period of one year following completion and acceptance of the improvements. The amount of the warranty security shall be not less than 15 percent of the cost of the construction of the improvements, including the cash bond, which shall be retained for the one-year warranty period.
- C. **Form of Security.** The form of security shall be one or the combination of the following at the option of and subject to the approval of the County.
 - 1. Bond or bonds by one or more duly authorized corporate sureties. The provisions of the bond or bonds shall be in accordance with Sections 66499.1 and 66499.2 of the Subdivision Map Act.
 - 2. An instrument of credit or certificate of deposit from one or more financial institutions subject to regulation by the State or federal government pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.
 - 3. A deposit, either with the County or a responsible escrow agent or trust company, at the option of the County, of money or negotiable bonds of the kind approved for securing deposits of public money.
- D. **Amount of Security.** A performance bond or security in the amount of 100 percent of the estimated improvement cost to guarantee the construction or installation of all improvements shall be required of all subdivisions. An additional amount of 100 percent of the estimated improvement cost shall be required to guarantee the payment to the subdivider's contractor, subcontractors and to persons furnishing labor, materials or equipment for the construction or installation of improvements. The foregoing shall not apply to a California nonprofit corporation that is funded by a government agency if the corporation complies with Section 66499.3(c) of the Subdivision Map Act.
- E. **Estimated Improvement Cost.** The estimated improvement cost shall be subject to the Public Works Director's review and approval. The estimate shall be based on the cost to the County if the County were to construct the improvements if the subdivider fails to perform the work. The cost shall include contingency, design, construction administration, adjustment due to inflation as necessary, and other reasonable expenses and fees, including attorney's fees, that may be incurred in enforcing the obligation secured as follows:
 - 1. Ten percent (10%) of the total construction cost for contingencies;
 - 2. All utility installation costs or a statement acceptable to the Public Works Director from the utility company that adequate security has been deposited to ensure installation; and
 - 3. In addition to the full amount of the security, there shall be included estimated costs and reasonable expenses and fees, including attorney's fees, which may be incurred in enforcing the obligation secured.
- F. **Release of Improvement Securities.**
 - 1. **Performance Security.** The performance security shall be released only upon acceptance of the improvements by the County and when an approved warranty security has been filed with the Public Works Director. If warranty security is not submitted, performance security

shall be released 12 months after acceptance of improvements and correction of all warranty deficiencies.

2. **Labor and Materials Security.** Security given to secure payment to the contractor, subcontractors, and to persons furnishing labor, materials, or equipment may, 30 days after the completion and acceptance of the improvements by the Board of Supervisors or Public Works Director and filing a Notice of Completion with the County Recorder, be reduced to an amount equal to the amount of claims therefore filed and of which notice has been given to the Board of Supervisors. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.
3. **Warranty Security.** The warranty security shall be released upon satisfactory completion of the warranty period provided that:
 - a. All deficiencies appearing on the final deficiency list for the subdivision have been corrected; and
 - b. Not less than 12 months have elapsed since the acceptance of the improvements by the Board of Supervisors.

11.46.080 Construction Inspection

- A. The construction methods and materials for all improvements shall conform to the Yuba County Standard Specifications and Standard Plans. Construction shall not commence until required improvement plans have been approved by the Public Works Director. All improvements are subject to inspection by the Public Works Director in accordance with the County's approved specifications.
- B. Completion of Improvements. The subdivider shall complete the subdivision improvements within 12 months, or at a time approved by the Public Works Director, not to exceed 24 months, from the recording of the final map, unless an extension is granted by the Board of Supervisors. If the subdivider fails to complete the improvements within the specified time, the County may, by resolution of the Board and at its option, cause any or all uncompleted improvements to be completed and the parties executing the surety or sureties shall be firmly bound for the payment of all necessary costs.

11.46.090 Acceptance of Improvements

- A. **Procedure.** Upon completion of the improvements required by the provisions of this chapter, the subdivider or his authorized agent shall file a complete set of record drawings with the Public Works Director. Such record drawings shall be drawn on original tracings and be certified as to accuracy and completeness by the subdivider's engineer of record. Upon the receipt and acceptance of such record drawings, the Public Works Director shall recommend to the Board of Supervisors the formal acceptance of the improvements; for parcel maps, the Public Works Director shall accept the improvements.
- B. **Recordation of Acceptance.** If the subdivision has been accepted by the County, and public improvements have been dedicated on the final map, the County Clerk of the Board of Supervisors shall file an Acceptance of Public Improvements with the County Recorder. The Public Works Director shall file the acceptance of dedications on parcel maps with the County Recorder. Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

- C. **Acceptance of a Portion of the Improvements.** When requested by the subdivider in writing, the County may consider acceptance of a portion of the improvements as recommended by the Public Works Director. The improvements will be accepted by the County only if it finds that it is in the public interest and such improvements are for the use of the general public. Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this section.

Chapter 11.47 Amendments and Enforcement

Sections:

- 11.47.010 Correction and Amendment of Maps
 11.47.020 Enforcement and Judicial Review

11.47.010 Correction and Amendment of Maps

- A. **Purpose.** The purpose of this section is to establish procedures for the correction and amendment of required maps, consistent with the regulations of the Subdivision Map Act.
- B. **Tentative Maps.** Tentative maps may be corrected and amended as follows.
1. **Minor Changes.** Minor changes in an approved tentative map may be approved by the County Surveyor upon application by the subdivider or on the County's initiative, provided that:
 - a. No lots, units or building sites or structures are added;
 - b. Changes are consistent with the intent of the original tentative map approval; and
 - c. There are no resulting violations of the County Code.
 2. **Substantive Changes.** Amendments of the tentative map that in the opinion of the CDSA Director are not minor shall be referred to the Development Review Committee for a decision, subject to the procedures for processing a tentative map set forth in Chapter 11.40, Tentative Maps.
 3. **Effect of Amendments.** Any approved amendment shall not alter the expiration date of the tentative map.
- C. **Final Maps and Parcel Maps—Allowed Corrections and Amendments.**
1. **Corrections.** After a final map or parcel map is filed in the office of the County Recorder, it may be amended by a certificate of correction or amending map for any of the following purposes, consistent with Section 66469 of the Subdivision Map Act:
 - a. To correct an error in any course or distance shown on the map.
 - b. To show any course or distance that was omitted from the map.
 - c. To correct an error in the description of the real property shown on the map.
 - d. To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with responsibilities for setting monuments.
 - e. To show the proper location of any monument that has been changed in location or character, or that was originally shown at the wrong location or incorrectly as to its character.
 - f. To correct any additional information filed or recorded pursuant to Section 66434.2 of the Subdivision Map Act if the correction does not impose any additional burden

on the present owners of the property and does not alter any right, title, or interest in the real property reflected on the recorded map.

- g. To correct any other type of map error or omission as approved by the County Surveyor that does not affect any property right, including, but not limited to, lot numbers, acreage, street names, and identification of adjacent record maps.

As used in this section, “error” does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final map or parcel map.

- 2. **Amendments.** After a final map or parcel map is filed in the office of the County Recorder, such a recorded final map may be modified by a certificate of correction or an amending map if the Development Review Committee finds that there are changes in circumstances that make any or all of the conditions of such final map or parcel map no longer appropriate or necessary. Any such modification shall be set for public hearing as provided for in Section 66451 of the Subdivision Map Act. The hearing shall be confined to consideration of any action on the proposed modification. The Development Review Committee shall only approve the amendment if it finds that all of the following are true:

- a. The modifications do not impose any additional burden on the present fee owner of the property;
- b. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
- c. The map as modified conforms to the provisions of the Subdivision Map Act and this division.

- D. **Final Maps and Parcel Maps—Form and Contents.** Amendments to either a final map or a parcel map may be made with a certificate of correction or an amending map. The amending map or certificate of correction shall be prepared by a person registered as a civil engineer prior to January 1, 1982 or a licensed land surveyor. The County Surveyor shall determine when an amending map is required and when a certificate of correction will suffice. The amending map shall set forth in detail the corrections made and show the names of the owners of the property affected by the correction or omission as of the date of the filing or recording of the original recorded map.

- 1. In the case of an amending map to amend a parcel map, no signature of a trustee or beneficiary of a deed of trust regarding the property shall be required nor shall the signature of any lot owner whose lot is not affected by the change be required. No signatures of owners shall be required unless, in the judgment of the County Surveyor, signatures of owners should be required. In all cases, however, the names of all owners of record holding any record title interest in the lots covered by the map shall be shown on the amending map or certificate of correction, together with the nature of their interest.

- E. **Final Maps and Parcel Maps—Examination of Amending Map or Certificate of Correction by County Engineer.**

- 1. **General Review.** The amending map or certificate of correction shall be submitted to the County Surveyor for review and approval, accompanied by the required fee established in Title 13, Fees. The County Surveyor shall examine the amending map or certificate of correction for compliance with the Subdivision Map Act and for accuracy.
- 2. **Certificate of Correction.** The County Surveyor shall have 20 working days to examine the certificate of correction for compliance with this division, endorse a statement on it of his or

her examination and certification, and present it to the County Recorder for recordation. If the County Surveyor determines that the certificate of correction fails to comply with this division or Sections 66469 and 66470 of the Subdivision Map Act, the County Surveyor shall return the certificate to the applicant with a written statement of the changes necessary. The County Surveyor shall have 10 working days after resubmission and approval of the amended certificate of correction to present it to the County Recorder for recordation.

- F. **Final Maps and Parcel Maps—Filing with the County Recorder.** The amending map or certificate of correction certified by the County Surveyor shall be filed in the office of the County Recorder. Upon such filing, the original map shall be deemed to have been conclusively so corrected and shall impart constructive notice of all the corrections in the same manner as though set forth upon the original map.

11.47.020 Enforcement and Judicial Review

- A. **Purpose.** This article establishes procedures that the County will use to enforce the requirements of this division, including compliance with any conditions of approval imposed to protect public health, safety, and welfare and promote development in accordance with the General Plan.

B. **Prohibitions.**

1. ***No Sale or Lease Until final map or parcel map is in Full Compliance.*** No person shall sell, lease, or finance any parcel of real property or begin construction of any building for sale, lease or financing, except for model homes, or allow occupancy of any parcel or parcels for which a final map or parcel map is required by the Subdivision Map Act or this division, until a map that is in full compliance with the provisions of this title and the Subdivision Map Act, has been filed with the County Recorder.
2. ***No Conveyance by Parcel Number Until final map is Filed.*** The conveyance of any part of a division of real property for which a final map or parcel map is required shall not be made by parcel or block number, letter or other designation until the map has been filed for record with the County Recorder.
3. ***Exceptions.***
 - a. This section does not apply to a parcel of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this division, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
 - b. This section does not prohibit an offer or contract to sell, lease or finance real property or to construct improvements where the sale, lease or financing or the beginning of construction, is expressly conditioned upon the approval and filing of a final map or parcel map.
 - c. This section shall not, in any way, modify or affect the provisions of Section 11018.2 of the Business and Professions Code.

C. **Remedies.**

1. ***Conveyance Voidable.*** Any deed of conveyance, sale, or contract to sell real property that has been divided or that results from a division in violation of the Subdivision Map Act or this division is voidable at the sole option of the grantee, buyer or person contracting to purchase, or the heirs, personal representative, or trustee in insolvency or bankruptcy within

one year after the date of discovery of the violation. The deed of conveyance, sale or contract to sell is, however, binding upon a successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or their assignee, heir or devisee.

2. ***Other Legal Action.*** Any grantee, or successor in interest, of real property that has been divided, or which has resulted from a division, in violation of the provisions of this division or the Subdivision Map Act may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of the division of property. The action may be brought against the person who divided the property in violation and against any successors in interest who have actual or constructive knowledge of such division of property.

D. **Effect on County Permits and Approvals.**

1. ***No Issue of Permits or Approvals.*** The County shall not issue a permit or grant any approval necessary to develop any real property that has been divided or which has resulted from a division in violation of the Subdivision Map Act or this division if it finds that development of the property is contrary to the public health or safety. The authority to deny or approve such a permit applies whether the applicant was the owner of record at the time of the violation or whether the applicant is either the current owner of record or a vendee of the current owner with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in the property. The County shall not issue a permit or grant any approval necessary to develop a remainder parcel without said remainder parcel having first been issued a Conditional Certificate of Compliance.
2. ***Permit or Approval Subject to Conditions.*** If the County issues a permit or grants approval for the development of any real property illegally subdivided, it may only impose those additional conditions that would have been applicable to the division of the property at the time the current owner of record acquired the property. If the applicant was the owner of record at the time of the initial violation, the County may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with the provisions of Subsection 11.47.020(E), Certificate of Compliance, below, only the conditions stipulated in that certificate are applicable.

E. **Certificates of Compliance.** Certificates of compliance shall be sought and issued as provided in Section 66499.35 of the Subdivision Map Act and the following.

1. ***Request.*** A person owning real property or a vendee of such person under a contract of sale may request the County Surveyor to determine whether the real property complies with the provisions of the Subdivision Map Act and this division. A written application for a certificate of compliance shall be accompanied by a current preliminary title report showing the legal owner of the property, as well as the necessary deed research and Chain of Title information to determine the legality of the parcel. The applicant for a certificate of compliance shall pay the County a fee to cover the reasonable cost of processing the application.
2. ***Determination and Certificate of Compliance.*** If the County Surveyor, in consultation with County Counsel as needed, determines that the real property complies with the provisions of the Subdivision Map Act and this division, it shall issue a certificate of compliance to be filed for record with the County Recorder. The certificate of compliance

shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this division.

3. **Conditions.** If the County Surveyor, in consultation with County Counsel as needed, determines that the real property does not comply with the provisions of the Subdivision Map Act or this division, the County Surveyor may, as a condition to granting a certificate of compliance, impose conditions. This shall be known as a Conditional Certificate of Compliance. Upon the County Surveyor making such a determination, establishing such conditions, and upon Development Review Committee approval, the County Surveyor shall file a conditional certificate of compliance for record with the County Recorder. The certificate shall serve as notice to the property owner and any successor that the fulfillment and implementation of such conditions shall be required before subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions is not required until the County issues a permit or other grant of approval for development of the property.
4. **Recorded Maps Serve as Certificates of Compliance.** A recorded final map, parcel map or official map constitutes a certificate of compliance with respect to the parcels of real property described on the map.

F. **Notice of Violation.**

1. **Notice of Intention to Record Notice of Violation.** If it is determined that real property has been divided in violation of the Subdivision Map Act or this division, the County Surveyor shall mail by certified mail to the current owner a notice of intention to record a notice of violation. The notice shall describe the property in detail, name the owners, describe the violation, why the subject parcel is not lawful under the Subdivision Map Act or County Ordinance, and state that the owner will be given the opportunity to present evidence. The notice shall specify the date, time and place for a Development Review Committee hearing at which the owner may present evidence why a notice of violation should not be recorded.
2. **Hearing.** The hearing shall be held no sooner than 30 days and no later than 60 days from that date of mailing of the notice of intention to record a notice of violation.
3. **Clearance if No Violation.** If, after the owner has presented evidence, the County determines that there has been no violation, the County Surveyor shall mail a clearance letter to the then current owner of record.
4. **Recording a Notice of Violation.** The County shall record the notice of violation with the County Recorder's office.
 - a. Within 15 days of receipt of the notice, if the owner fails to file with the County Surveyor a written objection to recording the notice of violation; or
 - b. After the owner has presented evidence, the County determines that the property has in fact been illegally divided.
5. **Effect of Recording.** The notice of violation, when recorded, is constructive notice of the violation to all successors in interest in the property.

- G. **Penalty for Violation.** Pursuant to Section 66499.31 of the Subdivision Map Act, a violation of the Subdivision Map Act by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation is punishable by imprisonment in the county jail not

exceeding one year or in the state prison, by a fine not exceeding \$10,000, or by both fine and imprisonment. Every other violation of the Subdivision Map Act is a misdemeanor.

- H. **Judicial Review.** An action or proceeding to attack, review, set aside, void or annul a decision of the County under this division must be commenced and served on the County within 90 days after the date of the decision. After 90 days, all persons are barred from any such action.

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Chapter 11.51 Reserved

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Chapter 11.52 Land Use Authorities

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11.52.030	Planning Commission
11.52.040	Development Review Committee
11.52.050	Community Development and Services Agency Director
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11.52.080	Environmental Health Director
11.52.090	County Surveyor
11.52.100	Zoning Administrator
11.52.110	Summary of Review Authorities for Land Use Decisions and Appeals

11.52.010 Purpose

The purpose of this chapter is to identify the hearing bodies, officials, and administrators with designated responsibilities under various divisions and chapters of this Code. Subsequent chapters of Division V, Administration, provide detailed information regarding various procedures, applications, and permits, including zoning and general plan amendments, establishment of fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Code as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan.

11.52.020 Board of Supervisors

The powers and duties of the Board of Supervisors under this Code include, but are not limited to the following:

- A. Consider and adopt, reject or modify amendments to the map and text of the General Plan pursuant to the provisions of Chapter 11.62, General Plan Amendments, and the California Government Code, following a public hearing and recommended action by the Planning Commission.
- B. Consider and adopt amendments to the Official Zoning Map and to the text of this Code pursuant to the provisions of Chapter 11.61, Amendments to Development Code and Official Zoning Map, and the California Government Code, following a public hearing and recommended action by the Planning Commission.
- C. Consider and adopt, reject or modify Community Plans pursuant to the provisions of Chapter 11.63, Community Plans, and the California Government Code, following a public hearing and recommended action by the Planning Commission.

- D. Consider and adopt, reject or modify Specific Plans and amendments thereto, pursuant to the provisions of Chapter 11.64, Specific Plans and Amendments, and the California Government Code, following a public hearing and recommended action by the Planning Commission.
- E. Consider and adopt, reject or modify Development Agreements and amendments thereto, pursuant to the provisions of Chapter 11.66, Development Agreements and Amendments, and the California Government Code, following a public hearing and recommended action by the Planning Commission.
- F. Sets priorities for the County and establishes land use goals and policies.
- G. Adopt guidelines for Design Review pursuant to Chapter 11.56, Design Review.
- H. Have final jurisdiction over the approval of final maps.
- I. Approving improvement agreements and accepting lands and improvements proposed for dedication to the County.
- J. Act as the final appeal board for decisions by the Development Review Committee, Zoning Administrator, Planning Commission, County Surveyor and Department Heads within the Community Development and Services Agency in the administration or enforcement of the provisions of this Code, pursuant to Section 11.53.150, Appeals and Calls for Review.
- K. Appoint and remove members of the Planning Commission as provided for in Title IV, Boards and Commissions, of the County Code.
- L. Establish, by resolution, a municipal fee schedule listing fees, charges, and deposits for various applications and services provided pursuant to this Code.

11.52.030 Planning Commission

The Planning Commission is established and organized pursuant to Title IV, Boards and Commissions, of the County Code and the requirements of the California Government Code. The powers and duties of the Planning Commission under this Code include, but are not limited to the following:

- A. Initiate, conduct hearings, and make recommendations to the Board of Supervisors on proposed amendments to the General Plan map and text, pursuant to Chapter 11.62, General Plan Amendments.
- B. Initiate, conduct hearings, and make recommendations to the Board of Supervisors on proposed amendments to the Official Zoning Map and to the text of this Code, pursuant to Chapter 11.61, Amendments to Development Code and Official Zoning Map.
- C. Initiate, conduct hearings, and make recommendations to the Board of Supervisors on the adoption of Community Plans, pursuant to Chapter 11.63, Community Plans.
- D. Initiate, conduct hearings, and make recommendations to the Board of Supervisors on the adoption or amendment of Specific Plans, pursuant to Chapter 11.64, Specific Plans and Amendments.
- E. Initiate, conduct hearings, and make recommendations to the Board of Supervisors on the adoption or amendment of Development Agreements, pursuant to Chapter 11.66, Development Agreements and Amendments.
- F. Approve, conditionally approve, modify or deny Use Permits and Variances, pursuant to Chapter 11.57, Use Permits, and Chapter 11.59, Variances.

- G. Conduct Design Review on any approvals it grants that are subject to Design Review, pursuant to Chapter 11.56, Design Review.
- H. Hear and decide proposals to revoke permits, pursuant to Section 11.53.140, Revocation of Approvals, following a public hearing.
- I. Approve, conditionally approve, or disapprove tentative subdivision maps and vesting tentative subdivision maps, and impose requirements or conditions thereon.
- J. Approve, conditionally approve, or disapprove amendments to a tentative subdivision map that the CDSA Director determines not to be minor.
- K. Approve modifications to an approved tentative subdivision map.
- L. Approve variations to lot and block design requirements when submitted as part of a tentative subdivision map application.
- M. Make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act and the County's environmental review guidelines pursuant to the State law and the procedures in Chapter 11.54, Environmental Review.
- N. Prepare and recommend to the Board of Supervisors for adoption guidelines for Design Review, pursuant to Chapter 11.56, Design Review.
- O. Provide interpretations of this Code when forwarded by the CDSA Director.
- P. Such other duties and powers as assigned or directed by the Board of Supervisors.

11.52.040 Development Review Committee

The Development Review Committee shall consist of one designee each, by the CDSA Director, from the Planning (acting as the Zoning Administrator), Public Works, and Environmental Health Departments. The powers and duties of the Development Review Committee under this Code include, but are not limited to the following:

- A. Serve as the advisory agency for purposes of the Subdivision Map Act (Government Code § 66410 et seq.) and Division IV, Subdivisions, of this Code.
- B. Develop all rules and regulations necessary to implement Division IV, Subdivisions, and the Subdivision Map Act (Government Code § 66410 et seq.), including rules for the conduct of its business and obtaining of necessary information. Said rules and regulations shall be in effect upon approval by the Board of Supervisors.
- C. Approve, conditionally approve or disapprove tentative parcel maps by a majority vote of the Committee. Imposing any conditions necessary to make the required findings for approval.
- D. Review petitions for reversion to acreage.
- E. Approve minor changes to approved tentative subdivision maps.
- F. Approve major changes to approved tentative parcel maps.
- G. Grant extensions to the expiration dates for tentative parcel maps and initial extensions to the expiration dates for tentative subdivision maps.

- H. Approve or disapprove Lot Line Adjustments, Certificates of Compliance and Conditional Certificates of Compliance.
- I. Develop such forms as may be required to implement Division IV, Subdivisions, and the Subdivision Map Act (Government Code § 66410 et seq.).
- J. Approve, conditionally approve, or deny Planned Sign Permit Programs.
- K. Approve, conditionally approve, modify or deny Minor Use Permits pursuant to Chapter 11.57, Use Permits.
- L. Approve, conditionally approve, modify or deny Administrative Use Permits that require a public hearing.
- M. Conduct Design Review on any approvals it grants that are subject to Design Review, pursuant to Chapter 11.56, Design Review.
- N. Make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act and the County's adopted environmental review guidelines pursuant to the State law and the procedures in Chapter 11.54, Environmental Review.
- O. Other duties as established in this Code or as assigned by the Board of Supervisors.

11.52.050 Community Development and Services Agency Director

The powers and duties of the Community Development and Services Agency Director (CDSA Director) under this Code include, but are not limited to the following:

- A. Direct and coordinate the administration of this Code, including interpretations of this Code, processing of applications, abatements and other enforcement actions.
- B. Interpret this Code to members of the public and to other County departments.
- C. Prepare and effect rules and procedures necessary or convenient for the conduct of the CDSA Director's business. These rules and procedures may be approved by a resolution of the Board of Supervisors following review and recommendation of the County Administrator. They may include the administrative details of hearings officiated by the CDSA Director (e.g., scheduling, rules of procedure and recordkeeping).
- D. Process and make recommendations to the Board of Supervisors on all matters upon which the Board has the authority and the duty to act under this Code.
- E. Initiate revocations of permits, pursuant to Section 11.53.140, Revocation of Approvals.
- F. 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.
- G. Delegate administrative and technical functions as he/she so deems to members of the Community Development and Services Agency.
- H. Other duties and powers as may be assigned by the Board of Supervisors or established by legislation.

11.52.060 Planning Director

The powers and duties of the Planning Director, or the CDSA Director in the absence of a Planning Director, under this Code include, but are not limited to the following:

- A. Maintains and administers this Code as it pertains to zoning, parking, landscaping, signs, design review and environmental review pursuant to the California Environmental Quality Act and (CEQA) and National Environmental Protection Act (NEPA).
- B. Interpret this Code to members of the public and to other County departments as it pertains to the duties of the Planning Department.
- C. Acts as the Enforcement Officer as it pertains to zoning, parking, landscaping, signs, design review and environmental review pursuant to the CEQA and NEPA.
- D. Prepare and effect rules and procedures necessary or convenient for the conduct of the Planning Director's business. These rules and procedures may be approved by a resolution of the Board of Supervisors following review and recommendation of the Planning Commission. They may include the administrative details of hearings officiated by the Planning Director (e.g., scheduling, rules of procedure and recordkeeping).
- E. Develop such forms as may be required to implement this code.
- F. Issue administrative regulations for the submission and review of applications subject to the requirements of this Code and Government Code Section 65950.
- G. Review applications for discretionary permits and approvals under this Code for conformance with applicable submission requirements and time limits.
- H. Conduct Design Review for projects that do not require approval of another discretionary permit or modifications to an approved Design Review Permit pursuant to the requirements of Chapter 11.56, Design Review.
- I. Review applications for discretionary permits and approvals to determine whether the application is exempt from review under the California Environmental Quality Act and the County's environmental review requirements (Chapter 11.54, Environmental Review) and notify the applicant if any additional information is necessary to conduct the review.
- J. Process and make recommendations to the Board of Supervisors on all applications, amendments, appeals and other matters upon which the Board has the authority and the duty to act under this Code.
- K. Process and make recommendations to the Planning Commission on all applications, appeals and other matters upon which the Planning Commission has the authority and the duty to act under this Code.
- L. 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.
- M. Serve as technical staff of the Planning Commission.
- N. Investigate and make reports to the Planning Commission on violations of permit terms and conditions.
- O. Delegate administrative functions as he/she so deems to members of the Planning Department.
- P. Other duties and powers as may be assigned by the Board of Supervisors or established by legislation.

11.52.070 Public Works Director

The powers and duties of the Public Works Director under this code include, but are not limited to the following:

- A. Maintains and administers this Code as it pertains to grading, drainage, flood control, water quality, roadway standards, and Subdivision Map Act.
- B. Interpret this Code to members of the public and to other County departments as it pertains to the duties of the Public Works Department.
- C. Acts as the Enforcement Officer as it pertains to grading, drainage, flood control, water quality, roadway standards, and Subdivision Map Act.
- D. Prepare and effect rules and procedures necessary or convenient for the conduct of the Public Works Director's business. These rules and procedures may be approved by a resolution of the Board of Supervisors following review and recommendation of the County Administrator.
- E. Process and make recommendations to the Board of Supervisors on all matters upon which the Board has the authority and the duty to act under this Code.
- F. Establish design and construction details, standards and specifications.
 - 1. Approve design plans and specifications.
 - 2. Inspect improvements to confirm adequate conformance with approved plans, specifications and design standards.
- G. Process improvement agreements and Deferred Improvement Agreements.
- H. Ensure adequate financial security is posted for improvements not constructed prior to recordation of map.
- I. Make recommendations to the Board of Supervisors on the acceptance of improvements for maps and the release of any associated bonds.
- J. Delegate administrative functions as he/she so deems to members of the Public Works Department.
- K. Other duties and powers as may be assigned by the Board of Supervisors or established by legislation.

11.52.080 Environmental Health Director

The powers and duties of the Environmental Health Director under this Code include, but are not limited to the following:

- A. Maintains and administers this Code as it pertains to compliance with State and local regulations for food handling, housing institutions (i.e. hotels, and organized camps), public pools, kennels, septic systems, solid waste facilities, public water systems, wells, underground storage tanks, and handling of hazardous materials.
- B. Interpret this Code to members of the public and to other County departments as it pertains to the duties of the Environmental Health Department.

- C. Acts as the Enforcement Officer as it pertains to food handling, housing institutions (i.e. hotels, and organized camps), public pools, kennels, septic systems, solid waste facilities, public water systems, wells, underground storage tanks, and handling of hazardous materials.
- D. Prepare and effect rules and procedures necessary or convenient for the conduct of the Public Works Director's business. These rules and procedures may be approved by a resolution of the Board of Supervisors following review and recommendation of the County Administrator.
- E. Process and make recommendations to the Board of Supervisors on all matters upon which the Board has the authority and the duty to act under this Code.
- F. Delegate administrative functions as he/she so deems to members of the Environmental Health Department.
- G. Other duties and powers as may be assigned by the Board of Supervisors or established by legislation.

11.52.090 County Surveyor

The powers and duties of the County Surveyor under this Code include, but are not limited to the following:

- A. Establish standards for the form and content of final maps and parcel maps.
- B. Review requests for determination of compliance with the Subdivision Map Act including but not limited to determining the legality of parcels.
- C. Examine and certify that final maps and parcel maps are in substantial conformance with the approved tentative map and Subdivision Map Act.
- D. Approve minor changes to approved tentative parcel maps and Public Work's conditions of approval where the intent of the conditions is maintained or deemed no longer necessary.
- E. Review and approve amendments and corrections to final maps and parcel maps. Determine if amending maps or certificates of compliance are required.
- F. Issue Certificates of Approval for Lot Line Adjustments and Certificates of Compliance.
- G. Process Notice of Violations as it pertains to the Subdivision Map Act.
- H. Mail notices of intention to determine status for parcel mergers and, in cases in which the property owner does not request a hearing before the Development Review Committee, making determinations regarding whether affected parcels are to be merged or not.

11.52.100 Zoning Administrator

The Zoning Administrator is a County staff member appointed by the CDSA Director with the following powers and duties:

- A. Review applications for permits and licenses for conformance with this Code and issue a Zoning Clearance when the proposed use or building is allowed as a matter of right and conforms to all applicable development and use standards, pursuant to Chapter 11.55, Zoning Clearances.
- B. Approve, conditionally approve, modify or deny Administrative Use Permits for projects that are exempt from CEQA pursuant to the provisions of Chapter 11.57, Use Permits.

- C. Approve, conditionally approve, modify, or deny Temporary Use Permits pursuant to the provisions of Chapter 11.58, Temporary Use Permits.
- D. Conduct Design Review on any approvals it grants that are subject to Design Review and other projects pursuant to Chapter 11.56, Design Review.
- E. Approve, conditionally approve, modify or deny Waivers and Modifications pursuant to the provisions of Chapter 11.60, Waivers and Modifications.
- F. Hear and decide applications for minor modifications to approved permits pursuant to the provisions of Section 11.53.120, Changes to an Approved Permit.
- G. Other duties and powers as may be assigned by the CDSA Director and/or Planning Director.

11.52.110 Summary of Review Authorities for Land Use Decisions and Appeals

Table 11.52.100 below summarizes the authorities responsible for decisions and appeals of different types of zoning and land division permits under this Code. This table is provided for reference; the specific duties of each authority, as well as specific procedures for types of permits, are spelled out in the relevant sections.

TABLE 11.52.110: REVIEW AUTHORITY				
Application or Action Type	Found in Chapter	Advisory Body (if applicable)	Decision-Making Authority	Appeal Body
Type One: Ministerial Actions				
Interpretations	11.52	N/A	CDSA Director	Board of Supervisors
Minor Changes to an Approved Permit except maps	11.53	N/A	Zoning Administrator	Board of Supervisors
Parcel Mergers	11.43	County Surveyor	Development Review Committee	Board of Supervisors
Zoning Clearance	11.55	N/A	Zoning Administrator	Board of Supervisors
Type Two: Discretionary Quasi-Judicial Actions				
Administrative Use Permits – Exempt from CEQA	11.57	N/A	Zoning Administrator	Board of Supervisors
Certificate of Compliance	11.47	N/A	County Surveyor	Board of Supervisors
Conditional Certificate of Compliance	11.47	County Surveyor	Development Review Committee	Board of Supervisors
Conditional Use Permits	11.57	Planning Director	Planning Commission	Board of Supervisors
Design Review	11.56	Planning Director	If project requires other permit: decision-making authority for associated permit If project does not require other permit: Planning Director	Board of Supervisors
Lot Line Adjustments	11.43	County Surveyor	County Surveyor or Development Review Committee if CEQA required	Board of Supervisors

TABLE 11.52.110: REVIEW AUTHORITY				
<i>Application or Action Type</i>	<i>Found in Chapter</i>	<i>Advisory Body (if applicable)</i>	<i>Decision-Making Authority</i>	<i>Appeal Body</i>
Minor Use Permits	11.57	Planning Director	Development Review Committee	Board of Supervisors
Major Changes to an Approved Permit	11.53	CDSA Director	Decision-making authority for original permit	Board of Supervisors
Parcel Maps including modifications	11.41	County Surveyor	Development Review Committee	Board of Supervisors
Permit Revocation	11.53	CDSA Director	Planning Commission	Board of Supervisors
Planned Sign Permit Program	11.27	Planning Director	Development Review Committee	Board of Supervisors
Temporary Use Permits	11.58	N/A	Zoning Administrator	Board of Supervisors
Tentative Tract Map	11.40	Planning Director	Planning Commission	Board of Supervisors
Variances	11.59	Planning Director	Planning Commission	Board of Supervisors
Waivers and Modifications	11.60	N/A	Zoning Administrator	Board of Supervisors
Type Three: Discretionary Legislative Actions				
Community Plans	11.63	Planning Commission	Board of Supervisors	Superior Court
Development Agreements	11.66	Planning Commission	Board of Supervisors	Superior Court
General Plan Amendments	11.62	Planning Commission	Board of Supervisors	Superior Court
Master Plans	11.65	Planning Commission	Board of Supervisors	Superior Court
Specific Plans and Specific Plan Amendments	11.64	Planning Commission	Board of Supervisors	Superior Court
Development Code and Official Zoning Map Amendments	11.61	Planning Commission	Board of Supervisors	Superior Court

Chapter 11.53 Common Procedures

Sections:

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11.53.110	Expiration, Effectuation, and Extension Expiration, Effectuation, and Extension
11.53.120	Changes to an Approved Permit
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11.53.140	Revocation of Approvals Revocation of Approvals
11.53.150	Appeals and Calls for Review Appeals and Calls for Review
11.53.160	Pre-application Review

11.53.010 Purpose and Applicability

This chapter establishes procedures that are common to the application and processing of all discretionary permits and approvals provided for in this Code, unless superseded by specific requirement of this Code or State law.

