

# BOARD OF SUPERVISORS

## AGENDA

Meetings are located at:  
Yuba County Government Center  
Board Chambers, 915 Eighth Street  
Marysville, California



Agenda materials are available at the Yuba County Government Center, 915 8<sup>th</sup> Street, Marysville and [www.co.yuba.ca.us](http://www.co.yuba.ca.us). Any disclosable public record related to an open session item and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available for public inspection at Suite 109 of the Government Center during normal business hours.

### **JUNE 21, 2016 MEETING POSTPONED TO 06/28/2016 9:30 A.M. DUE TO LACK OF QUORUM**

**9:30 A.M. YUBA COUNTY BOARD OF SUPERVISORS - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. All items on the agenda other than Correspondence and Board and Staff Members Reports are considered items for which the Board may take action. The public will be given opportunity to comment on action items on the agenda when the item is heard and comments shall be limited to three minutes per individual or group.**

- I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Fletcher
- II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher
- III. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.
  - A. Administrative Services
    1. [\(246-0616\) Adopt resolution authorizing Purchasing Agent to reject bids received for Child Welfare Services door project.](#)
  - B. Community Development and Services
    1. [\(247-0616\) Authorize borrowing \\$8,000 from County Service Area 66 to County Service Area 59 for road maintenance.](#)
    2. [\(248-0616\) Authorize disbursement in the total amount of \\$441,431.01 from Measure D Fund 807 to County Road Fund 102 for \\$418,255.88, City of Marysville for \\$17,657.24 and City of Wheatland for \\$5,517.89.](#)
  - C. District Attorney
    1. [\(249-0616\) Adopt resolution authorizing District Attorney to execute grant agreements for funding under United States Bureau of Justice Assistance Grant Program.](#)
  - D. Office of Emergency Services
    1. [\(250-0616\) Adopt resolution proclaiming the existence of ongoing local drought emergency in Yuba County pursuant to Government Code 8630.](#)
- IV. **PUBLIC COMMUNICATIONS:** Any person may speak about any subject of concern provided it is within the jurisdiction of the Board of Supervisors and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than three minutes. Prior to this time speakers are requested to fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors. Please note: No Board action can be taken on comments made under this heading.
- V. **ORDINANCES AND PUBLIC HEARINGS:** If you challenge in court the action or decision of the Yuba County Board of Supervisors regarding a zoning, planning, land use or environmental protection matter made at any public hearing described in this notice, you may be limited to raising only those issues you or someone else raised at such public hearing, or in written correspondence delivered to the Yuba County Board of Supervisors at, or prior to, such public hearing and such public comments will be limited to three minutes per individual or group.

- A. [\(251-0616\) Public Hearing - Hold public hearing to consider proposed change to assessments for County Service Area No. 9, absent a majority protest, adopt resolution to establish assessments to take effect on July 1, 2016. \(Roll Call Vote\) \(Fifteen minute estimate\)](#)
- B. [\(252-0616\) Public Hearing - Hold public hearing to consider proposed change to assessments for County Service Area No. 20, absent a majority protest, adopt resolution to establish assessments to take effect on July 1, 2016. \(Roll Call Vote\) \(Fifteen minute estimate\)](#)
- C. [\(253-0616\) Public Hearing - Hold public hearing to consider proposed change to assessments for County Service Area No. 39, absent a majority protest, adopt resolution to establish assessments to take effect on July 1, 2016. \(Roll Call Vote\) \(Fifteen minute estimate\)](#)
- D. [\(254-0616\) Ordinance - Hold public hearing, waive reading and adopt ordinance repealing and reenacting certain Chapters and Sections of Title 11 Development Code; approve changes to Zoning Map; and adopt Initial Study and Negative Declaration. \(Thirty minute estimate\) \(Roll Call Vote\)](#)

**VI. CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.**

- A. [\(255-0616\) Two notices from California Fish and Game Commission regarding Conflict of Interest Code and Coast Yellow Leptosiphon as endangered species.](#)
- B. [\(256-0616\) Agenda from Central Valley Regional Water Quality Control for June 22 - 24, 3026.](#)

**VII. BOARD AND STAFF MEMBERS' REPORTS: This time is provided to allow Board and staff members to report on activities or to raise issues for placement on future agendas.**

**VIII. CLOSED SESSION**

- A. A. Conference with Real Property Negotiator pursuant to Government Code 54956.8 - Property: APN 019-270-047, 048, 049 (Owners Broliar, Milton and Sandra) Negotiating Parties: Mike Lee Negotiation: Terms of Price
- B. Personnel pursuant to Government Code 54957.6(a) - Labor Negotiations DSA/MSA/YCPOA/County of Yuba Negotiating Parties: Abel

**IX. ADJOURN**

**Law and Justice Committee - Supervisors Nicoletti and Abe, Alternate Supervisor Vasquez**

- A. [\(257-0616\) Consider Ordinance authorizing District Attorney to accept standards for recruitment and training of peace officers established by Commission on Peace Officer Standards and Training \(Five minute estimate\)](#)

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made two full business days before the start of the meeting. To place an item on the agenda, contact the office of the Clerk of the Board of Supervisors.





## Administrative Services Memorandum

**To:** Board of Supervisors  
**CC:** Robert Bendorf, County Administrator  
**From:** Doug McCoy, Director, Administrative Services  
**Date:** June 21, 2016  
**Re:** CWS Door Project

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### Recommendation

The Board approves the attached resolution to authorize the Purchasing Agent to reject the bids received for the Child Welfare Services (CWS) door project.

### Background

CWS has a slider-style entrance door that had been having service issues. Buildings & Grounds determined they were not able to fix it. So Health & Human Services asked B&G to look in to the cost to replace the door. A specification was written and an RFP was created and distributed to replace the door.

### Discussion

During the bidding process, it was determined the door could be serviced by the manufacturer's representative for significantly less money; and that this might solve the performance issues. HHS and B&G decided it was worth a try and had the service completed. This resolved the issues.

Thus the RFP responses were rendered unnecessary and moot. Under Public Contract Code, we need Board permission to reject all bids since the work is no longer necessary.

### Committee Action

Due to the routine nature of this request, this has bypassed committee and been brought directly to your Board for review.

### Fiscal Impact

The net savings by servicing the existing door versus replacing it was approximately \$6000.

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**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

<b>RESOLUTION</b>	<b>RESOLUTION NO. _____</b>
<b>AUTHORIZE THE PURCHASING AGENT</b>	)
<b>TO REJECT THE BIDS RECEIVED FOR</b>	)
<b>THE CHILD WELFARE SERVICES DOOR</b>	)
<b>PROJECT</b>	)

**WHEREAS**, Child Welfare Services (CWS) has an slider entrance door in to their suite at the Packard Avenue facility; and

**WHEREAS**, this slider door has fallen out of adjustment and the leadership of HHS asked Buildings & Grounds to look a possible door replacement; and

**WHEREAS**, assuming a replacement was the best solution at the time, and RFP was created and distributed; and

**WHEREAS**, during the course of the RFP process it was determined that the door had not been adequately serviced before a decision to replace the unit was made; and

**WHEREAS**, service was performed by the distributor and following this service it was determined the door now met the needs of the department; and

**WHEREAS**, prior to this service the RFP process had already been initiated; and

**WHEREAS**, now that the door is working, the bids are no longer necessary and should be rejected.

**NOW, THEREFORE, BE IT RESOLVED**, The Yuba County Board of Supervisors by a 4/5 vote hereby authorizes the Purchasing Agent to reject the bids received for the CWS door

replacement and rescinds the offering.

The work shall be considered complete.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 by the following vote:

AYES:

NOES:

ABSENT:


ABSTAIN:

\_\_\_\_\_  
Chair

ATTEST:     DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_

ANGIL P. MORRIS-JONES  
YUBA COUNTY COUNSEL  
APPROVED AS TO FORM:

  
\_\_\_\_\_

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone – (530) 749-5430 • Fax – (530) 749-5424  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
www.co.yuba.ca.us



(247-0616) Autho... - 1 of 2

**CODE ENFORCEMENT**  
749-5455 • Fax 749-5424

**ENVIRONMENTAL HEALTH • CUPA**  
749-5450 • Fax 749-5454

**HOUSING & COMMUNITY SERVICES**  
749-5460 • Fax 749-5464

**PLANNING**  
749-5470 • Fax 749-5434

**PUBLIC WORKS • SURVEYOR**  
749-5420 • Fax 749-5424

**Date:** June 21, 2016

**To:** Board of Supervisors

**From:** Michael Lee, Public Works Director

A handwritten signature in black ink, appearing to read "Michael Lee", is written over the "From:" line.

**Subject:** Authorize the borrowing of \$8,000 from CSA 66 to CSA 59 for maintenance of CSA 59 roads

### **Recommendation:**

Authorize the borrowing of \$8,000 from CSA 66 to CSA 59 for maintenance of CSA 59 roads.

### **Background:**

Historically, assessment levels for CSA 59 property owners were very low. The revenues were intended for road maintenance as well as maintenance of a fire suppression pond. Unfortunately, the maintenance of the fire suppression pond absorbed all of the revenues collected from CSA 59 property owners, leaving nothing for road maintenance. As a result, CSA 59 roads became in horrible condition, requiring immediate attention.

### **Discussion:**

Recently, Public Works worked with CSA 59 property owners to pass a Proposition 218 vote increasing the annual assessments in CSA 59. To help the vote pass, Public Works assured property owners that we would improve the condition of their roads that had become almost impassable. However, the Trust Fund for CSA 59 did not have adequate monies to perform the needed repairs. As a result, we are requesting a loan to temporarily cover the cost of the work. Given the recent assessment increase, revenues will now accumulate at a reasonable rate to timely pay back the loan.

CSA 66 has adequate funds in trust to allow for the borrowing without adversely affecting current services and future projects for CSA 66. The loan will be paid back with interest at the County's pooled rate as annual assessments from CSA 59 are collected. CDSA will work the with the Auditor-Controller's office for proper accounting and loan repayment.

### **Committee Action:**

The Land Use & Public Works Committee heard this item and recommends approval.

### **Fiscal Impact:**

The principal amount of the loan shall not exceed \$8,000, the rate of the borrowing will be determined by the county pool rate, and all borrowed funds and interest owed to the CSA 66 trust fund will be repaid from CSA 59 future assessment revenues.

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# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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915 8<sup>th</sup> Street, Suite 123  
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BUILDING

(248-0616) Autho... - 1 of 2

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PLANNING  
749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR  
749-5420 • Fax 749-5424

June 21, 2016

TO: YUBA COUNTY BOARD OF SUPERVISORS  
FROM: MICHAEL LEE, DIRECTOR OF PUBLIC WORKS  
SUBJECT: DISBURSEMENT OF MEASURE D FUNDS

A handwritten signature in black ink, appearing to read "Michael Lee", is written over the "FROM" line of the memo.

### RECOMMENDATION:

Authorize the Auditor/Controller to disburse \$441,431.01 in Measure D funds from Fund 807 to the County Road Fund, City of Marysville and City of Wheatland in the following amounts:

\$418,255.88	County Road Fund (Fund 102)
\$17,657.24	City of Marysville
\$5,517.89	City of Wheatland

### BACKGROUND:

Measure D was approved by Yuba County voters in November 2004 and established a 15 cent per ton fee on all aggregate and asphalt concrete produced in the County. In December of 2005 the Board decided on an allocation of the funds with half being dedicated to aggregate haul routes in the County and the other half divided by maintained miles between the County, Marysville and Wheatland for road maintenance.

### DISCUSSION:

Public Works obtained the state verified maintained road miles from both Marysville and Wheatland, and the fund balance of Measure D funds from the Auditor as of May 31, 2016, which has already had the administrative fee of 3% deducted. There is a total of \$441,431.01 available for disbursement and it is recommended that this amount be distributed to the Road Fund, City of Marysville, and City of Wheatland using the following breakdown. The summary of maintained miles and amounts are as follows:

Yuba County	50% (haul routes)	\$220,715.50
	<u>Maintained Miles</u>	<u>% of total miles</u>
Yuba County	652.7 miles	89.5%
City of Marysville	58.4 miles	8.0%
City of Wheatland	18.4 miles	2.5%
		\$197,540.38
		\$17,657.24
		\$5,517.89

### COMMITTEE ACTION:

The Land Use and Public Works Committee was bypassed as the method of disbursement was determined by the Board in December 2005. No Committee action is required.

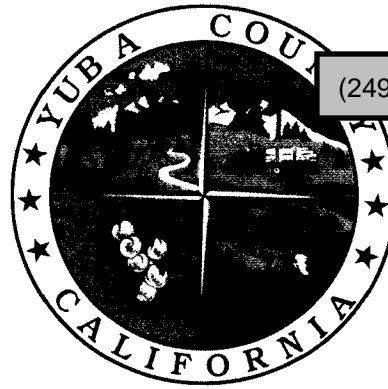
### FISCAL IMPACT:

This action will provide revenue to the Road Fund to be used on road improvement projects.

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# The County of Yuba

OFFICE OF THE DISTRICT ATTORNEY



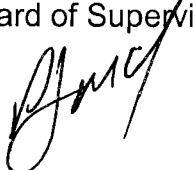
(249-0616) Adopt... - 1 of 4

DISTRICT ATTORNEY

(530) 749-7770  
FAX (530) 749-7363

**DATE:** May 23, 2016

**TO:** Yuba County Board of Supervisors

**FROM:** Patrick McGrath  
District Attorney 

**SUBJECT:** Authorize the District Attorney to act as the signing authority on behalf of the Board of Supervisors and execute Grant Award Agreements for funding under the federal Justice Assistance Grant program made available through the United States Bureau of Justice Assistance.

**RECOMMENDATION:** Recommend that the Board adopt a Resolution authorizing the District Attorney to act as the signing authority to execute grant award documents to receive continuation funding made available through the Justice Assistance Grant program administered through the United States Bureau of Justice Assistance (BJA).

**BACKGROUND:** The BJA has announced it is extending criminal justice funding to Yuba County for FY 16/17 in the amount of \$15,553 through the Justice Assistance Grant program. JAG funding has been approved in the previous seven fiscal years. The proposed Resolution will authorize the District Attorney to submit the proposal by the June 30<sup>th</sup> deadline and sign grant-related documents after the application has received final approval from the federal Bureau of Justice Assistance.

**DISCUSSION:** The award of JAG funding will provide revenue to augment child abuse prosecutions and maintain current service levels in FY 16/17.

**FISCAL IMPACT:** No matching funds are required. Receipt of the funding will have no general fund impact for FY 16/17.

**COMMITTEE ACTION:** This item is the extension of a previously approved funding application and due to time constraints imposed under the federal grant guidelines was not taken to the Law and Justice Committee.

Attachment

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BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

IN RE:

RESOLUTION AUTHORIZING THE DISTRICT )	
ATTORNEY OF YUBA COUNTY TO ENTER )	
INTO AGREEMENTS WITH THE UNITED STATES)	
BUREAU OF JUSTICE ASSISTANCE FOR GRANT)	
FUNDING AND ACT AS THE SIGNING )	RESOLUTION NO.
AUTHORITY ON BEHALF OF THE COUNTY OF )	
YUBA TO EXECUTE REQUIRED GRANT )	
DOCUMENTS )	
_____ )	_____

WHEREAS the Yuba County Board of Supervisors desires to continue a certain project designated as the District Attorney Child Abuser Prosecution Project through funds made available through the Edward Byrne Memorial Justice Assistance Grant Program administered through the United States Bureau of Justice Assistance (hereafter referred to as BJA); and

NOW, THEREFORE, BE IT RESOLVED that the District Attorney of Yuba County is authorized, on its behalf to submit the District Attorney Child Abuser Prosecution Project proposal to the United States Bureau of Justice Assistance and is authorized to sign and approve on behalf of the Yuba County Board of Supervisors the Grant Award Agreements over the grant award period beginning October 1, 2015 and ending September 30, 2019,

including any extensions or amendments thereof upon the review and approval of the County Counsel.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, on the day of \_\_\_\_\_, 2016, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

\_\_\_\_\_  
Roger Abe  
CHAIRMAN

ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

APPROVED AS TO FORM

  
\_\_\_\_\_  
ANGIL MORRIS-JONES  
COUNTY COUNSEL





# COUNTY OF YUBA

## OFFICE OF EMERGENCY SERVICES

(250-0616) Adopt... - 1 of 4


COUNTY ADMINISTRATOR  
DIRECTOR OF EMERGENCY SERVICES

**SCOTT BRYAN**  
EMERGENCY OPERATIONS MANAGER

**BRIANA SCHUETTE**  
EMERGENCY OPERATIONS PLANNER

### Board Memo

To: Board of Supervisors

Fr: Scott Bryan, Emergency Operations Manager 

Re: Proclaim the existence of a local emergency in the County of Yuba

Date: June 21, 2016

### Recommendation:

The Board of Supervisors adopts a resolution proclaiming the continuation of a local emergency due to the ongoing drought conditions.

### Background:

On January 17, 2014 Governor Edmund G. Brown Jr. declared a Statewide Drought Emergency due to the impacts on the State of California as a result of four continuous years of drought. On February 18, 2014 the Director of Emergency Services proclaimed a local emergency due to the effects the drought has had within the County of Yuba. Your Board ratified said proclamation on February 25, 2014 and extended on May 24, 2016.

### Discussion:

With an on-going water shortage affecting the County of Yuba, the final duration of the emergency has not yet been determined. The current seasonal rainfall totals have been below normal when compared to average rainfall totals. The National Weather Service continues to designate the County of Yuba as being in a severe drought. Therefore it is recommended that your Board extend the current proclamation of a local emergency until the end of the incident period per (Govt. Code Section 8630 (c)). This proclamation of emergency will be reviewed and renewed no less than once every thirty days. Per Govt. Code Section 8630(d), this proclamation of emergency shall be terminated as soon as reasonably possible.

### Committee Action:

No committee action was taken due to time constraints.

### Fiscal Impact:

There is an unknown impact to the general fund as of this date.

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**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

## RESOLUTION:

**THE BOARD OF SUPERVISORS )  
ADOPT A RESOLUTION )  
PROCLAIMING THE EXISTENCE OF )  
AN ONGOING LOCAL DROUGHT )  
EMERGENCY IN THE COUNTY OF )  
YUBA. )**

RESOLUTION NO. \_\_\_\_\_

**WHEREAS**, the Yuba County Director of Emergency Services did hereby proclaim a local emergency in the County of Yuba on February 18, 2014 per Ordinance Code section 4.20; and

**WHEREAS**, conditions of peril to public health and safety remain in the County of Yuba due to the statewide drought; and

**WHEREAS**, the County of Yuba Board of Supervisors does hereby find that the aforesaid conditions of peril do warrant and necessitate a proclamation of the existence of a local emergency due to a statewide drought; and

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED,** that a local emergency continues to exist in the County of Yuba and the Board of Supervisors Proclamations through this resolution of the continuance of a Local Emergency in the County of Yuba.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

AYES:

NOES:

ABSENT:

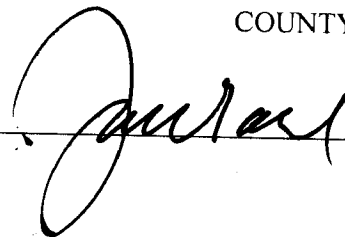
ABSTAIN:

\_\_\_\_\_  
Chair

ATTEST:        DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_

APPROVE AS TO FORM:  
COUNTY COUNSEL

\_\_\_\_\_  


# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone – (530) 749-5430 • Fax – (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 91401

[www.co.yuba.ca.us](http://www.co.yuba.ca.us)



(251-0616) Publi... - 1 of 4

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749-5430 • Fax 749-5434

**TO:** BOARD OF SUPERVISORS

**FROM:** Michael G. Lee, Director of Public Works

**SUBJECT:** Public Hearing to Consider New Assessments for CSA No. 9

**DATE:** June 21, 2016

### *Recommendation*

That the Board hold a public hearing to consider a proposed change to assessments for County Service Area No. 9, and absent a majority protest, adopt a resolution establishing the assessments which would take effect on July 1, 2016.

### *Background*

The Yuba County Local Agency Formation Commission approved formation of CSA No. 9 by Resolution No. 1977-24. The CSA No. 9 provides funding for public services including, but not limited to, maintenance of roadways and drainage. Current revenues of \$2,100 annually are insufficient to provide maintenance of the 1.13 miles of surfaced roadways and drainage in CSA 9. The proposed assessments will increase the annual budget to \$6,750.

The proposed assessments are as shown in Table 1:

Table 1: Proposed Assessment		
Parcel Class:	Current Assessment (per parcel)	Proposed Assessment (per parcel)
Undeveloped Parcel:	\$21	\$125
Developed Parcel:	\$84	\$250

It is anticipated that the proposed assessments will help offset anticipated annual operating expenses for CSA No. 9.

*Discussion*

Under Proposition 218, a proposed adjustment to assessments requires a public hearing, and the change can only occur if approved by a majority vote of the property owners. One completed ballot may be submitted per parcel, filed by the owner of the parcel. Ballots are weighted in proportion to the amount of the financial obligation of the affected property. The proposed assessment may be imposed only if there is no majority protest opposing the proposed assessment.

Should the ballots support the proposed assessments, the new assessments would go into effect on July 1, 2016.

*Fiscal Impact:*

Should the proposed assessment be imposed, the revenues generated will support operational expenses associated with roadway maintenance for CSA No. 9. The engineers estimate to fully maintain the Districts roadways is \$9,568.00 annually. The proposed assessment increase still falls short of adequate funding levels, but will allow for a higher level of critical maintenance activities than what is currently provided for CSA 9.