11.53.020 Application Forms and Fees

- A. **Qualified Applicant.** A qualified applicant shall be the owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof, satisfactory to the CDSA Director, of the right to use and possess the property as applied for, shall accompany the application.
- B. **Application Forms and Materials.**
 1. ***Application Forms.*** The CDSA Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Code.
 2. ***Supporting Materials.*** The CDSA Director may require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples, and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act.
 3. ***Availability of Materials.*** All material submitted becomes the property of the County and may be distributed to the public. All project materials except administrative or working drafts, cultural resource reports and similar confidential data, protected personally identifiable

information (PII) or communications with legal counsel shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the CDSA office. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

- C. **Application Amendment or Withdrawal.** An applicant may amend an application, at will, any time prior to the opening of any required public hearing on the application. Thereafter, the application may be amended only with the consent of the decision-making authority before which the matter is pending, consistent with the following:

1. The application may be amended in any way except if:
 - a. A change in boundaries would result in a change in the requirements for notice of public hearings; or
 - b. A change is determined by the Planning Director not to be covered by the environmental determination issued for the application pursuant to Chapter 11.54, Environmental Review.
 - c. The change needs to be evaluated by another department or outside agency for compliance with their standards and regulations.
2. A change in the application may require additional fees to be paid as set forth in the schedule of fees related to the change.

- D. **Application Fees.**

1. **Payment of Fees.** No application shall be accepted as complete and processed without payment of the applicable fee, according to the fee schedule adopted by the Board of Supervisors. No fee shall be deemed paid until any negotiable instrument has been cleared and funds received in the County's account.
2. **Multiple Applications.** The County's processing fees are cumulative. For example, if an application for Design Review also includes a Use Permit, both fees shall be charged pursuant to Title XIII, Fees.
3. **Fee Waivers.** A fee may not be required when the applicant is the County, or if it is waived by the Board of Supervisors under any other provision of the County Code.
4. **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the County Code or by policy of the Board of Supervisors.

11.53.030 Concurrent Filing

An application for a planning permit pursuant to this Code may be filed and processed concurrently with any other discretionary permit including legislative action (i.e., general plan amendment, zoning text or map amendment) related to a development proposal for the subject property.

- A. **Concurrent Review.** Whenever applications for the same site have been filed for one or more development permits or legislative approvals, such development permit or approvals may be reviewed and acted on in a unified process.

1. When any application for a planning permit pursuant to this code is filed concurrently with any request for legislative action, the applicant shall sign a statement acknowledging that the application for the permit shall not be deemed complete and eligible for hearing until the applicant has submitted all items required pursuant to Section 11.53.020, Application Forms and Fees, and either:
 - a. The Planning Commission has held a public hearing and made a recommendation to the Board of Supervisors; or
 - b. The adoption date of the legislative act(s) which is the subject of the concurrent application.
 2. Any permit approval governed by this Code may be approved after final approval of a legislative act for the property, but shall not be effective unless and until the referendum period has expired without challenge for the legislative approval.
- B. **Review Procedures.** The concurrent review process shall use the procedures required for the highest level zoning and land division permit or approval. Permits and approvals are ranked as follows with the highest level permit of approval listed first:
1. General Plan Amendment including amendments to the Land Use Map.
 2. Development Code or Official Zoning Map Amendment.
 3. Specific Plan.
 4. Specific Plan Amendment.
 5. Community Plan.
 6. Community Plan Amendment.
 7. Master Plan
 8. Master Plan Amendment
 9. Development Agreement.
 10. Planned Unit Development.
 11. Tentative Subdivision Tract Map.
 12. Conditional Use Permit.
 13. Variance.
 14. Tentative Parcel Map.
 15. Minor Use Permit.
 16. Design Review.
 17. Administrative Use Permit.
 18. Temporary Use Permit.
 19. Waiver.
 20. Lot Line Adjustment.

- 21. Certificate of Compliance.
- 22. Environmental Assessment
- C. **Required Findings.** The hearing body shall make the findings, if any, applicable to each permit or approval.
- D. **Board of Supervisors Approvals.** In the case of concurrent applications in which the decision-making authority is the Board of Supervisors, the lower level hearing body (Planning Commission or Development Review Committee) shall hold one public hearing on the project to make a recommendation to the Board of Supervisors.

11.53.040 Review of Applications for Completeness

- A. **Review Process.** With the exception of applications subject to a legislative action, the CDSA Director shall determine whether an application is complete within 30 days of the date the application is filed with the required fee.
- B. **Incomplete Application.** If an application is incomplete, the CDSA Director shall provide written notification to the applicant listing the applications for permit(s), forms, information and any additional fees that are necessary to complete the application.
 - 1. **Development Code Violations.** An application shall not be found complete if conditions exist on the site in violation of this Code or any permit or other approval granted in compliance with this Code, unless the proposed project includes the correction of the violations.
 - 2. **Appeal of Determination.** Determinations of incompleteness are subject to the provisions of Section 11.53.150, Appeals and Calls for Review, except that there shall be a final written determination on the appeal not later than 60 days after receipt of the appeal.
 - 3. **Submittal of Additional Information.** The applicant shall provide the additional information within the time limit specified by the CDSA Director, which must be at least 30 days. The CDSA Director may grant an extension of up to 90 days. Extensions of greater than 90 days may be authorized for the completion of environmental studies that are based on seasonal criteria.
 - 4. **Second Completeness Determination.** Not later than 30 days after the submittal of additional information in response to notification pursuant to the above subsection, the CDSA Director shall notify the applicant if the application is still not complete. The CDSA Director shall specify those parts of the application that are incomplete and shall indicate the manner in which it can be made complete, including a list and thorough description of specific information needed to complete the application.
 - 5. **Expiration of Application.** If an applicant fails to correct the specified deficiencies within the specified time limit, the application shall expire and be deemed withdrawn. In absence of a specified time period, where there has been inactivity on the part of the applicant for at least six months the application shall be deemed withdrawn. After the expiration of an application, project review shall require the submittal of a new, complete application, along with all required fees.

- C. **Complete Application.** When an application is determined to be complete, the CDSA Director shall make a record of that date. If an application requires a public hearing, the Planning Director shall schedule it and notify the applicant of the date and time.
- D. **Extensions.** The CDSA Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this Code.

11.53.050 Notice of Public Hearings

Unless otherwise specified, whenever the provisions of this Code require public notice, the County shall provide notice in compliance with State law as follows.

- A. **Notice.** At least 10 days before the date of the public hearing or 11 days before the date of action when no public hearing is required, the Planning Director, or the County Clerk of the Board for hearings before the Board of Supervisors, shall provide notice by mail or delivery to:
 - 1. The applicant and any occupant of the subject property;
 - 2. All property owners of record as shown on the latest available assessment roll located within a minimum 300-foot radius of the subject property when located within the Valley Growth Boundary or 1,000-foot radius for properties outside the Valley Growth Boundary. If deemed necessary by the Planning Director, a larger radius may be required in order to provide adequate public notification;
 - 3. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and
 - 4. Any person or group who has filed a written request for notice regarding the specific application.
- B. **Posted Notice.** Notices shall be posted at three public places within the County. In addition, the applicant may be required to erect a temporary sign or post a poster, in a format approved by the Planning Department, in a prominent place on the site for the 10 days prior to the hearing.
- C. **Newspaper Notice.** At least 10 days before the date of the public hearing, the hearing secretary or the County Clerk of the Board for hearings before the Board of Supervisors, shall publish a notice in at least one newspaper of general circulation in the County.
- D. **Alternative Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of mailed notice, the Planning Director or County Clerk of the Board may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the county at least 10 days prior to the hearing.
- E. **Contents of Notice.** The notice shall 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, including any environmental document prepared in connection with the application, may be viewed by the public;
 7. A statement that any interested person or authorized agent may appear and be heard;
 8. A statement describing how to submit written comments; and
 9. For Board of Supervisors hearings, the Planning Commission recommendation.
- F. **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive a mailed notice.

11.53.060 Conduct of Public Hearings

Whenever the provisions of this Code require a public hearing, the hearing shall be conducted in compliance with the requirements of State law, as follows.

- A. **Generally.** Hearings shall be conducted pursuant to procedures adopted by the hearing body. They do not have to be conducted according to technical rules relating to evidence and witnesses.
- B. **Scheduling.** Hearings before the Board of Supervisors shall be scheduled by the Clerk of the Board. All other hearings shall be scheduled by the Planning Director.
- C. **Presentation.** An applicant or an applicant's representative may make a presentation of a proposed project.
- D. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization shall identify the organization being represented.
- E. **Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- F. **Continuance of Public Hearing.** The decision-making authority conducting the public hearing may by motion continue the public hearing to a fixed date, time and place or may continue the item to an undetermined date and provide notice of the continued hearing.
- G. **Investigations.** The body conducting the hearing may cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigation may be made by a committee of one or more members of the hearing body or by County staff. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the body in making its decision.
- H. **Decision.** The public hearing must be closed before a vote is taken.

11.53.070 Timing and Notice of Action and Findings Required

When making a decision to approve, approve with conditions, modify, revoke or deny any discretionary permit under this Code, the decision-making authority shall issue a Notice of Action and make findings of fact as required by this Code.

- A. **Date of Action.** The decision-making authority shall decide to approve, modify, revoke, or deny any discretionary permit following the close of the public hearing, or if no public hearing is required, within the time period set forth below. These deadlines do not apply to any action that has been appealed to the Board of Supervisors in accordance with Section 11.53.150, Appeals and Calls for Review. Time extensions may be granted pursuant to Section 11.53.110, Expiration and Extension.
 - 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 Guidelines.
 - 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 shall take action on the accompanying discretionary project.
 - 3. ***Project for which an EIR is Prepared.*** Within 180 days from the date the decision-making authority certifies a Final EIR, the County shall take action on the accompanying discretionary project.
- B. **Notice of Action.** After the decision-making authority takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Code, the Planning Director shall issue a Notice of Action. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision. The Planning Director shall mail the Notice to the applicant and to any other person or entity that has filed a written request for such notification with the Planning Department.
- C. **Findings.** Findings, when required by State law or this Code, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action on the permit.

11.53.080 Ex Parte Communications

- A. **Disclosure of Communications.** Any official who receives an ex parte communication, or engages in any other exchange of information covered by this section or who participates in a site visit shall place the communication in the public record or shall enter into the record a statement describing the time, place, and content of the communication.
- B. **Applicability.** Ex parte communications are oral or written, off-the-record communications made to or by members of the Planning Commission or Board of Supervisors with applicants, neighbors, or other interested parties. Such contacts include, but are not limited to, one-on-one meetings, site visits, discussions, telephone calls, or e-mail messages that occur outside of a public meeting of the body on which the County official serves at which the matter discussed has been publicly noticed.

- C. **Exceptions.** Ex parte communications do not include communications between County staff and elected or appointed County officials acting in their official capacity, the receipt of expert opinion, or the review of mail and other correspondence relating to the proceedings.
- D. **Effect.** Actions taken by the decision-making authority are not invalidated by the occurrence of ex parte communication.

11.53.090 Scope of Approvals

- A. **Scope.** Any approval permits only those uses and an activity actually proposed in the application, and excludes other uses and activities. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location.
- B. **Conditions of Approval.** The site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties or insures that he or she will comply with the permit's plans and conditions in all respects.
- C. **Actions Voiding Approval.** If the construction of a building or structure or the use established is contrary to the description or illustration in the application, so as to either violate any provision of this Code or require additional permits, then the approval shall be deemed null and void.
- D. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, the property owner or successor property owners to comply with such conditions and pay any associated fees for review or monitoring.

11.53.100 Effective Dates

A final decision on an application for any discretionary approval subject to appeal shall become 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 shall be issued until the 11th day following the date of the action. If a different termination date is fixed at the time of granting, or if actual construction or alteration has begun under valid building permits, the 10-day period may be waived.

11.53.110 Expiration, Effectuation, and Extension

- A. **Expiration.** The decision-making authority, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under this Code shall automatically expire if it is not effectuated or extended within one year of its issuance.
- B. **Planning Permit Effectuation.** A planning permit is deemed effectuated when any of the follow occurs:
 - 1. A planning permit authorizing the construction or modification of a building(s) or structure(s) -- shall be effectuated when a building or foundation permit is issued by the Building Department; or,

2. A planning permit authorizing the construction or modification of property, building(s) or structure(s) -- shall be effectuated when improvement plans have been approved by the Public Works Department, and substantial construction occurs. Substantial construction shall be defined as underground or utility improvements and/or frontage improvements not associated with a land division; or
 3. A planning permit not associated with the construction or modification of property, building(s), or structure(s) -- the land use shall be effectuated when the use is initiated in full compliance with all applicable conditions, ordinances, or resolutions.
- C. **Extensions.** The CDSA Director may authorize extensions up to 90 days upon written request. The Development Review Committee may approve up to a two year extension from the Yuba County Development Code upon receipt of a written application with the required fee filed prior to the original expiration date of any permit or approval granted under this Code. Unless there are extenuating circumstances, requests for extensions of time shall not be submitted more than six (6) months prior to project expiration.

11.53.120 Changes to an Approved Permit

No change in the use or structure for which a permit or other approval has been issued is permitted unless the permit is modified as provided for in this Code.

- A. **Minor Modifications.** The Development Review Committee may approve modifications to parcel maps or minor modifications to subdivision maps. The Zoning Administrator may approve minor changes to all other approved discretionary permits that are consistent with the original findings and conditions approved by the hearing body and would not intensify any potentially detrimental effects of the project.
- B. **Major Modifications.** A request for changes in conditions of approval of a discretionary permit or a change in an approved site plan, building plan, or subdivision map that would affect a condition of approval shall be treated as an amendment. The amendment shall be acted on by the decision-making authority for the original permit.

11.53.130 Limitation on Re-Filing

Upon final denial of any application, reapplication for the same request shall not be accepted for filing for a period of six months commencing on the effective date of the final denial.

11.53.140 Revocation of Approvals

Any permit granted under this Code may be revoked or modified for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated.

- A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the CDSA Director.
- B. **Notice of Violation.** Whenever in the opinion of the CDSA Director any of the conditions or terms of the permit are violated or if any law or ordinance is violated, the CDSA Director shall give the property owner and lessee of the subject property a notice providing not less than 10 days to comply, unless the violation is immediately hazardous to the public health, safety or welfare; in which case the County may take any action necessary to remediate said violation.

- C. **Public Notice, Hearings and Decision.** If at the end of the period for compliance stated in the Notice of Violation, the property owner and lessee fail to comply with the conditions or terms of the permit or if any law or ordinance continues to be violated, the Planning Director shall immediately set a hearing before the Planning Commission to determine why the permit should not be revoked.
1. **Hearing Notice.** Notice of the hearing shall be mailed to the property owner and lessee of the subject property at least 10 days prior to the hearing. The notice shall state the violations and shall request appearance of said owner and lessee at the time and place specified for the hearing to show cause why the permit should not be revoked.
 2. **Decision.** At the conclusion of said hearing, the Planning Commission shall have the right to revoke the permit.
- D. **Required Findings.** The Planning Commission may revoke or modify the permit if it makes any of the following findings:
1. The approval was obtained by means of fraud or misrepresentation of a material fact;
 2. The use, building, or structure has been substantially expanded beyond what was set forth in the permit or substantially changed in character;
 3. The use in question has ceased to exist or has been suspended for one year or more;
 4. There is or has been a violation of or failure to observe the terms or conditions of the permit, or the use has been conducted in violation of the provisions of this Code, or any applicable law or regulation; or
 5. The use has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.

11.53.150 Appeals and Calls for Review

- A. **Applicability.** Any action by the Zoning Administrator, County Surveyor, Department Head within the Community Development and Services Agency, Development Review Committee, or Planning Commission in the administration or enforcement of the provisions of this Code may be appealed to the Board of Supervisors by filing a written appeal with the Clerk of the Board.
- B. **Rights of Appeal.** Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Code.
- C. **Time Limits.** Unless otherwise specified in State or federal law, all appeals shall be filed in writing within 10 calendar days of the date of the action, decision, motion, or resolution from which the action is taken.
- D. **Procedures.**
1. **Filing.** The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal. The appeal shall be accompanied by the required fee in addition to any direct costs for preparing the administrative record including but not limited to preparation of transcripts and legal notices required by State law.
 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.

3. **Transmission of Record.** The Clerk of the Board shall set the date of the appeal hearing for consideration by the Board of Supervisors within 10 to 30 days of the date the appeal is filed. The appeal hearing will not be held any sooner than 30 days or later than 60 days from the date the appeal was filed and associated fee has been paid. The Community Development and Services Agency Director shall forward the Notice of Action and all other documents that constitute the record to the hearing body. The Community Development and Services Agency Director may also prepare a staff report that responds to the issues raised by the appeal including a recommendation for action.
- E. **Calls for Review.** A majority of the Board of Supervisors may call for review of a decision of the County Surveyor, Department Head within the Community Development and Services Agency, Zoning Administrator, Development Review Committee, or Planning Commission within the 10-day appeal period. The call for review shall be processed in the same manner as an appeal by any other person. Such action shall stay all proceedings in the same manner as the filing of an appeal. Such action shall not require any statement of reasons and shall not represent opposition to or support of an application or appeal.
- F. **Standards of Review.** Appeals before the Board of Supervisors shall be reviewed pursuant to County Code Section 2.25.040 (Record appeals) and Section 2.25.050 (De novo appeals). The Board of Supervisors may uphold the decision and findings of the original decision-making authority, overturn the decision, or require changes to the application as a condition of approval.
- G. **Public Notice and Hearing.** Notice of the appeal shall be posted on the Board of Supervisors' meeting agenda, bulletin board, and website. Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the County Clerk of the Board a written request for such notice.
- H. **Action.** An action to grant an appeal shall require a majority vote of the Board of Supervisors. A tie vote shall have the effect of rejecting the appeal.

11.53.160 Pre-application Review

- A. **Purpose.** Pre-application review is an optional review process that is intended to provide information on relevant General Plan or specific plan policies, zoning and development regulations, and procedures related to projects that will be subject to discretionary approvals, including both legislative and quasi-judicial decisions, pursuant to this Code. Additional purposes of pre-application review are:
 1. To advise the applicant of possible obstacles to approval of the project such as annexation requirements, significant adverse environmental effects which would have to be mitigated, inconsistency with the General Plan, and matters that could result in a quick disapproval of the application.
 2. To allow staff to review and comment upon preliminary development plans so that the applicant can be apprised of County standards and design criteria and/or additional recommendations so as to avoid development deficiencies and incorporate progressive design elements.
 3. To avoid unnecessary expense and consumption of time for the applicant and the County in processing applications for projects that involve substantial problems or require extensive revisions in order to comply with County standards and requirements.

- B. **Meeting.** Prior to scheduling a pre-application review meeting the CDSA Director may require the submittal of a project description or other materials that the CDSA Director has determined necessary to conduct such review.
- C. **Payment of Fee.** Pre-application reviews are subject to the payment of a fee as established by Title XIII, Fees.
- D. **Permit Streamlining Act.** Any materials that are accepted for pre-application review shall not constitute the submittal of a development application and therefore is not subject to the requirements of the California Permit Streamlining Act (the Act). An applicant wishing to pursue a project discussed as part of a pre-application review shall submit an application and associated fees in compliance with the requirements of Sections 11.53.020, Application Forms and Fees and 11.53.040, Review of Applications.
- E. **Review Procedure.** The Community Development & Services Agency shall conduct pre-application review. The CDSA Director may consult with or request review by any County agency or official with interest in the application.
- F. **Recommendations Are Advisory.** Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by County representatives. Any recommendations that result from pre-application review shall be considered advisory only and shall not be binding on either the applicant or the County.

Chapter 11.54 Environmental Review

Sections:

11.54.010	Purpose
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11.54.030	Exemptions
11.54.040	Preliminary Review of Projects and Conduct of Initial Study
11.54.050	Negative Declaration/Mitigated Negative Declaration Process
11.54.060	Environmental Impact Reports
11.54.070	Decisions on Projects
11.54.080	Responsible Agency Procedures
11.54.090	Mitigating Standards and Ordinances
11.54.100	Mitigation Monitoring and Reporting Program
11.54.110	Appeals

11.54.010 Purpose

The purpose of this chapter is to enact evaluative criteria and specific procedures consistent with the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) for the evaluation of projects and the preparation of environmental documents as required by Section 15020 of the Guidelines (14 CCR § 15020).

Consistent with Public Resources Code Section 21081.6, this chapter also establishes monitoring and reporting procedures for mitigation measures included in Environmental Impact Reports (EIR) or Negative Declarations that are necessary to mitigate impacts to a less-than-significant level.

11.54.020 Applicability

- A. **Projects Included.** This chapter and the process it implements shall apply to all discretionary projects proposed to be carried out or approved by any board, commission or agency of Yuba County. This chapter does not apply to pre-applications as described in Section 11.53.160, Pre-application Review, in which a request for staff evaluation and comments is made on a potential project. Should an application for said project be subsequently filed, it shall be subject to this chapter.
- B. **Exceptions.** Where a project that would otherwise be deemed ministerial nevertheless appears to involve a potential significant adverse environmental effect, it shall be subjected to an evaluation by the Planning Director. If the Planning Director determines that the following criteria are satisfied, the project shall not be deemed ministerial:
 - 1. The project may have a significant effect on the environment and but for the presumptively ministerial nature of the permit or approval sought would clearly be subject to environmental review; and
 - 2. The permit or approval sought is the final step before actual execution of the project and the only point at which the environmental impact can be considered.
- C. **County Projects.** Any project proposed to be carried out by any department, board, commission or agency of Yuba County shall be subject to this chapter and the process that it implements. Prior to the

decision to carry out such a project, the initiating agency shall submit a complete description of the project, a list of responsible persons and involved agencies, a timetable of projected events and a requested action to the Planning Director. The Planning Director shall ensure compliance with this chapter and the CEQA Guidelines and shall advise the initiating agency of progress in said compliance. The Planning Director may delegate the preparation and processing of environmental documents to the Community Development and Services Agency's Public Works Department on public works projects.

11.54.030 Exemptions

The following types of projects are exempt from Environmental Review:

- A. Statutory exemptions identified in Section 15260 et seq. of the CEQA Guidelines, including but not limited to planning and feasibility studies, emergency projects, the establishment of rates or charges, and projects which are disapproved.
- B. Ministerial actions in accordance with Section 15268 of the CEQA Guidelines, including but not limited to the issuance of building permits or approval of final subdivision maps.
- C. Categorically exempt projects as identified in Section 15300 et seq. of the CEQA Guidelines, including any amendments enacted hereafter.
- D. Exempted projects and activities identified in any adopted Yuba County Supplemental CEQA Implementing Procedures.

11.54.040 Preliminary Review of Projects and Conduct of Initial Study

- A. **Preliminary Review.** As part of the review to determine whether an application for a development project is complete (See Section 11.53.040, Review of Applications for Completeness), the Planning Director shall conduct a preliminary assessment of potential environmental issues in order to help the County decide if the project is subject to environmental review and, if so, which issues may require analysis. Pursuant to the CEQA Guidelines, accepting an application for a project as complete does not limit the authority of the Planning Director to require the applicant to submit additional information needed for environmental evaluation of the project.
- B. **Review for Exemption; Notice of Exemption.** As soon as is practicable or upon application, if possible, the Planning Director shall determine if the project is exempt from environmental review pursuant to State law and any environmental guidelines and thresholds that the County has adopted in compliance with CEQA.
 - 1. If the Planning Director has determined that a project is exempt from environmental review under CEQA, such determination shall be announced in any required public notice for the associated project. The notice shall include a citation to the County adopted CEQA Thresholds and Guidelines section or statute under which the project is found to be exempt.
 - 2. Following approval of a project that is exempt from environmental review, the Planning Director or the applicant may file a Notice of Exemption with the County Clerk in accordance with Section 15062 of the CEQA Guidelines (14 CCR § 15062). Such a notice will not usually be filed, but may be filed if the project involves approvals by other agencies or the Planning Director determines that sufficient public controversy may arise as to warrant such notice.

- C. **Initial Study.** If it is determined through preliminary review that a project is subject to CEQA and not exempt from environmental review, the Planning Department shall conduct an Initial Study pursuant to Section 15063 of the CEQA Guidelines (14 CCR § 15063) to determine if the project may have a significant effect on the environment.
1. ***Application and Fee.*** The applicant shall submit an application for environmental review accompanied by the required fee. The Planning Director may require the applicant to submit additional data and information that will enable the Planning Department to prepare the Initial Study. The project applicant shall pay the cost of conducting the Initial Study according to the fee schedule established in Title XIII, Fees of the County Code.
 2. ***Consultation.*** As soon as it is determined that an Initial Study will be conducted, the Planning Department shall consult informally with all responsible agencies and all trustee agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a Negative Declaration should be prepared, pursuant to Section 15063(g) of the CEQA Guidelines.
 3. ***Exceptions.*** An Initial Study need not be conducted under the following circumstances:
 - a. Where the Planning Director determines that the project will clearly have a significant effect and an EIR will be required, in which case a Notice of Preparation shall be sent pursuant to Subsection 11.54.060(C).
 - b. Where the decision-making authority determines that the project cannot be approved.
 4. ***Contents of Initial Study.*** The Initial Study shall consider all phases of project planning, implementation, and operation and may rely upon expert opinion supported by facts, including documentation submitted by the applicant, technical studies, or other substantial evidence to document its findings regarding the project's potential impacts. The contents of the Initial Study shall be as stated in Section 15063(d) of the CEQA Guidelines.
 5. ***Time Limits.*** Within 45 days after the application for a project is accepted as complete and all materials necessary to prepare the Initial Study have been submitted, the Initial Study shall be completed and the Planning Director shall determine whether a Negative Declaration or an EIR shall be required. This time frame does not apply to projects that are determined to require outside consultation for the preparation of the Initial Study.
- D. **Determination of Environmental Significance.** Based on the Initial Study, the Planning Director will make one of the following findings:
1. The project will have no significant impacts on the environment, and a Negative Declaration will be prepared;
 2. The project has been modified to mitigate potential environmental impacts to a level of insignificance, and a Mitigated Negative Declaration will be prepared; or
 3. The proposed project will have, or may have, significant impact(s), and an EIR will be required.
- E. **Environmental Determination Notice.** The applicant and any other person requesting notice shall be notified of the environmental determination by the Planning Director and whether a Negative Declaration, Mitigated Negative Declaration, or EIR will be required for the project. In the case of a Negative Declaration, said notice shall also be published or posted in accordance with Section 15072 of the CEQA Guidelines (14 CCR § 15072) at least 10 days prior to adoption.

11.54.050 Negative Declaration/Mitigated Negative Declaration Process

- A. **When Authorized.** A Negative Declaration or Mitigated Negative Declaration is authorized and shall be prepared pursuant to Section 15070 of the CEQA Guidelines (14 CCR § 15070) under either of the following circumstances:
1. The Planning Director determines on the basis of an Initial Study that the project will not have a significant effect on the environment.
 2. The project is revised in response to an Initial Study or otherwise so that potential adverse effects are mitigated to a point where the Planning Director can determine that no significant environmental effects would occur, or it is determined by the Planning Commission or Board of Supervisors through appeal procedures that there are no significant environmental effects, and if such revision or determination occurs after the Notice of Preparation has been sent pursuant to Section 15082 of the CEQA Guidelines (14 CCR § 15082), the Negative Declaration may be prepared only if the applicant consents to a reasonable extension of time as necessary for its preparation. All persons or agencies that were sent the Notice of Preparation shall immediately be notified in writing of the change of determination and the reasons for it.
- B. **Revisions to Projects to Mitigate Effects.** Where the Planning Director determines that a project may have a significant effect but the effect may be mitigated, he or she may propose such mitigation to the applicant, who may revise the project or otherwise incorporate said mitigation measures into the project. Mitigation measures thus incorporated may be in the form of draft conditions of approval, in which the applicant has consented to said conditions. If on the basis of such revisions or mitigation measures, the Planning Director determines that the project no longer has a significant effect, a Mitigated Negative Declaration shall be prepared.
- C. **Review of Negative Declaration.** In addition to the notice required under Subsection 11.54.040(E), Environmental Determination Notice, above, the Planning Director shall submit a copy of a notice to adopt a Negative Declaration/Mitigated Negative Declaration to the State Clearinghouse and/or any other responsible agencies in accordance with Section 15073 of the CEQA Guidelines (14 CCR § 15073) whenever a project requires a permit from said responsible agencies or is subject to the jurisdiction of a State agency under law.
- D. **Clearinghouse Review.** Where review by the State Clearinghouse is required, the decision-making authority shall not consider adoption of the Negative Declaration/Mitigated Negative Declaration prior to 30 days from receipt by the Clearinghouse.
- E. **Adoption.** Following the review period, but no earlier than 10 days after the notice required in Subsection 11.54.040(E), Environmental Determination Notice, the decision-making authority for the associated discretionary action shall consider any objections filed and shall only adopt the Negative Declaration/Mitigated Negative Declaration if it finds on the basis of the whole record that there is not substantial evidence that the project will have a significant effect on the environment that cannot be mitigated to less than significant and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis. In a case in which there is no discretionary action, the Development Review Committee shall be the decision-making authority. The form of said adoption may be by resolution or minute order and may be combined with the decision on the project if explicitly stated.

- F. **Time Limits for Adoption.** A Negative Declaration/Mitigated Negative Declaration for a project shall be adopted within 180 days after the application for the project was accepted as complete and all necessary documents for the County to prepare the environmental document have been submitted by the applicant.

11.54.060 Environmental Impact Reports

- A. **When Authorized.** An Environmental Impact Report (EIR) shall be prepared in accordance with Public Resources Code Section 21082.1 (California Environmental Quality Act 14 CCR Ch. 3 (14 CCR § 15000 et seq.), including Article 5 (14 CCR § 15060) and 7 (14 CCR § 15080 et seq.) in any of the following circumstances:
1. Following an Initial Study that determines that a project may have a significant effect on the environment.
 2. At any time prior to the decision on the project where there is substantial evidence in the record that a project may have a significant environmental effect.
 3. There is serious public controversy over a significant effect on the environment.
- B. **Authority to Review and Certify.** In the case of the review and certification of an EIR, the decision-making authority shall be the body statutorily required to make the final decision on the associated discretionary action. In a case in which there is no discretionary action, the Board of Supervisors shall be the decision-making authority.
- C. **Notice of Preparation.** Immediately after deciding that an EIR is required for a project, the Planning Director shall cause a notice of preparation to be sent to each responsible agency and every federal agency involved in approving or funding the project and to each trustee agency responsible for natural resources affected by the project pursuant to Section 15082 of the CEQA Guidelines (14 CCR 15082). Work on the Draft EIR may begin immediately without awaiting responses to the Notice of Preparation.
- D. **Preparation of Draft EIRs.** When an EIR has been required for a project, the Planning Director shall immediately initiate the preparation of a Draft EIR. Said Draft EIR shall be prepared by a qualified consultant selected by the Planning Director, provided that all expenses incurred in preparation of the EIR shall be at the expense of the project applicant. The Planning Director shall transmit to the consultant any responses to the notice of preparation in a timely manner.
- E. **List of Qualified Consultants.** The Planning Director shall maintain a list of qualified consultants to prepare an EIR, which shall include any qualified local consultants. The Planning Director shall periodically update said list.
- F. **Selection of Consultant; Payment of EIR Management Fees.** The Planning Director may select a consultant from the list of qualified consultants or send out a request for proposals to qualified consultants. The Planning Director shall make the final selection of the consultant to prepare the Draft EIR. Upon selection, the Planning Director shall establish the cost for the preparation of the Draft EIR and the project applicant shall deposit the amount of such cost with the Yuba County Community Development and Services Agency. In addition, the applicant shall pay EIR management fees as set by ordinance adopted by the Board of Supervisors.
- G. **Scope of Work.** The Planning Director shall establish the scope of work for the Draft EIR based upon the Initial Study and responses to the Notice of Preparation.