**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA ON BEHALF OF  
COUNTY SERVICE AREA NO. 9**

RESOLUTION ADOPTING AN ASSESSMENT )  
STRUCTURE FOR MAINTENANCE OF ROAD )  
AND DRAINAGE STRUCTURES FOR )  
RESIDENTS IN COUNTY SERVICE AREA NO. 9 )

**RESOLUTION NO:**

WHEREAS, the County is currently responsible for certain operations of the County Service Area No. 9 relating to maintenance of roads and drainage; and

WHEREAS, a new assessment structure would help to offset anticipated operations and maintenance expenses associated with the provision of road and drainage maintenance services to the residents in County Service Area No. 9; and

WHEREAS, the new assessments are subject to adjustments based on increases or decreases in the Consumer Price Index; and

WHEREAS, notice has been provided to all property owners who currently own property within CSA No. 9 regarding the proposed assessment change; and

WHEREAS, the affected property owners support the proposed assessment change;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors on behalf of the County Service Area No. 9 adopts the following new assessment structure for the County Service Area:

- |                               |   |                           |
|-------------------------------|---|---------------------------|
| Undeveloped parcel assessment | = | \$125 per year per parcel |
| Developed parcel assessment   | = | \$250 per year per parcel |

The new assessments for County Service Area No. 9 shall go into effect on July 1, 2016.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Yuba, this \_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:

NOES:

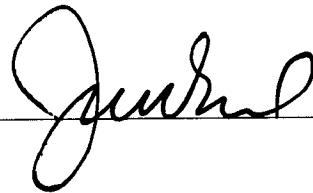
ABSENT:

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Donna Stottlemeyer, Clerk of the Board

APPROVED AS TO FORM:  
ANGIL MORRIS-JONES  
COUNTY COUNSEL

\_\_\_\_\_  


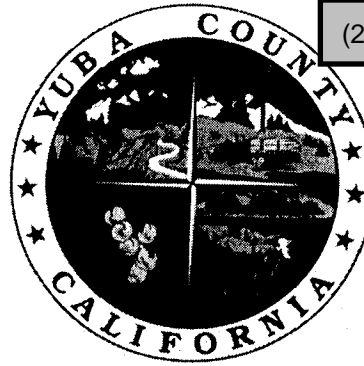
# The County of Yuba

## Community Development & Services Agency

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(252-0616) Publi... - 1 of 4

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FINANCE AND ADMINISTRATION  
749-5430 • Fax 749-5434

**TO:** BOARD OF SUPERVISORS

**FROM:** Michael G. Lee, Director of Public Works 

**SUBJECT:** Public Hearing to Consider New Assessments for CSA No. 20

**DATE:** June 21, 2016

### *Recommendation*

That the Board hold a public hearing to consider a proposed change to assessments for County Service Area No. 20, and absent a majority protest, adopt a resolution establishing the assessments which would take effect on July 1, 2016.

### *Background*

The Yuba County Local Agency Formation Commission approved formation of CSA No. 20 by Resolution No. 1979-18. The CSA No. 20 provides funding for public services including, but not limited to, maintenance of roadways and drainage. Current revenues of \$1,271 annually are insufficient to provide maintenance of the 0.97 miles of gravel roadways and drainage in CSA 20. The proposed assessments will increase the annual budget to \$4,650.

The proposed assessments are as shown in Table 1:

Table 1: Proposed Assessment		
Parcel Class:	Current Assessment (per parcel)	Proposed Assessment (per parcel)
Undeveloped Parcel:	\$31	\$150
Developed Parcel:	\$124	\$300

It is anticipated that the proposed assessments will help offset anticipated annual operating expenses for CSA No. 20.

*Discussion*

Under Proposition 218, a proposed adjustment to assessments requires a public hearing, and the change can only occur if approved by a majority vote of the property owners. One completed ballot may be submitted per parcel, filed by the owner of the parcel. Ballots are weighted in proportion to the amount of the financial obligation of the affected property. The proposed assessment may be imposed only if there is no majority protest opposing the proposed assessment.

Should the ballots support the proposed assessments, the new assessments would go into effect on July 1, 2016.

*Fiscal Impact:*

Should the proposed assessment be imposed, the revenues generated will support operational expenses associated with roadway maintenance for CSA No. 20. The engineers estimate to fully maintain the Districts roadways is \$17,150.00 annually. The proposed assessment increase still falls short of adequate funding levels, but will allow for a higher level of critical maintenance activities than what is currently provided for CSA 20.

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA ON BEHALF OF  
COUNTY SERVICE AREA NO. 20**

RESOLUTION ADOPTING AN ASSESSMENT       )  
STRUCTURE FOR MAINTENANCE OF ROAD       )  
AND DRAINAGE STRUCTURES FOR                )  
RESIDENTS IN COUNTY SERVICE AREA NO. 20 )

**RESOLUTION NO:**

WHEREAS, the County is currently responsible for certain operations of the County Service Area No. 20 relating to maintenance of roads and drainage; and

WHEREAS, a new assessment structure would help to offset anticipated operations and maintenance expenses associated with the provision of road and drainage maintenance services to the residents in County Service Area No. 20; and

WHEREAS, the new assessments are subject to adjustments based on increases or decreases in the Consumer Price Index; and

WHEREAS, notice has been provided to all property owners who currently own property within CSA No. 20 regarding the proposed assessment change; and

WHEREAS, the affected property owners support the proposed assessment change;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors on behalf of the County Service Area No. 20 adopts the following new assessment structure for the County Service Area:

- Undeveloped parcel assessment       =     \$150 per year per parcel
- Developed parcel assessment         =     \$300 per year per parcel

The new assessments for County Service Area No. 20 shall go into effect on July 1, 2016.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Yuba, this \_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:

NOES:

ABSENT:

---

Chairman, Board of Supervisors

ATTEST:

---

Donna Stottlemeyer, Clerk of the Board

APPROVED AS TO FORM:  
ANGIL MORRIS-JONES  
COUNTY COUNSEL



---



# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone – (530) 749-5430 • Fax – (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 91401

[www.co.yuba.ca.us](http://www.co.yuba.ca.us)



(253-0616) Publi... - 1 of 4

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**TO:** BOARD OF SUPERVISORS

**FROM:** Michael G. Lee, Director of Public Works 

**SUBJECT:** Public Hearing to Consider New Assessments for CSA No. 39

**DATE:** June 21, 2016

### *Recommendation*

That the Board hold a public hearing to consider a proposed change to assessments for County Service Area No. 39, and absent a majority protest, adopt a resolution establishing the assessments which would take effect on July 1, 2016.

### *Background*

The Yuba County Local Agency Formation Commission approved formation of CSA No. 39 by Resolution No. 1987-3. The CSA No. 39 provides funding for public services including, but not limited to, maintenance of roadways and drainage. Current revenues of \$2,675 annually are insufficient to provide maintenance of the 1.62 miles of gravel roadways and drainage in CSA 39. The proposed assessments will increase the annual budget to \$9,150.

The proposed assessments are as shown in Table 1:

<b>Table 1: Proposed Assessment</b>		
<b>Parcel Class:</b>	<b>Current Assessment (per parcel)</b>	<b>Proposed Assessment (per parcel)</b>
Undeveloped Parcel:	\$25	\$150
Developed Parcel:	\$100	\$300

It is anticipated that the proposed assessments will help offset anticipated annual operating expenses for CSA No. 39.

*Discussion*

Under Proposition 218, a proposed adjustment to assessments requires a public hearing, and the change can only occur if approved by a majority vote of the property owners. One completed ballot may be submitted per parcel, filed by the owner of the parcel. Ballots are weighted in proportion to the amount of the financial obligation of the affected property. The proposed assessment may be imposed only if there is no majority protest opposing the proposed assessment.

Should the ballots support the proposed assessments, the new assessments would go into effect on July 1, 2016.

*Fiscal Impact:*

Should the proposed assessment be imposed, the revenues generated will support operational expenses associated with roadway maintenance for CSA No. 39. The engineers estimate to fully maintain the Districts roadways is \$30,000.00 annually. The proposed assessment increase still falls short of adequate funding levels, but will allow for a higher level of critical maintenance activities than what is currently provided for CSA 39.

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA ON BEHALF OF  
COUNTY SERVICE AREA NO. 39**

RESOLUTION ADOPTING AN ASSESSMENT       )  
STRUCTURE FOR MAINTENANCE OF ROAD       )  
AND DRAINAGE STRUCTURES FOR                )  
RESIDENTS IN COUNTY SERVICE AREA NO. 39 )

**RESOLUTION NO:**

WHEREAS, the County is currently responsible for certain operations of the County Service Area No. 39 relating to maintenance of roads and drainage; and

WHEREAS, a new assessment structure would help to offset anticipated operations and maintenance expenses associated with the provision of road and drainage maintenance services to the residents in County Service Area No. 39; and

WHEREAS, the new assessments are subject to adjustments based on increases or decreases in the Consumer Price Index; and

WHEREAS, notice has been provided to all property owners who currently own property within CSA No. 39 regarding the proposed assessment change; and

WHEREAS, the affected property owners support the proposed assessment change;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors on behalf of the County Service Area No. 39 adopts the following new assessment structure for the County Service Area:

- Undeveloped parcel assessment       =     \$150 per year per parcel
- Developed parcel assessment         =     \$300 per year per parcel

The new assessments for County Service Area No. 39 shall go into effect on July 1, 2016.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Yuba, this \_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:

NOES:

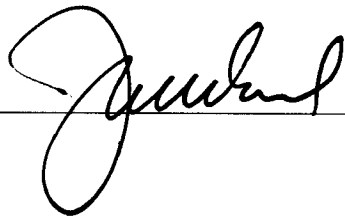
ABSENT:

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Donna Stottlemeyer, Clerk of the Board

APPROVED AS TO FORM:  
ANGIL MORRIS-JONES  
COUNTY COUNSEL

\_\_\_\_\_  


# The County of Yuba

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(254-0616) Ordin... - 1 of 146

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**FINANCE AND ADMINISTRATION**  
749-5430 • Fax 749-5434

June 21, 2016

To: Yuba County Board of Supervisors

From: Kevin Mallen, CDSA Director  
Kevin Perkins, Planner III

Subject: First Year Changes to the Yuba County Development Code and Zoning Map

### **RECOMMENDATION**

Approve the attached ordinance repealing and reenacting certain chapters and sections of Title 11, Yuba County Development Code, approve proposed changes to the Zoning Map, and adopt the Initial Study and Negative Declaration.

### **BACKGROUND**

In June 2011, the Yuba County Board of Supervisors 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 to the code and map to better reflect the goals of the County's General Plan.

Through the drafting of the DC there were numerous issues tackled and all but one were resolved (or a compromise was reached) at the time of adoption. The Board asked that staff pay close attention during the first year of the DC and Zoning Map implementation for any amendments needed.

Staff has had enough time using the newly adopted DC to recommend several minor amendments. The proposed changes will provide clarification of specific code sections, update standards based on application of the DC over the past year, correct zoning map inconsistencies, and make zoning map changes based on owner's request so long as they were consistent with the General Plan.