- H. **Acceptance of Draft EIRs.** The consultant preparing the EIR shall submit a preliminary draft for approval to the Planning Director. The Planning Director shall ensure that the Draft EIR adequately and objectively discloses any potential environmental effects on the County as required by Section 15084(e) of the CEQA Guidelines.
- I. **Notice of Completion.**
1. As soon as a Draft EIR is accepted as complete by the Planning Director, a Notice of Completion shall be filed by the Planning Director with the Office of Planning and Research pursuant to Section 15085 of the CEQA Guidelines (14 CCR § 15085). Within 10 days of such filing, the notice shall also be given to all organizations and individuals who have previously requested such notice and shall further be given by publication at least one time in a newspaper of general circulation in the area affected by the proposed project.
 2. The notice shall provide a review period for the Draft EIR of not less than 45 days nor longer than 60 days from the date of the notice, except in unusual situations. The notice may also include the time set for consideration of the Draft EIR by the decision-making authority and may be included in any public notice otherwise required by law for the project.
- J. **Public Review of Draft EIRs.** During the review period stated in the Notice of Completion, the Planning Department shall engage in consultation and solicitation of comments pursuant to Sections 15086 and 15087(d), (e), and (f) of the CEQA Guidelines (14 CCR §§ 15086, 15087(d), (e), and (f)). The essence of such consultation and comments shall be available to the decision-making authority for its consideration of the Draft EIR. Each member of the Planning Commission and Board of Supervisors shall receive a copy of the Draft EIR.
- K. **Public Workshop.** The Planning Department shall hold a public workshop on the Draft EIR during the public review period. Notification of the workshop shall be posted at the County at least 72 hours prior to the workshop and property owners shall be noticed pursuant to Chapter 11.53.050.A or 11.53.050.D of this Code. The purpose of the workshop is to inform the public of the Draft EIR and to receive and evaluate comments from concerned persons with respect to the adequacy of the Draft EIR in conformity with the standards set forth in Section 15151 of the CEQA Guidelines (14 CCR § 15151). County staff will prepare responses to significant environmental issues raised during the public review and consultation process through revisions or attachments to the Draft EIR or other methods pursuant to Section 15088 of the CEQA Guidelines (14 CCR § 15088).
- L. **Final EIR.** Following the public workshop and completion of the public review period, the Planning Director shall cause a Final EIR to be prepared and shall present it to the decision-making authority (responsible for action on the project) for certification.
- M. **Certification.** The decision-making authority shall consider a Final EIR and shall either certify it as adequate or shall return it for corrections prior to certification, or reject certification of the EIR as inadequate. A copy of the certified, Final EIR shall be distributed to each member of all decision-making authorities. The project applicant shall provide a copy of the certified, Final EIR to each responsible agency as required by Section 15095(d) of the CEQA Guidelines (14 CCR § 15095(d)). The form of said certification may be by resolution or minute order and may be combined with the decision on the project if explicitly stated.
- N. **Time Limits.** Time limits for the procedures described in this section shall be in compliance with Article 8 of CEQA (Public Resources Code § 21000 et seq.).

11.54.070 Decisions on Projects

- A. **Findings.** Before reaching a decision on a project, the decision-making authority shall consider the environmental effects of the project as shown in the EIR and shall not approve the project if feasible alternatives or feasible mitigation measures within the County's powers which have not been implemented or required are found to exist that would substantially lessen any significant effect the project would have on the environment. In acting on the project, the decision-making authority shall make written findings required by Section 15091 of the CEQA Guidelines (14 CCR § 15091) for each significant effect or shall make the findings in Section 15093 of the CEQA Guidelines (14 CCR § 15093) regarding overriding considerations if necessary.
- B. **Effect of Appeals on Project Decisions.** Where a decision to approve, conditionally approve, or deny a project has been appealed pursuant to Section 11.53.150, Appeals and Calls for Review, and said appeal is based upon an environmental issue, the Negative Declaration or EIR that was adopted or certified by the decision-making authority shall be invalid and the body considering the appeal shall either readopt or recertify the environmental document or shall cause a revised environmental document to be prepared pursuant to this chapter.
- C. **Time for Decision.** A decision to approve, conditionally approve or deny a development project for which a Negative Declaration or EIR has been prepared shall be made within one year from the date on which the application requesting approval was accepted as complete. Such time limit may be extended by the County for a period not to exceed 90 days with the consent of the project applicant. The following are exceptions to the one year time frame for a decision:
 - 1. Projects that include a legislative action;
 - 2. Suspension of Time Periods pursuant to CEQA Guidelines Section 15109; or
 - 3. Projects with Federal Involvement pursuant to CEQA Guidelines Section 15110.
- D. **Failure to Act.** Upon the County's failure to act to approve, conditionally approve, or deny a development project within such time or extension thereof the applicant may invoke the Permit Streamlining Act pursuant to Government Code Section 65956 to constitute approval of the project subject to compliance with any standards, improvements, or dedications required by ordinance including adoption or certification of any required CEQA determination by the County.
- E. **Notice of Determination.** After a decision to approve, conditionally approve, or deny any project for which an Negative Declaration, Mitigated Negative Declaration or EIR was prepared the Planning Director shall file a Notice of Determination pursuant to Section 15094 of the CEQA Guidelines (14 CCR § 15094).

11.54.080 Responsible Agency Procedures

When a project is proposed in which Yuba County has discretion in a minor capacity and when another agency is the lead agency, the County shall follow the procedures of this section.

- A. **Consultation.** The Planning Director or his or her representative shall consult with the lead agency and furnish information and recommendations to assist the lead agency in preparing adequate documents for the project pursuant to Section 15063 of the CEQA Guidelines.

- B. **Response to Notice of Preparation.** As soon as possible, but no longer than 45 days after receiving a Notice of Preparation from a lead agency, the Planning Director shall send a written reply pursuant to Section 15096 of the CEQA Guidelines. The proposed reply may be presented to the Planning Commission or Board of Supervisors for information and comment prior to being sent.
- C. **Review of Draft EIRs and Negative Declaration.** Within the review period allowed by the lead agency or by law, the Planning Director shall formulate comments on Draft EIRs and Negative Declarations for projects that the County will later be asked to approve. Such comments may be based upon review and comments by the Development Review Committee, Planning Commission, or Board of Supervisors as deemed appropriate by the Planning Director.
- D. **Decision on Adequacy of Draft EIRs and Negative Declarations.** If the Planning Director believes that the EIR or Negative Declaration prepared by the lead agency is not adequate for use by the County, the Planning Director may bring the matter to the attention of the Planning Commission for recommendations and shall bring it to the attention of the Board of Supervisors for decision and possible action pursuant to Section 15096(e) of the CEQA Guidelines.

11.54.090 Mitigating Standards and Ordinances

Where applicable, in accordance with Section 15183(f) of the CEQA Guidelines, compliance with appropriate County standards and ordinances can serve as mitigation to reduce significant effects. In such instances, the relevant standard or ordinance does not need to be listed as a mitigation measure in the environmental document so long as a discussion of the ability of the standard or ordinance to mitigate the effect is provided in the document's environmental analysis. The Planning Director shall maintain a list of those standards and ordinances that have been adopted by the Board of Supervisors with a finding that the standards or ordinances will substantially mitigate a particular environmental effect when applied to future projects.

11.54.100 Mitigation Monitoring and Reporting Program

The County shall approve a mitigation monitoring and reporting program ("monitoring plan") for all projects that it approves with a Mitigated Negative Declaration or Final EIR. The purpose of the monitoring plan is to ensure that the project applicant complies with all of the provisions or changes identified as mitigation measures during implementation of the project.

- A. **Application.** A monitoring plan shall be prepared for any private or public nonexempt discretionary project approved by Yuba County that is subject to either a Negative Declaration or EIR and that includes mitigation measures necessary to reduce impacts to a less-than-significant level. The applicant for or sponsoring department of the project shall prepare a draft monitoring plan and submit it to the Planning Department for independent review.
- B. **Timing.**
 - 1. **EIRs.** Draft monitoring plans for projects for which an EIR is prepared shall be included in the Draft EIR. The monitoring plan shall be subject to the same public review and comment accorded all other portions of the EIR. The final monitoring plan shall be adopted as a part of the CEQA findings for the subject project.

2. **Negative Declarations.** If required for a Mitigated Negative Declaration, a monitoring plan shall be prepared prior to adoption. The monitoring plan shall be attached to the proposed Negative Declaration as a supporting exhibit.
- C. **Contents of Plan.** A monitoring plan shall contain, at a minimum, the following:
1. A listing of every mitigation measure contained in the EIR or Mitigated Negative Declaration. The decision-making authority may modify or delete recommended mitigation measures so long as the appropriate findings are made. Also, reference should be made to the page in the EIR where the mitigation measure is described.
 2. Identification of individuals or organizations responsible for monitoring and/or reporting.
 3. Identification of individuals or organizations responsible for verifying compliance.
 4. Identification of the phase (or date) of the permit process (e.g., prior to tentative map application, final map application, issuance of grading permit, issuance of building permit, certificate of occupancy, etc.) when each mitigation measure shall be initially implemented.
 5. Identification of the frequency and duration of required monitoring, if a measure requires continuous, frequent, monthly, or annual monitoring.
 6. Identification of when measure must be implemented (monitoring milestones) (e.g., prior to approval of final map).
 7. Identification of the performance criteria for determining the success of the mitigation measure, if appropriate (e.g., success rate, measurement criteria, etc.).
 8. Identification of a detailed work program and task assignments for monitoring, if appropriate.
 9. Identification of the cost, proposed funding, and budget for the monitoring plan, if appropriate.
- D. **Implementation.**
1. **Private Projects.** For private projects, the applicant shall be responsible for monitoring mitigation measure implementation and reporting in writing on the progress, completion, and any violations of the mitigation plan to the Planning Department. The applicant shall, in those reports, certify the sufficiency of the monitor's expertise in determining whether the mitigation measures were accomplished. The Planning Department, using qualified staff or contracted personnel, shall verify all information set forth in the applicant's reports, using field visits as necessary.
 2. **Public Projects.** For Public projects, the sponsoring department shall be responsible for monitoring mitigation measure implementation and reporting in writing on the progress, completion and any violations of mitigation plan to the Planning Department.
 3. **Availability of Reports.** The reports specified in this section are public information and shall be made available to the public as part of the normal County filing process.
- E. **Fees.**
1. All costs for the preparation and implementation of a monitoring plan shall be paid by the project applicant or sponsoring department, in accord with the adopted fee schedule.

2. The estimated cost of implementing the monitoring plan shall be submitted to the Planning Department and deposited in a trust account prior to the acceptance of any plans for review by the County for the issuance of demolition, construction, site preparation, grading, building permits, or other entitlement.
3. If the actual cost of required monitoring activities exceeds the initial deposit, the excess costs shall be submitted to the County prior to issuance of an occupancy permit unless otherwise specified in the mitigation plan. If the actual cost is less, the difference will be refunded to the applicant.
4. Mitigation plans that extend beyond 12 months may be funded with periodic payments instead of the full cost being submitted as specified above. This alternative fee arrangement must be specified in the proposed mitigation plan and approved by the decision-making authority.
5. Projects that include mitigation plans requiring monitoring for longer than 12 months will be required to demonstrate that long-term funding of monitoring will be ensured through one or more of the following mechanisms: deed restrictions; conditions, covenants and restrictions (CC&Rs); cash deposit; letters of credit; or other financial assurances acceptable to the County.

F. **Enforcement.**

1. ***Violation of Monitoring Plan Prior to Project Completion.*** Violation of the monitoring plan, where a mitigation measure is to be implemented during site preparation or building construction, shall result in notification of the violation by the Planning Director and issuance of a stop-work order by the appropriate County permit-issuing authority until the matter is resolved.
2. ***Violation of Monitoring Plan Following Project Completion.*** Violation of an approved monitoring plan subsequent to project completion or occupancy shall result in one or more of the following actions:
 - a. The person or firm responsible for monitoring shall report (whether or not it is the normal time designated in the monitoring plan for reporting) to the Planning Director the facts surrounding the noncompliance.
 - b. Upon receipt of the monitoring report, the Planning Director shall place the report on the next available Board of Supervisors agenda and notify the applicant of this action. The Planning Director shall also notify any persons who have requested such notification.
 - c. The Board of Supervisors shall consider the report and any information presented by the applicant and shall determine whether or not there is a violation of the project approval.
 - d. If no violation is found, the applicant shall be so notified in writing.
 - e. If a violation is found that can be corrected, the applicant will be notified of the needed correction in writing and will be given a reasonable period of time (normally 10 days) in which to correct the violation.
 - f. If a violation is found that cannot be corrected, or if the applicant fails to correct the violation according to Subsection (e) above, the County Counsel shall institute proceedings to stop work on the project and seek whatever legal remedies are available,

such as, but not limited to prosecution of the responsible party for a misdemeanor; forfeiture of bonds, cash deposits, and/or letters of credit; and/or repeal of any land use entitlements.

- G. **Amendment of Mitigation Program Not Permitted Following Adoption.** Unless specifically authorized or required by the conditions of project approval, neither CEQA nor this Code authorize the County to modify or add mitigation measures if the monitoring program shows that the mitigation measures have not achieved the desired result.

11.54.110 Appeals

The applicant or any aggrieved person may appeal the following environmental determinations directly to Board of Supervisors in the manner described in Section 11.53.150, Appeals and Calls for Review:

- A. Determination that a project is or is not subject to environmental review.
- B. Determination that a project is exempt from environmental review.
- C. Adoption of a Negative Declaration or Mitigated Negative Declaration by the Development Review Committee or Planning Commission.
- D. Certification of a Final EIR by the Development Review Committee or Planning Commission.

Chapter 11.55 Zoning Clearances

Sections:

11.55.010	Purpose
11.55.020	Applicability
11.55.030	Review and Decision
11.55.040	Appeals

11.55.010 Purpose

This chapter establishes procedures for conducting a Zoning Clearance to verify that each new or expanded use, activity, or structure complies with all of the applicable requirements of this Code.

11.55.020 Applicability

A Zoning Clearance may be 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, change of occupant or tenant on a parcel 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 Code. In addition, any person may request and the Planning Department shall issue a zoning clearance certification stating the zoning standards for any parcel located within the unincorporated area of the county.

11.55.030 Review and Decision

Before the County may issue any business license, building permit, subdivision approval, or lot line adjustment, the Zoning Administrator shall review the application to determine whether the use, building, or change in lot configuration complies with all provisions of this Code or any Design Review, Use Permit or Variance approval and that all conditions of such permits and approvals have been satisfied.

- A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section 11.53.020, Application Forms and Fees. The Zoning Administrator may request that the Zoning Clearance application be accompanied by a written narrative, plans and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Code and the requirements and conditions of any applicable Use Permit or Variance approval.
 1. ***Zoning Clearance associated with a Building Permit.*** Plans submitted to the Building Department shall include plans, specifications and information that demonstrate conformance with this Title. A separate zoning clearance application form is not required and the zoning clearance associated with the issuance of a building permit shall be the plans approved by the Planning Department for issuance of the building permit.
- B. **Determination.** If the Zoning Administrator determines that the proposed use or building is allowed as a matter of right by this Code, and conforms to all the applicable development and use standards, the Zoning Administrator shall issue a Zoning Clearance. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric

data, site plans, floor plans and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Code.

1. **Notice.** Zoning Clearance required for issuance of a building permit shall be provided directly to the Building Department. If a Zoning Clearance is required that is not part of a building permit, it will be mailed to the applicant within seven working days.
- C. **Exceptions.** No Zoning Clearance shall be required for the continuation of previously approved or permitted uses and structures, or for new ancillary uses and accessory structures that are not subject to any building or zoning regulations unless specifically identified in conditions of approval or this Code.
- D. **Expiration of Zoning Clearance.** A Zoning Clearance shall expire upon the earlier event of the following:
 1. 180 days after issuance, unless otherwise indicated on the Zoning Clearance; or
 2. When the proposed use or development no longer conforms to all applicable provisions of this Title (i.e. the zoning or land use designation is changed).
 3. If a Zoning Clearance is issued in conjunction with a building permit, the Zoning Clearance shall expire when the building permit expires.

11.55.040 Appeals

Zoning Clearance decisions are subject to the appeal provisions of Section 11.53.150, Appeals and Calls for Review.

Chapter 11.56 Design Review

Sections:

11.56.010	Purpose
11.56.020	Applicability
11.56.030	Design Review Responsibilities
11.56.040	Scope of Review
11.56.050	Procedures
11.56.060	Criteria for Approval
11.56.070	Conditions of Approval
11.56.080	Post-Decision Procedures

11.56.010 Purpose

This chapter establishes the Design Review procedure. The specific purposes of Design Review are to:

- A. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
- B. Ensure that new and modified uses and development will be compatible with the existing and potential development of the surrounding area; and
- C. Supplement other County regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

11.56.020 Applicability

A Design Review Permit shall be obtained prior to the issuance of a building permit or zoning clearance for any new construction; exterior remodeling; site design, architectural, landscaping or circulation modifications including parking or driveway locations or addition of mechanical equipment to non-residential uses or new or modified residential master plans including landscaping and as otherwise required by this Code in areas subject to adopted design guidelines including community and specific plans. With the exception of the following:

- A. Single family residence or a two family residence with exception of production housing;
- B. Principally permitted uses within zone districts located within the General Plan Natural Resources land use designation including those uses that require approval of a Zoning Clearance.
- C. Construction, reconstruction, repair and maintenance, for a project developed in compliance with a previous Design Review approval, including additions of floor area within an existing building envelope;
- D. Telecommunication facilities except for camouflage facilities; and,
- E. Signs.

11.56.030 Design Review Responsibilities

The responsibilities for conducting Design Review shall be as follows:

- A. **Permit Review Authority.** For Design Review applications associated with another discretionary permit, such as a Use Permit or Variance, the decision-making authority for the associated permit shall also have Design Review authority.
- B. **Planning Director (Administrative Design Review).** The Planning Director shall have Design Review authority for all projects that do not meet the criteria listed in Subsection A and are not associated with another discretionary permit or minor modifications to an approved Design Review Permit such as but not limited to:
 - 1. Reviewing individual buildings for compliance with an approved Master Design Review Permit;
 - 2. Replacement of landscaping with at least equal or greater water efficient landscaping (consistent with the Water Efficient Landscape Ordinance);
 - 3. Installation of new landscaping areas when deemed to meet the intent of the approved Design Review Permit or new landscaping for projects not previously subject to Design Review;
 - 4. Modifications to parking areas including compliance with Americans with Disabilities Act and re-striping where there is no net decrease in the number of parking spaces;
 - 5. Minor building facade improvements such as the rearrangement or addition of doors, windows and awnings;
 - 6. Addition of Security Facilities including security gates and gate houses at a project entrance;
 - 7. Modifications to existing walls and fences or addition of new fencing or walls.
 - 8. Other minor alterations, enlargements or remodels to existing buildings, structures and/or improvements (including new construction on partially developed properties) which are:
 - a. Compatible with and in substantial conformance with the existing development and the previously approved permit;
 - b. Do not create the need for new parking nor affect existing or required parking;
 - c. Are not visible from any public street or area held open to the public; and
 - d. Meet all the requirements of this Code and the Community Design Guidelines.

11.56.040 Scope of Review

Design Review shall be based on consideration of the requirements of this chapter as they apply to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including:

- A. Building proportions, massing, and architectural details;
- B. Site design, orientation, location, and architectural design of buildings relative to existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment;
- C. Size, location, design, development, and arrangement of on-site parking, circulation, and other paved areas;
- D. Exterior materials and, color as they relate to each other, to the overall appearance of the project, and to surrounding development;

- E. Height, materials, design, and, color of fences, walls, and screen plantings;
- F. Location and type of landscaping including selection and size of plant materials, design of hardscape, and irrigation; and
- G. Location and design of wall mounted and freestanding lighting.

11.56.050 Procedures

- A. **Applications and Fees.** Written applications for Design Review Permits shall be submitted to the Planning Department in compliance with the application procedures in Chapter 11.53, Common Procedures. In addition to any other application requirements, an application for Design Review shall include drawings or other evidence showing that the project conforms to the required findings set forth in Section 11.56.060, Criteria for Approval.
- B. **Design Guidelines.** Design Guidelines adopted by the Board of Supervisors provide recommendations to be used in the Design Review process. They are intended to promote high-quality design, well-crafted and maintained buildings and landscaping, the use of high-quality building materials, and attention to the design and execution of building details and amenities in both public and private projects.
- C. **Concurrent Processing.** When a development project requires a Use Permit, Variance, or any other discretionary zoning approval in addition to Design Review approval, the Design Review application shall be submitted to the Planning Department as a part of the application for the underlying Use Permit, Variance, or other permit.
- D. **Alterations to Drawings.** If alterations to the approved drawings are desired by the applicant, the drawings shall be re-submitted and processed according to the procedures established for approval of the original drawings unless the change(s) qualifies as a minor modification.

11.56.060 Criteria for Approval

When conducting Design Review, the decision-making authority shall evaluate applications to ensure that they conform to the policies of the General Plan and any applicable specific plan, development standards of this Code, and are consistent with any other policies or design guidelines the Board of Supervisors may adopt for this purpose.

11.56.070 Conditions of Approval

In granting Design Review approval, the decision-making authority may impose conditions that are reasonably related to the application and deemed necessary to achieve the purposes of this chapter and ensure compliance with the applicable criteria and standards established by this Code. They may not impose requirements pertaining to use of land or that are more restrictive than the standards set forth in this Code or a valid Use Permit or Variance if such conditions would require a reduction in the residential density or the Floor Area Ratio (FAR) of a proposed project.

11.56.080 Post-Decision Procedures

- A. **Appeals.** Design Review decisions are subject to the appeal provisions of Section 11.53.150, Appeals and Calls for Review.

- B. **Expiration, Extensions and Modifications.** Design Review approval is effective and may only be extended or modified as provided for in Chapter 11.53, Common Procedures.
- C. **Failure to Comply with Conditions.** Failure to comply with any condition of approval of a Design Review application is a violation of this Code subject to provisions of Chapter 11.67, Enforcement and Abatement Procedures.
- D. **Revocation of Design Review.** A Design Review approval may be revoked as provided by Section 11.53.140, Revocation of Approvals.

Chapter 11.57 Use Permits

Sections:

11.57.010	Purpose
11.57.020	Applicability
11.57.030	Decision-Making Authority Decision-Making Authority
11.57.040	Application Procedures Application Procedures
11.57.050	Public Notice and Hearing
11.57.060	Required Findings for Approval Required Findings for Approval
11.57.070	Conditions of Approval
11.57.080	Post-Decision Procedures

11.57.010 Purpose

The Use Permit review and approval process is intended to apply to uses that are generally consistent with the purposes of the zoning district where they are proposed but require special consideration to ensure that they will be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.

11.57.020 Applicability

This chapter sets forth the requirements for three use permit types: Administrative Use Permits, Minor Use Permits and Major Conditional Use Permits.

A. Use Permit Types.

1. ***Administrative Use Permits.*** Administrative Use Permits are those uses that have minimal potential of negatively affecting surrounding properties and are exempt under the California Environmental Quality Act (CEQA). Given the ancillary nature of these types of uses, a public hearing is not required and the only improvement standards required are those mandated by state or federal law or Title 10 of the Yuba County Code. All development standards related to setbacks, site coverage, height restrictions, parking and access shall also apply.
2. ***Minor and Major Use Permits.*** Minor and Major Use Permits are those uses that due to their operational characteristics merit public review to insure compatibility with surrounding properties. The scale and intensity of a use is the basis for determining whether a use is a classified as Major or Minor Use Permit.

B. Approval of a Use Permit.

Approval of a Use Permit is required for uses or developments specifically identified in Division II, Base and Overlay Districts, and/or any other section of this Code that requires a Use Permit. However, the following projects shall be processed as Administrative Use Permits:

1. Enlargement or expansion of a use authorized under a Conditional Use Permit, provided that the addition will not result in an increase of more than 50 percent of the existing facility and the expansion is exempt from CEQA.

2. Enlargement or expansion of the existing nonconforming use provided that the addition will not result in an increase of more than 25 percent of the existing facility and is exempt from CEQA.
3. Uses identified in Division II Base and Overlay Districts; Land Use Regulation tables as a use allowed through approval of an Administrative Use Permit.

11.57.030 Decision-Making Authority

- A. **Major Conditional Use Permits.** The Planning Commission shall approve, conditionally approve, or deny applications for Major Conditional Use Permits based on consideration of the requirements of this chapter.
- B. **Minor Use Permits.** The Development Review Committee shall approve, conditionally approve, or deny applications for Minor Use Permits. The Development Review Committee or CDSA Director may, at its discretion, refer any application for a Minor 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. In that case, the application shall be subject to Planning Commission hearing and any additional legal notification fees. Projects that qualify for streamlined review under Government Code § 65913.4 (SB 35) that require a Minor Use Permit must be reviewed using objective standards in compliance with law.
- C. **Administrative Use Permits.** The Zoning Administrator shall approve, conditionally approve, or deny applications for Administrative Use Permits for projects that are exempt from CEQA. 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 Development Review Committee for a decision rather than acting on it himself/herself. In that case, the application shall be subject to any legal notification fees. Projects that are determined not to be exempt from CEQA shall be processed as a Minor Use Permit.

11.57.040 Application Procedures

Applications for Use Permits shall be filed with the Planning Department on the prescribed application forms in accordance with the application procedures in Chapter 11.53, Common Procedures. In addition to any other application requirements, the application for a Use Permit shall include data or other evidence in support of the applicable findings required by Section 11.57.060, Required Findings for Approval, below.

11.57.050 Public Notice and Hearing

- A. **Major Conditional Use Permits.** All applications for Major Use Permits shall require public notice and hearing before the Planning Commission pursuant to Chapter 11.53, Common Procedures.
- B. **Minor Use Permits.** All applications for Minor Use Permits shall require public notice and hearing before the Development Review Committee unless forwarded to the Planning Commission for action pursuant to Chapter 11.53, Common Procedures.

C. Administrative Use Permits.

1. The Zoning Administrator shall review the application for compliance with this Code and shall approve, approve with modifications and/or conditions, or deny the application based on the findings set forth in Section 11.57.060 of this Chapter.
2. The Zoning Administrator may waive the requirements for a public hearing; however notice of the proposed action shall be posted in the Planning Department and mailed to the applicant and all property owners of record within a 300 (VGB) or 1000 foot radius of the subject property as shown on the latest available assessment role at least 10 days prior to the date of action.
 - a. If a request for public hearing is not received by the date of action indicated in the notice, the Zoning Administrator shall take action on the permit the following business day. A copy of the determination shall be mailed to the applicant and summary of the action posted in the CDSA Department for a minimum of 10 days.
 - b. Requests for a public hearing shall be made to the Planning Department in writing on a form prescribed by the Planning Department and accompanied by a fee as established by the Board of Supervisors. Requests for public hearing shall be made prior to the date of action listed on the public notice.
 - i. The Zoning Administrator shall schedule and notice the permit for a public hearing by the Development Review Committee within 30 days of receipt of the request for public hearing.

11.57.060 Required Findings for Approval

The decision-making authority must make all of the following findings in the affirmative in order to approve or conditionally approve a Use Permit application. The inability to make one or more of the findings in the affirmative is grounds for denial of an application.

- A. The proposed use is allowed within the applicable zoning district or overlay district and complies with all other applicable provisions of this Code and all other titles of the Yuba County Code;
- B. The proposed use is consistent with the General Plan, and any applicable adopted community plan or specific plan;
- C. The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the surrounding area;
- D. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
- E. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this Code;
- F. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and reasonably foreseeable future land uses in the vicinity;
- G. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and

- H. An environmental determination has been prepared in accordance with the California Environmental Quality Act.

11.57.070 Conditions of Approval

In approving a Use Permit, the decision-making authority may impose reasonable conditions or restrictions 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 adopted by the Board of Supervisors;
- B. Achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings for a Use Permit listed in Section 11.57.060, Required Findings for Approval, above; or
- D. Mitigate any potentially significant impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act.

The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

11.57.080 Post-Decision Procedures

- A. **Appeals.** A decision of the Zoning Administrator, Development Review Committee, or Planning Commission may be appealed to the Board of Supervisors, as provided in Section 11.53.150, Appeals and Calls for Review.
- B. **Expiration, Extensions and Modifications.** Use Permits are effective and may only be extended or modified as provided for in Chapter 11.53, Common Procedures.
- C. **Failure to Comply with Conditions.** Failure to comply with any condition of approval of a Use Permit is a violation of this Code subject to provisions of Chapter 11.67, Enforcement and Abatement Procedures.
- D. **Revocation of Use Permits.** A Use Permit may be revoked as provided by Section 11.53.140, Revocation of Approvals.

Chapter 11.58 Temporary Use Permits

Sections:

11.58.010	Purpose
11.58.020	Applicability
11.58.030	Procedures
11.58.040	Required Findings for Approval
11.58.050	Conditions of Approval
11.58.060	Operation and Time Limits

11.58.010 Purpose

This chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

11.58.020 Applicability

Approval of a Temporary Use Permit is required for uses specifically identified in Section 11.32.300, Temporary Uses, and/or any other section of this Code that requires a Temporary Use Permit.

11.58.030 Procedures

- A. **Application.** Applications for Temporary Use Permits shall be filed with the Planning Department on the prescribed application forms in accordance with the application procedures in Chapter 11.53, Common Procedures. Applications for Type 1 Temporary Use Permits require public notification and therefore should be submitted at least 60 days before the use is intended to begin. An application for a Type 2 Temporary Use Permit shall be submitted at least 30 days before the use is intended to begin.
- B. **Decision-Making Authority.**
 1. Type 1 Temporary Use Permits. Upon determining the application as complete and receipt of draft conditions from other departments within CDSA (if applicable), the Zoning Administrator shall provide notice of the proposed action to the applicant and all property owners of record within a 300 (VGB) or 1000 foot radius of the subject property as shown on the latest available assessment role at least 10 days prior to the date of action. Notice shall also be posted within the CDSA Department.
 - a. If a request for public hearing is not received by the date of action indicated in the notice, the Zoning Administrator shall approve, conditionally approve, or deny the request the following business day. A copy of the written determination shall be submitted to the applicant and posted in the CDSA Department for a minimum of 10 days.
 - b. Requests for a public hearing shall be made to the Planning Department in writing on a form prescribed by the Planning Department and accompanied by a fee as established by the Board of Supervisors. Requests for public hearing shall be made prior to the date of action listed on the public notice.

- i. The Zoning Administrator shall schedule and notice the permit for a public hearing by the Development Review Committee within 30 days of receipt of the request for public hearing.
2. Type 2 Temporary Use Permits. Within 10 days of accepting an application for a Temporary Use Permit as complete, the Zoning Administrator shall render a written decision. The decision shall be mailed to the applicant and posted in the CDSA Department..

11.58.040 Required Findings for Approval

The Zoning Administrator may approve an application for a Temporary Use Permit only upon making both of the following findings:

- A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, 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
- B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.
- C. The proposed use complies with any applicable design or development standards of Section 11.32.300, Temporary Uses and Special Events.

11.58.050 Conditions of Approval

The Zoning Administrator may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Section 11.58.040, Required Findings for Approval, above, including, but not limited to: setbacks and height restrictions; 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 Administrator may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

11.58.060 Operation and Time Limits

The temporary use shall be limited to the dates and times (or period of time), nature, and extent prescribed by the Zoning Administrator.

Chapter 11.59 Variances

Sections:

11.59.010	Purpose
11.59.020	Applicability
11.59.030	Decision-Making Authority
11.59.040	Procedures
11.59.050	Required Findings for Approval Required Findings for Approval
11.59.060	Conditions of Approval
11.59.070	Post-Decision Procedures

11.59.010 Purpose

This chapter is intended to provide a mechanism for relief from the strict application of this Code where such strict application would deprive the property owner of privileges enjoyed by similar properties in the vicinity and under the same zoning classification because of the subject property's unique and special conditions.

11.59.020 Applicability

This chapter applies to variations to standards that exceed the thresholds to qualify for a Waiver or Exception pursuant to Chapter 11.60, Waivers and Modifications. Variances may be granted to vary or modify dimensional and performance standards, but Variances may not be granted to allow land uses or activities that this Code does not authorize for a specific site.

11.59.030 Decision-Making Authority

The Planning Commission shall approve, conditionally approve, or deny applications for Variances based on consideration of the requirements of this chapter.

11.59.040 Procedures

- A. **Application Requirements.** Applications for a Variance shall be filed with the Planning Department on the prescribed application forms in accordance with the procedures in Chapter 11.53, Common Procedures. In addition to any other application requirements, the application for a Variance shall include data or other evidence showing that the requested Variance conforms to the required findings set forth in Section 11.59.050, Required Findings for Approval.
- B. **Public Notice and Hearing.** An application for a Variance shall require public notice and hearing before the Planning Commission pursuant to Chapter 11.53, Common Procedures.

11.59.050 Required Findings for Approval

After conducting a public hearing, the Planning Commission may approve or conditionally approve a Variance application only if it can make all of the following findings. The decision-making authority shall deny an application for a Variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

- A. Because of special circumstances applicable to subject property, including size, shape, topography, location, or surroundings, the strict application of this Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- B. The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which subject property is situated.
- C. The granting of the Variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.
- D. The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable specific plans or adopted community plans, and the General Plan.
- E. The Variance does not authorize a use that is not otherwise permitted in the zone.

11.59.060 Conditions of Approval

In approving a Variance, the Planning Commission may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Section 11.59.050, Required Findings, above and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

11.59.070 Post-Decision Procedures

- A. **Appeals.** The applicant or any other aggrieved party may appeal a decision on a Variance pursuant to the provisions of Section 11.53.150, Appeals and Calls for Review.
- B. **Expiration, Extensions and Modifications.** Variances are effective and may only be extended or modified as provided for in Chapter 11.53, Common Procedures.
- C. **Failure to Comply with Conditions.** Failure to comply with any Variance condition is a violation of this Code subject to enforcement, penalties, and legal procedure as prescribed by Chapter 11.67, Enforcement and Abatement Procedures.
- D. **Revocation of Variance.** A Variance may be revoked as provided by Section 11.53.140, Revocation of Approvals.

Chapter 11.60 Waivers and Modifications

Sections:

11.60.010	Purpose
11.60.020	Applicability
11.60.030	Procedures
11.60.040	Required Findings for Approval Required Findings for Approval
11.60.050	Conditions of Approval
11.60.060	Post-Decision Procedures

11.60.010 Purpose

The purpose of this chapter is to establish an alternate means of granting relief from the requirements of this Code when so doing would be consistent with the purposes of the Code and it is not possible or practical to approve a Variance. Further, it is the policy of the County to comply with the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act to provide reasonable accommodation to persons with disabilities seeking fair access to housing through waiver of the application of the County's zoning regulations. This chapter authorizes the Zoning Administrator to grant administrative relief from the code's dimensional requirements to achieve these and other objectives.