### **DISCUSSION**

At its May 18, 2016 meeting, the Planning Commission reviewed the proposed amendments to the Development Code and Zoning Map and voted 5-0 to recommend that the Board approve the amendments and adopt the CEQA environmental documents for the said changes. The Planning Commission also gave staff direction that they would prefer that chain link fencing be an allowed fencing material for residential parcels within the Valley Growth Boundary. 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:**

- Table of Contents – Minor title and numbering changes.
- 11.04.020 – Clarified meaning of non-residential districts.
- 11.05.030(A)(2) – Included agricultural homesteads to Reduced Lot Area section.
- Table 11.06.020 – Allows Agricultural Labor Housing in the RC zone with an AUP.
- Table 11.06.030 – Eliminating parking orientation restrictions in the RC zone and number error.
- Table 11.07.030 – Change language and eliminated maximum lot coverage requirements.
- Table 11.08.020 – Allows restaurants with drive-thru as principally permitted in NMX zone.
- Table 11.08.030 – Reduced lot frontage percentage to 50% and eliminated Limitations on Location of Parking and minor lettering changes.
- Table 11.11.020 – Allows Caretaker Residence in RPR zone and added Research and Development to use classifications.
- 11.19.030 – Minor edits to ensure reference sections are consistent throughout Development Code.
- 11.19.040 – Increased height for agricultural style fencing and clarified decorative wall locations.
- 11.19.040 - Allows chain link fences within the Valley Growth Boundary.
- 11.19.100 – Removed setback requirements for swimming pool equipment.
- 11.19.110 – Minor clarification to landscape and screening requirements for trash collection areas.
- Chapter 11.22 – Fixed formatting and numbering error in Fire Safe Regulations.
- 11.24.060 – Added gravel as a landscape material, clarified tree staking requirements and required landscape fabric under mulch areas.
- Table 11.25.040 – Reduced parking space requirement for multiple residential uses.
- 11.25.080 – Eliminated bicycle parking requirements in Rural Communities and made changes to long-term bicycle parking requirements.
- 11.31.040 – Allows accessory structures on non-conforming properties.
- 11.32.040 – Clarified animal raising requirements and expanded zones where dogs are permitted.
- 11.32.070 – Eliminated maximum floor area requirements and minor lettering edits.
- 11.32.130 – Allows for firearms manufacturing or sales as a Home Occupation.
- 11.32.190 – Clarification of density requirements for Planned Mobile Home Parks.
- Table 11.32.210 – Increased square footage thresholds.
- 11.32.240 – Minor clarifications, eliminated minimum lot size and allows a larger floor area with an AUP.
- Table 11.32.260 – Changed maximum kilowatts limits and clarified location of ground mounted systems.
- 11.32.300 – Clarified entitlement process for time limit thresholds.
- 11.32.320 – Changed thresholds for entitlement requirements.
- 11.46.030 – Added parcel size to standards used to waive road improvement requirements.
- 11.52.060 – Clarified powers and duties in the absence of the Planning Director.
- Table 11.52.110 – Clarifications to Review Authorities.
- 11.53.110 – Clarification to project extension procedures.
- Chapter 11.56 – Changed Design Review applicability, procedures and removed criteria for approval.
- 11.57.030 – Minor applicability edit.

- 11.60.010 – Changed waiver thresholds.
- 11.67.060 – Added CDSA Director to list of those whom can impose remedies and added N.O.N. and liens as remedies.
- 11.72.020 – Clarified definition.
- 11.72.030 – Clarified definition.
- 11.73.020 – Clarified definitions.

**Chapter 11.21 Clustering Development:** There was one outstanding issue from the July 21, 2015 adoption of the DC having to do with how to handle clustering of residential densities on properties located in the foothill and mountainous areas of the County outside of the Rural Community Boundaries, and not only the clustering mechanism itself but also the increased density at which they could occur. At the time of DC adoption, the Board asked that resolution of this one issue be set aside and the DC continue forward as written so as to not hold up all of the positives associated with the remainder of the DC and that the issue be worked through separately. The DC as written allows clustering of residential densities through the planned unit development (PUD) process, however the PUD process does not include increasing the number of residential units, only the configuration of the number of units allowed by the base zoning.

After working with various stakeholders, staff presented proposed changes and sought feedback to Chapter 11.21 Clustering Development from the Planning Commission at their March 2016 meeting. The Planning Commission recommended that staff include the proposed changes that would allow the potential for applications for cluster developments at five acre densities outside of the Rural Community General Plan boundary as long as specific development standards were met. Staff included these proposed changes in the DC staff report to the Planning Commission for the May 18, 2016 hearing. A few days before the Planning Commission hearing, staff received a letter from an attorney claiming that the proposed changes to Chapter 11.21 Cluster Developments were not consistent with the approved 2030 General Plan and that the CEQA environmental document prepared for DC amendments did not adequately address potential impacts associated with the proposed changes to Chapter 11.21 Cluster Development. After conferring with County Counsel, staff asked the Planning Commission to remove from consideration proposed changes to Chapter 11.21 Cluster Development as part of the recommended amendmenst to the DC to the Board and to address this issue separately.

**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 mapping errors, staff recommended changes based on application of the Map over the past year, and property owner requests. All proposed map changes are consistent with 2030 General Plan polices and guidelines. Attached is a list of all parcels with proposed changes to their zoning designation.

## **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 and a subsequent Initial Study and Negative Declaration was prepared for the DC Update that tiered off of the 2030 General Plan EIR pursuant to Section 15152 of the California Environmental Quality Act (CEQA) Guidelines. The DC amendments and zoning map changes do not propose or authorize any development.

Pursuant to CEQA, the County of Yuba has prepared this Initial Study/Negative Declaration (IS/ND) to evaluate the potential environmental effects of the proposed Project (Development Code changes and Zoning Map). This IS/ND addresses all environmental issues listed in Appendix G of the CEQA Guidelines. Since the Project is consistent with the Yuba County 2030 General Plan, this IS/ND tiers with and incorporates, by reference, the County's previously certified Program Environmental Impact Report [EIR] (June 2011) prepared for the 2030 General Plan pursuant to CEQA Guidelines Sections 15150, 15152, and 15168.

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 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 8<sup>th</sup> Street, Suite 123; Marysville, California.

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

### **COMMITTEE ACTION**

At their May 18, 2016 meeting, the Planning Commission unanimously approved the proposed changes to the DC and Zoning Map being presented to the Board of Supervisors for consideration.

### **ATTACHMENTS**

1. Ordinance
2. Proposed Development Code Amendments – Tracked Changes Format
3. Proposed Zoning Map Changes – Summary Table by APN



ATTACHMENT 1

**COPY OF REFERENCED  
DOCUMENT ON FILE WITH  
CLERK OF THE BOARD**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING AND RE-ENACTING CHAPTERS 11.19, 11.32, 11.56, 11.60 AND SECTIONS 11.04.020, 11.05.030, 11.06.020, 11.06.030, 11.07.030, 11.08.020, 11.08.030, 11.11.020, 11.22.010, 11.24.060, 11.25.040, 11.25.080, 11.31.040, 11.46.030, 11.52.060, 11.52.110, 11.53.110, 11.57.030, 11.67.060, 11.72.020, 11.72.030, 11.73.020 OF TITLE XI, DEVELOPMENT CODE AND AMEND ZONING MAP**

The following ordinance consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on the \_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:

NOES:

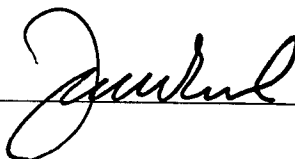
ABSENT:

\_\_\_\_\_  
Chair of the Board of Supervisors  
County of Yuba, State of California

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

By: \_\_\_\_\_

APPROVED AS TO FORM:  
COUNTY COUNSEL

\_\_\_\_\_  


**THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**Section 1.** This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published, with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

**Section 2.** Chapters 11.19, 11.32, 11.56, 11.60 and Sections 11.04.020, 11.05.030, 11.06.020, 11.06.030, 11.07.030, 11.08.020, 11.08.030, 11.11.020, 11.22.010, 11.24.060, 11.25.040, 11.25.080, 11.31.040, 11.46.030, 11.52.060, 11.52.110, 11.53.110, 11.57.030, 11.67.060, 11.72.020, 11.72.030, 11.73.020 of Title XI, Development Code, of the Yuba County Ordinance Code are repealed and re-enacted in their entirety as written in **Attachment “A”** and amend, as listed in **Attachment “B”**, the Zoning Map by this reference incorporated herein as though set forth herein in full.

**Section 3.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

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.

<b>TABLE 11.04.010: GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT BY PLACETYPE</b>					
<i>Land Use Designation</i>	<i>Placetype</i>				
	<i>Rural Center</i>	<i>Neighborhood Center</i>	<i>Commercial Center</i>	<i>Mixed Use Corridor</i>	<i>Employment Center</i>
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.

<b>TABLE 11.04.020: BASE AND OVERLAY ZONING DISTRICTS</b>			
<i>Zoning District</i>		<i>General Plan Land Use Designation(s)</i>	<i>Previous Zoning</i>
<b>Agricultural Districts</b>			
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

**TABLE 11.04.020: BASE AND OVERLAY ZONING DISTRICTS**

Zoning District		General Plan Land Use Designation(s)	Previous Zoning
<b>Rural Community Districts</b>			
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
<b>Residential Districts</b>			
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
<b>Commercial and Mixed-Use Districts</b>			
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
<b>Industrial Districts</b>			
IC	Industrial Commercial	Employment	IC
IG	General Industrial	Employment, Employment Village	M-1
IL	Light Industrial	Employment, Employment Village, Valley Neighborhood	M-3
<b>Special Purpose Districts</b>			
PF	Public Facilities	Public/Quasi-Public, County wide <sup>1</sup>	PF
SP/CP	Specific Plan/Community Plan	Countywide	Specific Plan
SE	Sports and Entertainment	Employment, Valley Neighborhood <sup>2</sup>	SE
<b>Natural Resource Districts</b>			
EX	Extractive	Natural Resource	M-2
TP	Timberland Production	Natural Resource, Rural Community	TPZ
RPR	Resource Preservation & Recreation	Countywide	RPZ, RZ
<b>Other Districts</b>			
PD	Planned Development	Countywide	PUD
<b>Overlay Districts</b>			
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"> <li>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.</li> <li>Existing facilities within the Valley Neighborhood that meet the intent of a regional sports or entertainment center may be designated as SE.</li> </ol>			



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.