11.60.020 Applicability

- A. **Standards for Which Waivers and Modifications May be Considered.** Applicants who are not requesting reasonable accommodation to ensure access to housing as provided for by federal and/or State law may submit an application requesting a waiver or exception to any of the following standards:
1. Minimum yards, up to 20 percent of the required yard/setback requirement;
 2. Maximum height of fences and freestanding walls, up to one foot over allowed height;
 3. Maximum height of buildings and structures, up to 20 percent;
 4. Maximum lot coverage, up to 20 percent;
 5. Minimum landscaping, up to 20 percent of required landscaping for site or parking lot;
 6. Minimum number of required parking spaces, up to 20 percent reduction;
 7. Minimum number of required bicycle parking spaces
 8. Dimensional standards for parking aisles, driveways, and parking facility design;
 9. Maximum sign area, up to 20 percent; and
 10. Maximum number of animals, up to 25 percent;
 11. Minimum parcel size for Animal Raising and Keeping (educational project exemption);
 12. Student agricultural education projects (4H and FAA) on residential properties less than one acre in size; and,
 13. Other deviations to standards as identified in this Development Code as being authorized through approval of a Waiver.

14. Minimum lot size for second residence (outside VGB 4.5 acres when on a septic and well).
- B. **Exclusions.** Waivers and modifications to subdivision standards; dedications and reservations; or improvement standards identified in Division IV, Land Divisions shall be processed pursuant to the requirements outlined in Division IV. Waivers and modifications may not be considered for increases or decreases in residential density.
 - C. **Requests for Reasonable Accommodation.** A waiver of or modification to a standard that exceeds the thresholds in Subsection (A) above may be granted when such waiver or modification is necessary to comply with the reasonable accommodation provisions of federal law based on a determination that the specific circumstances of the application warrant such an accommodation.

11.60.030 Procedures

- A. **Authority and Duties.** The Zoning Administrator shall approve, conditionally approve, or deny applications for waivers and modifications based on consideration of the requirements of this chapter.
- B. **Application Requirements.** An application for a waiver shall be filed with the Planning Department in accordance with Section 11.53.020, Application Forms and Fees. The application shall state in writing the nature of the waiver requested and explain why the findings necessary to grant the waiver are satisfied. The applicant shall also submit plans delineating the requested waiver.
- C. **Review of Requests for Reasonable Accommodation to Ensure Access to Housing.** An application for reasonable accommodation to ensure access to housing will be referred to the Zoning Administrator for review and consideration. The Zoning Administrator shall issue a written decision within 45 days of the date of the application and may grant the reasonable accommodation request, grant with changes to the request, or deny the request. All written decisions shall 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 Code, it shall be heard and acted upon at the same time and in the same manner as that application.
- E. **Public Notice and Hearing.** Except for waivers processed in conjunction with another application or entitlement under this Code, waivers do not require a public hearing or public notice prior to taking action. A notice of the Zoning Administrator's decision shall be posted in the Planning Department for a period of 10 days from the date of the decision.

11.60.040 Required Findings for Approval

A decision to grant a waiver or modification shall be based on the following findings:

- A. The waiver or modification 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.
- B. There are no alternatives to the requested waiver or modification 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.

- C. The granting of the requested waiver or modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Code.
- D. If the waiver or modification requested is to provide reasonable accommodation pursuant to State or federal law, in addition to any other findings that this chapter requires, the decision-maker ~~only must~~ ~~also~~ make the following findings:
 - 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 prevent an undue financial or administrative burden on the County;~~ and
 - 4. That ~~denial- granting~~ of the requested waiver or modification 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 require a fundamental alteration in the nature of a County program or law including but not limited to land use and zoning.~~

11.60.050 Conditions of Approval

- A. In approving a waiver or modification, the Zoning Administrator may impose any conditions deemed necessary to:
 - 1. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable specific plan, community plan, or other plan or policy adopted by the Board of Supervisors;
 - 2. Achieve the general purposes of this Code or the specific purposes of the zoning district in which the project is located;
 - 3. Achieve the findings for a waiver or exception granted; or
 - 4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.
- B. Waivers and modifications 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.

11.60.060 Post-Decision Procedures

- A. **Appeals.** The applicant or any other aggrieved party may appeal a decision on a waiver or exception pursuant to the provisions of Section 11.53.150, Appeals and Calls for Review.
 - 1. An appellant may request a reasonable accommodation in the procedure by which an appeal will be conducted.

2. If an appellant needs assistance in filing an appeal, the Planning Department shall provide the assistance that is necessary to ensure that the appeal process is accessible to the applicant.
- B. **Expiration, Extensions, and Modifications.** Waivers and exceptions granted under this chapter are effective and may only be extended or modified as provided for in Chapter 11.53, Common Procedures.

Chapter 11.61 Amendments to Development Code and Official Zoning Map

Sections:

11.61.010	Purpose
11.61.020	Applicability
11.61.030	Initiation of Amendment
11.61.040	Application Procedures Application Procedures
11.61.050	Review Procedures and Public Notice
11.61.060	Planning Commission Hearing and Recommendation
11.61.070	Board of Supervisors Hearing and Action
11.61.080	Required Findings for Approval

11.61.010 Purpose

This chapter provides procedures by which changes may be made to the text of this Code and to the Official Zoning Map whenever the public necessity and convenience and the general welfare require such amendment to maintain consistency with the General Plan.

11.61.020 Applicability

The procedures in this chapter shall apply to all proposals to change the text of this Code or to revise a zoning district classification or zoning district boundary line shown on the Official Zoning Map.

11.61.030 Initiation of Amendment

An amendment to the Development Code text or Official Zoning Map may be initiated by:

- A. Application by any qualified applicant identified in Section 11.53.020, Application Forms and Fees;
- B. A motion of the Board of Supervisors; or
- C. Upon recommendation by the Planning Commission, CDSA Director or Planning Director to clarify text, address changes mandated by State law, maintain general and specific plan consistency, to address minor boundary adjustments, or for any other reason beneficial to the County.

11.61.040 Application Procedures

- A. **Application.** A qualified applicant shall submit an application for an amendment to the Development Code text or Official Zoning Map on a form prescribed by the Planning Department accompanied by the required fee. The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
- B. **Concurrent Processing.** An application for an amendment to the Development Code text or Official Zoning Map may be processed concurrently with other applications, at the discretion of the Planning Director. Entitlements approved in conjunction with an amendment to the Development Code text

or Official Zoning Map that cannot be approved without the amendment shall not be effective until the amendment is effective.

11.61.050 Review Procedures and Public Notice

- A. **Staff Report.** The Planning Director shall prepare a report and recommendation to the Planning Commission on any application for an amendment to the Development Code text or Official Zoning Map. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in Section 11.61.080, Required Findings for Approval, of this chapter, and an environmental document prepared in compliance with the California Environmental Quality Act.
- B. **Scheduling.** The Planning Department shall schedule the application for hearing by the Planning Commission.
- C. **Public Notice.** At least 10 days before the date of the public hearing, the Planning Department shall provide notice consistent with Chapter 11.53, Common Procedures. Notice of the hearing also shall be mailed or delivered at least 10 days prior to the hearing to any other local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

11.61.060 Planning Commission Hearing and Recommendation

- A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 11.53, Common Procedures.
- B. **Recommendation to Board.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, findings related to the criteria in Section 11.61.080, Required Findings for Approval, and the relationship of the proposed for amendment to applicable general and specific plans, and shall be transmitted to the Board of Supervisors in the form of a Board memo, prepared by Planning Staff, with a copy of the approved minutes or minute order from the Planning Commission meeting.

11.61.070 Board of Supervisors Hearing and Action

- A. If the matter under consideration is a proposal to reclassify a property from one zone to another and the Planning Commission has recommended against the adoption of such amendment, the Board of Supervisors is not required to take any further action unless an interested party files a written request for a hearing with the Planning Department within 10 days after the Planning Commission action.
- B. When a change of zone or Development Code Amendment is forwarded to the Board of Supervisors for action, the Board of Supervisors shall hold a duly-noticed public hearing pursuant to Section 11.53.050, Notice of Public Hearings. In addition, the notice shall include a summary of the Planning Commission recommendation.
- C. After the conclusion of the hearing, the Board of Supervisors may approve, modify or deny the proposed amendment. If the Board proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 40 days

after the referral shall be deemed a recommendation to approve and the amendment shall be returned to Board for adoption.

11.61.080 Required Findings for Approval

The Planning Commission shall not recommend and the Board of Supervisors shall not approve an amendment unless the proposed amendment meets the criteria of this section:

- A. **Development Code Text Amendments.** An amendment that involves changes to the text of this Code may only be approved if it meets the following criteria:
 - 1. The amendment is consistent with the General Plan and any adopted and applicable community plan or specific plan; and
 - 2. The amendment is consistent with the purpose of this Code to promote the growth of the County in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare.
- B. **Amendments to Official Zoning Map.** An amendment that involves a change to the Official Zoning Map may only be approved if it meets the following criteria:
 - 1. The change in district boundaries is consistent with the General Plan and any applicable adopted community plan or specific plan;
 - 2. The change in district boundaries is consistent with the purpose of this Code to promote the growth of the County in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare; and
 - 3. The change in district boundaries is necessary to achieve the balance of land uses desired by the County, consistent with the General Plan, and to increase the inventory of land within a given zoning district.

Chapter 11.62 General Plan Amendments

Sections:

11.62.010	Purpose
11.62.020	Applicability
11.62.030	Annual Limit on Number of General Plan Amendments
11.62.040	Initiation
11.62.050	Application Procedures Application Procedures
11.62.060	Review Procedures and Public Notice
11.62.070	Planning Commission Hearing and Recommendation
11.62.080	Board of Supervisors Hearing and Action Board of Supervisors Hearing and Action
11.62.090	Required Findings for Approval

11.62.010 Purpose

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 as a result of changes in conditions or circumstances unforeseen at the time of adoption or last amendment of the General Plan. 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 adoption or last amendment. In addition, when conditions and needs change, the County may consider proposed amendments to the General Plan policies and/or land use designations.

This chapter is intended to supplement the detailed requirements for the preparation, adoption, and amendment of general plans in Sections 65350 to 65362 of the California Government Code.

11.62.020 Applicability

The procedures of this chapter apply to all proposals to change the text of the General Plan, Land Use Map, or the diagrams that illustrate the application of its provisions.

11.62.030 Annual Limit on Number of General Plan Amendments

Pursuant to California Government Code 65358, no mandatory element of the General Plan may be amended more than four times during the calendar year. However, this annual limit does not apply to:

- A. Residential development projects in which at least 25 percent of the units will be occupied by families of low and moderate incomes.
- B. An amendment necessary to comply with a court decision in a case involving the legal adequacy of the general plan;
- C. An amendments to bring the General Plan into compliance with an airport land use plan; or
- D. An amendment needed in connection with the adoption of a comprehensive development plan under the Urban Development Incentive Act.

11.62.040 Initiation

An amendment to the General Plan may be initiated by any qualified applicant identified in Section 11.53.020, Application Forms and Fees, or a motion of the Board of Supervisors or upon recommendation by the Planning Commission or CDSA Director.

11.62.050 Application Procedures

- A. **Application.** The applicant shall submit an application for a General Plan Amendment on a form prescribed by the Planning Department accompanied by the required fee. The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to review and approve the application.
- B. **Coordination with Other Applications.** The Planning Department may allow any necessary applications for amendments to zoning regulations or for approval under the requirements of this Development Code to be reviewed and approved concurrently with the proposed General Plan Amendment.

11.62.060 Review Procedures and Public Notice

- A. **Staff Report.** The Planning Director shall prepare a report and recommendation to the Planning Commission on the application for a General Plan Amendment. The report shall include, but is not limited to, a discussion of how the proposed amendment complies with the purposes of this chapter, a determination as to whether the proposed amendment will require amendment to other plans that the Board of Supervisors has adopted, and an environmental document prepared in compliance with the California Environmental Quality Act.
- B. **Scheduling.** The Planning Department shall schedule the application for hearing by the Planning Commission in accordance with the County's schedule for considering General Plan Amendments.
- C. **Public Notice.** At least 10 days before the date of the public hearing, the Planning Department shall provide notice consistent with Chapter 11.53, Common Procedures. Notice of the hearing also shall be mailed or delivered at least 10 days prior to the hearing to any school district, public utility district, or other local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment and any other entity as required by Section 65352 of the California Government Code.

11.62.070 Planning Commission Hearing and Recommendation

- A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 11.53, Common Procedures.
- B. **Recommendation to Board.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed General Plan Amendment and the environmental determination to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, findings supporting the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, and a copy of the approved minutes or minute order from the Planning Commission meeting.

11.62.080 Board of Supervisors Hearing and Action

- A. If the Planning Commission has recommended against the adoption of such amendment, the Board of Supervisors is not required to take any further action unless an interested party files a written request for a hearing with the Planning Department within 10 days after the Planning Commission action.
- B. When an amendment is forwarded to the Board of Supervisors for action, the Board of Supervisors shall conduct a duly-noticed public hearing pursuant to Section 11.53.050, Notice of Public Hearings. In addition, the notice shall include a summary of the Planning Commission recommendation.
- C. After the conclusion of the hearing, the Board of Supervisors may approve, modify or deny the proposed General Plan Amendment. Expansion of the Valley Growth Boundary requires approval of at least four of five Board members. If the Board proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for its recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. The failure of the Planning Commission to report within 40 days after the referral shall be deemed a recommendation to approve and the amendment shall be returned to Board for adoption.
- D. Following the Board action, the County Clerk of the Board shall make the documents amending the plan, including the diagrams and text, available for public inspection.

11.62.090 Required Findings for Approval

The Board of Supervisors shall only approve a General Plan Amendment if it makes all of the following findings:

- A. The proposed amendment is in the public interest;
- B. The proposed amendment is consistent and compatible with the goals and policies of the General Plan;
- C. The potential effects of the proposed amendment have been evaluated and determined not to be detrimental to the public health, safety, or welfare; and
- D. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.
- E. In addition to the above findings, expansion of the Valley Growth Boundary requires approval of at least four out of five Board members.

Chapter 11.63 Community Plans

Sections:

11.63.010	Purpose	
11.63.020	Applicability	
11.63.030	Initiation	
11.63.040	Application Procedures Application Procedures	
11.63.050	Requirements for Community Plans	
11.63.060	Rural Centers	
11.63.070	Required Findings for Approval Required Findings for Approval	
11.63.080	Zoning Established Consistent with Community Plan	
11.63.090	Conditions of Approval Conditions of Approval	
11.63.100	Review and Adoption	
11.63.110	Review of Plans within a Community Plan Area Review of Plans within a Community Plan Area	
11.63.120	Amendment Procedure	

11.63.010 Purpose

This chapter establishes a process for review and approval of Community Plans. Community Plans focus on a particular region or community within the more extensive planning area encompassed by the General Plan and refine its policies and designations as they apply to such areas. Community Plans provide a process for residents to work in conjunction with the County to prepare community-based plans that guide future land use and development. Community Plans also help ensure the orderly development of Rural Communities and Rural Centers, consistent with General Plan policies and objectives.

11.63.020 Applicability

The provisions of this chapter apply to all proposals for the adoption or amendment of a Community Plan.

11.63.030 Initiation

A Community Plan may be initiated by any qualified applicant identified in Section 11.53.020, Application Forms and Fees, or by a motion of the Board of Supervisors or recommendation of the Planning Commission or CDSA Director.

11.63.040 Application Procedures

- A. **Pre-application Review.** Prior to submitting an application for a Community Plan, the applicant shall schedule a pre-application review conference with the CDSA Director to discuss the general acceptability of the project proposal, possible problems that may be encountered, and the need, if any, for interagency coordination.
- B. **Application.** An applicant shall submit an application for a Community Plan on a form prescribed by the Planning Department and accompanied by the required fee. A Community Plan shall include the elements listed in Section 11.63.050, Requirements for Community Plans, of this chapter. The application for a Community Plan shall include:

1. **Plan Narrative.** A general narrative describing the location of the plan, its total acreage, and the existing character and use of the plan area and adjoining areas; proposed uses and activities; proposed residential densities, if appropriate; and the relation of the proposed Community Plan to the General Plan.
 2. **Maps and Diagrams.** Maps, diagrams, and other graphics necessary to establish the physical scale and character of the plan area and demonstrate the relationship among its constituent land uses and public facilities.
 - a. **Project Boundaries.** A map showing the proposed project boundaries, the perimeter of the ownership, location and dimensions of any existing property lines and easements within the site, and the location of buildings, roads, parking and open areas.
 - b. **Site Plan.** A site plan indicating the proposed land uses and the total floor area or land area devoted to each; the proposed density or intensity of development; the location of proposed streets, pedestrian ways, and bike ways; and the general location of proposed lot lines, structures, buildings, parking, yards, pathways, open spaces and other public or private facilities.
 3. **Other Information.** The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application and for the Board of Supervisors to determine if the project meets the required findings for approval.
- C. **Coordination with Other Applications.** The Planning Director may allow any necessary applications for Community Plans to be processed concurrently with any other permit required by this Code.

11.63.050 Requirements for Community Plans

- A. **Minimum Area.** The minimum plan area for a Community Plan shall be five acres. However, a Community Plan for a smaller area may be considered and approved if consistent with the purposes of this chapter and the General Plan. The plan area may consist of a single parcel or a combination of adjoining parcels.
- B. **Land Uses.** Land uses shall reflect the land use mix in the General Plan Land Use Diagram. Adjustments to the locations of land uses indicated on the General Plan Land Use Diagram may be approved, as long as the total allocation of each use within each plan area is generally consistent with the proportions indicated on the General Plan Land Use Diagram.
 1. **Residential Uses.** The plan shall include proposed lot size ranges and residential dwelling types (single-family detached, small-lot single family, townhomes, multi-family) within the plan area.
 2. **Public Parks and Open Space.** A Community Plan shall identify parks and open spaces. It shall contain an appropriate range of park facilities, such as local parks, regional parks, trails, and open space, to serve the plan area. Parks and open spaces shall be sized and located consistent with the Recreational Open Space Guidelines in the Natural Resources Element of the General Plan, and shall also be consistent with the Yuba County Parks Master Plan.
 3. **Public Uses.** A Community Plan shall indicate the location of public uses needed to serve the plan area or surrounding area. Schools shall be located as shown on the General Plan Land

Use Diagram or as determined through consultation with the County and the applicable school district.

- C. **Density and Intensity Standards.** The Community Plan may identify more precise standards related to density and intensity to locations within the plan area provided the total development density and intensity in a Community Plan shall not exceed the amount permitted by the General Plan total area of the Community Plan.
- D. **Development Standards.** Development standards for the physical development of property. The General Plan provides for flexibility to allow reduced front yard setbacks, smaller driveways, and other techniques for compact housing that makes efficient use of land and still fits within the context of Yuba County.
- E. **Circulation System.** A Community Plan shall indicate the location of transportation facilities that will serve the plan area and connect it to surrounding areas. It shall show the location of arterials and collector roads and their relation to existing and planned roads in adjacent areas. Streets shall be aligned with existing planned arterial and collector streets in adjacent areas in such a way that a continuous street pattern is created. The Community Plan shall include a system of bicycle and pedestrian routes that provides access to the plan area, according to the character and needs of the area. The circulation system shall be consistent with the Vehicular Circulation Diagram, Bicycle and Pedestrian Circulation Diagram, and Transit Circulation Diagram of the General Plan and Yuba County Master Bikeway Plan, though refinements and additional facilities needed to serve the plan area may be proposed.
- F. **Utilities.** The locations and capacities of existing utilities in the vicinity of the site, and tentative extensions to the site.
- G. **Other Information.** Any other information deemed necessary by the Planning Director to ascertain if the project meets the required findings for a Community Plan.

11.63.060 Rural Centers

Community Plans in areas designated Rural Community on the General Plan Land Use Diagram may identify one or more Rural Centers that provide areas for activities, goods and services needed or anticipated to be needed by the local population.

- A. **Location.** Rural Centers should be located on collector roads, arterial roads, or highways, particularly at “crossroads” locations central to the surrounding rural communities.
- B. **Land Uses.** A Rural Center shall be composed of a mix of land uses that may include, but need not be limited to locally-oriented retail, service commercial, and medical uses; agricultural- and ecological-based tourist uses; public and semi-public uses (e.g., schools, parks, libraries, post offices); and residential uses.
- C. **Public Space.** Each Rural Center shall contain at least one common area for public gathering such as a park, gazebo, public plaza, or square.
- D. **Residential Density.** The overall residential density for the plan area shall be consistent with the Rural Community designation of the General Plan. The Community Plan may provide for a wide range of densities and housing types within the plan area. Where possible, dwellings shall be clustered on smaller lots around Rural Centers with larger lots at the edges of the plan area that transition to surrounding open space or agricultural areas.

11.63.070 Required Findings for Approval

- A. **Community Plans (Generally).** The Board of Supervisors shall only approve a Community Plan if it makes all of the following findings.
1. The proposed Community Plan is consistent with the General Plan and any other applicable plan that the County has adopted.
 2. The proposed land uses will be adequately, reasonably, and conveniently served by public services, utilities, and public facilities.
 3. There is a strong relationship between the proposed land uses. They complement one another and will be physically connected through transportation facilities.
 4. The Community Plan includes adequate space for community gathering or recreation. Where feasible, the plan also includes public facilities and services such as post offices, libraries, fire stations, or government offices.
 5. The potential effects of the proposed Community Plan have been evaluated and determined not to be detrimental to the public health, safety, or welfare; and
 6. The proposed Community Plan has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.
- B. **Rural Community Plans.** In addition to the general findings for approval of Community Plans, the following findings are required for approval of Community Plans in areas designated Rural Community on the General Plan Land Use Diagram:
1. The plan will maintain the predominant rural character of the area;
 2. Proposed land uses and development intensities within any Rural Center will complement the rural character of the surrounding area.
 3. Rural Centers will provide for a variety of activities and services anticipated to be needed by the local population.
 4. Rural Centers are appropriately located. To the extent feasible, Rural Centers will be on major roadways and at “crossroads” locations central to surrounding rural communities.
 5. The plan provides for adequate preservation of natural and cultural resources. Rural development will be located so as to preserve and provide buffers around native oak trees and other healthy and attractive native vegetation, cultural resources, biological features, mineral deposits, active agricultural operations, unique landforms, historic structures and landscapes, and other natural resources.
 6. The plan provides appropriate transitions in scale, density, and lot size between rural development and surrounding open space areas.
 7. Any clustering of uses or reduction in parcel sizes from the base zoning has to demonstrate the ability to provide adequate water and waste facilities consistent with any adopted Environmental Health Department standards or regulations.

11.63.080 Zoning Established Consistent with Community Plan

A Community Plan may include proposed zoning districts that accommodate the proposed land uses and densities and are consistent with this chapter and the General Plan. If the Board of Supervisors approves a Community Plan, it may concurrently adopt a set of zoning districts for a portion or all of the plan area.

11.63.090 Conditions of Approval

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

- A. Ensure that the Community Plan conforms with the General Plan and with any other applicable plan adopted by the Board;
- B. Achieve the general purposes of this Code;
- C. Protect the public health, safety, and general welfare; or
- D. Mitigate any potentially significant impacts identified as a result of environmental review.

11.63.100 Review and Adoption

A Community Plan shall be reviewed and acted upon by the Board of Supervisors. A public hearing before the Planning Commission is required prior to Board of Supervisors review, and the Planning Commission shall make a recommendation to the Board of Supervisors.

11.63.110 Review of Plans within a Community Plan Area

Plans for a project within the boundaries of a Community Plan shall be accepted for review only if they are consistent with the approved Community Plan.

11.63.120 Amendment Procedure

A Community Plan may be amended in the same manner as it was adopted. Amendment of a Community Plan is subject to the same findings as required for the initial approval.

Chapter 11.64 Specific Plans and Amendments

Sections:

11.64.010	Purpose and Applicability
11.64.020	Applicability
11.64.030	Initiation
11.64.040	Application Procedures Application Procedures
11.64.050	Specific Plan Contents
11.64.060	Land Use Regulations and Standards
11.64.070	Review Procedures and Public Notice
11.64.080	Planning Commission Hearing and Recommendation
11.64.090	Board of Supervisors Hearing and Action Board of Supervisors Hearing and Action
11.64.100	Required Findings for Approval Required Findings for Approval
11.64.110	Amendment Procedure
11.64.120	Specific Plan Administration

11.64.010 Purpose and Applicability

This chapter establishes procedures for consideration of specific plans as authorized by Article 8, Chapter 3, Division 1, Title 7 and other applicable provisions of the Government Code. This chapter also describes the relation between an adopted specific plan and the provisions of this Code.

Specific Plans provide a mechanism for the classification and regulation of land use and development with specific project boundaries that are consistent with and implement the goals and objectives of the General Plan.

11.64.020 Applicability

The procedures of this chapter apply to all proposals for the adoption or amendment of a Specific Plan.

11.64.030 Initiation

A specific plan may be initiated by any qualified applicant identified in Section 11.53.020, Application Forms and Fees or a motion of the Board of Supervisors or recommendation by the Planning Commission or CDSA Director.

11.64.040 Application Procedures

- A. **Application.** A qualified applicant shall submit an application for a Specific Plan on a form prescribed by the Planning Department accompanied by the required fee. The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
- B. **Coordination with Other Applications.** The Planning Director may allow any necessary applications for Specific Plans to be processed concurrently with any other permit required by this Code.

11.64.050 Specific Plan Contents

A Specific Plan shall include, but need not be limited to, a text and diagram(s) that specify all of the following in detail:

- A. The distribution, location and extent of individual land uses, including open space, within the area covered by the plan;
- B. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, parks, 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. Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable;
- D. A program of implementation measures, including regulations, programs, public works projects, financing measures and a statement of consistency with any existing master/capital improvements plan necessary to carry out subsections (A), (B) and (C) listed above; and
- E. A statement of relationship of the Specific Plan to the General Plan, including a statement of how the Specific Plan implements the goals and policies of the General Plan.

11.64.060 Land Use Regulations and Standards

The Specific Plan shall describe the basic land use regulations and development, design, and performance standards that govern each use identified by the Specific Plan. These regulations and standards may include, but need not be limited to the following:

- A. A listing of allowable uses within each land use designation and applicable definitions, use classifications, supplemental standards, and requirements for discretionary entitlement application and other permits;
- B. Standards governing residential density, site coverage, lot size and dimensions, yard requirements, usable open space, landscaping and related performance standards;
- C. Site development regulations consistent with those of adjacent zoning districts, which apply at the perimeter of the Specific Plan area;
- D. Supplemental illustrations establishing the basic architectural and environmental character to be attained throughout the Specific Plan; and
- E. Standards and guidelines for the architectural, landscaping, streetscape and other urban design features for development within the Specific Plan.

11.64.070 Review Procedures and Public Notice

- A. **Staff Report.** The Planning Director shall prepare a report and recommendation to the Planning Commission on the application for a Specific Plan. The report shall include, but is not limited to, a discussion of how the proposed Specific Plan complies with the purposes of this chapter, a determination as to whether the proposed amendment will require amendment to other plans that the Board of Supervisors or the Redevelopment Agency have adopted, and an environmental assessment prepared in compliance with the California Environmental Quality Act.

- B. **Scheduling.** The Planning Director shall schedule the application for hearing by the Planning Commission.
- C. **Public Notice.** At least 10 days before the date of the public hearing, the Planning Department shall provide notice consistent with Chapter 11.53, Common Procedures. Notice of the hearing also shall be mailed or delivered at least 10 days prior to the hearing to any school district, public utility district, or other local agency expected to provide essential facilities or services to the property that is the subject of the proposed Specific Plan.

11.64.080 Planning Commission Hearing and Recommendation

- A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 11.53, Common Procedures.
- B. **Recommendation to Board.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed Specific Plan and the environmental determination to the Board of Supervisors. In formulating a recommendation, the Commission shall consider the extent to which the proposed amendment meets the purposes of this chapter, the compatibility of the proposed amendment with the General Plan, and any changes to the Specific Plan that the Commission deems necessary to comply with other adopted Plans and ordinances or to reduce environmental impacts.

11.64.090 Board of Supervisors Hearing and Action

- A. If the Planning Commission has recommended against the adoption of such Specific Plan, the Board of Supervisors is not required to take any further action unless an interested party files a written request for a hearing with the Planning Department within 10 days after the Planning Commission action.
- B. When a Specific Plan is forwarded to the Board of Supervisors for action, the Board of Supervisors shall conduct a duly-noticed public hearing pursuant to Section 11.53.050, Notice of Public Hearings. In addition, the notice shall include a summary of the Planning Commission recommendation.
- C. After the conclusion of the hearing, the Board of Supervisors may approve, modify or deny the proposed Specific Plan. If the Board proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for its recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. The failure of the Planning Commission to report within 40 days after the referral shall be deemed a recommendation to approve and the amendment shall be returned to Board for adoption.

11.64.100 Required Findings for Approval

The Planning Commission shall not recommend and the Board of Supervisors shall not adopt a Specific Plan unless the following findings are made:

- A. The Specific Plan implements and is consistent with the General Plan;
- B. The Specific Plan will not be detrimental to the public interest, health, safety, convenience, or welfare of the County;
- C. The Specific Plan area is physically suitable for the proposed land use designation(s) and the anticipated development; and

- D. The proposed development will be superior to development otherwise allowed under conventional zoning classifications.

11.64.110 Amendment Procedure

A Specific Plan may be amended to change the text or land use designation in the same manner as it was adopted, except that the Specific Plan may be amended as often as deemed necessary by the Board of Supervisors. Amendment of a Specific Plan is subject to the same findings as prescribed for the initial approval.

11.64.120 Specific Plan Administration

- A. **Administration.** Specific Plans and associated regulations shall be administered in accordance with Article 8, Chapter 3, Division 1, Title 7 and other applicable provisions of the Government Code. Such plans and regulations may reference existing provisions and procedures of this Code or they may develop different administrative procedures to use in the implementation of the specific plan.
- B. **Consistency.** No discretionary entitlement applications or other permits may be approved, adopted or amended within the area covered by a Specific Plan, unless found to be consistent with the adopted Specific Plan.
- C. **Specific Plan Supersedes.** Except as otherwise expressly provided in a specific plan, property may be used for any purpose and subject to all of the standards and requirements of the base zone. Where the regulations of a specific plan differ from the provisions of the base zone, such regulations shall supersede the provisions of the base zone as specified in the specific plan.

Chapter 11.65 Master Plans

Sections:

11.65.010	Purpose
11.65.020	Applicability
11.65.030	Initiation
11.65.040	Application Procedures <u>Application Procedures</u>
11.65.050	Zoning Established Consistent with Master Plan
11.65.060	Review and Adoption
11.65.070	Required Findings for Approval <u>Required Findings for Approval</u>
11.65.080	Review of Plans within a Community Plan Area <u>Review of Plans within a Community Plan Area</u>
11.65.090	Amendment Procedure

11.65.010 Purpose

This chapter establishes a process for review and approval of Master Plans. Master planning helps ensure the orderly development of large areas of the County consistent with the General Plan, especially in growth areas where the appropriate mix of uses and site design can best be achieved through an integrated development plan. Master Planning allows development to be phased over time, consistent with an approved development framework.

11.65.020 Applicability

The provisions of this chapter apply to all proposals for the adoption or amendment of a Master Plan

11.65.030 Initiation

A Master Plan may be initiated by:

- A. Application by any qualified applicant identified in Section 11.53.020, Application Forms and Fees; or
- B. A motion of the Board of Supervisors or recommendation of the Planning Commission or CDSA Director.

11.65.040 Application Procedures

- A. **Application.** A qualified applicant shall submit an application for a Master Plan on a form prescribed by the Planning Department accompanied by the required fee in accordance with the procedures in Chapter 11.53, Common Procedures. The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
- B. **Concurrent Processing.** An application for a Master Plan may be processed concurrently with other applications, at the discretion of the Planning Director. Entitlements approved in conjunction with a Master Plan that cannot be approved without the Master Plan shall not be effective until the Master Plan is effective.
- C. **Master Plan Content.**

1. ***Land Uses.*** Land uses shall reflect the land use mix in the General Plan Land Use Diagram. Adjustments to the locations of land uses indicated on the General Plan Land Use Diagram may be approved, as long as the total allocation of each use within each plan area is generally consistent with the proportions indicated on the Land Use Diagram.
 - a. ***Residential Uses.*** The plan shall include proposed lot size ranges and residential dwelling types (single-family detached, small-lot single family, townhomes, multi-family) within the plan area.
 - b. ***Public Parks and Open Space.*** A Master Plan shall identify parks and open spaces. It shall contain an appropriate range of park facilities, such as local parks, regional parks, trails, and open space, to serve the plan area. Parks and open spaces shall be sized and located consistent with the Recreational Open Space Guidelines in the Natural Resources Element of the General Plan, and shall also be consistent with the Yuba County Parks Master Plan.
 - c. ***Public Uses.*** A Master Plan shall indicate the location of public uses needed to serve the plan area or surrounding area. Schools shall be located as shown on the General Plan Land Use Diagram or as determined through consultation with the County and the applicable school district.
2. ***Density and Intensity Standards.*** The Master Plan may identify more precise standards related to density and intensity to locations within the plan area provided the total development density and intensity in a Master Plan shall not exceed the amount permitted by the General Plan total area of the Master Plan.
3. ***Development Standards.*** Development standards for the physical development of property. The General Plan provides for flexibility to allow reduced front yard setbacks, smaller driveways, and other techniques for compact housing that makes efficient use of land and still fits within the context of Yuba County.
4. ***Circulation System.*** A Master Plan shall indicate the location of transportation facilities that will serve the plan area and connect it to surrounding areas. It shall show the location of arterials and collector roads and their relation to existing and planned roads in adjacent areas. Streets shall be aligned with existing planned arterial and collector streets in adjacent areas in such a way that a continuous street pattern is created. The Master Plan shall include a system of bicycle and pedestrian routes that provides access to the plan area, according to the character and needs of the area. The circulation system shall be consistent with the Vehicular Circulation Diagram, Bicycle and Pedestrian Circulation Diagram, and Transit Circulation Diagram of the General Plan, though refinements and additional facilities needed to serve the plan area may be proposed.
5. ***Utilities.*** The locations and capacities of existing utilities in the vicinity of the site, and tentative extensions to the site.