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**

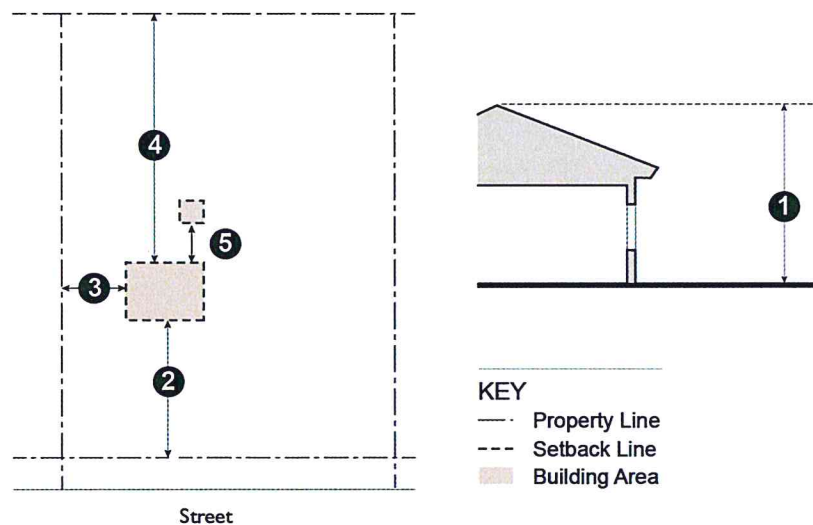


TABLE 11.05.030: DEVELOPMENT REGULATIONS—AGRICULTURAL DISTRICTS									
Standard	AE			AR			AI	Additional Regulations	#
		40	80	5	10	20			
Lot and Density Standards									
Minimum Lot Area (acres)		40	80	5	10	20	5	(A)	
Minimum Lot Width		120		120			120		

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	①
Minimum Setbacks (ft)									
Front	30							11.19.090 Setbacks and Yards	②
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								③
Rear	30								④
Minimum Separation between Buildings (ft)	6								⑤
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 by five percent of 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 dwelling units do not count towards the maximum density restrictions.



<b>TABLE 11.06.020: LAND USE REGULATIONS—RURAL COMMUNITY DISTRICTS</b>				
<i>Use Classification</i>	<i>RE Outside VGB</i>	<i>RR</i>	<i>RC</i>	<i>Additional Regulations</i>
<b>Residential Use Classifications</b>				
Residential Housing Types	See subclassifications below			
<i>Second Dwelling Unit</i>	Z	Z	<del>Z</del>	See Section 11.32.240
<i>Single-Unit Dwelling Detached</i>	P	P	Z	
Family Day Care	See subclassifications below			
<i>Large</i>	A	A	A	See Section 11.32.110
<i>Small</i>	P	P	P(4)	
Caretaker Residence	-	-	A	See Section 11.32.070
Employee Housing	-	A	A	See Section 11.32.100
Mobile Home Park	-	C	C	See Section 11.32.190
Residential Boarding Facilities	M	M	M	
Residential Care & Social Service Facilities	See subclassifications below			
<i>General (more than 10 persons)</i>	-	C	C	See Section 11.32.230
<i>General (7-10 persons)</i>	M	M	M	
<i>Limited (6 or fewer persons)</i>	P	P	P	
Home Occupation	P	P	P	See Section 11.32.130
<b>Public &amp; Semi-Public Use Classifications</b>				
Cemetery	-	C	C	
Colleges/Trade Schools	-	C	C	
Community Assembly	C	C	A	
Cultural Institutions	C	C	P	
<i>Outdoor &amp; Large Scale Cultural Institutions</i>	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			
<i>Clinic</i>	-	-	P	
<i>Hospital</i>	-	-	C	
Park & Recreation Facilities; Public	See subclassifications below			
<i>Passive Recreation</i>	P	P	P	
<i>Active Recreation</i>	M	M	M	
Parking: Public or Private	-	-	P	
Schools	C	C	C	
<b>Commercial Use Classifications</b>				
Animal Care: Sales and Services	See subclassifications below			
<i>Grooming</i>	-	-	P	



**TABLE 11.06.020: LAND USE REGULATIONS—RURAL COMMUNITY DISTRICTS**

<i>Use Classification</i>	<i>RE Outside VGB</i>	<i>RR</i>	<i>RC</i>	<i>Additional Regulations</i>
<i>Pet Sales &amp; Associated Services</i>	-	-	P	
<i>Kennels</i>	C	M	M	See Section 11.32.040
<i>Veterinary Services</i>	-	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				
<i>Campground</i>	-	C	C	See Section 11.32.060
<i>Indoor Entertainment &amp; Recreation</i>	-	-	P	
<i>Hunting/Fishing Club</i>	-	M	-	
<i>Incidental Hunting and Fishing</i>	P	P	P	
<i>Outdoor Entertainment</i>	-	C(1)	C	
<i>Outdoor Sports &amp; Recreation</i>	-	C(1)	C	
<i>Temporary Uses &amp; Special Events</i>	See Section 11.32.300			
Food & Beverage Sales      See subclassifications below				
<i>Farmers Market</i>	See Section 11.32.120			
<i>General Grocery Market</i>	-	-	P	
<i>Liquor Stores</i>	-	-	P	
Food Preparation	-	-	P	
Funeral Parlors & Internment Services	-	-	A	
Lodging      See subclassifications below				
<i>Agricultural Homestays</i>	*	*	-	See Section 11.32.140
<i>Bed &amp; Breakfast</i>	*	*	*	
<i>Health Resort &amp; Retreat Center</i>	-	C	C	
<i>Hotels &amp; Motels</i>	-	-	P	
Maintenance & Repair Services	-	-	P	
Manufactured Home Sales Lots	-	-	M	
Neighborhood Services	A	A	P	
Professional Services				
<i>Business &amp; Professional</i>	-	-	P	
<i>Medical &amp; Dental</i>	-	-	P	
Personal Services      See subclassifications below				
<i>General</i>	-	-	P	
<i>Instructional Services</i>	-	-	P	
<i>Tattoo or Body Modification Parlor</i>	-	-	P	
Restaurants      See subclassifications below				
<i>With Drive Thru</i>	-	-	M	See Sections 11.32.080 & 11.32.160
<i>Without Drive-Thru</i>	-	-	P	
Retail Sales      See subclassifications below				

TABLE 11.06.020: LAND USE REGULATIONS—RURAL COMMUNITY DISTRICTS				
Use Classification	RE Outside VGB	RR	RC	Additional Regulations
Building Materials & Services	-	-	P	See Section 11.32.170
Convenience Retail	-	-	P	
General Retail	-	-	P	
Nurseries & Garden Centers	-	M(2)	P	
Vehicle Sales & Services      See subclassifications below				
Rentals, Sales, & Leasing	-	-	P	See Section 11.32.050
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	M	See Section 11.32.180
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 11.32.260
Personal Solar Energy System	P	P	P	
Large Solar Generation Facility	-	C	C	
Small Solar Generation Facility	M	M	M	
Personal Wind Energy System	-	P	P	See Section 11.32.270
Large Wind Generation Facility	-	C	C	
Small Wind Energy Generation Facility	-	M	M	



**TABLE 11.06.020: LAND USE REGULATIONS—RURAL COMMUNITY DISTRICTS**

<i>Use Classification</i>	<i>RE Outside VGB</i>	<i>RR</i>	<i>RC</i>	<i>Additional Regulations</i>
<b>Agricultural &amp; Extractive Use Classifications</b>				
Agricultural Labor Housing	-	A	-A	See Section 11.32.030
Agricultural Processing	-	-	M	
Animal Raising - Imported Feed	P	P	P(5)	See Section 11.32.040
Crop Production	P	P	P(5)	
Custom Farm Services	-	A	P	
Farm Machinery & Equipment, Sales & Service	-	-	P	
Feed & Farm Supply Store	-	M	A	
Grazing (Animal Raising)	P	P	P	
Agricultural Packing & Storage	See subclassifications below			
<i>On-site Products</i>	A	A	A	
<i>Off-site Products</i>	-	C	M	
Produce Stand	P	P	P	See Section 11.32.200
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 11.32.320			
Timber Production & Harvesting	-	P	-	
<p>Specific Limitations:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Wholesale nursery operations only.</li> <li>3. Copies of any easements or land development restrictions shall be submitted to the Planning Department.</li> <li>4. When located within an existing legally permitted single family residence.</li> <li>5. Permitted on parcels that are at least five acres in size unless a Waiver is approved.</li> </ol>				
<b>Key To Permit Requirements</b>				
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**

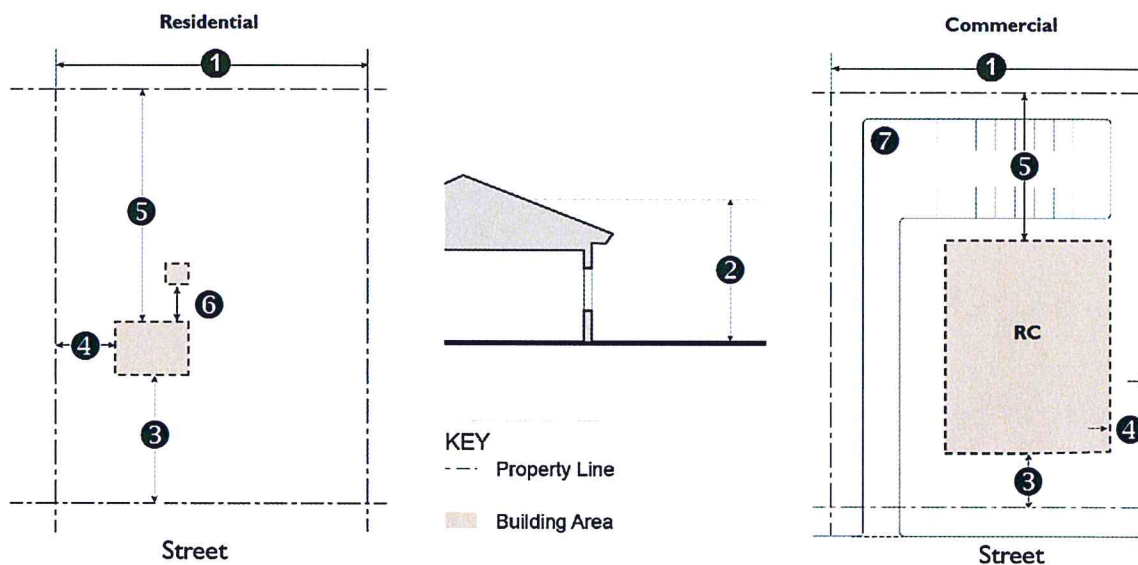


TABLE 11.06.030: DEVELOPMENT REGULATIONS—RURAL COMMUNITY DISTRICTS						
Standard	RE	RR		RC	Additional Regulations	#
	Outside VGB	5	10			
Lot and Density Standards						
Minimum Lot Area (acres)	1(A)	5	10	0.46 (20,000 s.f.) (B)		
Minimum Lot Width (ft)	120 (C)	120 (C)	120(C)	100		①
Maximum Density	1 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	②
Accessory Structure	35			35		
Minimum Setbacks (ft, measured from property line unless otherwise indicated)						
Front or Street Side	30			15 (E)	11.19.090	③



TABLE 11.06.030: DEVELOPMENT REGULATIONS—RURAL COMMUNITY DISTRICTS							
Standard	RE		RR		RC	Additional Regulations	#
	Outside VGB	5	10				
Interior Side	Lots less than 1 acre: 10 (E) Lots 1 acre or larger: 20 (E)			5 (E)	Setbacks and Yards	④	
Rear Primary Structure	25 (E)	30 (E)		20 (E)		⑤	
Rear Accessory Structure	20 (E)	25 (E)		20 (E)			
Minimum Separation between Buildings (ft)	6					⑥	
Maximum Lot Coverage	Less than 1 acre: 40% Greater than 1 acre: 25%	15%		N/A			
Parking & Loading					11.25 Parking & Loading		
Parking-Setback-from-Street	N/A			Located to side or rear of building (F)		⑦	

### 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. **Second Dwelling Units.** Where 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 the Fire District the setback may be reduced to the zone district standard.