11.65.050 Zoning Established Consistent with Master Plan

A Master Plan application may include proposed zoning districts that accommodate the proposed land uses and densities and are consistent with this chapter and the General Plan. If the Board of Supervisors approves a master plan, it shall concurrently adopt a set of zoning districts for a portion or all of the plan area.

11.65.060 Review and Adoption

A Master Plan shall be reviewed and acted upon by the Board of Supervisors in accordance with the procedures in Chapter 11.53, Common Procedures. A public hearing before the Planning Commission is required prior to Board of Supervisors review, and the Planning Commission shall make a recommendation to the Board of Supervisors.

11.65.070 Required Findings for Approval

The Board of Supervisors shall only approve a Master Plan if it makes all of the following findings.

- A. The proposed Master Plan is consistent with the General Plan and any other applicable plan that the County has adopted.
- B. The proposed land uses will be adequately, reasonably, and conveniently served by public services, utilities, and public facilities.
- C. The potential effects of the proposed Master Plan have been evaluated and determined not to be detrimental to the public health, safety, or welfare; and
- D. The proposed Master Plan has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

11.65.080 Review of Plans within a Community Plan Area

Plans for a project within the boundaries of a Master Plan shall be accepted for review only if they are consistent with the approved Master Plan.

11.65.090 Amendment Procedure

A Master Plan may be amended in the same manner as it was adopted. Amendment of a Master Plan is subject to the same findings as required for the initial approval.

Chapter 11.66 Development Agreements

Sections:

11.66.010	Purpose and Applicability
11.66.020	Initiation
11.66.030	Application Procedures
11.66.040	Development Agreement Contents
11.66.050	Review Procedure and Public Notice
11.66.060	Planning Commission Hearing and Action
11.66.070	Board of Supervisors Hearing and Action
11.66.080	Required Findings for Approval
11.66.090	Amendment Procedures or Termination
11.66.100	Effect of Development Agreement
11.66.110	Periodic Review

11.66.010 Purpose and Applicability

A Development Agreement is a contract between the County and an applicant for a development project, in compliance with Government Code Section 65864 et seq. The purpose of a Development Agreement is to:

- A. Facilitate development projects for which there is significant applicant contribution toward infrastructure, public facilities, open space or other amenities, or other programs of benefit to the County and its residents.
- B. Assure the applicant that upon approval of the subject project, the project may proceed in accordance with existing County policies, rules and regulations in place at the time of Development Agreement approval.
- C. Encourage private participation in comprehensive planning and provision of public facilities, including, but not limited to, streets, sewerage, transportation, potable water, schools and utilities.
- D. Provide a net benefit to the County and its residents not otherwise obtainable through other processes.

11.66.020 Initiation

The County may enter into a Development Agreement with any person who has controlling, legal, or equitable interest in real property for the development of the property.

11.66.030 Application Procedures

- A. **Pre-application Review.** Prior to submitting an application for a Development Agreement, the applicant shall schedule a pre-application review conference with the CDSA Director to discuss the general terms of the agreement.
- B. **Application.** A qualified applicant shall submit an application for a Development Agreement on a form prescribed by the CDSA Director accompanied by the required fee in accordance with the procedures in Chapter 11.53, Common Procedures. The CDSA Director may require an applicant to

submit such additional information and supporting data as considered necessary to process the application.

- C. **Concurrent Processing.** An application for a Development Agreement may be processed concurrently with other applications, at the discretion of the Planning Director.

11.66.040 Development Agreement Contents

- A. **Mandatory Contents.** All Development Agreements shall specify all of the following:
1. The specified duration of the Development Agreement.
 2. The permitted uses of the subject property.
 3. The permitted density or intensity of development of the subject project.
 4. The maximum permitted height and size of proposed structures.
 5. Provisions for the dedication or preservation of land for public purposes, if applicable.
 6. A specific sunset date for the Development Agreement.
- B. **Optional Contents.** Development Agreements may, upon mutual agreement of the County and the applicant, specify any of the following:
1. The conditions, terms, restrictions, and requirements for subsequent discretionary actions.
 2. Requirements that construction be commenced within a specified time and that the project or any phase of the project be completed within a specified time.
 3. Terms and conditions related to applicant financing of necessary public facilities and subsequent reimbursement over time.

11.66.050 Review Procedure and Public Notice

- A. **Staff Report.** The CDSA Director shall prepare a report and recommendation to the Planning Commission on any application for Development Agreement. The report shall include, but is not limited to, a discussion of how the proposed Development Agreement meets the criteria in Section 11.66.080, Required Findings for Approval, of this chapter, and an environmental document prepared in compliance with the California Environmental Quality Act.
- B. **Scheduling.** The Planning Department shall schedule the application for hearing by the Planning Commission.
- C. **Public Notice.** At least 10 days before the date of the public hearing, the Planning Department shall provide notice consistent with Chapter 11.53, Common Procedures.

11.66.060 Planning Commission Hearing and Action

- A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 11.53, Common Procedures.
- B. **Recommendation to Board.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed Development Agreement to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, findings related to the criteria in Section 11.66.080, Required Findings for Approval, and the relationship of the proposed Development Agreement to applicable general and specific plans, and shall be transmitted to the Board of

Supervisors in the form of a Board memo, prepared by Planning Staff, with a copy of the minutes or minute order from the Planning Commission meeting.

11.66.070 Board of Supervisors Hearing and Action

- A. If the Planning Commission has recommended against the adoption of such Development Agreement, the Board of Supervisors is not required to take any further action unless an interested party files a written request for a hearing with the Planning Department within 10 days after the Planning Commission action.
- B. When a Development Agreement is forwarded to the Board of Supervisors for action, the Board of Supervisors shall hold a duly-noticed public hearing pursuant to Section 11.53.050, Notice of Public Hearings. In addition, the notice shall include a summary of the Planning Commission recommendation.
- C. After the conclusion of the hearing, the Board of Supervisors may approve, modify or deny the proposed Development Agreement. If the Board proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 40 days after the referral shall be deemed a recommendation to approve and the Development Agreement shall be returned to Board for adoption.
 - 1. The action by the Board of Supervisors shall be by a majority vote of the entire Board and shall be final and conclusive.
 - 2. The Board of Supervisors may attach conditions to the approval of a Development Agreement as needed to ensure compliance with all applicable standards and regulations in the Development Code.

11.66.080 Required Findings for Approval

The Board of Supervisors may approve an application for a Development Agreement only if all of the following findings can be made:

- A. The Development Agreement will provide clear and substantial benefits to the County and its residents.
- B. The Development Agreement complies with applicable policies and regulations set forth in the Zoning Ordinance, other County ordinances, the General Plan and any other applicable community or specific plan, and the Improvement Standards.
- C. The Development Agreement complies with the requirements of California Government Code Sections 65864 et seq.
- D. The Development Agreement will promote the public health, safety and welfare, and will not be detrimental to or cause adverse effects to the residents, property, or improvements in the vicinity of the subject project.
- E. The Development Agreement will be compatible with the uses allowed in, and the regulations that apply to, the zone in which the subject property is located.
- F. The Development Agreement will not cause adverse effects to the orderly development of property or the preservation of property values in the county.
- G. The Development Agreement will further important countywide goals and policies that have been officially recognized by the Board of Supervisors.

- H. The Development Agreement will provide the county with important, tangible benefits beyond those that may be required by the County through project conditions of approval.

11.66.090 Amendment Procedures or Termination

- A. **Result of Review.** If, as a result of review under Section 11.66.110, Periodic Review, the County determines that the applicant (or successor in interest) has not complied in good faith with the terms and conditions of the Development Agreement, the County may modify or terminate the Development Agreement.
- B. **Notice.** If the County determines to proceed with modification or termination of the Development Agreement, the County shall give notice to the applicant (or successor in interest) of its intention to modify or terminate the agreement. The notice shall contain all of the following:
1. The time and place of the hearing, which shall be conducted by the Board of Supervisors as provided in Subsection C (Hearing).
 2. A statement of whether the County proposes to modify or terminate the Development Agreement.
 3. Any other information the County considers necessary to inform the applicant (or successor in interest) of the nature of the proceedings.
- C. **Hearing.** The Board of Supervisors shall conduct a hearing on the modification or termination of the Development Agreement consistent with the following provisions:
1. The applicant (or successor in interest) shall be given an opportunity to be heard at the hearing.
 2. At the hearing, the Board of Supervisors may affirm, modify or reject the determination of County staff to modify or terminate the Development Agreement.
 3. The Board of Supervisors may refer the matter back to County staff for further proceedings or for report and recommendation.
 4. The Board of Supervisors may impose conditions to the action it takes that it considers reasonable and necessary to protect the interests of the County.
 5. The decision of the Board of Supervisors on the modification or termination shall be final.

11.66.100 Effect of Development Agreement

- A. The effective date of the Development Agreement shall be the effective date of the ordinance approving the Development Agreement.
- B. The Development Agreement shall be recorded in the County Recorder's Office no later than 10 days after it is approved.
- C. Unless otherwise provided by the Development Agreement, the rules, regulations, and official policies governing allowed uses of the land, density, design, improvement, and construction standards and specifications applicable to development of the property subject to a Development Agreement are the rules, regulations, and official policies in force at the time of execution of the agreement.
- D. A Development Agreement does not prevent the County in subsequent actions from conditionally approving or denying any subsequent development project application on the basis of existing or new rules, regulations, and policies.

11.66.110 Periodic Review

- A. The County shall perform a periodic review of the Development Agreement at least every 12 months, or at any other time that the County considers to be appropriate, at which time the applicant (or successor in interest) shall demonstrate good faith compliance with the terms and conditions of the Development Agreement. The review shall be limited in scope to compliance with the terms and conditions of the Development Agreement.
- B. The costs of notice and related costs incurred by the County for review shall be borne by the applicant (or successor in interest).
- C. Failure of the County to conduct a periodic review shall not constitute a waiver by the County of its rights to enforce the provisions of the Development Agreement. The developer shall not assert any defense to the enforcement of the Development Agreement by reason of the failure of the County to conduct a periodic review.

Chapter 11.67 Enforcement and Abatement Procedures

Sections:

11.67.010	Purpose
11.67.020	Enforcement
11.67.030	Duty
11.67.040	Violations Declared as Public Nuisance Violations Declared as Public Nuisance
11.67.050	Penalties Penalties
11.67.060	Remedies
11.67.070	Nuisance Abatement

11.67.010 Purpose

This chapter establishes the responsibilities of various departments, officials and public employees of the County to enforce the requirements of this Code and establishes uniform procedures the County will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of this Code.

11.67.020 Enforcement

All departments, officials, and public employees of the County vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Code, and shall not issue any permit or license for uses, buildings or purposes in conflict with the provisions of this Code, and any such permit or license issued in conflict with the provisions of this Code shall be null and void.

A. Authority.

1. **Primary Authority.** The Director of the affected department shall be the Enforcement Official and is empowered to use any of the provisions of the Yuba County is Code where appropriate to correct violations of, and secure compliance with, the provisions of this Code.
2. **Warning Not Required.** Issuance of a warning shall not be a requirement prior to using any enforcement provision of this Code. Violations of this chapter are not tiered and are subject to citations without notice of violation.

11.67.030 Duty

It shall be the duty of the Enforcement Official to enforce the provisions of this chapter and the Enforcement Official has the following responsibilities and authorities in the enforcement and administration of the provisions of this Code:

1. To review with affected individuals the provisions of this Code through methods to support voluntary compliance with its provisions;
2. To issue citations for violations of this Code, and to issue orders;
3. To initiate necessary proceedings to forfeit securities, bonds or cash deposits;
4. To initiate proceedings to revoke land use permits and other entitlements granted under this Code;

5. To initiate and conduct nuisance abatement proceedings and to carry out additional abatement responsibilities regarding violations of this Code;
6. To carry out any other special enforcement programs initiated by ordinance, order or resolution of the Board of Supervisors, and any other responsibilities and authorities specified by this Subchapter or this Code; and
7. To recover enforcement costs.

11.67.040 Violations Declared as Public Nuisance

- A. Any of the following activities in violation of this Code shall be declared a public nuisance and may be abated in the manner prescribed by law:
 1. Activity Inconsistent with the Development Code. Any development, use or other activity of any building, structure, sign or use of any land in contravention of any provision or any regulation of this Code.
 2. Activity Inconsistent with Permit or Approval. Any development, use, or other activity in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity, whether issued under or required by this Code.
- B. **Illustrative Examples of Violations.** Examples of activities inconsistent with this Code or with permit or approval issued under this Code include, but are not limited to, the following:
 1. Use of any land, structure, or improvement except in accordance with the requirements of this Code;
 2. Increasing the density or intensity of any use of any land or structure except in accordance with the requirements of this Code;
 3. Filing or recording of a subdivision plat in any public office without approval for recording pursuant to this Code;
 4. Failure to remove a temporary use once authorization for the temporary use under this Code and all other applicable regulations has lapsed;
 5. Damage to or removal of required landscaping and vegetation inconsistent with this Code;
 6. Creation, expansion, replacement, or change of a nonconformity inconsistent with this Code and all other applicable regulations;
 7. Failure to remove any sign installed, created, erected, or maintained in violation of this Code, or for which a permit has lapsed;
 8. Failure of a property owner to construct, improve, or maintain any amenity, landscaping, buffers, fencing, drainage improvement, water quality improvement or other improvements required by the terms of any permit or approval as set forth in this Code.
 9. Failure to initiate, establish, and comply with all conditions of approval of any permit or approval prior to initiating or establishing the use, development, or activity such permit or approval allows.
 10. Grading without appropriate permits or clearances.

11. Discharging into a waterway or storm drain system without appropriate permits or clearances.
- C. Any use, event, structure or building, whether non-conforming or otherwise, that meets any of the following criteria shall be deemed a public nuisance subject to abatement as set forth herein: disturbances of the peace, illegal drug activity including sales or possession thereof; public drunkenness, drinking in public, harassment of passers-by, gambling, prostitution, public vandalism, excessive littering, excessive noise (particularly between the hours of 10:00 p.m. and 7:00 a.m.), noxious smells or fumes, curfew violations, lewd conduct or police detention, citations or arrests or any other activity declared by the County to be a public nuisance; violation of any provision of this chapter or any other County, State or federal regulation, ordinance or statute.

11.67.050 Penalties

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating a provision of this Code or failing to comply with a mandatory requirement of this Code shall be guilty of a misdemeanor but may be cited or charged, at the election of the Enforcement Official, as an infraction with penalties assessed consistent with the Yuba County Code.

11.67.060 Remedies

The remedies provided for herein shall be cumulative and not exclusive. Upon a finding of nuisance pursuant to this chapter, and after giving the property owner an opportunity to cure the nuisance and determining that the nuisance still exists; the CDSA Director, Planning Commission, or Board of Supervisors may impose any remedy available at law or in equity, which shall include, but is not limited to, any of the following or combination thereof:

- A. Ordering the cessation of the use in whole or in part;
- B. Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing non-conforming uses;
- C. Requiring continuous compliance with any conditions so imposed;
- D. Requiring the user to guarantee that such conditions shall in all respects be complied with;
- E. Imposing additional conditions or ordering the cessation of the use in whole or in part upon a failure of the user to comply with any conditions so imposed.
- F. Impose fees to cover staff time involved in investigating the violation.
- G. Imposing fines and penalties such as but not limited to double the standard permit fees or fines as outlined in County Code Chapter 7.36.
- H. Recordation of Notice of Non-Compliance or lien against the property.

11.67.070 Nuisance Abatement

Notice and Order(s) shall be provided and abated, according to the procedures of Chapter 7.36 (Property Maintenance Ordinance) of the County Code.

- A. **Urgency Summary Abatement.** The Community Development and Services Agency Director may, in addition to other authorized procedures, take immediate action to abate any nuisance that is deemed

to be an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Agency Director, the County is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the County shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent County from seeking other and further relief authorized under this chapter.

Chapter 11.68 Reserved

Chapter 11.69 Reserved

Chapter 11.70 Reserved

Chapter 11.71 Reserved

Division VI: General Terms

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Chapter 11.72 Use Classifications

Sections:

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11.72.030	Public and Semi-Public Use Classifications
11.72.040	Commercial Use Classifications
11.72.050	Industrial Use Classifications
11.72.060	Transportation, Communication, and Utilities Use Classifications
11.72.070	Agricultural and Natural Resource Use Classifications

11.72.010 Purpose and Applicability

Use classifications describe one or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification. In cases where a specific land use or activity is not listed, the CDSA Director shall assign the land use or activity to a classification that is substantially similar in character to other use classifications listed pursuant to the requirements listed in Section 11.02.030, Rules of Interpretation.

11.72.020 Residential Use Classifications

Residential Housing Types.

Single-Unit Dwelling, Detached. A dwelling unit designed for occupancy by one household, and located on a separate parcel from any other unit (except second living units, where permitted). This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Single-Unit Dwelling, Attached. A dwelling unit designed for occupancy by one household, located on a single parcel, and attached through common vertical walls to one or more dwellings on abutting parcels. Types of dwelling units include but are not limited to townhouses, rowhouses, zero-lot-line homes and semi-attached dwellings where only the garage wall is in common (attached) with the garage wall of the dwelling unit on the adjacent parcel.

~~***Accessory Dwelling Unit.***~~ ~~***Second Dwelling Unit.***~~ ~~An ancillary dwelling unit providing complete independent living facilities for one household located on a parcel with the primary single-unit dwelling that houses a separate household and wherein the parcel owner occupies one of the two dwellings. A second dwelling unit may be within the same structure as the primary unit, in an attached structure, or in a separate structure on the same parcel. An attached or detached residential dwelling unit that provides complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as an existing single-family or multi-family dwelling or where a single-family or multi-family dwelling will be situation. An accessory dwelling unit also includes an efficiency unit, as defined in Section 179581.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.~~

Duplex/Two-Unit Dwelling. A single structure that contains two dwelling units on a single parcel, (duplex), or two detached single-unit dwellings on a single parcel. This use is distinguished from an ~~Accessory Dwelling Unit~~ ~~Second Dwelling Unit~~, which is an accessory residential unit as defined by State law and this Ordinance.

Efficiency Kitchen: An efficiency kitchen includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of useable size.

Junior Accessory Dwelling Unit. An attached accessory dwelling unit that is no more than 500 square feet and is contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. For the purposes of life/safety regulations and providing utilities such as water, sewer, power, or other utilities, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

Multi-Unit Residential. Three or more attached or detached dwelling units on a single or on adjoining parcels (excluding air-space parcels). Types of multiple unit dwellings include townhouses, tri-plexes, condominiums, cottages and courtyard developments, garden apartments, age restricted housing developments, and multi-story apartment buildings. This use includes multi-unit development in which individual units are occupied exclusively by one or more persons 62 years of age or older.

Caretaker Residence. A dwelling unit occupied by employees or caretakers of the primary use on the parcel.

Family Day Care. A residential day-care facility licensed by the State of California that is located in a single-unit dwelling or other dwelling unit where the resident of the dwelling provides care and supervision for children or adults for periods of less than 24 hours a day.

Small. A facility that provides care for six or fewer children, including children who reside at the home and are under the age of 10; or six or fewer adults.

Large. A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10; or seven to twelve adults.

Home Occupation. An occupation or commercial use that is incidental and secondary to a property's primary residential use. A home occupation use shall not change the residential character of the property and/or neighborhood and shall meet the requirements set forth in Section 11.32.130, Home Occupations.

Low-Barrier Navigation Centers. A housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- (2) Pets.
- (3) The storage of possessions.
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
- (5) “Use by right” has the meaning defined in subdivision (i) of Section 65583.2. Division 13 (commencing with Section 21000) of the Public Resources Code shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low-Barrier Navigation Center constructed or allowed by this section.

Mobile Home Park. A development designed to accommodate mobile or manufactured homes including development with facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile or manufactured homes through a subdivision, cooperative, condominium or other form of resident ownership.

Residential Boarding Facility. Shared living quarters of up to 2 per room within a primary residence, 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) that may also include efficiency units/kitchenettes but excludes Agricultural Employee Housing, Hotels and Motels, Social Service Facilities, and Residential Care Facilities.

Residential Care Facilities. Facilities that are licensed by the State of California to provide permanent living accommodations and 24-hour primarily non-medical care and supervision 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 sleeping 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 but not limited to: hospices, nursing homes, convalescent facilities, age restricted residential care facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. This use classification excludes Transitional Housing and Supportive Housing.

Residential Care, General. A facility providing care for more than six persons.

Residential Care, Limited. A facility providing care for six or fewer persons.

Residential Lodging. See Agricultural Homestays and Bed and Breakfast under Commercial Lodging.

Single Room Occupancy (SRO). A residential facility containing individual secured rooms that may have individual or shared kitchen and/or bathroom facilities. May also include efficiency dwelling units that meet California Building Code requirements.

Social Service Facility. A non licensed residential facility designed for the provision of personal services in addition to living accommodations whether for profit or non-profit. Living accommodations are typically shared living quarters with or without separate kitchen or bathroom facilities for each sleeping room or unit. Personal services may include, but are not limited to, protection, care, supervision, counseling, guidance, training, education, therapy, faith based services, or other nonmedical care. The service facility may include food distribution and homeless services with no on-site residence. The services may be provided on or off site. Facilities typically have a designated focus such as but not limited to recovery from drugs or alcohol, reintegration from prison or mental institutions, and domestic violence shelters. Provision of housing and services is typically contingent upon compliance with the facility's programs or for a set period of time and therefore is temporary in nature. This classification excludes families and single housekeeping units; California State licensed residential care facilities; emergency shelters; and, transitional and supportive housing.

Social Service Facility, General. A facility providing care for more than six persons.

Social Service Facility, Limited. A facility providing care for six or fewer persons.

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 housing, improving his or her health status, and maximizing his or her ability to live and, when 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 at some predetermined future point in time, which shall be no less than six months.

11.72.030 Public and Semi-Public Use Classifications

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Colleges and Trade Schools, Public or Private. Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes colleges, universities, business and computer schools, technical and trade schools, but excludes personal instructional services such as music lessons.

Community Assembly. A facility for public or private meetings including community centers, banquet centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, bars, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, or facilities such as day care centers and schools that are separately classified and regulated.

Community Garden/Urban Agriculture. Use of land for, and limited to, the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any horticultural commodity. Produce stands without ranch marketing

activities may be permitted. The classification specifically excludes plants classified as federally controlled substances.

Cultural Institutions. Public or private institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; buildings of an educational, charitable or philanthropic nature; libraries; museums; historical sites; aquariums; and art galleries.

Outdoor and Large Scale Cultural Institutions. Includes zoos, botanical gardens, amphitheaters, or facilities that are greater than 30,000 square feet in size.

Day Care Centers. Non-residential establishments providing non-medical care for persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other non-residential day care facility licensed by the State of California.

Detention Facility. A facility providing housing, care, and supervision for persons confined by law under the direction and control of any law enforcement agency including the California State Department of Corrections, Federal Bureau of Prisons, and the U.S. Immigration and Naturalization Service.

Elderly and Long-term Care. Establishments that provide 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and are licensed as sub acute or skilled nursing facilities by the State of California, including but not limited to, rest homes and convalescent hospitals, but does not include Residential Care, Hospitals, or Clinics.

Emergency Shelter. A permanent facility which provides shelter with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less, as defined in the California Health and Safety Code. Lodging, meals, laundry facilities, bathing, and/or other basic non-medical support services may be provided. (See Section 11.32.090 for additional regulations).

Temporary Emergency Shelter. A church, public building, quasi-public facility, or other facility legally permitted for public assembly uses which provides temporary shelter to homeless or displaced persons due to a catastrophe. Such accommodations may include warming/cooling stations, temporary lodging, meals, laundry facilities, bathing, or other basic non-medical support services. (See Section 11.32.300(G) for additional regulations).

Essential/Emergency Service Facility. Facilities providing public-safety or emergency services, including police/sheriff stations, fire protection, ambulance services, emergency operation centers, emergency dispatch center, public works, and their associated, training and maintenance facilities. This classification also includes corporation yards for government agencies.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.

Hospitals and Clinics. Public or private State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. 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. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

Hospital. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, helipads, diagnostic services, pharmacies (excluding facilities that only dispense Schedule 1/Class 1 controlled substances), training, research, administration, and services to patients, employees, or visitors.

Clinic. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services such as but not limited to pharmacies (excluding facilities that only dispense Schedule 1/Class 1 controlled substances), 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 and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Park and Recreation Facilities, Public. Includes both passive and active areas used as parks, playgrounds, recreation facilities, trails, wildlife preserves, public campgrounds, related open spaces, and other recreational activities on publically owned land. This classification also includes playing fields, courts, gymnasiums, swimming pools, spray parks, skate parks, picnic facilities, tennis courts, golf courses, botanical gardens, as well as related food concessions or community centers within the facilities.

Passive Recreation. Recreational activities that involve the existing natural resources and has minimal impact or development. Passive recreation generally consists of open space and or trail systems (including minor improvements such as grading and culverts necessary for trail construction) for such activities as hiking, walking, biking, horseback riding, and picnicking.

Active Recreation. Recreation activities requiring some constructed facilities and/or playing fields.

Parking, Public or Private. Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering non commercial vehicle parking to the public for a fee when such use is not incidental to another on-site activity. This classification also includes park-n-ride lots.

Schools, Public or Private. Facilities for primary or secondary education, including, charter schools, private and parochial schools having curricula comparable to that required in the public schools of the State of California.

11.72.040 Commercial Use Classifications

Adult-Oriented Business. An establishment that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products,

merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering licensed professional services related to this topic so long as no merchandise is being offered, sold or distributed.

Animal Care, Sales and Services. Retail sales and services related to the boarding, grooming, and care of household pets including:

Pet Sales and Associated Services. Retail sales of household pets, supplies and associated ancillary services such as but not limited to grooming and vaccination clinics. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes purely retail pet supply stores (see Retail Sales) that do not sell animals or provide on-site animal services and excludes purely pet grooming facilities.

Grooming. Typical uses are limited to dog bathing and clipping salons and pet grooming shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, excludes pet sales, and excludes purely retail pet supply stores (see Retail Sales) that do not sell animals or provide on-site animal services.

Kennels. Any enclosure, building, or structure where dogs or other household pets are kept, bred or maintained in a confined manor for commercial or non-commercial purposes (hobby kennel). Typical uses include pet boarding, pet day care, and animal shelters, but exclude pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming services, and exclude dogs or other household pets kept for a private use associated with the parcel, and excludes dogs that are a necessary part of an agricultural operation such as dogs used to herd farm animals.

Veterinary Services. Veterinary services for household pets and domestic farm animals. This classification allows 24-hour accommodation of animals receiving medical services and may include incidental kennels and boarding.

Banks and Financial Institutions. Institutions such as banks, credit unions, lending institutions, trust companies, credit agencies, brokers and dealers in securities and commodity contracts, investment companies, and similar financial services.

Bars and Drinking Establishments. Establishments such as bars, taverns, pubs, and similar establishments where alcoholic beverages are sold and consumed on-site, where any food service is subordinate to the sale of alcoholic beverages. Uses may include indoor entertainment such as live music and dancing. For outdoor entertainment uses see “Special Events” and “Outdoor Entertainment”.

Business Services. Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, advertising and mailing, office equipment rental and leasing, office security, custodial services, photo finishing, , taxi or delivery services with two or fewer fleet vehicles on-site.

Entertainment and Recreation. Provision of participant or spectator sports and entertainment to the general public on privately owned land.

Campground. Any area or tract of land where one or more lots or campsites are rented or leased, or held out for rent or lease, to accommodate tents, trailers, and RV's for transient occupancy (30 days or less), whether or not individual sewer hookups are available to individual campsites. This classification also includes related services such as but not limited to cabins, lodges, recreational amenities, shower and laundry facilities and other incidental retail services.

Hunting/Fishing Club. Privately operated areas and facilities for club members engaged in the pursuit of fish and game species that may include incidental uses such as a shooting range, water recreation activities such as skiing, and overnight accommodations and club house for participants in the club.

Incidental Hunting and Fishing. Consistent with the requirements of County Code 8.80.030 (discharge of firearms); property owners may allow incidental hunting or fishing on their properties. These activities should primarily be day use and do not include erection of permanent structures, camps, or other facilities established for the sole purpose of allowing hunting or fishing to occur on-site.

Indoor Entertainment and Recreation. Sport, recreation, and entertainment uses conducted within a building, such as billiard parlors, bowling alleys, cinema, theaters, concert halls, card rooms, health clubs, dance halls, skating rinks, tennis and racquetball club facilities, poolrooms, indoor shooting ranges and amusement arcades. This classification may include restaurants, bars, snack bars, and other incidental retail services to patrons.

Outdoor Entertainment. This classification includes predominantly spectator uses conducted outside of or partially within a building such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, equestrian and rodeo facilities. This classification may include restaurants, bars, snack bars, and other incidental retail services to patrons.

Outdoor Sports and Recreation. This classification includes commercially operated, predominantly participant sports and recreation activities conducted wholly or partially outside of a building such as golf courses, tennis courts, swimming pools, outdoor batting cages, shooting and archery ranges, drop zones, ball fields, riding stables, motocross/ATV parks, and sport courts and courses. This classification may include restaurants, bars, snack bars, and other incidental retail services to patrons.

Special Events-Entertainment and Recreation. A use established for a fixed period of time, with special conditions needing to be met that are associated with the use, and with the intent that such use will terminate automatically upon expiration of the fixed time-period unless permission to conduct the use is renewed. Examples of special events would be large gatherings of people not normally associated with the current use such as concerts, weddings, carnivals and festivals on non-residential properties, and on residential properties five acres or greater in size. See Section 11.32.300, Temporary Uses, for additional requirements.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

Farm to Market Events. Temporary but recurrent outdoor retail sales of approved and/or permitted food, plants, flowers, and value-added products such as livestock products, jellies, breads, and smoked meats that are predominantly locally-grown or produced by the vendors who sell them. May have incidental sales of handcrafts, prepared food, or commodities from local businesses. See Section 11.32.300, Temporary Uses.

Farmers Markets. Temporary but recurrent outdoor retail sales of agricultural products such as fruits, nuts, and vegetables that are operated in accordance with the California Food and Agriculture Code regulations governing Certified Farmer's Markets.

General Grocery Market. Retail establishments primarily engaged in selling of food and grocery items for offsite preparation and consumption with limited seating for consumption of on-site prepared foods. Typical uses include supermarkets, neighborhood grocery stores, and specialty food stores, such as retail bakeries; candy, nuts and confectionary stores; meat or produce markets; vitamin and health food stores; cheese stores; and delicatessens. This classification may include small-scale specialty food production such as pasta and tortilla shops with retail sales.

Liquor Stores. Retail establishments primarily engaged in selling packaged alcoholic beverages such as ale, beer, wine and liquor.

Food Preparation. Businesses preparing and/or packaging food and beverages, sold primarily at a retail level and primarily for off-site consumption, excluding those of an industrial character wherein the primary purpose is to distribute goods produced in a bulk, wholesale manner. Seating area for onsite consumption of goods is limited to 10 percent of gross floor area or 500 square feet, whichever is less, and no drive-through facilities (for establishments requiring more space or drive-through see Restaurants). Typical uses include bakeries, donut shops, small-scale specialty food production, and micro-breweries/wineries, but does not include mobile food vending sales, and cottage food businesses (see Home Occupations).

Minor Food Preparation (Commercial kitchens). A business establishment that requires a commercial kitchen or food preparation area for the preparation of food and meals, where such food and meals are delivered to another location for consumption. Typical uses include culinary incubators (commercial kitchen rental) and catering kitchens including those used to prepare food for mobile food vendors or ranch marketing operations.

Funeral Parlors and Interment Services. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Lodging. An establishment providing overnight accommodations to transient patrons for payment for periods of less than 30 consecutive calendar days. Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests.

Agricultural Homestays. Lodging facilities operated by the resident of the property on which the facility is located that is accessory and subordinate to the on-site, bona fide agricultural or ranching operations and may be in addition to other Ranch Marketing uses. Activities may include lodging, overnight camping, horseback riding, cattle drives and similar uses. This classification does not include agricultural labor housing.

Bed and Breakfast. A single-unit dwelling occupied by an owner-operator providing lodging accommodations of one or more bedrooms for compensation where each room is limited to no more than two transient adult guests and no more than two children 12 years and under for a duration not to exceed seven nights. Only breakfast and snacks may be served and only to overnight guests. Weddings and other events are subject to compliance with the Special Events provisions (See Section 11.32.3000, Temporary Uses).

Retreat Center. Establishments engaged in recreational, educational, therapeutic, and similar activities, with day use and overnight facilities to serve the guests. The use differs from Commercial Recreation by being focused on self improvement in a natural setting, although indoor facilities such as conference rooms, lodging, and dining facilities for the guests may be included. It includes, but is not limited to conference, retreat, or outdoor education centers, church camps and health resort-spas but does not include health clubs and beauty salons/day spas where no lodging facilities are provided.

Hotels and Motels. An establishment providing overnight 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 hotels, motor lodges, motels, Inns, hostels and tourist courts, but does not include Single Room Occupancy, Boarding Facilities, Residential Care Facilities, Social Service Facilities, Hunting/Fishing Clubs, or Bed and Breakfast establishments that are within a single-unit residence or which are separately defined and regulated.

Maintenance and Repair Services. Establishments engaged in the indoor maintenance or repair of small office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see Automotive/Vehicle Sales and Services) and personal apparel (see Personal Services).

Manufactured Home Sales Lots. Retail sales establishments providing outdoor display of mobile or manufactured homes for sale or lease to the public.

Offices.

Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal offices, real estate offices, tax preparations offices, and travel agencies.

Medical and Dental. Office use providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services to patients under their care and primarily by appointment only, by doctors, dentists, medical and dental laboratories, and similar practitioners of medical

and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use, where it supports the on-site patient services.

Personal Services.

General Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, day spas, dry cleaning for individuals (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, and travel agencies mainly intended for the consumer. This classification also includes massage establishments in which all persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section.

Instructional Services. Establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction. This classification includes businesses that would generally be referred to as health clubs wherein one or more of these services are provided, however no overnight lodging is provided.

Tattoo or Body Modification Parlor. An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Restaurant. Establishments located in a building and engaged in the sale of prepared food and beverages for on-premise consumption or as an option “to-go”. Typical uses include full-service restaurants, fast-food restaurants, sandwich shops, ice cream parlors, pizza parlors, and donut or coffee shops with large seating areas and/or drive-through. The sale of alcoholic beverages is secondary to the sale of prepared food. This classification does not include Bars and Drinking Establishments, Food Preparation, or mobile food vendors (see Section 11.32.150 Mobile Vendors).

With Drive-through. Restaurants which contain one or more drive-up windows, and may contain seating.

Without Drive-through. Restaurants where food and beverages are ordered and served at a table or walk-up counter, only.

Retail Sales.

Building Materials and Services. Retail sales of building supplies and ancillary rental of equipment needed for their installation. This classification includes lumber yards and establishments devoted principally to taxable retail sales of building materials, wherein the materials may be stored indoors and/or outdoors, and with up to 30 percent of the products sold being similar to what is found in the Nurseries and Garden Centers use such as trees, bushes and bagged garden soil. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area or Nurseries and Garden Centers.

~~**Convenience Retail.** Establishments primarily engaged in the provision of frequently or recurrently needed small personal items for residents within a reasonable walking distance. These include various general retail sales, primarily located indoors, such as neighborhood grocery stores, convenience markets, and drugstores that are less than 20,000 square feet in gross area or when more than one building or use do not exceed 20,000 square feet for the entire center. This classification does not include fuel pumps or propane/natural gas refill services (see Service Station).~~

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes individual retail establishments with 70,000 square feet or less of sales area, primarily located indoors; including department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing goods such as similar to: toys, hobby materials, jewelry, consumer electronics, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies (excluding facilities that only dispense Schedule 1/Class 1 controlled substances), sporting goods, home furnishings, home improvements, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

Large Format Retail. Individual retail establishments with over 70,000 square feet of sales area, primarily located indoors, that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs.

~~**Neighborhood Services.** Establishments primarily engaged in the provision of frequently or recurrently needed small personal items for residents within a reasonable walking distance and that is operated primarily for the convenience of the walk-in shopper or someone purchasing just a few items. These include various general retail sales, primarily located indoors, such as neighborhood grocery stores, convenience markets, and drugstores that are less than 6,000 square feet in gross area or when more than one building or use do not exceed 6,000 square feet for the entire center. This classification does not include fuel pumps or propane/natural gas refill services (see Service Station).~~

Nurseries and Garden Centers. Establishments primarily engaged in outdoor sales of nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere and may supplement with ancillary and related landscape and gardening items such as fencing, fountains, irrigation equipment, decorative rocks, stackable walls and stepping stones. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are predominantly stored and sold in package form. This classification includes wholesale and retail nurseries offering plants for sale.

Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair vehicles such as automobiles, pickup trucks (under 11,500 GVW), boats, recreational vehicles, trucks, trailers, motorcycles and ATVs, and on & off road light (under 50 HP) and heavy (50 HP and above) equipment including the following:

Rental, Sales and Leasing. Rental, sale or lease, retail or wholesale, of automobiles, pickup trucks, motorcycles, boats, recreational vehicles, trailers (under 15,000 GVW), and light equipment together with services and repairs consistent with the use classification “Vehicle Service and Repair, Minor”. Typical uses include automobile and recreational vehicle sales lots where full range of repair services are not provided, and car rental agencies.

Service and Repair, Minor. The service and minor repair of automobiles, pickup trucks, boats, motorcycles, recreational vehicles, trailers (under 15,000 GVW), and light equipment, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of tires, parts (including minor body parts), and liquids where repairs are made or service provided in enclosed bays and typically within the same day and vehicles are not commonly stored overnight. This classification excludes disassembly, removal or replacement of major components such as engines, transmissions or axles; or major body work; or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. It also excludes repair of trucks, trailers over 15,000 GVW, and heavy equipment. Typical uses include tire and brake shops, and “express” lube and service establishments.

Repair, Major. Repairs of a nature greater than as defined in “Vehicle Service and Repair, Minor” of automobiles, pickup trucks, boats, motorcycles, recreational vehicles, trailers (under 15,000 GVW), and light equipment; including the incidental sale, installation, and servicing of related equipment and parts, generally on an overnight basis. Typical uses include full service repair and body shops, vehicle painting, and automobile or recreational vehicle dealers where full repair services are provided. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.

Trucks and Heavy Equipment Sales, Service, Repair and Rental. Sales, servicing, rental, fueling, servicing, repairing, and washing of trucks (greater than 11,500 GVW) and trailers (greater than 15,000 GVW), and heavy equipment. Sales of new or used automobiles or pickup trucks are excluded from this classification. For equipment used exclusively for agriculture, see “Farm Machinery and Equipment, Sales and Service”.

Service Station. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor vehicle repair services; selling automotive parts, and accessories; and/or providing incidental food and retail services.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services but no dismantling (for dismantling, see Salvage and Wrecking).

Washing. Washing, waxing, vacuuming, or cleaning of automobiles or similar light vehicles, including self-serve or automatic washing facilities.

11.72.050 Industrial Use Classifications

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site. This classification also includes non-government agency corporation yards and establishments that sell bulk landscaping materials such as soil or bark by the ton.

Custom Manufacturing. Establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on-site (Display/retail area: 10 percent of gross floor area not to exceed 300 square feet). Incidental sales restriction does not apply to wholesale distribution or on-line point of sale operations where customers do not physically come to the establishment to purchase or pick-up merchandise. Typical uses include ceramic studios, candle making shops, woodworking, and custom jewelry manufacturers.

General Industrial. 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 operations such as biomass energy conversion; food and beverage processing; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing (furniture, cabinets, trusses, manufactured housing, etc...); paper manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; automotive and heavy equipment manufacturing; and soil amendment processing (excluding fertilizers deemed to be highly combustible or hazardous). Incidental retail sales/display area of goods produced on-site shall not exceed of 10 percent of gross floor area or 1,000 square feet whichever is less. Incidental sales restriction does not apply to wholesale distribution or on-line point of sale operations where customers do not physically come to the establishment to purchase or pick-up merchandise.

Intensive Industrial. Industrial uses that regularly use hazardous chemicals or procedures or produce hazardous materials or byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, oil refining, asphalt and concrete plants, chemical manufacturing, and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation, and traffic. Incidental retail sales/display area of goods produced on-site shall not exceed of 10 percent of gross floor area or 1,000 square feet whichever is less. Incidental sales restriction does not apply to wholesale distribution or on-line point of sale operations where customers do not physically come to the establishment to purchase or pick-up merchandise.

Limited Industrial. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties in regards to items such as noise, light, air quality, and storage/use of hazardous materials. This classification includes manufacturing finished parts or products primarily from previously prepared materials; micro-breweries; commercial laundries and dry cleaning plants; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services. Incidental retail sales/display area of goods produced on-site shall not exceed of 10 percent of gross floor area or 1,000 square feet whichever is less. Incidental sales restriction does not

apply to wholesale distribution or on-line point of sale operations where customers do not physically come to the establishment to purchase or pick-up merchandise.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations, which are classified as utilities.

Recycling Collection Facility. An incidental use associated with commercial uses that serves as a neighborhood drop off point for the temporary storage of California Redemption Value eligible recyclable materials but where the processing and sorting of such items is not conducted on-site with the exception of reverse vending machines. A reverse vending machine is an automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Recycling Processing Facility. A facility that receives, sorts, stores and/or processes recyclable materials excluding vehicles and similar equipment (see salvage and wrecking).

Research and Development. A facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. Includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities.

Salvage and Wrecking. Storage and dismantling of 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.

Warehousing, Storage, and Distribution. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant. This classification includes mini-warehouses.

Auction facilities. A building or outdoor enclosed area used for the public sale of goods, wares, merchandise, equipment, or vehicles to the highest bidder. This classification does not include livestock sales outside of agricultural zones.

Chemical, Mineral, and Explosives Storage. Establishments not meeting the intent of the Intensive Industrial or Service Station use wherein their business is the storage of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives. The quantity of material triggering this use will be as determined by the Yuba County Certified Unified Program Agency.

Indoor Warehousing, Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a

warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include retail sale of building materials (see Building Materials and Services)

Outdoor Storage. Storage of vehicles or commercial goods or materials in open lots.

Personal Storage. Facilities offering enclosed storage with individual access for personal effects, household goods, and/or recreational vehicles including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

11.72.060 Transportation, Communication, and Utilities Use Classifications

Airports and Heliports. General, military, and private aviation facilities for the takeoff and landing of airplanes, helicopters, and aircraft including runways, helipads, drop zones, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facility, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. Also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

Agricultural Runways and Facilities. Aviation facilities for the takeoff and landing of airplanes and helicopters, including runways, aircraft storage buildings/hangers and related facilities directly related to agricultural operations.

Communication Facilities. Facilities for the provision of broadcasting and other information relay services through the use of electronic and telephonic mechanisms. 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, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

Freight/Truck Terminals and Warehouses. Facilities for freight, courier, and postal services by truck or rail including moving and storage businesses. This classification includes truck stops, commercial vehicle parking and short-term storage but does not include local messenger and local delivery services (see Light Fleet-Based Services) or mini-warehouses (see Personal Storage).

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 11,500 GVW. 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, pest control services, and similar businesses. This classification does not include towing operations (see Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on-site (see Business Services).

Transportation Passenger Terminals. Facilities for passenger transportation operations. Includes rail stations and bus terminals but does not include terminals serving airports or heliports.

Utilities, Major. Power generating plants; solid waste collection, including transfer stations and materials recovery facilities; landfills; commercial composting and waste reduction facilities; solid waste treatment and disposal; wastewater treatment plants; potable water facilities occupying more than one acre of land and/or with treatment facilities; elevated water storage tanks; and, similar facilities of public agencies or public/private utilities. This classification also includes associated corporation yards.

Utilities, Minor. Facilities necessary to support the operations of a utility or special district, involving only minor structures and occupying up to one acre of land, such as electric substations, electrical distribution lines, water wells without treatment facilities, non-elevated water storage tanks, lift/pumping stations, and underground water and sewer lines.

On-site Biomass Facilities. Biomass facilities that utilize waste from on-site timber or agricultural operations or adjacent properties under same ownership that generate less than 3 MW of energy and utilize less than three acres of land for the biomass facility and related staging/storage areas. Biomass facilities that bring in waste from multiple or off-site locations, generate more than 3 MW of energy or utilize more than three acres of land are classified as a major utility.

Renewable Energy Systems.

Personal Hydro Energy System. Hydro energy system (also known as micro hydropower systems) and associated controls or conversion electronics and is intended to reduce on-site consumption of utility power. Small hydro systems are ancillary structures to a principally permitted use and shall not exceed power consumption. Hydro Energy Systems may require state or federal permits from agencies such as but not limited to the Army Corps of Engineers, California Energy Commission, or Department of Fish and Wildlife.

Personal Solar Energy System. Any solar collector or other solar energy device, or any structural design feature whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or which is intended to reduce on-site consumption of utility power. Small solar energy systems are ancillary structures to a principally permitted use and may be mounted on a building or on the ground. Small solar energy systems shall not exceed power consumption.

Solar Power Generation Facilities. Power plant that uses solar energy to generate electricity and whose primary function is the provision of electricity to the electrical distribution system or transmission grid.

Personal Wind Energy System. Wind energy system consisting of a wind turbine, a tower, and associated controls or conversion electronics and is intended to reduce on-site consumption of utility power. Small wind energy systems are ancillary structures to a principally permitted use and may be mounted on a building or on the ground. Small wind energy systems shall not exceed power consumption.

Wind Power Generation Facilities. Power plant that uses wind turbines to generate electricity, whose primary function is the provision of electricity to the electrical distribution system or transmission grid.

11.72.070 Agricultural and Natural Resource Use Classifications

Agricultural Labor Housing. Living accommodations for employees and their immediate families employed for the exclusive purpose of agricultural pursuits either on the premises or off site. It includes single or multi-unit dwellings, including mobile homes and dormitories. Any housing occupied by the landowner, the landowner's spouse, or their children, parents or siblings is not considered farm labor housing.

Agricultural Processing. A building, facility, or covered area used for the cooking, dehydrating, refining, bottling, canning, milling, or other treatment of agricultural products. May include warehousing, packaging, and/or distribution as secondary uses. This classification does not include slaughterhouses, dairies, feed lots, or manufacturing of secondary products associated with uses such as commercial kitchens and bakeries.

Animal Raising – Grazing. The raising, keeping, or feeding of domestic farm animals where the primary source of food is the vegetation grown on the site, including irrigated and non-irrigated pastures. This classification includes dairying as an accessory use on ranches with milk producing animals so long as the primary food source is vegetation grown on site.

Animal Raising – Imported Feed. The raising, keeping, or feeding of domestic farm animals where the primary source of food is other than the vegetation grown on-site. This classification also includes outdoor aviaries, apiaries, aquaculture, wild or exotic animals, and household pets.

Crop Production. Agricultural and horticultural uses including but not limited to production of grains, field crops, vegetables, fruits, nut trees, herbs, flowers and seed production, nursery stock and ornamental plant production (including those plants, trees, shrubs, and ground covers grown in containers, green houses, shade structures, under cover and in the ground), tree and sod farms, associated crop preparation services and harvesting activities including but not limited to, mechanical soil preparation, irrigation system construction, hydroponics, spraying, crop processing and sales of the agricultural crop only. The classification excludes wholesale or retail nurseries (see Nurseries and Garden Centers) and growing of plants classified as federal controlled substances.

Custom Farming. An agricultural management business that provides a variety of agricultural services including but not limited to planting, pruning, harvesting, irrigation services, integrated pest management, equipment services, and agricultural labor. This shall also include greenhouses and/or agricultural power for farming purposes on vacant property.

Dairy. Shelter and other facilities for the feeding and milking of cattle and other milk producing animals, and the extraction of milk, where the milk may be processed either on- or off-site.

Farm Machinery and Equipment, Sales and Service. The sale, service, and repair of machinery and equipment primarily associated with agriculture. See Vehicle Sales and Services for sale, service or repair of all other types of equipment.

Feed and Farm Supply Store. An establishment primarily engaged in selling or renting agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching such as feed sales, irrigation equipment, fertilizer, agricultural sprays, livestock equipment, small indoor livestock such as rabbits and chickens, and fencing. The sale of agricultural equipment does not include tractors and other motorized, self-propelled farm vehicles, which are included under “Farm Machinery and Equipment, Sales & Maintenance”.

Mining. The act or process of extracting resources, such as rock, sand, gravel, ores, coal, oil, clay, hydrocarbons, or mineral from the earth. The term also includes quarrying; excavating; drilling; well operation, dredging and oil and gas exploration and development; milling, such as crushing, screening, washing, bagging and flotation; and other preparation customarily done at the mine site or as part of a mining activity such as but not limited to batch plants, administrative offices, corporation yards, repair and machine shops, laboratories, retorting facilities and similar accessory buildings and uses necessary for the primary mining operation.

Subsurface Mining. The act of mining operations that are conducted below the surface of the ground except for surface access, and vent and escape shafts.

Surface Mining. All, or any part of mining operations that involve the removal of overburden and mining directly from the mineral deposit, open-pit mining of naturally exposed mineral, mining by the auger method, dredging and quarrying, or surface work related to a subsurface mine.

Packing and Storage, Agricultural. The handling and storage, without any processing as described in the Agricultural Processing use, of fruit, grain, vegetables, trees, and other crops to ready it for shipping and sales without changing the nature of the product (includes cold storage).

On-site Products. The handling of agricultural products produced on the same parcel of land which the packing facility is located, or on adjacent parcels under the same ownership, lease, or management.

Off-site Products. The handling of agricultural products produced on parcels of land different from that on which the packing facilities are located.

Produce Stand. Seasonal stands used primarily for the display or sale of unprocessed and value added agricultural products sold directly to consumers from a farm site.

Ranch Marketing. Commercial activities conducted on agricultural lands which are accessory, incidental to, and compatible with the agricultural operation conducted thereon. This classification may be used in conjunction with lodging meeting the Agricultural Homestays and Bed and Breakfast use classifications. Ranch marketing may include processing, packaging, the sale of agricultural products, and the following types of uses:

Bake Shop. A facility for the preparation of food items in which agricultural products grown on-site are used as a main ingredient for at least one of the baked goods, such as apples used to

make apple pies, apple turnovers, or other apple pastries. Baked goods made from other ingredients may be offered for sale concurrently with goods made from produce grown on-site.

Dining Facility. An establishment where food is prepared and served to the public in an established seating area.

Handicrafts. Products that are made domestically by hand, normally sold by the person who made them, and do not include items that are mass produced by others.

Farm Store. A permanent structure, intended to be used for the display or sale of unprocessed and processed agricultural products grown and/or processed in the Yuba Sutter area and sold directly to consumers. May include incidental sales of non-agriculturally related goods such as but not limited to prepackaged beverages and snacks; promotional materials; and other local products/crafts.

Food Stand. A facility for serving prepared food for consumption on the premises where indoor seating and dining facilities do not exist.

Recreation and Entertainment. Self-pick fruit and vegetables, trails, picnic facilities, corn/hay mazes, pony rides, petting zoo, mini train rides, wagon rides, tours, and similar activities that are ancillary to other ranch marketing activities.

Special Events – Ranch Marketing. A use established for a fixed period of time that promotes the agricultural value of the facility, with special conditions needing to be met that are associated with the use, and with the intent that such use will terminate automatically upon expiration of the fixed time-period unless permission to conduct the use is renewed. Examples of special events would be large gatherings of people such as weddings and harvest festivals.

Resource Protection and Restoration. Lands and management activities dedicated to the protection and conservation of natural resources, such as aquatic environments, wetland and sensitive riparian habitat, water recharge areas, and rare or endangered plant or animal habitat.

Sales Lot, Feed Lot, Stockyard. An open, fenced lot where cattle and other livestock are fed prior to slaughter or transport, and which may include auction or other sales activities.

Slaughterhouse. Establishments engaged in the commercial butchering of animals, including facilities dedicated for dead animal reduction and fat rendering.

Timber.

Timber Production. The operation and harvesting of timber tracts, tree farms, forest nurseries, whether planted or of natural growth, standing or down, including Christmas trees and nursery stock for restocking commercial forest land and related activities such as reforestation services; also the gathering of gums, barks, sap, moss and other forest products.

Timber Processing. Sawmills including mills producing finished lumber or processes that reduce the wood for use in the manufacture of different goods.

Wineries and Tasting Rooms. A retail sales facility that is incidental to the primary on site use, where customers may taste and purchase beverage and food products grown and/or processed on the site or neighboring properties under the same ownership and/or lease. Products offered for tasting and sale may include wine, olive oil, honey, cheese, and/or other food and beverage products.

Chapter 11.73 List of Terms and Definitions

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11.73.010 List of Terms

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11.73.020 Definitions

When making zoning compliance determinations the Zoning Administrator or Planning Director may also utilize the American Planning Association “A Planners Dictionary” for uses and definitions not included in this Title.

Abutting, Adjacent, or Adjoining. Having a common border, boundary, or lot line.

Access. The place, or way through which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Code.

Accessory Building. *See Building, Accessory.*

Accessory Structure. *See Structure, Accessory.*

Accessory Use. *See Use, Accessory.*

Acre, Gross. A measure of total land area of a lot or site, including areas to be dedicated for public rights-of-way, streets, schools, or other dedications.

Acre, Net. A measure of land area of a lot or site remaining after dedication of all areas for public rights-of-way, streets, schools, or other dedications.

Adjacent. *See Abutting.*

Address Coordinator. The Community Development and Services Agency's Public Works Director or such Director's authorized designee.

Affordable Housing. Dwelling units with a sales price or rent within the means of a low- or moderate-income household, as defined by state or federal legislation. As used in this Development Code:

1. Very low-income refers to family units/household whose annual income is 50 percent or less of the area's median income as defined in Health and Safety Code Section 50105 (Government Code Section 65915(b)(1)(B)).
2. Low-income refers to family units/households whose annual income is between 50 percent and 80 percent of the area's median income, as defined in Health and Safety Code Section 50079.5 (Government Code Section 65915(b)(1)(A)).
3. Moderate-income refers to family units/households whose annual income is between 80 and 120 percent of the area's median income, as defined in Health and Safety Code Section 50093 (Government Code Section 65915(b)(1)(D)).

Affordable Housing Benefits. Means one or more of the following:

1. A density bonus pursuant to Section 11.30.050.
2. An incentive pursuant to Section 11.30.110.
3. A development standard waiver or modification pursuant to Section 11.30.110.D.
4. A parking standard modification pursuant to Section 11.30.120.

Affordable Housing Cost. The definition set forth in Health and Safety Code Section 50052.5 (Government Code Section 65915(c)(1)).

Affordable Housing Developer. The applicant or permittee of a qualified housing development and its assignees or successors in interest.

Aggrieved Person. Any person who, in person or through a representative, appeared at a County public hearing in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who, for good cause, was unable to do either.

Agricultural Commissioner. Either directly or through authorized agents directs Countywide programs including but not limited to agricultural management, weights and measures, coordinates the local enforcement of laws and regulations for the promotion and protection of agriculture, control of pests and pesticides.

Agriculture. Land used for agricultural purposes, including farming, pasturage, timber, aquaculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry. Agriculture does not include the cultivation of any crop not recognized as a crop commodity by the United States Department of Agriculture. For purposes of this Code, agriculture means commercial operations where the primary purpose is the sale of animals or products either retail or wholesale and does not include the growing of crops or raising of animals for individual home use or consumption.

Community Garden. An otherwise undeveloped parcel divided into multiple plots for the growing and harvesting of food crops or nonfood crops such as flowers, primarily for the personal use of the growers, that is established, operated, and maintained by a group of persons.

Garden/Home Produce. Edible landscaping on a lot developed with one or more dwellings and devoted to the personal use of the occupants of the dwelling or edible landscaping on a parcel developed with a nonresidential use, where the garden is incidental to the primary use of the lot (i.e. vegetable or herb garden for a restaurant).

Urban Agriculture. Commercial agriculture activities located within the Valley Growth Boundary on properties that are not designated for agricultural use. Urban Agriculture is intended to be an interim use of land that is designated for other purposes.

Agricultural (Farm) Employee. A person who works full or part-time (24 hours or more per week) in the service of a bona fide commercial agricultural operation(s) in any of the branches of farming, which includes, but is not limited to:

- Tilling and cultivation of the soil associated with commercial crop production;
- Raising, production, and cultivation of commercial livestock for the production of food and/or fiber;
- Growing and harvesting of any commercial agricultural or horticultural commodities;
- Commercial raising of bees, fur-bearing animals or poultry;

- Preparation and processing of farm products for market; or
- Timber or forestry operations.

Agricultural (Farm) Employee Housing. Housing for agricultural employees provided by the employer and maintained in connection with the agricultural operation.

Farmworker Dwelling Unit. Is a structure which is occupied solely by up to six agricultural (farm) employees or one agricultural (farm) employee and the worker's household. The accommodations shall consist of living quarters designed for long-term residential occupancy with provisions for sleeping, eating, cooking and sanitation.

Farmworker Housing Complex. A living unit or units for agricultural (farm) employees in group quarters. The units may be of an alternative housing type that meet state and federal standards for livability and durability, including manufactured housing, factory-built housing, and other forms of prefabricated housing, ~~and dormitory~~ and barracks-style housing in which the employees share common cooking and sanitary facilities.

Alley. A public or private right-of-way not more than 24 feet in width that is primarily designed to serve as secondary vehicular access to the rear or side of those properties whose principal frontage is on some other street. Area devoted to alleys shall not be included in net density calculations.

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.

Americans with Disabilities Act (ADA). United States Public Law 101-336, 104 Stat. 327 (July 26, 1990), codified at 42 U.S.C. Section 12101 et seq.

Area, Gross. The horizontal area within the boundaries of a lot or site including any area for future streets, parks, and other dedications.

Balcony. A platform that projects from the wall of a building, enclosed by a railing or parapet for the private use of tenants or for exterior access to the above grade living units.

Base District. A zoning district that includes use, height, bulk, space, and development standards for the regulation of development in a particular area.

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.

Bedroom. Any room located within a dwelling unit that is used primarily for sleeping purposes by its residents and that contains at least 70 square feet of floor area. Rooms designated as a "den", "library", "study", "loft" or other extra room that satisfies this definition and is not a kitchen, living room, or bath will be considered a bedroom.

Bicycle Parking, Long-term. Bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

Bicycle Parking, Short-term. Bicycle parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of less than four hours.

Block. The frontage along one side of a street between the two nearest intersecting streets.

Board. The Board of Supervisors of Yuba County.

Buffer. A strip of land which may or may not include: landscaping, berms, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate the negative impacts of the more intense use from adjacent uses. An appropriate buffer may vary depending on uses, location, zoning districts, size and intensity, etc., and shall be determined by the decision-making authority.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials.

Building, Accessory. Any building used as an accessory to residential, commercial, recreational, industrial, or educational purposes as defined in the California Building Code with 1989 amendments, Chapter 11, Group M, Division 1, Occupancy that requires a building permit.

Building, Main. A building in which is conducted the principal use of the lot on which it is situated.

Building Code. Any ordinance of the County governing the type and method of construction of buildings, signs, and sign structures and any amendments thereto and any substitute therefore including, but not limited to, the California Building Code, other state-adopted uniform codes and the Minimum Building Security Standards Ordinance.

Building Footprint. *See Footprint.*

Building Front. That portion of the main building which affords public entry. In the case of a building with more than one public entry, the entrance with the assigned address shall be considered the main public entry.

Building Frontage. The lineal dimension, parallel to the ground, of a building abutting on a public street, or a parking lot accessory to that business even though another business may also have entitlement to that parking lot.

Building Height. *See Height.*

Building Site. A lot or parcel of land occupied or to be occupied, by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.

Build-to Line. A line parallel to the lot line where the façade of the building is required to be located.

California Environmental Quality Act (CEQA). State law, pursuant to California Public Resources Code Section 21000 et. Seq. or any successor statute, that requires public agencies to document and consider the environmental effects of a proposed action before a decision.

Canopy. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Carport. An accessory structure that is roofed but permanently open on at least two (2) sides and maintained for the storage of motor vehicles.

Chief Building Official. The person designated by the County of Yuba to administer the provisions of the adopted building code and such other related ordinances (i.e. electrical, plumbing, and Title 24).

Childcare Facility. A child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and school-age childcare centers (Government Code Section 65915(h)(4)).

Community Development and Services Agency (CDSA). The agency which provides planning and direction over those County functions that provide land use planning, management of natural resources, building, inspection and code enforcement services, and other permit and land use services to the citizens of Yuba County. The agency includes the departments of Planning, Building, Environmental Health, Public Works, and land development core functions such as infrastructure planning; surveying and mapping; permits and construction; and, code enforcement.

Common Interest Development. Any of the following: a community apartment project, a condominium project, a planned development, and a stock cooperative pursuant to Civil Code Section 1351(c) and pursuant to Civil Code Section 4100. All common interest development units must be offered to the public for purchase (Government Code Section 65915(b)(1)(D)).

Compatible. That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

Conditionally Permitted. Permitted subject to approval of an Administrative Use Permit, Minor Use Permit or Conditional Use Permit.

Construction. Construction, erection, enlargement, alteration, conversion or movement of any building, structures, together with any scientific surveys associated therewith.

Conversion. The discontinuance of a certain use or occupancy and the establishment of a different use or occupancy, including the creation of separate ownership of existing real property together with a separate interest in space of a building.

County. The County of Yuba.

County Surveyor. The Community Development and Services Agency's County Surveyor.

Circulation Terms.

Highway. A roadway with limited access and few cross streets generally along high-volume corridors that connect cities or unincorporated communities.

Freeway. A multi-lane, divided highway with a minimum of two lanes in each direction and access provided at interchanges.

Arterial. A road that accommodates longer distance travel, but also provides access to adjacent residential, commercial, and industrial properties.

Collector Road. A two-lane roadway that collects traffic from adjacent developments and delivers that traffic to Freeways, Highways, and Arterials. These roads have limited to moderate access control.

Local Road. A road that provides direct access to abutting land and provides for traffic movement within a single-neighborhood or part of a neighborhood. Local Roads are designed for low traffic volumes and speeds.

Decision-making Authority. An individual or body vested with the authority to make recommendations or act on application requests including ministerial decisions, legislative actions and quasi-judicial actions.

Discretionary Decision. A decision or action requiring the exercise of judgment, or deliberation on the part of the decision-making authority in the process of approving or disapproving a particular activity such as a development application.

Legislative Action. The Yuba County Board of Supervisors is the legislative body of the County that has the power to adopt ordinances, regulations, policies and other documents that have the force of the law. A Legislative action is a planning, zoning or other land use decision resulting in a general rule or policy applicable to an entire zoning district, a large number of individuals or properties, or that establishes or modifies policy or procedure.

Ministerial Decision. A decision involving little or no personal judgment by the decision-making authority as to the wisdom or manner of carrying out the project or request. A ministerial decision involves only the use of fixed standards or objective measurements. Common examples of ministerial permits or decisions include building permits, encroachment permits, and zoning clearances.

Quasi-judicial Action. An action by the decision-making authority that involves the application of adopted policies and regulations to a specific development application as well as discretionary judgment on whether the request should be approved or denied based on information presented.

Deck. A platform, either freestanding or attached to a building that is supported by pillars or posts. *See also Balcony.*

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. A process by which a County can increase the density within a development project by a percentage established by law or through which the County offers incentives that support economic viability in return for guarantees with respect to the preservation of the rights of use or sale for affordable housing purposes.

Density Bonus Units. Dwelling units granted pursuant to Section 11.30.040 that exceed the otherwise maximum allowable residential density.

Density, Gross. The number of dwelling units per gross acre of land area.

Density, Net. The number of dwelling units per acre of land excluding street right-of-ways, easements, public open space, land under water, and certified wetlands and floodplains. Setbacks for wetlands and other sensitive areas and private open space shall not be excluded in calculating net density.

Development. Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

Development Agreement. A contract duly executed and legally binding between Yuba County and a developer(s) that delineates the terms and conditions agreed upon by two or more parties.

Development Standard. A site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio, that applies to a residential development pursuant to the Development Code, the General Plan or other County condition, law, policy, resolution, or regulation (Government Code Section 65915(o)(1)).

Director of Building and Code Enforcement. The Director of Building and Code Enforcement acting either directly or through authorized agents within the Community Development and Services Agency, and any successor department that may exist in the future.

Director of Community Development and Services Agency (CDSA). The director of all departments within the Community Development and Services Agency of Yuba County, California acting either directly or through authorized agents.

Director of Environmental Health. The Director of the Environmental Health Department acting either directly or through authorized agents within the Community Development and Services Agency, and any successor department that may exist in the future.

Director of Office of Emergency Services. The Director of the Office of Emergency Services of Yuba County, acting either directly or through authorized agents.

Director of Planning. The Director of the Planning Department acting either directly or through authorized agents within the Community Development and Services Agency, and any successor department that may exist in the future.

Director of Public Works. The Director of the Public Works Department acting either directly or through authorized agents within the Community Development and Services Agency, and any successor department that may exist in the future.

District. *See Zoning District.*

Double Frontage Lot. *See Lot, Through.*

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.

Driveway. An access way that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

Dwelling Unit. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for not more than one family.

Guest Quarters. Shall mean an accessory structure which consists of detached living quarters of a permanent type of construction, which may include a bathroom and other living space, but not kitchen facilities and shall not exceed 1,200 square feet in size unless an Administrative Use Permit is approved (Guest Quarters includes pool houses, cabanas, art studios, bonus/recreation rooms and similar structures). All utilities serving the guest quarters shall be common to and dependent on the primary residence. Guest Quarters on septic systems may require modifications to the septic system or a separate system. The guest quarters shall not be leased, subleased, rented, or sub-rented separately from the main dwelling.

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest that one party has in the land of another. Examples include, but are not limited to public or private access easements for utilities or conservation.

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.

Electrical Code. Any ordinance of the County regulating the alteration, repair and the installation and use of electricity or electrical fixtures.

Eligible Housing Development. A development that satisfies all of the following criteria:

1. The development is a multifamily housing development that contains five or more residential units, exclusive of any other floor area ratio bonus or incentive or concession awarded pursuant to this chapter.
2. The development is located within one of the following:
 - a. An urban infill site that is within a transit priority area.

b. One-half-mile of a major transit stop.