- ~~F. **Limitations on Location of Parking.** Deviations to the location of parking may be approved by the decision-making authority as part of the Design Review Process when the following applicable findings can be made:~~
- ~~1. It is infeasible to locate parking to the side or rear of the building due to site constraints such as topography, location of existing structures, septic/well areas, or natural resources; or~~
  - ~~2. The parking area is screened along the public right-of-way with a knee wall, hedge, trellis, berms, and/or landscaping; and,~~
  - ~~3. The location of the buildings and parking is consistent with surrounding developments and the overall intent of the zone district and General Plan "Place Making" policies.~~

### 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**

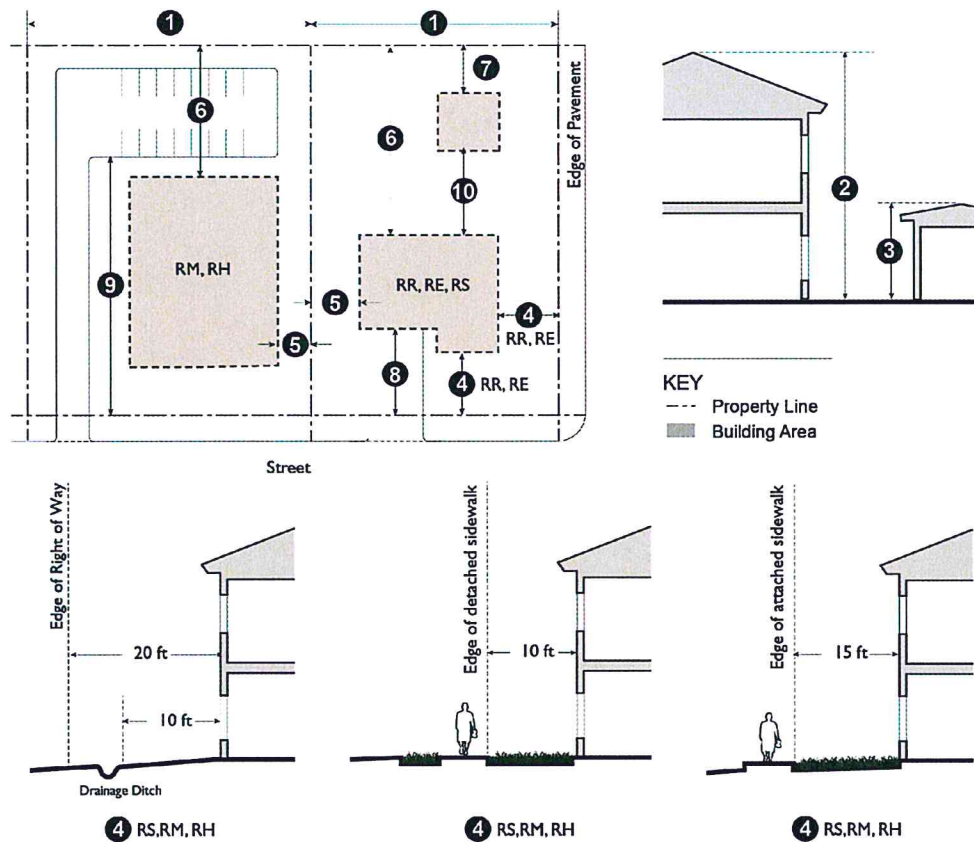


TABLE 11.07.030: DEVELOPMENT REGULATIONS—RESIDENTIAL DISTRICTS						
Standard	RE Within VGB	RS	RM	RH	Additional Regulations	#
Lot and Density Standards						
Minimum Lot Area (square feet)	21,000	6,000	6,000	10,000	11.07.040(C), Reduced Minimum Lot Size and Width	
Minimum Lot Width (ft)	80(A)	60(A)	60(A)	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 11.19.030, Accessory Structures	②
Accessory Structure	20	15	15	15		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 <b>plus-and</b> 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	20	15	15		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	
Minimum Distance Between Buildings (ft)	6	6	6	6		⑩
Maximum Lot Coverage	40%	40%	45%	60%		

### 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 Dwelling Units.** Where second 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.



## 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						
<i>Land Use Classification</i>	<i>GC</i>	<i>CMX</i>	<i>NMX</i>	<i>DC</i>	<i>EC</i>	<i>Additional Regulations</i>
<b>Residential Use Classifications</b>						
Residential Housing Types	See subclassifications below					
<i>Duplex/Two-Unit</i>	-	-	P	-	-	
<i>Multi-Unit</i>	-	M	M	P	M(1)	
<i>Single-Unit Dwelling, Attached</i>	-	-	P	-	-	
Family Day Care	See subclassifications below					
<i>Large</i>	-	A(1)	A(1)	A(1)	-	See Section 11.32.110
<i>Small</i>	-	P(1)	P(1)	P(1)	-	
Caretaker Residence	A	-	-	-	-	See Section 11.32.070
Residential Boarding Facilities	-	-	A(1)	A(1)	-	
Residential Care & Social Service Facilities	See subclassifications below					
<i>General (more than 10 persons)</i>	-	-	M	M	-	See Section 11.32.230
<i>General (7-10 persons)</i>	-	-	A	A	-	
<i>Limited (6 or fewer persons)</i>	-	P(1)	P(1)	P(1)	-	
Single Room Occupancy	-	A	A	A	A	See Section 11.32.250
Home Occupation	P(1)	P(1)	P(1)	P(1)	-	See Section 11.32.130
<b>Public &amp; Semi-Public Use Classifications</b>						
Colleges/Trade Schools	M	M	C(4)	-	M	
Community Assembly	P	P	P(3)	A	M	
Community Garden/Urban Agriculture	A(4)	A(4)	A(4)	A(4)	A(4)	
Cultural Institutions	M	P	P(3)	P	P	
<i>Outdoor &amp; Large Scale Cultural Institutions</i>	A	M	C(4)	-	M	
Day Care Centers	M	P	P	P	P	
Elderly/Long-Term Care	-	P	M(4)	-	M	
Emergency Shelter	Z	M	C(5)	-	-	See Section 11.32.090
Essential/Emergency Service Facilities	P	A	M	M	P	
Government Offices	P	P	P	P	P	

<b>TABLE 11.08.020: LAND USE REGULATIONS—COMMERCIAL &amp; MIXED USE DISTRICTS</b>						
<i>Land Use Classification</i>	<i>GC</i>	<i>CMX</i>	<i>NMX</i>	<i>DC</i>	<i>EC</i>	<i>Additional Regulations</i>
Hospitals/Clinics	See subclassifications below					
<i>Clinic</i>	P	P	A(3)	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(3)	A	Z	
Schools	-	M	C	-	M	
<b>Commercial Use Classifications</b>						
Animal Care: Sales and Services	See subclassifications below					
<i>Grooming</i>	P	P	P	P	P	
<i>Pet Sales &amp; Associated Services</i>	P	P	P(3)	A	P	
<i>Kennels</i>	C	-	-	-	-	See Section 11.32.040
<i>Veterinary Services</i>	P(2)	M	P(2,4)	-	M	
Banks & Financial Institutions	P	P	P	P	P	
Bars & Drinking Establishments	P	P	A(3)	A	P	
Business Services	P	P	P	P	P	
Drive-In & Drive Thru Facilities (retail establishment)	Z	Z	Z(3)	-	Z	See Section 11.32.080
Entertainment & Recreation	See subclassifications below					
<i>Indoor Entertainment &amp; Recreation</i>	P	P	P(4)	M	P	
<i>Outdoor Entertainment</i>	-	-	-	-	C	
<i>Outdoor Sports &amp; Recreation</i>	-	-	-	-	C	
<i>Temporary Uses &amp; Special Events</i>	See Section 11.32.300					
Food & Beverage Sales	See subclassifications below					
Farmers Market	Z	Z	A	A	Z	See Section 11.32.120
General Grocery Market	P	P	P	P	P	
Liquor Stores	P	P	P(3)	P	P	
Food Preparation	P	P	P(3)	M	P	
Funeral Parlors & Internment Services	P	A	-	-	-	
Lodging	See subclassifications below					
<i>Bed &amp; Breakfast</i>	-	-	P(1)	P(1)	-	See Section 11.32.140
<i>Health Resort &amp; Retreat Center</i>	P	P	P(4)	A	P	
<i>Hotels &amp; Motels</i>	P	P	M(4)	A	P	
Maintenance & Repair Services	P	P	P(3)	P	P	
Manufactured Home Sales Lots	M	-	-	-	-	
Neighborhood Services	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
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(3)	P	P	
Tattoo or Body Modification Parlor	P	P	P(4)	P	P	
Restaurants	See subclassifications below					
With Drive-Thru	P	P	PM(4)	-	P	See Section 11.32.080 & 11.32.160
Without Drive-Thru	P	P	P(4)	P	P	
Retail Sales	See subclassifications below					
Building Materials & Services	P	P	P(4)	-	-	See Section 11.32.170
Convenience Retail	P	P	P	P	P	
General Retail	P	P	P	P	P	
Large Format Retail	M	M	-	-	M	
Nurseries & Garden Centers	P	P	P(4)	-	-	
Vehicle Sales & Services	See subclassifications below					
Rentals, Sales & Leasing	P	M	C(4)	-	-	See Section 11.32.050
Repair: Major	A	-	-	-	-	
Service & Repair: Minor	P	M	C(4)	-	-	
Trucks & Heavy Equipment Sales, Service & Rental	C	-	-	-	-	
Service Station	P	P	P(4)	-	P	
Towing & Impound	M	C	-	-	-	
Washing	P	P	A(4)	-	A	
Industrial Use Classifications						
Construction & Material Yards	C	-	-	-	-	
Custom Manufacturing	P	M	C(4)	-	C	
Limited Industrial	P	-	-	-	C	
Recycling Facilities	See subclassifications below					
Recycling Collection Facility	Z	A	A	-	Z	See Section 11.32.220
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 11.32.180
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 11.32.260
Large Solar Generation Facility	C	-	-	-	C	
Small Solar Generation Facility	M	M	M	M	M	
Agricultural & Extractive Use Classifications						
Resource Protection & Restoration	P(5)	P(5)	P(5)	P(5)	P(5)	
Specific Limitations: 1. When located within an existing legally permitted residence. 2. Permitted when conducted entirely within a building. Outdoor kennels and dog runs requires 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.						
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**