3. The site of the development is zoned to allow residential use or mixed-use with a minimum planned density of at least 20 dwelling units per acre and does not include any land zoned for low-density residential use or for exclusive nonresidential use.
4. The applicant and the development satisfy the replacement requirements specified in subdivision (c) of Government Code Section 65915.
5. The development includes 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, with an affordable housing cost or affordable rent to, and occupied by, persons with a household income equal to or less than 50 percent of the area median income, as determined pursuant to Section 50093 of the Health and Safety Code, and subject to an affordability restriction for a minimum of 55 years.
6. The development complies with the height requirements applicable to the underlying zone. A development shall not be eligible to use a floor area ratio bonus or other incentives or concessions provided pursuant to this chapter to relieve the development from a maximum height limitation.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

Environmental Review. An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

Environmental Impact Report (EIR). An Environmental Impact Report as required under the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.

Erect. To build, construct, attach, hang, place, suspend or affix to or upon any surface. Such term shall also include the painting of wall signs.

Facade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Family. One or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a "family" need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house, residential boarding house, or residential care or social service facility.

Fence. An artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Firearm. A gun, pistol, revolver, rifle or any device, designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.

Flex space. Floor area constructed so that it can be adapted for office, retail, or restaurant use in the future, but may be used for other uses in the interim. Warehouse or shell building that is not air conditioned but can be converted into larger or smaller air conditioned spaces based on need.

Floor Area. The total floor area in a building (including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building) unless otherwise stipulated; e.g., "ground" floor area.

Floor Area Ratio (FAR). The ratio of gross building area of the eligible housing development, excluding structured parking areas, proposed for the project divided by the net lot area. For purposes of this paragraph, "gross building area" means the sum of all finished areas of all floors of a building included within the outside faces of its exterior walls.~~The ratio of the total floor area of all buildings on a lot to the lot area.~~

Floor area ratio bonus. An allowance for an eligible housing development to use a floor area ratio over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the General Plan of a county or city.

Foot-candle. *See Lighting Terms.*

Footprint. The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves.

Frontage, Street (Frontage, Lot). That portion of a lot or parcel of land that borders a street. "Street frontage" shall be measured along the common lot line separating said lot or parcel of land from the street, highway, or parkway.

Garage. A building or portion of a building that is enclosed and roofed and designed for the storage of motor vehicles.

General Plan. The Yuba County 2030 General Plan, a comprehensive declaration of goals, policies, and programs for the future development of the County or future versions adopted by the County.

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.

Existing or Natural Grade. Ground elevation prior to any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

Finished Grade. Final ground elevation after the completion of any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

Grading. Any land excavation or filling or combination thereof, or the removal, plowing under or burial of vegetative groundcover.

Grading Plan. A plan prepared in accordance with this section showing grading and related work.

Grading Work. Grading and related work, such as, but not limited to, drainage improvements and erosion and sediment control.

Ground Floor. The first floor of a building other than a cellar or basement that is closest to finished grade.

Habitation. Regular and exclusive use of a space or structure for shelter and other residential purposes in a manner that is private and separate from another residence on the same lot.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Heat. Thermal energy of a radioactive, conductive, or convective nature.

Hedge. A group of closely planted shrubs, bushes, or other plants that form a compact barrier and is utilized similar to a fence that protects, shields, or separates an area of land.

Height. The vertical distance from the highest point of any structure to the ground level directly below. See Section 11.03.050, Measuring Height.

Home Occupation. A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling. See Section 11.32.130, Home Occupations.

Household. One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food; who typically share living expenses, including rent or mortgage payments, food costs and utilities; and who maintain a single mortgage, lease, or rental agreement for all members of the household.

Housing Development. A development project of five or more residential units and includes a subdivision or common interest development that is approved by the County and consists of residential

units or unimproved residential lots, and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in available residential units (Government Code Section 65915(i)).

Illegal Use. Any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits required for the use at the time it was brought into existence.

Incentive. Means “incentives and concessions” as that phrase is used in Government Code Section 65915.

In-lieu Fees. A cash payment required as a substitute for a dedication and/or improvement of land by an owner or developer of property.

Intensity of Use. The impacts a particular use or the use in combination with other uses has on its surroundings or on its demand for services and natural resources. Measures of intensity include but are not limited to requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light or glare generated; the number of persons attracted to the site, or, in eating establishments, the number of seats.

Intersection, Street. The area common to two or more intersecting streets.

Kitchen. Any room or space within a building intended to be used for the cooking or preparation of food that includes one or more of the following: stove or cooktop, sink with drainage piping larger than 1 ½ inches, or 220 volt electrical receptacle.

Outdoor Kitchen. Outdoor cooking and food preparation area that is incidental to the primary kitchen facilities of the dwelling unit and are located in an unenclosed area of the back or side yard that may be roofed but is open on at least two sides and exposed to the weather.

Land Division Terms:

Advisory Agency. A designated official or an official body charged with the duty of making investigations and reports on the design and development of proposed divisions of real property, the imposing of requirements of conditions thereon, or having the authority by local ordinance to approve, conditionally approve, or disapprove maps.

Bikeway. A right-of-way either on or off a street that is used as a travel route for bicycles either independently or jointly with other means of transportation.

Block. The area of land within a subdivision which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

Community Apartment. One residential unit within a community apartment project. A community apartment project is a development in which an undivided interest in land is coupled with the right of exclusive occupancy of any housing unit located on the land. For the purposes

of this division, "community apartment" shall mean the same thing and shall be treated in the same manner as a unit as defined herein.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential building such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property. For purposes of this division, the term "condominium" shall be deemed to include a stock cooperative or planned development.

Construction Costs. The total cost required to construct, rebuild, repair, remodel, or make an addition to an existing building, including all permanent work and permanent equipment, excluding landscaping.

Conversion. The creation of separate ownership of existing real property together with a separate interest in space of a building.

Cooperative, Stock. A corporation holding title to improved real property in which shareholders receive rights to exclusive occupancy of portions of the real property, which rights of occupancy are transferable concurrently with transfer of the shares. The term "stock cooperative" does not include a limited equity housing cooperative.

Cul-de-sac. A street having only one outlet for vehicular traffic that conforms to County standards.

Final map. A map showing a subdivision for which a tentative and final map are required by the Subdivision Map Act or this division (i.e., a major subdivision), prepared in accordance with the provisions of this division and the Subdivision Map Act designed to be recorded in the office of the Yuba County Recorder.

Improvement. Any streets, traffic controls, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drainage facilities, sanitary sewer facilities, lighting facilities, other utilities and landscaping to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map. Any other specific improvements or type of improvements, the installation of which, either by, or by a combination of, the subdivider, public agencies, private utilities, or any other entity approved by the County, is necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

Improvement Plan. One or more County standard engineered drawings, done according to the County's standard, which show in detail the improvements which are to be installed in any particular development, including but not limited to plan and profile views of streets, sewers, storm drains, and associated facilities.

Local Public Parks Agency. A public agency that provides park and recreational services on a community-wide level and to the area within which a proposed development described in this

section will be located, designated by the Board of Supervisors to act on behalf of the County for the purposes of parkland dedication requirements.

Lot Line Adjustment. A shift or rotation of an existing lot line of four or fewer existing adjoining parcels in which the land is taken from one parcel and added to an adjoining parcel where a greater number of parcels than originally existed is not created.

Merger. The joining of two or more contiguous parcels of land under one ownership into one parcel.

Parcel. A legally subdivided plot of land shown on a map of record. Also referred to as “lot.”

Parcel Map. A map showing a division of land of four or fewer parcels as required by this division, prepared in accordance with the provisions of this division and the Subdivision Map Act. A map showing division of land into more than four parcels where each parcel created has a gross area of 20 acres or more or land having approved access to public street which comprises a part of a tract for industrial or commercial development may also be processed as a Parcel Map pursuant to the Subdivision Map Act and this Code.

Pedestrian Way. A right-of-way designed for use by pedestrians and bicyclists that is not designed for or used by automotive vehicles and is not located within a street right-of-way.

Planting Strip. A strip adjoining the curb within a street right-of-way which is designed to separate the sidewalk from the roadway or to prevent access to abutting properties from the roadway and which is intended to be planted with trees or otherwise landscaped.

Private Street. Any street, roadway or access way, lying in whole or in part within a subdivision that is privately owned and maintained and provides access to a development.

Public Workshop. A meeting that is open to the public for the purposes of educating the public on a topic, soliciting input or comments from the public on a topic, or receiving direction from a decision-making authority on a topic. When the primary purpose of the workshop is for educating the decision-making authority or for CDSA staff to receive direction from the decision-making authority the workshop may also be referred to as a study session. Public Workshops are not subject to the noticing requirements required for Public Hearings, but at a minimum shall have an agenda or workshop notification posted 72 hours prior to the workshop (excluding workshops related to emergencies) on the Board of Supervisors and/or CDSA bulletin boards located within the County Government Center. Workshops do not include meetings between CDSA staff and project applicants or with individual members of the public, or small stakeholder groups.

Record of Survey. A map prepared by a registered civil engineer or licensed land surveyor for the purpose of depicting a field survey of the land made in conformance with the Land Surveyors' Act.

Remainder. That portion of an existing parcel which is not designated on the required map as part of the subdivision. The remainder shall not be considered as part of the subdivision but shall be shown on the required map as part of the area surrounding the subdivision.

Standard Specifications. "Standard Specifications" shall refer to the current Yuba County Standard Plans and Standard Specifications. ***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 for others. Employees and consultants of such persons or entities, acting in that capacity, are not "subdividers."

Subdivision. The division by any subdivider of any units or units of any improved or unimproved land or any portion thereof, shown on the latest equalized assessment roll as a unit or as contiguous units, including subdivisions for the purpose of sale, lease or financing, whether immediate or future. "Subdivision" includes a condominium project as defined in Civil Code Section 1351(f), a community apartment project, as defined in Civil Code Section 1351(d), or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Civil Code Section 1351(m). Parcels of property shall be considered as contiguous units, even if separated by roads, streets, utility easements, or railroad rights-of-way.

Subdivision Design. The overall layout of the proposed subdivision including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and locations of easements and rights of way for utilities, drainage structures, sewers, the nature and location of public or semi-public facilities, programs for the preservation of natural features, and the installation of public improvements.

Subdivision Map Act (SMA). State of California Government Code Sections 66410 to 66499.

Tentative Map. A map made for the purpose of showing the design and improvements 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 parcel map.

Tentative Subdivision Map. A map made for the purpose of showing the design and improvements of a proposed tract map.

Vesting Tentative Map. A tentative map for a subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Chapter 11.42, Vesting Tentative Maps, and is thereafter processed in accordance with the provisions hereof.

Landscaping. The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

Landscaping Terms.

Automatic Controller. An automatic timing device used to remotely control valves that operate an irrigation system.

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.

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

Drip Irrigation. Any non-spray low volume irrigation system specifically designed to apply small volumes of water slowly at or near the root zone of plants utilizing emission devices with a flow rate measured in gallons per hour.

Emitter. A drip irrigation emission device that delivers water slowly from the system to the soil.

Homeowner-provided Landscaping. Any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this definition, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings.

Hydrozone. A portion of the landscaped area having plants with similar water needs.

Irrigation Efficiency. The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

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.

Operation Pressure. The pressure at which an irrigation system is designed by the manufacturer to operate.

Overhead Sprinkler Irrigation Systems. Systems that deliver water through the air (e.g., spray heads and rotors).

Overspray. The irrigation water which is delivered beyond the target area.

Pervious. Any surface or material that allows the passage of water through the material and into the underlying soil.

Rain Sensor. A component which automatically suspends an irrigation event when it rains.

Runoff. Water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.

Soil Moisture Sensor. A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

Lighting Terms.

Foot-candle. A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away.

Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

Light Fixture Cutoff. Light fixtures are classified as full cutoff, cutoff, semi-cutoff, or non-cutoff according to the most recent adopted criteria of the Illuminating Engineering Society of North America (IESNA). The four IESNA classifications are defined as follows (IESNA 2000):

Full Cutoff. The luminous intensity (in candelas) at or above an angle of 90 degrees above nadir is zero, and the luminous intensity (in candelas) at or above a vertical angle of 80 degrees above nadir does not numerically exceed 10 percent of the luminous flux (in lumens) of the lamp or lamps in the luminaire.

Cutoff. The luminous intensity (in candelas) at or above an angle of 90 degrees above nadir does not numerically exceed two and one-half percent of the luminous flux (in lumens) of the lamp or lamps in the luminary, and the luminous intensity (in candelas) at or above a vertical angle of 80 degrees above nadir does not numerically exceed 10 percent of the luminous flux (in lumens) of the lamp or lamps in the luminary.

Semi-Cutoff. The luminous intensity (in candelas) at or above an angle of 90 degrees above nadir does not numerically exceed five percent of the luminous flux (in lumens) of the lamp or lamps in the luminary, and the luminous intensity (in candelas) at or above a vertical angle of 80 degrees above nadir does not numerically exceed 20 percent of the luminous flux (in lumens) of the lamp or lamps in the luminary.

Non-Cutoff. There is no candela limitation in the zone above maximum candela.

Shielded Fixture. Outdoor light fixtures shielded or constructed so that light rays emitted by the lamp are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

Living Room. The principal room in a dwelling unit designed for general living purposes rather than for sleeping.

Located within one-half-mile of a major transit stop. Any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this section, is within one-half-mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

Lot. A parcel or portion of land separated from other parcels or portions by description, as on a subdivision, parcel, or record of survey map or by metes and bounds, for purpose of sale, lease or separate use.

Lot Coverage. The portion of a lot that is covered by structures, including principal and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies. See Section 11.03.100, Determining Lot Coverage.

Lot Depth. The distance from the midpoint of the front property line of a lot to the midpoint of the rear property line, or to the most distant point on any other lot line where there is no rear lot line. See Section 11.03.070, Measuring Lot Width and Depth.

Lot Frontage. The portion of a lot that fronts on or adjoins a street.

Lot Line. A line separating the lot from a street; the side from a street or adjoining property; the rear from an alley or street or adjoining property.

Lot Line Types.

Front Lot Line. The lot line that abuts a street or public right-of-way. For corner lots, the shortest side fronting a public street is considered the front lot line regardless of which street is used for vehicle or pedestrian access, or street address.

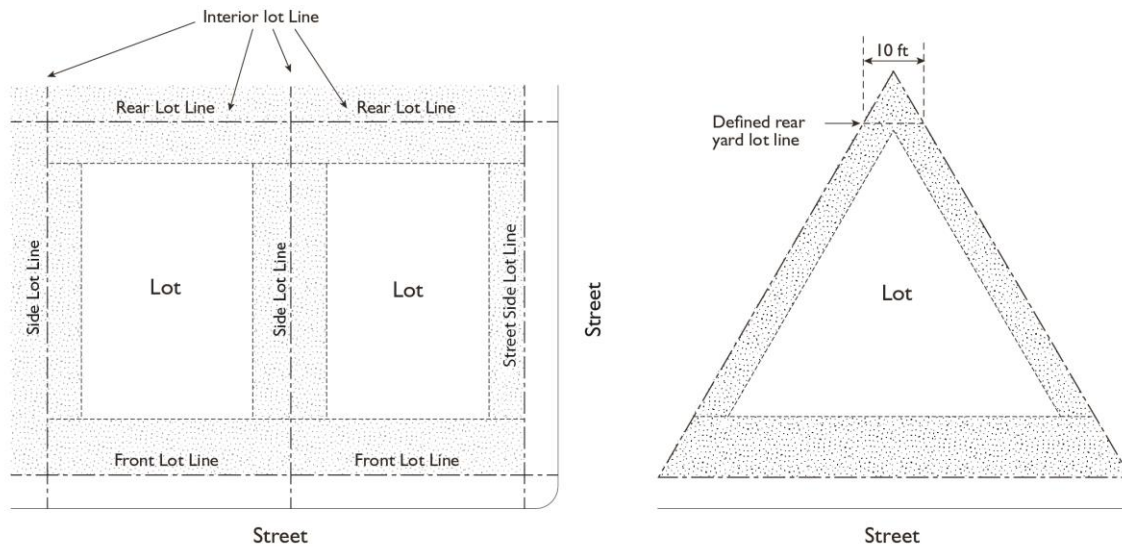
Interior Lot Line. Any lot line that is not adjacent to a street.

Rear Lot Line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Side Lot Line. Any lot line that is not a front or rear lot line.

Street Side Lot Line. A side lot line of a corner lot that is adjacent to a street.

FIGURE 11.73.020(A): LOT LINES TYPES



Lot Types.

Lot, Abutting. A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

Lot, Corner. A lot or parcel situated at the intersection of two or more streets that have an angle intersection measured within said lot or parcel of not more than one hundred 135 degrees.

Lot, Flag. A lot with access to a street by means of a strip of land having less than the required site width but not less than 15 feet of frontage. The length of a strip shall be measured from the frontage line to the nearest point of intersection with that lot line parallel or most nearly parallel to the frontage line.

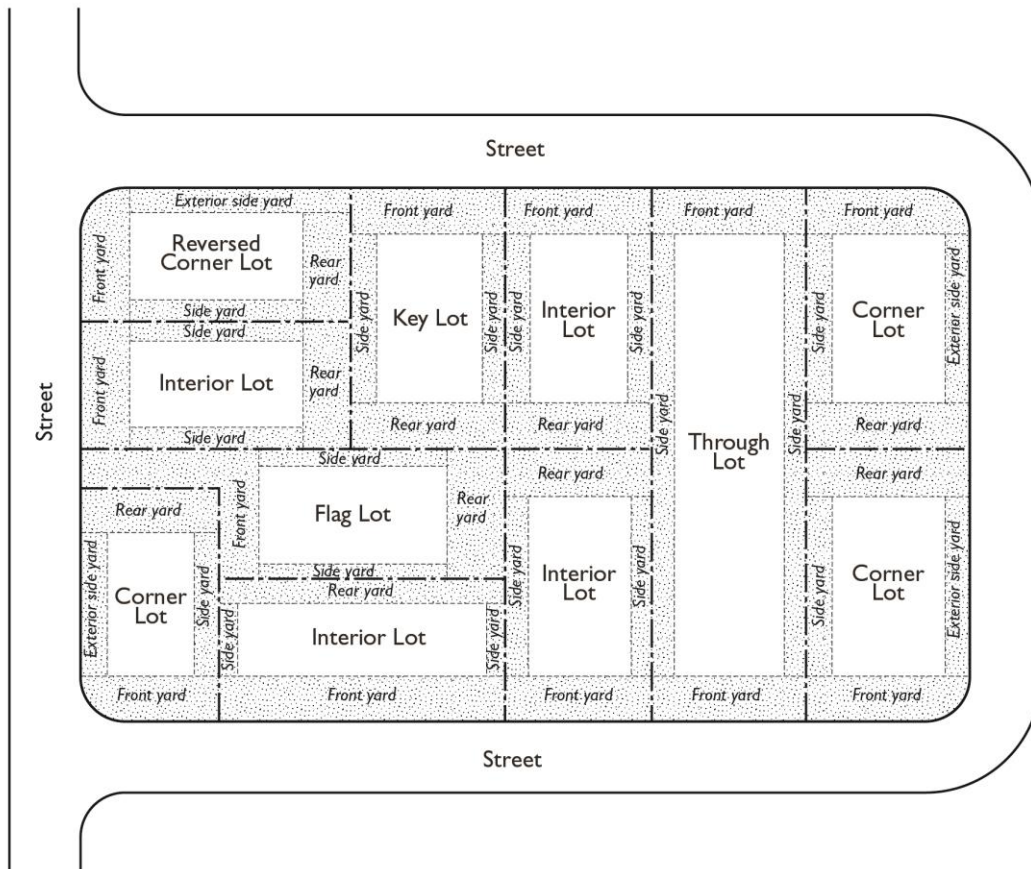
Lot, Interior. A lot or parcel of land other than a corner or flag lot.

Lot, Key. An interior lot adjoining the rear lot line of a reversed corner lot.

Lot, Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front line of a lot or parcel of land which adjoins the rear lot line of said lot.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

FIGURE 11.73.020(B): LOT AND YARD TYPES



Lot Width. The distance between the side lot lines, measured at a right angle to the lot depth at the midpoint of the lot depth line. See Section 11.03.070, Measuring Lot Width and Depth.

Maintenance and Repair. The repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition.

Manufactured (Mobile) Home. A structure constructed on or after June 15, 1976 in compliance with state standards in effect at the time of construction, is transportable in one or more sections, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. "Manufactured home" includes any structure that meets all the requirements of this paragraph and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974.

Mezzanine. An intermediate floor within a building interior without complete enclosing interior walls or partitions that is not separated from the floor or level below by a wall and has a floor area that is no greater than one third of the total floor area of the floor below. *See Story.*

Major Transit Stop. A site in which there is unobstructed access to the major transit stop from the development, containing any of the following:

1. An existing rail or bus rapid transit station.
2. A ferry terminal served by either a bus or rail transit service.
3. The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. (Section 21155(b) of the Public Resources Code).

A development shall be considered to have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

Market-rate Unit. A dwelling unit that is not an affordable unit.

Maximum Allowable Residential Density. The density allowed under the Development Code and the Land Use Element of the General Plan, or if a range of density is permitted, means the maximum allowable density for the specific district density range applicable to the project. If the density allowed under the Development Code is inconsistent with the density allowed under the Land Use Element of the General Plan, the General Plan density shall prevail (Government Code Section 65915(o)(2)).

Minimum Affordable Housing Component. A housing development project that includes a minimum of any of the following:

1. Very Low-Income Minimum Affordable Housing Component – Provides at least 5 percent of the total units for very low-income household residents (Government Code Section 65915(b)(1)(B));
2. Low-Income Minimum Affordable Housing Component – Provides at least 10 percent of the total units for low-income households (Government Code Section 65915(b)(1)(A)); or
3. Moderate-Income Minimum Affordable Housing Component – Provides at least 10 percent of the total dwelling units in a common interest development for moderate-income households (Government Code Section 65915(b)(1)(D)).

Mining and Surface Mining Act (SMARA). For purposes of regulating mining activities the County shall utilize the definitions included in the California Mining and Geology Board's SMARA Regulations and Public Resources Code PRC Subsection 2725 to 2735.

National Environmental Policy Act (NEPA). NEPA [42 U.S.C. 4321 et seq.] was signed into law on January 1, 1970. The Act establishes national environmental policy and goals for the protection, maintenance, and enhancement of the environment and provides a process for implementing these goals within the federal agencies.

Noise Terms.

Ambient Noise Level. The composite of noise from all sources excluding an alleged offensive noise. In this context, the ambient noise level represents the normal or existing level of environmental noise at a given location for a specified time of day or night.

Decibel. A unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

Noise. Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise Level Reduction (NLR). The difference in decibels of noise level from the outside of a building to the interior of a building, generally resulting from various construction methods and the materials used in walls, windows, ceilings, doors, and vents of a building.

Nonconforming Use and Development Terms.

Abandoned. A use that has ceased or a structure that has been vacated for a time period as specified in this Code. Abandonment does not include temporary or short-term interruptions to a use or occupancy of a structure during periods of remodeling, maintaining, or otherwise improving or rearranging a facility.

Nonconforming Building or Structure. Any building or structure that was lawfully established and in compliance with all applicable ordinances and laws at the time it was constructed but which, due to the application of this Code or any amendment thereto, no longer complies with all the applicable regulation and standards of development in the zone in which it is located.

Nonconforming Lot. A lot, the area, dimensions, or location of which was lawful prior to the effective date of this Code, or any amendment thereto, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Sign. A sign that lawfully existed prior to but which fails by reason of such adoption or amendment to conform to all of the standards and regulation of this Code.

Nonconforming Use. A use of a structure or land that was lawfully established and maintained, but which does not conform with currently applicable use regulations for the district in which it is located by reason of adoption or amendment of this Code.

Nuisance. Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use and enjoyment of property, or a violation of this Code.

Official Plan Line (Ultimate Right of Way). The boundaries and limits of a planned right-of-way, including the future right-of-way of an existing street as it is proposed to be widened and including all

lands necessary for the building, widening or maintenance of any road, street, highway or any other type of public way which planned right-of-way is based on the general plan.

On-Site. Located on the lot that is the subject of discussion.

Open Space Types.

Private Open Space. Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Common Open Space. Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit.

Usable Open Space. Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

Other Incentives of Equivalent Financial Value. The reduction or waiver of requirements that the County might otherwise apply as conditions of condominium conversion approval, but shall not be construed to require the County to provide cash transfer payments or other monetary compensation (Government Code Section 65915.5(c)).

Outdoor Storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours, except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current building permit issued by the County.

Overlay District. An area where certain additional requirements are superimposed upon a base zone district such as but not limited to Floodplain, Airport Environs, and Planning Reserve districts.

Owner. The person shown as the legal owner of the property on the latest equalized assessment roll in the office of the County Assessor.

Parcel (Lot). Land described as a lot or parcel in a recorded deed or shown as a lot or parcel on a subdivision map or parcel map on file in the County Recorder's Office.

Parking Area. An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

Parking Space, Off-Street. An area, covered or uncovered, designed and usable for the temporary storage of a vehicle, which is paved and accessible by an automobile without permanent obstruction.

Peak Hour. Period of time with the greatest amount of activity and vehicles on the site.

Permit. Any Zoning Certificate or Clearance, Administrative Use Permit, Minor Conditional Use Permit, Conditional Use Permit, Temporary Use Permit, Building Permit, license, certificate,

approval, or other entitlement for development and/or use of property as required by any public agency.

Permitted Use. Any use allowed in a zoning district without a requirement for approval of a use permit, but subject to any restrictions applicable to that zoning district.

Person. Any individual, firm, corporation or public agency whether principal, agent, employee or otherwise.

Persons and/or Families of Lower Income. Persons or families whose income does not exceed 80 percent of area median income, adjusted for family size by the California Department of Housing and Community Development (HCD), in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development (HUD) pursuant to Section 8 of the United States Housing Act of 1937.

Personal Use. An activity conducted on private property for the enjoyment of the property owner and their household and occasional use by family and friends known personally by the owner that is not part of a commercial or business endeavor.

Persons with Disabilities. Persons who have a medical, physical, or mental condition, disorder or disability as defined in California Government Code Section 12926, that limits one or more major life activities.

Planning Director. The Director of the department currently known as the "Planning Department" within the Community Development and Services Agency, and any successor department that may exist in the future.

Pre-existing. In existence prior to the effective date of this Code.

Production Housing (Tract Housing). A type of housing development in which multiple similar homes are built on a tract of land which is subdivided into individual lots. Using stock plans or master building plans the homes may offer a few options (i.e. trim types, bonus rooms, third car garages, etc...) but the homes while "stick built" (constructed on site) are not truly custom built homes.

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 Code. This term also refers to any action that qualifies as a "project" as defined by the California Environmental Quality Act.

Qualified Applicant. The property owner, the owner's agent, or 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 or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

Qualified Housing Development. A housing development that meets the requirements of Section 11.30.040 for density bonus.

Qualified Land. Land offered for donation in accordance with Section 11.30.080 that meets the criteria set forth in Subsection 11.30.080.A.

Recreational Vehicle. A motor home, travel trailer, truck camper, or camping trailer with or without motor power designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

- It contains less than 320 square feet of internal living room area, excluding built-in equipment, including but not limited to wardrobe, closets, cabinets, kitchen units, or fixtures, and a bath or toilet room;
- It contains 400 square feet or less of gross area measured at maximum horizontal projections;
- It is built on a single chassis; and
- It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit issued by the appropriate state agency.

Rescission. The County's unilateral unmaking of an approval for a legally sufficient reason, such as applicant's material breach of a condition.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary sewer, storm drain, bicycle/pedestrian path, or other similar use.

Screening. Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

Setback. The area between a property line and a building or structure which must be kept clear or open. See Section 11.03.040, Measuring Distances, and Section 11.03.120, Determining Setbacks (Yards).

Senior Citizen Housing Development. A residential development that is developed, substantially rehabilitated, or substantially renovated for senior citizens and that has at least 35 senior citizen housing development units (Government Code Section 65915(b)(1)(C)).

Senior Citizen Housing Development Unit. A residential dwelling unit in a senior citizen housing development that is available to, and occupied by, a senior citizen, as defined in Civil Code Section 51.3.

Sidewalk. A paved walkway, bikeway, or combination of those designed for use by the public, generally within the public right-of-way and generally parallel to a public street.

Sign-Related Terms. The following terms are related to Chapter 11.27, Signs.

Abandoned Sign. A sign remaining in place or not maintained for a period of 90 days which no longer advertises or identifies an ongoing business, product, or service available on the business premise where the sign is located.

Animated Sign. A sign that uses movement or change of lighting to depict action or create a special effect or scene.

Area of Sign. The area included within the outer dimensions of a sign face display area including all portions not part of the necessary supporting structure; a double-faced sign whose faces are parallel or no more than 30 degrees apart shall be deemed to be a single sign for the purposes of determining sign area. In the case of a sign placed on a wall or other structure surface, the area shall be computed by enclosing the sign within sets of parallel lines.

Awning Sign. A sign painted or otherwise affixed permanently to the exterior surface of an awning. For purposes of this Code, awning means shelter projecting from and supported by the exterior wall of a building and constructed of a rigid frame covered by a flexible skin (e.g., as fabric, synthetic material, or thin sheet metal).

Banner. A temporary sign made of fabric or any nonrigid material with no enclosing framework.

Building-Mounted Sign. Any sign mounted or erected on or against any building or façade, including all wall signs, awning and canopy signs and projecting signs.

Canopy. A rigid multi-sided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground, or cantilevered out from the main structure.

Construction Sign. A temporary sign describing in words and/or drawings a planned future development project on a property.

Directional Sign. An on-site sign designed to direct or guide pedestrian or vehicular traffic and which is nonadvertising in nature, except for a logo and directional information, (e.g., handicapped parking, one way, exit, and entrance).

Electronic Message Center Sign. A sign whose informational content can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means.

Fence Sign. A sign attached to or painted onto any freestanding wall or fence.

Flag. A loose fabric or membrane secured to a pole or rod, which flutters and moves with air or wind movement.

Freestanding Sign. A sign that is permanently supported upon the ground by poles or braces and is not attached to any building or other structure.

Height. The vertical distance measured from the lowest ground level directly beneath the sign to the highest point at the top of the sign. The ground level shall be either the natural grade or finished grade, whichever is lowest.

Illegal Sign. A sign that does not meet the requirements of this Code or that does not have legal nonconforming status.

Illuminated Sign. A sign with an artificial source of light incorporated internally or externally for the purpose of illuminating the sign.

Inflatable Sign. A form of inflatable device (e.g., shaped as an animal, blimp, or other object) that is displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside a building to attract attention to or to advertise a business, a business location, a service, a product, or an event. An inflatable sign shall not be considered a balloon.

Interior Illumination. Lighting whose source is contained within the sign.

Logo. A specially designed graphic symbol of a business establishment, a company, or any other legal private or public entity.

Marquee Sign. A sign advertising an event, performance, service, seminar, conference, or show, and displayed on a permanent roof-like structure or canopy made of rigid materials supported by and extending from the facade of a building.

Mansard. A wall which has a slope equal to or greater than two vertical feet for each horizontal foot and has been designed to look like a roof.

Master Sign Program. A coordinated program of signage designed to encourage consistency in signage for developments with multiple tenants or for developments with a single tenant proposing multiple signs.

Monument Sign. A low-profile freestanding sign erected upon or supported solely by a planter, pedestal base, or similar ground structure approximately the same dimension as the height of the sign and which is designed to incorporate the architectural theme and building material of the building on the premises.

Neon Sign. A sign with tubing that is internally illuminated by neon or other electrically charged gas.

Off-site Advertising Sign. A sign structure or billboard, whether freestanding or mounted on an existing building, built for the purpose of advertising an establishment, product or service that is not available on the property upon which the sign is located at the time the sign structure was erected.

Off-site Directional Sign. A sign offering directional information to a business, location or place located in an area different from where the sign is located.

Parapet. That portion of the building wall that extends above the roof of the building.

Pennant. A device made of flexible materials, (e.g., cloth, paper, or plastic) that may or may not contain copy, and which is installed for the purpose of attracting attention.

Pole Sign. A freestanding sign supported by one or more poles.

Political Sign. A temporary sign installed that advertises a political candidate, a political party, or a political issue.

Portable Sign. A sign not permanently attached to, mounted upon, or affixed to a building, structure, or the ground. Portable signs include A-frame signs, sandwich board signs, and signs on wheels.

Projecting Sign. A sign, the sign surface of which is not parallel to the face of the supporting wall and which is supported wholly by the wall. This definition shall include V- or wing-type signs.

Real Estate Sign. A temporary sign indicating that the premises on which the sign is located is for sale, lease, or rent. These signs typically include rider signs that describe amenities such as swimming pools and spas, open house signs, subdivision signs, and off-site directional signs.

Roof Sign. A sign erected, constructed, and attached to and/or maintained upon or above any roof or portion of a roof of any building, including a mansard roof. For the purposes of this Code, a mansard roof is any roof or parapet wall with roofing material for siding that slopes from 30 degrees to 90 degrees and does not have a ridgeline.

Sign. Any letters, figure, visual symbol, emblem, logo, object, or display, or any combination thereof, designed or used to identify, attract attention to, advertise, or communicate information. Signs include display surfaces together with such facilities as are utilized in supporting, maintaining, and illuminating the display surfaces.

Sign Area. *See Area of Sign.*

Sign Copy. Any words, letters, logos, numbers, figures, design, or other symbolic representation incorporated into a sign.

Sign Face. The surface or surfaces used for the display of a sign message as seen from any one direction.

Temporary Sign. A sign that is designed or intended to be temporarily mounted or displayed and that is not intended for permanent or long-term use.

Wall Sign. A sign painted or installed on or attached to a wall and which is parallel to the building facade. This definition includes painted, channel letters, and can signs.

Window Sign. A sign painted or installed on a glass window or door or located within 12 inches from inside the window in a manner that it can be viewed from the exterior of a structure.

Single Room Occupancy (SRO). A residential rental facility containing individual secured rooms (residential unit) that have a minimum floor area of 120 square feet that may have individual or shared kitchen and/or bathroom facilities. SROs may also include efficiency dwelling units that meet California Building Code requirements. SROs shall be developed as a multi-unit development or located on the upper stories of a commercial building where mixed uses are permitted. Each unit shall be occupied by no more than two persons and is offered on a monthly rental basis.

Site. Any lot or parcel of land or combination of contiguous lots or parcels of land, whether held separately or joined together in common ownership or occupancy where grading or construction is to be performed or has been performed.

Specific, Adverse Impact. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for the housing development was deemed complete. Inconsistency with the Development Code or General Plan land use designation shall not constitute a specific, adverse impact upon public health or safety (Government Code Section 65589.5(d)(2)).

Specific Plan. A plan for a defined area that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq.

State. The State of California.

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 shall be that portion of a building included between the upper surface of the topmost floor and the roof above.

Street. A public or private right-of-way whose function is to carry vehicular traffic and other modes of travel, or provide vehicular access to abutting property.

Street Line. The boundary between a street and a lot or parcel of land.

Structure. That which is built or constructed or any piece of work artificially built up or composed of parts joined in some definite manner.

Accessory Structure. A subordinate structure, the use of which is incidental to that of the main structure on the same lot.

Permanent Structure. Anything constructed or erected which requires a fixed location on the ground, or is attached to a building or other structure having fixed location on the ground.

Primary Structure (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 period, activity, or use for which the temporary structure was erected has ceased.

Structural Alteration. Any change of the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists, ceiling joists, or roof rafters.

Swimming Pool. A structure, whether above or below grade level, designed to hold water over 24 inches deep and is intended for swimming, recreational bathing or wading. Swimming pools includes in-ground, above ground and on-ground pools; hot tubs; and fixed-in-place wading pools. Does not include portable wading pools and similar structures which are not permanently installed and do not require water filtration, circulation, or purification systems.

Tandem Parking. An arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces

Temporary Uses. The following terms are related to Section 11.32.300, Temporary Uses.

Garage Sales. The sale or offering for sale to the general public of over five items of personal property on a portion of a lot that contains a residence, , whether inside or outside any building.

Outdoor Sales, Temporary and Seasonal. The sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by the person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis, and are secondary or incidental to the principal permitted use or structure existing on the property.

Total Units and Total Dwelling Units. Dwelling units other than density bonus units (Government Code Section 65915(b)(3)).

Unit. *See Dwelling Unit.*

Urban Area. Developed areas that are defined by the U.S. Census Bureau as contiguous census block groups with a population density of at least 1,000 people per square mile with any census block groups around this core having a density of at least 500 people per square mile.

For purposes of environmental review under the California Environmental Quality Act, use of the term “Urban Area” is limited to areas mapped and designated as urbanized by the U.S. Bureau of the Census.

For flood control purposes: “Urban Area” is defined as a developed area in which there are 10,000 residents or more (Government Code Section 65007(j)).

For water quality purposes the term urbanized area shall be as determined by the statewide NPDES permit.

Urbanizing Area. A Developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next ten years. (Government Code Section 65007(k)).

Use. The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged for which either a site or a structure is or may be occupied or maintained.

Use, Accessory. A use that is customarily associated with, and is incidental and subordinate to, the principal use and located on the same lot as the principal use.

Use, Incidental. 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.

Use, Primary. A primary or dominant use established, or proposed to be established, on a lot.

Use Classification. A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential; public and semi-public; commercial; industrial; transportation, communication, and utilities; and agricultural and natural resources. See Chapter 11.72, Use Classifications.

Use Permit. A discretionary permit, such as an administrative use, minor conditional use, or conditional use permit, which may be granted by the appropriate review authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority. See Chapter 11.57, Use Permits.

Valley Growth Boundary (VGB). An area designated in the 2030 General Plan that includes the existing suburban and urbanized communities of Linda, Olivehurst, Plumas Lake, the North Arboga Study Area, Sports and Entertainment Zone, as well as new job generating areas adjacent to Highway 65 and future growth areas identified as Planning Reserve.

Variance. A discretionary grant of permission to depart from the specific requirements of this Code that is warranted when, due to special circumstances regarding the physical characteristics of the property, the strict application of standards would deprive the property of privileges available to other property in the same zoning classification. See Chapter 11.59, Variances.

Vehicle. Any vehicle, as vehicle is defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

Vibration. A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

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, sidewalk or pedestrian way.

Wall. Any vertical exterior surface of building or any part thereof, including windows.

Weekday. Any day, Monday through Friday, that is not a federal, state, or local holiday.

Wireless Communication Terms. The following terms are related to Section 11.32.290, Wireless Communications Facilities.

Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or receiving of electromagnetic radio frequency waves.

Amateur Radio Antenna. Any antenna used to receive or transmit radio signals on the amateur radio bandwidth, as designated by federal regulations.

Base Station. The transmission and associated equipment and non-tower support structures at a fixed location that enable FCC-licensed or authorized wireless communications between user equipment and a communications network. May also be referred to as the equipment compound or wireless facility lease area.

Camouflage Wireless Facility. To disguise a wireless facility by incorporating it into the architectural design of a building or structure or by utilizing design and siting techniques that disguise the wireless facility as a structure or object other than a wireless facility, which is either already present in the area or blends in with the existing environment. Examples of camouflage techniques include, but are not limited to, trees, clock towers, bell steeples, light poles and flag poles. The use of mono-pines (or similar faux vegetation) shall not be considered appropriate camouflage unless integrated into the surrounding landscape with the use of live trees, new or existing structures or other design features.

Carrier on Wheels or Cell on Wheels (COW). A portable self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is typically vehicle-mounted and contains a telescoping boom as the antenna support structure.

Co-location. The location of two or more wireless communication facilities on a single support structure or otherwise sharing a common location. For the purposes of this chapter, collocation shall also include the location of wireless communication facilities with other facilities such as water tanks, light standards, and other utility facilities and structures that are capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

Communication Tower. Any structure that is used to transmit or receive electromagnetic radio frequency waves or that supports such a device.

Eligible Facilities Request. A request for modification of an existing wireless tower or base station that involves co-location of new transmission equipment or replacement or modification of existing equipment but does not include a substantial modification.

Emergency Service Radio. Radio and related wireless communication facilities necessary for the operations of public-safety, emergency services or governmental agencies such as dispatch, emergency response, and related communications. Wireless

communication facilities shall be deemed an ancillary use and exempt from the provisions of this Chapter if they are located on the same site as an essential/emergency service facility and are exclusively used for government or public safety purposes.

Ground-Mounted. A facility that is fully or partially supported by a platform, framework, pole, or other structural system that is affixed to or placed directly on or in the ground.

Lattice Tower. A structure, guyed or freestanding, erected on the ground, which generally consists of metal crossed strips or bars to support antennas and equipment.

Substantial Modification. A modification to an existing wireless facility that meets any one or more of the following criteria:

1. Increases the existing vertical height of the wireless support structure by (a) more than ten percent (10%), or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
2. Adds an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty (20) feet, or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable); and/or,
3. Increases the square footage of the existing equipment compound by more than 2,500 square feet.

Monopole. A facility that consists of a single pole structure erected on the ground to support wireless communication antennas and connecting appurtenances.

Transmission Equipment. Any equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and back-up power supply.

Wireless Communication Facility. A facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves.

Yard. An open space on a lot that is unoccupied and unobstructed from the ground upward, except as otherwise permitted by this Code.

Front Yard (Area). A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard setback shall be a distance specified by this Code for the district in which it is located and measured inward from the front lot line. The front yard area includes all areas up to the face of the primary building.

Interior Side Yard. A yard extending along an interior side of a lot from the front lot line to the rear lot line, and to a depth specified by this Code for the district in which it is located and measured inward from the interior side lot line.

Street Side Yard. A yard extending along the street side of a corner lot from the front lot line to the rear lot line, and to a depth specified by this Code for the district in which it is located and measured inward from the street side lot line.

Rear Yard. A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Code for the district in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Zoning Administrator. A staff member of the Community Development and Services Agency appointed by the CDSA Director charged with enforcing and administering the zoning provisions of the Development Code.

Zoning District. A specifically delineated area or district in the County within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Chapter 11.74 Land Use Regulation Table

Table 11.74 prescribes the land use regulations for each zone district. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code. Additional development regulations by zone district and use may apply as outlined in Chapter 11.04, Zones and Districts.

NOTE: Table 11.74 is comprised from each of the zoning district tables in Division II, Zoning and Overlay Districts. In case of conflict between Table 11.74 and the land use regulation tables in Division II, the tables in Division II shall apply.

TABLE 11.74 LAND USE REGULATION TABLE

GENERAL PLAN DESIGNATION	NATURAL RESOURCES						RURAL COMMUNITY			VALLEY NEIGHBORHOOD															ADDITIONAL REGULATIONS	
ZONING DISTRICTS	Agricultural			Natural Resources			Rural Community			Residential				Commercial & Mixed Use					Industrial			Special Purpose				
ZONING	AE	AR	AI	EX	TP	RPR	RE	RR	RC	RE	RS	RM	RH	GC	CMX	NMX	DC	EC	IC ¹	IG	IL	PF	SE ¹			
RESIDENTIAL USE CLASSIFICATIONS																										
Residential Housing Types																										
Duplex/Two-Unit	-	-	-	-	-	-	-	-	-	-	M	P	P	-	-	P	-	-	-	-	-	-	-			
Multi-Unit	-	-	-	-	-	-	-	-	-	-	-	P	P	-	M	M	P	M ¹	M ²	-	-	-	-			
Accessory Dwelling Unit	P	P	-	-	-	-	P	P	P	P	P	P	P	-	P	P	P	P	P	-	-	-	-	Per 11.32.030		
Second Dwelling Unit	P	P	A	-	-	-	P	P	P	P	P	P	-	-	-	P	-	-	-	-	-	-	-	Per 11.32.030		
Junior Accessory Dwelling Unit	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P	-	-	-	-	-	-	-			
Single-Unit Dwelling Attached	P	P	A	-	P	-	P	P	Z	P	P	P	-	-	-	-	-	-	-	-	-	-	-			
Single-Unit Dwelling Detached	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Family Day Care																										
Large	-	A	-	-	-	-	A	A	A	A	A	A	-	-	A ¹	A ¹	A ¹	-	-	-	-	-	-	Per 11.32.120		
Small	P	P	P ¹	-	-	-	P	P	P ⁴	P	P	P	P	-	P ¹	P ¹	P ¹	-	-	-	-	-	-			
Caretaker Residence	-	-	P	P	-	P	-	-	P	-	-	-	-	P	-	-	-	-	P	P	P	P	-	Per 11.32.080		
Employee Housing	A	A	A	A	A	A	-	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Per 11.32.100		
Residential Boarding Facilities	M	M	-	-	-	-	M	M	M	M	M	M	M	-	-	A ¹	A ¹	-	-	-	-	-	-			
Mobile Home Parks	-	-	-	-	-	-	-	C	C	-	-	M	P	-	-	-	-	-	-	-	-	-	-	Per 11.32.210		
Residential Care & Social Service Facilities																										
General (10+)	-	C	-	-	-	-	-	C	C	-	-	C	M	-	-	-	-	-	-	-	-	-	-	Per 11.32.250		
General (7-10)	-	M	-	-	-	-	M	M	M	M	M	M	P	-	-	A ¹	A ¹	-	-	-	-	-	-			
Limited (6)	P	P	P ¹	-	-	-	P	P	P	P	P	P	P	-	P ¹	P ¹	P ¹	-	-	-	-	-	-			
Single Room Occupancy	-	-	-	-	-	-	-	-	-	-	-	-	P	-	A	A	A	A	M ²	-	-	-	-	Per 11.32.260		
Supportive & Transitional Housing	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-			
Transitional Housing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Home Occupation	P	P	P	P ¹	P ¹	P ¹	P	P	P	P	P	P	P	P ¹	P ¹	P ¹	P ¹	-	-	-	-	-	-	Per 11.32.140		
Low-Barrier Navigation Center	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P						Per 11.32.160		
PUBLIC & SEMI PUBLIC USE CLASSIFICATIONS																										
Cemetery	C	C	-	-	-	C	-	C	C	-	-	-	-	-	-	-	-	-	-	-	C	C	-			
Colleges/Trade Schools	-	C	C	-	-	-	-	C	C	-	-	-	-	M	M	C ⁴	-	M	C	-	M	M	-			
Community Assembly	-	C	-	-	-	-	C	C	P	C	C	C	C	P	P	P ³	A	M	-	-	M	M	-			
Community Garden/Urban Agriculture	P	P	M ⁴	-	-	-	-	-	-	M ¹	M ¹	M ¹	M ¹	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	-	A ⁷	A ⁷	M ⁴	-			
Cultural Institutions	-	C	-	-	-	C	C	C	P	C	C	C	C	M	P	P ³	P	P	-	-	M	P	-			
Outdoor & Large Scale Cultural Institutions	-	C	-	-	-	C	C	C	C	-	-	-	-	A	M	C ⁴	-	M	-	-	C	M	-			
Day Care Centers	-	C	-	-	-	-	C	C	P	C	C	C	C	M	P	P	P	P	M ²	-	M	M	-			
Detention Facility	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-			
Elderly/Long-Term Care	-	C	-	-	-	-	-	C	M	-	-	C	C	-	P	M ⁴	-	M	-	-	-	M	-			
Emergency Shelter	-	-	-	-	-	-	-	-	M	-	-	-	-	Z	M	C ⁵	-	-	-	-	C	Z	-	Per 11.32.100		
Essential/Emergency Service Facilities	M	M	M	M	M	M	C	M	A	C	C	C	M	P	A	M	M	P	M	P	P	M	-			
Government Offices	M	M	M	-	-	-	-	M	P	-	-	-	-	P	P	P	P	P	-	-	A	P	-			
Hospitals/Clinics																										
Clinic	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	P	P	-	-	-	P	-			
Hospital	-	-	-	-	-	-	-	-	C	-	-	-	-	C	C	-	-	C	-	-	-	C	-			
Park & Recreation Facilities; Public																										

GENERAL PLAN DESIGNATION	NATURAL RESOURCES						RURAL COMMUNITY			VALLEY NEIGHBORHOOD														ADDITIONAL REGULATIONS	
ZONING DISTRICTS	Agricultural			Natural Resources			Rural Community			Residential				Commercial & Mixed Use					Industrial			Special Purpose			
ZONING	AE	AR	AI	EX	TP	RPR	RE	RR	RC	RE	RS	RM	RH	GC	CMX	NMX	DC	EC	IC ¹	IG	IL	PF	SE ¹		
<i>Passive Recreation</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-		
<i>Active Recreation</i>	M	M	M	-	C	C	M	M	M	M	M	M	M	M	M	M	M	M	-	-	-	M	-		
Parking: Public or Private	-	-	-	-	-	-	-	-	P	-	-	-	-	Z	Z	Z ³	A	Z	A	P	P	Z	-		
Schools	-	C	-	-	-	-	C	C	C	C	C	C	C	-	M	C	-	M	-	-	-	M	-		
COMMERCIAL USE CLASSIFICATIONS																									
Adult-Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	M	M	-	-		
Animal Care: Sales & Services																									
<i>Grooming</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	P	P	-	-	A	-	-		
<i>Pet Sales & Associated Services</i>	M	M	-	-	-	-	-	-	P	-	-	-	-	P	P	P ³	A	P	-	-	-	-	-		
<i>Kennels</i>	A	A	-	-	-	-	C	M	M	C	-	-	-	C	-	-	-	-	-	A	A	-	-	Per 11.32.0540	
<i>Veterinary Services</i>	-	C	-	-	-	-	-	C	A	-	-	-	-	P ²	M	P ^{2,4}	-	M	-	-	P	M	-		
Banks & Financial Institutions	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	P	P	-	-	-	-	-		
Bars & Drinking Establishments	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	A ³	A	P	Z ²	-	-	-	Z ²		
Business Services	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	P	P	Z ²	-	P	-	-		
Drive-In & Drive Thru Facilities (retail establishment)	-	-	-	-	-	-	-	-	Z	-	-	-	-	Z	Z	Z ³	-	Z	Z ²	-	-	-	-	Per 11.32.0980	
Entertainment & Recreation																									
<i>Campground</i>	C	C	-	-	M	M	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	Z ²	Per 11.32.0760	
<i>Hunting/Fishing Club</i>	A	M	-	M	Z ⁴	Z ⁴	-	M	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
<i>Incidental Hunting & Fishing</i>	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
<i>Indoor Entertainment & Recreation</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P ⁴	M	P	M	-	M	-	Z		
<i>Outdoor Entertainment</i>	M ²	C ²	-	-	M ²	M ²	-	C ¹	C	-	-	-	-	-	-	-	-	C	M	-	-	-	Z		
<i>Outdoor Sports & Recreation</i>	M ²	C ²	-	-	M ²	M ²	-	C ¹	C	-	-	-	-	-	-	-	-	C	M	-	-	-	Z		
<i>Temporary Uses & Special Events</i>	Per 11.32.300																								
Food & Beverage Sales																									
<i>Farmers Market</i>	Per 11.32.120			-	-	-	Per 11.32.120			Per 11.32.120				Z	Z	A	A	Z	-	-	-	Z	-	Per 11.32.1320	
<i>General Market</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	P	P	-	-	-	-	-		
<i>Liquor Stores</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P ³	P	P	-	-	-	-	-		
Food Preparation	-	-	A	-	-	-	-	-	P	-	-	-	-	P	P	P ³	M	P	-	-	P	-	-		
Funeral Parlors & Internment Services	-	-	-	-	-	-	-	-	A	-	-	-	-	P	A	-	-	-	-	-	P	-	-		
Lodging																									
<i>Agricultural Homestays</i>	*	*	-	-	-	C	*	*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Per 11.32.1540	
<i>Bed & Breakfast</i>	*	*	-	-	-	-	*	*	*	*	*	-	-	-	-	P ¹	P ¹	-	-	-	-	-	-		
<i>Health Resort & Retreat Center</i>	C	C	-	-	-	-	-	C	C	-	-	-	-	P	P	P ⁴	A	P	-	-	-	-	-		
<i>Hotels & Motels</i>	-	C	-	-	-	-	-	-	P	-	-	-	-	P	P	M ⁴	A	P	P	-	-	-	Z		
Maintenance & Repair Services	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P ³	P	P	M	P	P	-	-		
Manufactured Home Sales Lots	-	-	-	-	-	-	-	-	M	-	-	-	-	M	-	-	-	-	C	P	P	-	-		
Neighborhood Services	-	-	-	-	-	-	A	A	P	A	A	A	A	P	P	P	P	P	-	-	-	-	-		
Professional Services																									
<i>Business & Professional</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	P	P	M	-	M	-	-		

GENERAL PLAN DESIGNATION	NATURAL RESOURCES						RURAL COMMUNITY			VALLEY NEIGHBORHOOD														ADDITIONAL REGULATIONS	
ZONING DISTRICTS	Agricultural			Natural Resources			Rural Community			Residential				Commercial & Mixed Use					Industrial			Special Purpose			
ZONING	AE	AR	AI	EX	TP	RPR	RE	RR	RC	RE	RS	RM	RH	GC	CMX	NMX	DC	EC	IC ¹	IG	IL	PF	SE ¹		
<i>Medical & Dental</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	P	P	M	-	M	-	-		
Personal Services																									
<i>General</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	P	P	M	-	M	-	-		
<i>Instructional Services</i>	-	M	-	-	-	-	-	-	P	-	-	-	-	P	P	P ³	P	P	M	-	M	-	-		
<i>Tattoo or Body Modification Parlor</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P ⁴	P	P	M	-	M	-	-		
Restaurants																									
<i>With Drive-Thru</i>	-	-	-	-	-	-	-	-	M	-	-	-	-	P	P	P ⁴	-	P	Z ²	-	-	-	Z ²	Per 11.32.0980 & 11.32.1860	
<i>Without Drive-Thru</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P ⁴	P	P	Z ²	-	-	-	Z ²		
Retail Sales																									
<i>Building Materials & Services</i>	-	-	M	-	-	-	-	-	P	-	-	-	-	P	P	P ⁴	-	-	-	A ³	A ³	-	-	Per 11.32.1970	
<i>Convenience Retail</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	P	P	Z ²	-	-	-	-		
<i>General Retail</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	P	P	Z ²	-	-	-	-		
<i>Large Format Retail</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	M	M	-	-	M	M	-	-	-	-		
<i>Nurseries & Garden Centers</i>	M ³	M ³	M ³	-	-	-	-	M ²	P	-	-	-	-	P	P	P ⁴	-	-	-	A ³	A ³	-	-		
Vehicle Sales & Services																									
<i>Rentals, Sales & Leasing</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	P	M	C ⁴	-	-	P ⁴	-	M	-	-	Per 11.32.0650	
<i>Repair: Major</i>	-	-	M	-	-	-	-	-	M	-	-	-	-	A	-	-	-	-	P ⁴	A	M	-	-		
<i>Service & Repair: Minor</i>	-	-	M	-	-	-	-	-	P	-	-	-	-	P	M	C ⁴	-	-	P ⁴	P	A	-	-		
<i>Trucks & Heavy Equipment Sales, Service & Rental</i>	-	-	P	-	-	-	-	-	C	-	-	-	-	C	-	-	-	-	P ⁴	A	M	-	-		
<i>Service Station</i>	-	-	M	-	-	-	-	-	P	-	-	-	-	P	P	P ⁴	-	P	P ⁴	P	P	-	-		
<i>Towing & Impound</i>	-	-	M	-	-	-	-	-	M	-	-	-	-	M	C	-	-	-	-	P	M	-	-		
<i>Washing</i>	-	-	M	-	-	-	-	-	P	-	-	-	-	P	P	A ⁴	-	A	Z ⁵	P	Z ⁵	-	-		
INDUSTRIAL USE CLASSIFICATIONS																									
Construction & Materials Yard	-	-	P	P ³	P ³	-	-	-	M	-	-	-	-	C	-	-	-	-	M	P	A	-	-		
Custom Manufacturing	-	M	M	-	-	-	-	-	A	-	-	-	-	P	M	C ⁴	-	C	M	P	P	-	-		
General Industrial	-	-	C	A ⁷	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	M	-	-		
Intensive Industrial	-	-	-	A ⁷	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-		
Limited Industrial	-	-	M	-	-	-	-	-	C	-	-	-	-	P	-	-	-	C	C	P	P	-	-		
Recycling Facilities																									
<i>Recycling Collection Facility</i>	-	-	-	-	-	-	-	-	P	-	-	-	-	Z	A	A	-	Z	Z ⁵	P ⁸	P ⁸	-	-	Per 11.32.2420	
<i>Recycling Processing Facility</i>	-	-	-	-	-	-	-	-	M	-	-	-	-	M	-	-	-	-	-	P	A	C	-		
Research & Development	-	-	-	A ⁷	-	-	-	-	M	-	-	-	-	M	-	-	-	P	P	A	P	-	-		
Salvage & Wrecking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	M	C	-	-		
Warehousing, Storage & Distribution																									
<i>Auction Facilities</i>	P ⁴	-	P ⁴	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	M	A	M	-	-		
<i>Chemical, Mineral & Explosive Storage</i>	C	-	C	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	M	C	-	-		
<i>Indoor Warehousing, Wholesaling & Distribution</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	C	P	P	-	-		
<i>Outdoor Storage</i>	P ⁵	P ⁵	P ⁵	-	-	-	-	-	C	-	-	-	-	M	-	-	-	-	-	P	A	-	-	Per 11.19.070	
<i>Personal Storage</i>	<u>-</u>	<u>M</u>	<u>M</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>A</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>M</u>	<u>M</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>Per 11.32.180</u>

<i>Personal Storage</i>	-	M	M	-	-	-	-	€	M	€	€	€	-	P	€	€	-	-	M	M	P	-	-	Per 11.32.180
GENERAL PLAN DESIGNATION	NATURAL RESOURCES						RURAL COMMUNITY			VALLEY NEIGHBORHOOD														ADDITIONAL REGULATIONS
ZONING DISTRICTS	Agricultural			Natural Resources			Rural Community			Residential				Commercial & Mixed Use					Industrial			Special Purpose		
ZONING	AE	AR	AI	EX	TP	RPR	RE	RR	RC	RE	RS	RM	RH	GC	CMX	NMX	DC	EC	IC ¹	IG	IL	PF	SE ¹	
TRANSPORTATION, COMMUNICATIONS & UTILITIES CLASSIFICATION																								
Airports & Helicopters	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	
Agricultural Runways & Airport Facilities	P	P	P	-	M	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Communication Facilities	Per 11.32.290																							
Freight Truck Terminals & Warehouses	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A	-	-	
Light Fleet - Based Services	-	-	-	-	-	-	-	-	M	-	-	-	-	P	M	-	-	-	M	P	P	-	-	
Transportation Passenger Terminals	-	-	-	-	-	-	-	-	C	-	-	-	-	P	M	-	-	-	C	A	P	M	-	
Major Utilities	C	C	C	C	C	C	-	C	C	-	-	-	-	C	C	-	-	-	C	M	C	C	-	
Minor Utilities	A	A	P	P	P	M	C	M	M	C	C	C	C	M	M	C	-	M	P	P	P	P	Z ²	
<i>On-site Biomass</i>	Z ⁷	A ⁷	P ⁷	-	P ³	M ³	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Renewable Energy Systems																								
<i>Personal Hydro Energy System</i>	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	-	-	-	P	P	P	P	-	
<i>Personal Solar Energy System</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Per 11.32.2760
<i>Large Solar Generation Facility</i>	C	C	C	-	C ³	-	-	C	C	-	-	-	-	C	-	-	-	C	C	A	M	C	-	
<i>Small Solar Generation Facility</i>	M	M	M	-	M ³	M ³	M	M	M	-	-	-	-	M	M	M	M	M	M	M	M	M	-	
<i>Personal Wind Energy System</i>	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	-	-	-	P	P	P	P	P	Per 11.32.2870
<i>Large Wind Generation Facility</i>	C	C	C	-	C ³	-	-	C	C	-	-	-	-	-	-	-	-	-	-	C	-	C	-	
<i>Small Wind Generation Facility</i>	M	M	M	-	M ³	-	-	M	M	-	-	-	-	-	-	-	-	-	-	M	-	M	-	
AGRICULTURAL & EXTRACTIVE USE CLASSIFICATIONS																								
Agricultural Labor Housing	P	P	P	-	P	-	-	A	A	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	<u>P</u>	-	-	-	-	-	-	-	Per 11.32.0430
Agricultural Processing	M	M	P	-	-	-	-	-	M	-	-	-	-	-	-	-	-	-	-	P	M	-	-	
Animal Raising - Imported Feed	P	P	P	-	-	-	P	P	P ⁵	*	*	*	*	-	-	-	-	-	-	-	-	-	-	Per 11.32.0540
Crop Production	P	P	P	-	-	-	P	P	P ⁵	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Custom Farming	<u>A</u>	A	<u>A</u>	-	-	-	<u>A</u>	A	P	-	-	-	-	-	-	-	-	-	C	P	P	-	-	
Dairy	P	M	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Farm Machinery & Equipment, Sales & Service	M	M	P	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	Z	P	M	-	-	
Feed & Farm Supply Store	M	M	P	-	-	-	-	M	A	-	-	-	-	-	-	-	-	-	-	P ³	P ³	-	-	
Grazing (Animal Raising)	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Mining	SMP	SMP	SMP	SMP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Per 11.32.2980
Agricultural Packing & Storage																								
<i>On-site Products</i>	P	P	P	-	-	-	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<i>Off-site Products</i>	M	M	P	-	-	-	-	C	M	-	-	-	-	-	-	-	-	-	-	P	A	-	-	
Produce Stand	P	P	P	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Per 11.32.2200
Ranch Marketing	Per 11.32.210			-	-	-	Per 11.32.210			-	-	-	-	-	-	-	-	-	-	-	-	-	-	Per 11.32.2310
Resource Protection & Restoration	P ⁶	P ⁶	P ⁶	P ⁴	P ⁴	P ⁴	M ³	P ³	P ³	M	M	M	M	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁶	P ⁶	P ⁶	P ³	-	
Sales Lot, Feed Lot, Stockyard	C	C	C	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-	-	C	-	-	-	
Slaughterhouse	C	C	C	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C	-	-	-	
Wineries & Tasting Rooms	Per 11.32.320			-	-	-	Per 11.32.320			-	-	-	-	-	-	-	-	-	-	-	-	-	-	Per 11.32.3320
Timber Production & Harvesting	P	P	P	-	P	* ⁵	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Timber Processing	M	M	P	-	M	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	-	-	

Key To Permit Requirements	
Principally Permitted Use	P
Zoning Clearance	Z
Administrative Use Permit Required	A
Minor Conditional Use Permit Required	M
Conditional Use Permit Required	C
Surface Mining Permit	SMP
As Outlined in Additional Regulations Section	*
Use is Not Allowed	-

Agricultural Districts

1. When located within an existing legally permitted single family residence.

2. Recreation and entertainment uses directly related to agricultural and natural resource uses such as but not limited to equestrian and rodeo facilities.

3. Wholesale nursery operations only.

4. Livestock & Farm Equipment Auctions only. Limited to 2 events per year not to exceed 3 days per event. Additional events allowed through approval of a TUP.

5. Agricultural vehicles and equipment only and must be associated with on-site agricultural operation or business.

6. Copies of any easements or land development restrictions shall be submitted to the Planning Department.

7. When it will not impact on-site or adjacent agricultural operations.

Rural Community Districts

1. Uses that are typically associated with rural communities such as but not limited to equestrian facilities and shooting/archery ranges as determined by the Zoning Administrator.

2. Wholesale nursery operations only.

3. Copies of any easements or land development restrictions shall be submitted to the Planning Department.

4. When located within an existing legally permitted single family residence.

5. Permitted on parcels that are at least five acres in size unless a Waiver is approved.

Residential Districts

1. Community Gardens/Urban Agriculture: as an interim land use on vacant property.

Commercial & Mixed Use Districts

1. When located within an existing legally permitted residence.

2. Permitted when conducted entirely within a building. Outdoor kennels and dog runs require approval of a Minor Conditional Use Permit.

3. NMX properties located outside of a mixed-use corridor as identified in the General Plan or that do not front on an urban arterial or collector road requires approval of a Minor Conditional Use Permit.

4. Only allowed within mixed-use corridors identified in the General Plan or properties that front on an urban arterial or collector road.

5. Copies of any easements or land development restrictions shall be submitted to the Planning Department.

6. Community Gardens/Urban Agriculture: as an interim land use on vacant property.

Industrial Districts

1. All uses within the IC district must be consistent with Measure R.

2. Employee/workforce housing 16 to 40 units per acre & support services related to a permitted employment generating use.

3. Wholesale only. In addition, in the IL district must be conducted inside a building.

4. All repair, bodywork, and/or painting must be conducted inside a building.

5. When ancillary to a permitted or conditionally permitted use.

- 6. Copies of any easements or land development restrictions shall be submitted to the Planning Department.
- 7. Community Gardens/Urban Agriculture: as an interim land use on vacant property.
- 8. Recycling collection only permitted when associated with an approved recycling processing facility.

Special Purpose Districts

- 1. All uses within the Highway 65 SE district must be consistent with Measure R.
- 2. When associated with a permitted sports and entertainment facility.
- 3. Copies of any easements or land development restrictions shall be submitted to the Planning Department.
- 4. Community Gardens/Urban Agriculture: as an interim land use on vacant property.

Natural Resources Districts

- 1. Only when there is a pre-existing legally permitted residence or approved caretakers unit.
- 2. Only those types of entertainment & recreation uses that are compatible with the Natural Resources designation as determined by the Zoning Administrator.
- 3. Only when associated with or will not negatively impact a permitted mining, extraction, timber operation, or other permitted use as determined by the Zoning Administrator.
- 4. Copies of any easements or land development restrictions shall be submitted to the Planning Department.
- 5. Less than 3 acres requires approval of a Zoning Clearance. Over 3 acres requires approval of an Administrative Use Permit. A finding must be made that the harvesting of tree is necessary for the health and maintenance
- 6. Single-unit dwellings are allowed as a "compatible use" as defined in Government Code Subsection 51104(h) of the Timber Production Act and shall not be used as a mechanism to further subdivide timber lands.
- 7. General Industrial and Intensive Industrial uses not ancillary to a permitted mining operation when a finding can be made that the use will not be detrimental to the adjacent mining operations or is inconsistent with the with the airport overlay zone.

Attachment 3

RECOMMENDED ZONE CHANGES SUMMARY TABLE

APN	EXISTING USE	GENERAL PLAN DESIGNATION	EXISTING ZONING DISTRICT	RECOMMENDED ZONING DISTRICT	COMMENT
021411025000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
021412017000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
021412020000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020253009000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020255003000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020252004000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020253002000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020300002000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020252005000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020300006000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020253010000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020300010000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020253003000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020300007000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020253008000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020253004000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020300011000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>
020300005000	Residential	Valley Neighborhood	Single Family Residential	Medium Density Residential	<i>County Request. RS to RM Consistent with use and location</i>

Attachment 3

[illegible]

Attachment 3

[illegible]

Attachment 3

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Attachment 3

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Attachment 3

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Attachment 3

[illegible]