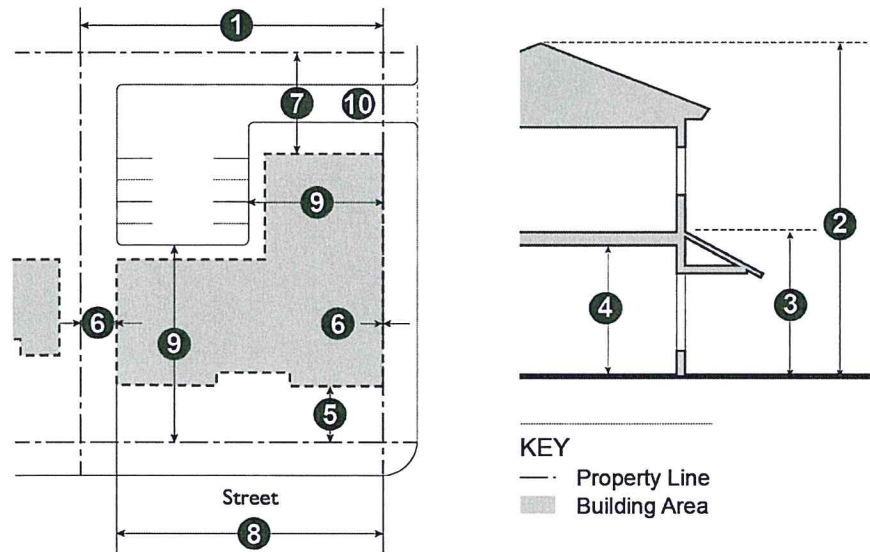


TABLE 11.08.030: DEVELOPMENT REGULATIONS—COMMERCIAL AND MIXED USE DISTRICTS							
Standard	GC	CMX	NMX	DC	EC	Additional Regulations	#
<b>Lot and Density Standards</b>							
Minimum Lot Area (square feet)	10,000	10,000	6,000	6,000	43,560		
Minimum Lot Width (feet)	100	100	60	60	100		1
Maximum Floor Area 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)		
<b>Building Form and Location Standards</b>							
Maximum Height (ft)	35	45(B)	35	45(B)	60(B)	11.19.050 Height Exceptions	2
<b>Ground Floor Minimum, Nonresidential Uses</b>							
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
<b>Minimum Setbacks (ft)</b>							
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
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



TABLE 11.08.030: DEVELOPMENT REGULATIONS—COMMERCIAL AND MIXED USE DISTRICTS							
Standard	GC	CMX	NMX	DC	EC	Additional Regulations	#
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	50-70(ED)	50(ED), applicable only on interior roads		8
Parking and Loading Standards							
Parking Setback from Street Property Line (ft)	10(ED)	10(ED)	10 (ED)	Located to side or rear of buildings (ED)	40(ED)	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(ED)	100(ED)	50(ED)	100(ED)		
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:

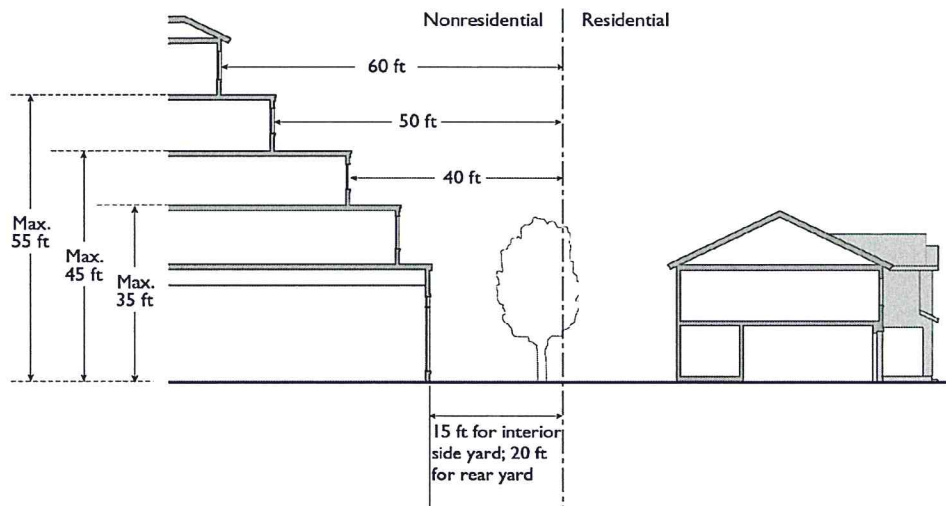
1. **Commercial Mixed Use.** When residential uses are part of a mixed use project the density range is 10-40 units per acre of portion affected. Residential only projects the density range is 18-40 units per acre.
2. **Neighborhood Mixed Use.** When residential uses are part of a mixed use project the 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.

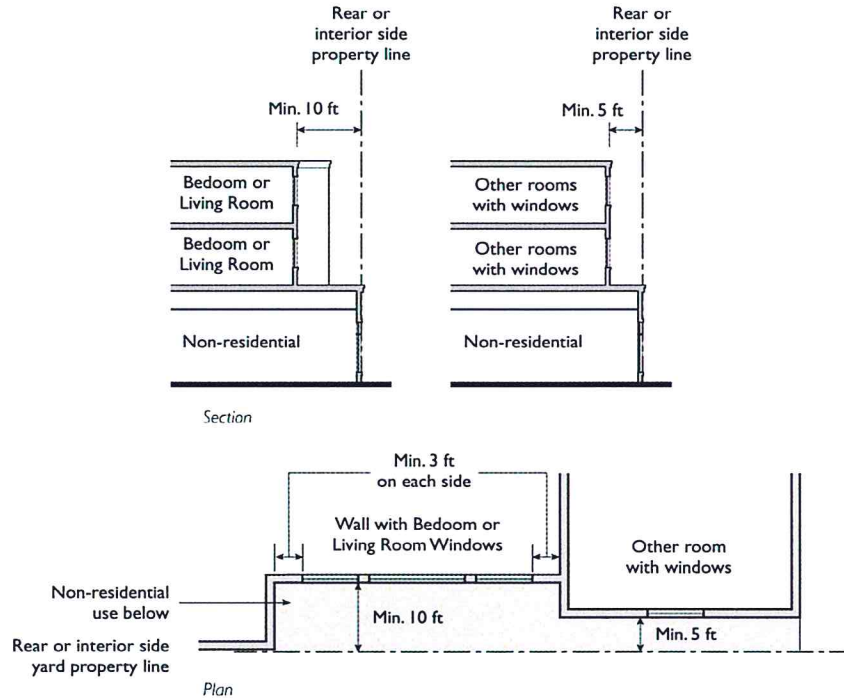
**B. Additional Height and Setback Requirements.**

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. **Limitations on Location of Parking.** Deviations to the location of parking may be approved by the decision-making authority as part of the Design Review Process when the following applicable findings can be made:~~

- ~~1. Within the RC, GC, NMX, and DC districts it is infeasible to locate parking to the side or rear of the building due to site constraints such as topography, location of existing structures, septic/well areas, or natural resources; or~~
- ~~2. Within the CMX and EC district, buildings are built close to the public sidewalk to the maximum extent feasible and/or the site is small and constrained such that surface parking located more than 40 feet from the street frontage is not feasible.~~



- ~~3. The parking area is screened along the public right-of-way with a knee wall, hedge, trellis, berms, and/or landscaping; and,~~
- ~~4. The location of the buildings and parking is consistent with surrounding developments and the overall intent of the zone district and General Plan "Place Making" policies.~~

**E.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.

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.

<b>TABLE 11.11.020: LAND USE REGULATION—NATURAL RESOURCE DISTRICTS</b>				
<i>Land Use Classification</i>	<i>EX</i>	<i>TP</i>	<i>RPR</i>	<i>Additional Regulations</i>
<b>Residential Use Classifications</b>				
Single-Unit Dwelling, Detached	-	P	-	
Caretaker Residence	P	-	AP	See Section 11.32.070
Employee Housing	A	A	A	See Section 11.32.100
Home Occupation	P(1)	P(1)	P(1)	See Section 11.32.130
<b>Public &amp; Semi-Public Use Classifications</b>				
Cemetery	-	-	C	
Cultural Institutions	-	-	C	
<i>Outdoor &amp; Large Scale Cultural Institutions</i>	-	-	C	
Essential/Emergency Service Facilities	M	M	M	
Park & Recreation Facilities; Public	See subclassifications below			
<i>Passive Recreation</i>	P	P	P	
<i>Active Recreation</i>	-	C	C	
<b>Commercial Use Classifications</b>				
Entertainment & Recreation	See subclassifications below			
<i>Campground</i>	-	M	M	See Section 11.32.060
<i>Hunting/Fishing Club</i>	M	Z(4)	Z(4)	
<i>Incidental Hunting and Fishing</i>	P	P	P	
<i>Outdoor Entertainment</i>	-	M(2)	M(2)	
<i>Outdoor Sports &amp; Recreation</i>	-	M(2)	M(2)	
<i>Temporary Uses &amp; Special Events</i>	See Section 11.32.300			



**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 11.32.140
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 11.32.290			
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 11.32.260
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 11.32.270
Large Wind Generation Facility	-	C(3)	-	
Small Wind Generation Facility	-	M(3)	-	
Agricultural & Extractive Use Classifications				
Agricultural Labor Housing	-	P	-	See Section 11.32.030
Grazing (Animal Raising)	P	P	P	
Mining	SMP	-	-	See Section 11.32.280
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 <del>not</del> 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.				

## Chapter 11.19 General Site Regulations

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### Sections:

11.19.010	Purpose and Applicability
11.19.020	Development on Lots Divided by District Boundaries
11.19.030	Accessory Structures
11.19.040	Fences and Walls
11.19.050	Height Exceptions
11.19.060	Lighting and Illumination
11.19.070	Outdoor Storage
11.19.080	Screening
11.19.090	Setbacks and Yards
11.19.100	Swimming Pools and Spas
11.19.110	Trash and Refuse Collection Areas
11.19.120	Underground Utilities
11.19.130	Visibility at Intersections

### 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; ~~pools and spas;~~ one accessory structures 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.~~and fences are not subject to the setback~~

~~regulations:~~ 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 ~~four~~ six feet in height unless a ~~business~~ need can be made to the Planning Director to allow additional height through a Waiver.

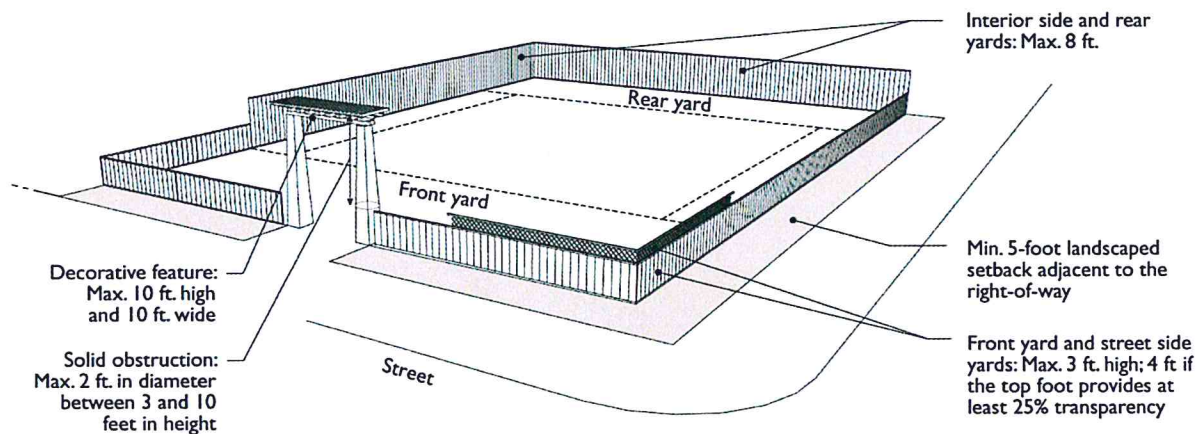
- a. Outside the front and street side yard area (setback is established by zone district) fences, hedges, and walls up to eight feet in height may be permitted. Fences taller than eight feet in height may be permitted for noise attenuation as determined by a noise analysis or in non-residential zones when a demonstrated security need can be demonstrated to the Planning Director through a Waiver.
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 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 Chain Link Fencing.** Within the Valley Growth Boundary, the use of chain-link fencing is not permitted in front or street side yards with the exception of industrial zone districts or agricultural properties where the fence is adequately screened with slats and landscaping.~~

~~2.1. **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:~~

- a. On the site of a permitted agricultural use if needed for livestock or ranch operations.

- b. 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.

**3.2. 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 must be 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.

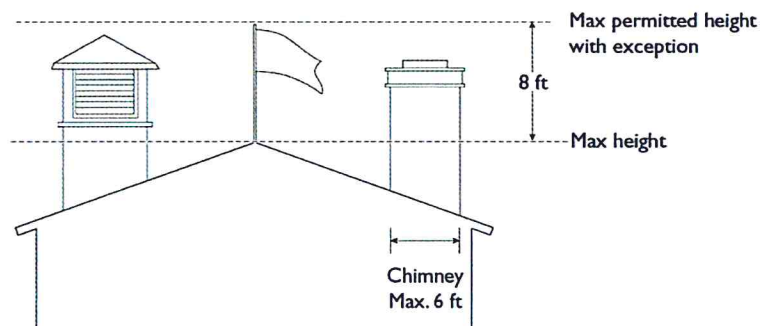
- E. **Visibility at Intersections.** Notwithstanding any other provisions of this section, fences and walls shall comply with the visibility standards of Section 11.19.130, Visibility at Intersections and Driveways.
- F. **Design Review Required.** In Nonresidential Districts within the Valley Growth 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

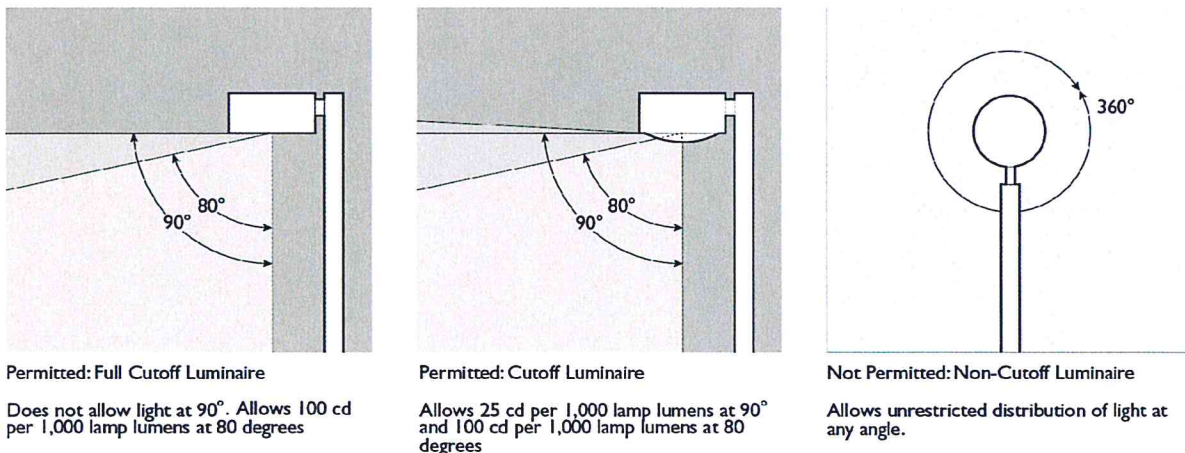
- A. **Applicability.** The standards of this section apply to all new development and additions that expand existing floor area by 10 percent or more.
- B. **General Standards.**
  - 1. **Multi-Unit Residential Buildings.** Aisles, passageways, and recesses related to and within the building complex 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	
<i>District</i>	<i>Maximum Height (ft)</i>
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
Dairies	500
Feed Lots	800
Slaughterhouses	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:

- No projection may extend into a public utility easement
- No projection may extend closer than three feet to an interior lot line.
- No projection may extend closer than six feet to a building or structure on an adjacent lot.
- Projections are subject to all applicable requirements of the California Building Code.
- Any applicable lot coverage limitations of the district must be met.

**Figure 11.19.090(B): Allowed Building Projections into Setbacks**

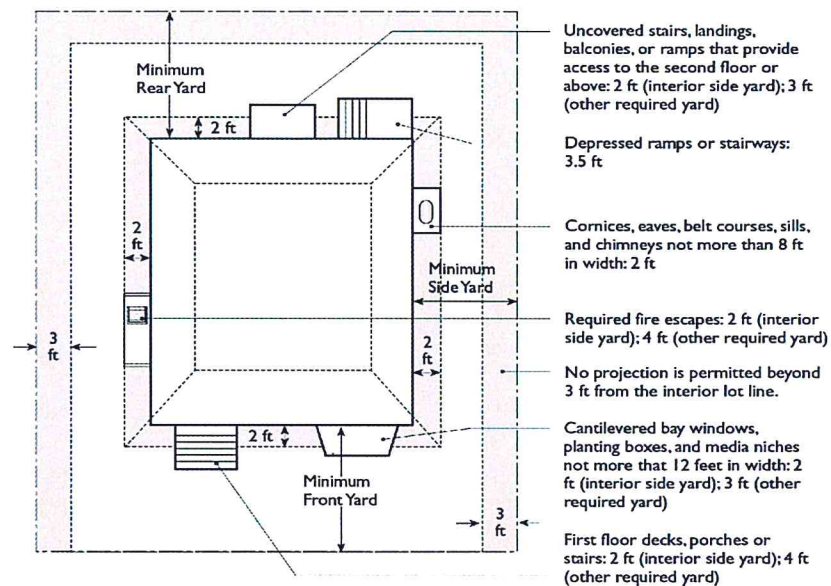


TABLE 11.19.090-B: ALLOWED BUILDING PROJECTIONS INTO REQUIRED SETBACKS				
Projection	Front or Street Side Setback (ft)	Interior Side Setback (ft)	Rear Setback (ft)	Additional Standards and Limitations
Cornices, eaves, belt courses, sills, and similar architectural features Chimneys not more than 8 feet 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	



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
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	
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. Equipment and pumps for swimming pools or spas shall not be closer than 10 feet to the main building on any adjacent lot.~~
- C.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 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.

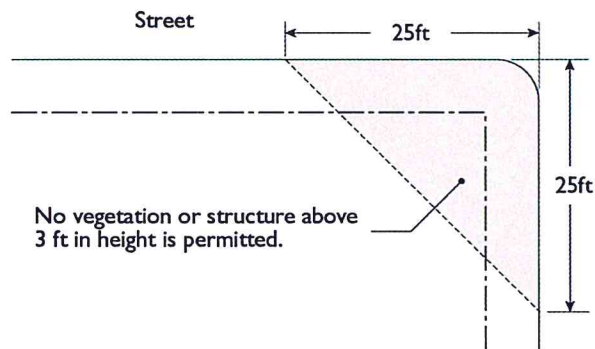
7. **Clear Zone.** The area in front of and surrounding all enclosure types shall be kept clear of obstructions, and shall be painted, striped, and marked "No Parking."

#### 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 11.22 Fire Safe Regulations

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### Sections:

11.22.010	Purpose
11.22.020	Applicability
11.22.030	Exceptions
11.22.040	<u>Signing and Building Numbering</u>
<u>11.22.050</u>	Emergency Access
11.22. <del>050</del> <u>060</u>	Emergency Water Supply Standards
11.22. <del>060</del> <u>070</u>	Fire Hydrant/Fire Valve
11.22. <del>070</del> <u>080</u>	Fuel Modification Standards
11.22. <del>080</del> <u>090</u>	Waiver of Fire Safety Regulations
11.22. <del>090</del> <u>100</u>	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. Signing and Building Numbering

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. 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.

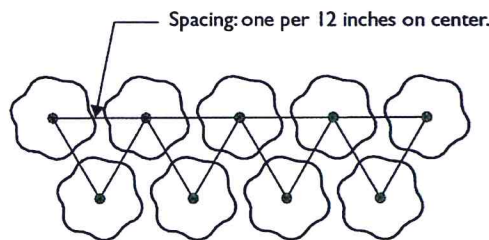
#### 11.24.060 Landscape Materials

- 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**



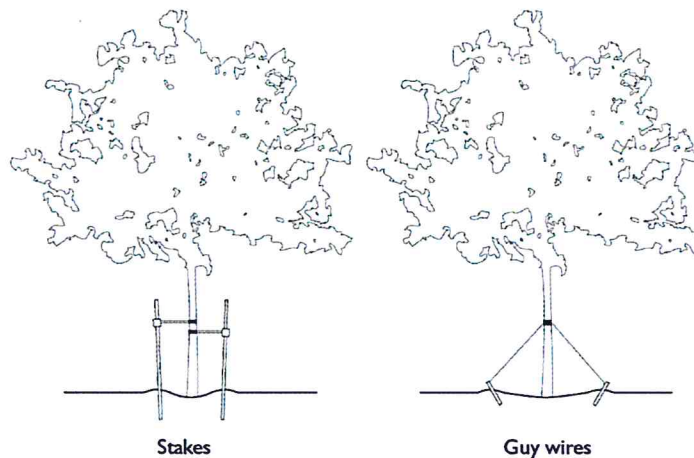
7. ***Shrubs.***

- 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>TABLE 11.25.040: REQUIRED OFF-STREET PARKING SPACES</b>	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
<b>Residential Uses</b>	
Residential Housing Types	<i>See subclassifications below.</i>
<i>Duplex</i>	<b>2-1</b> spaces per unit
<i>Multi-unit residential</i>	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.
<i>Second Dwelling Unit</i>	1 space <del>for a 1-bedroom or studio unit.</del> <b>2 spaces for 2+-bedroom unit.</b>
<i>Single-Unit Dwelling, Attached or Detached</i>	<b>2-1</b> spaces 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	<i>See subclassifications below.</i>
<i>Small</i>	None beyond that required for the residential unit
<i>Large</i>	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	<i>See subclassifications below.</i>
<i>Residential Care, General</i>	1 space per 4 beds + 1 space per employee
<i>Residential Care, Limited</i>	None beyond that required for the residential unit
Single Room Occupancy	1 space per unit
<b>Public and Semi-Public Uses</b>	
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	<i>See sub classifications below</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.



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). Parking shall not be located in a front or street-facing side yard setback.
- 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

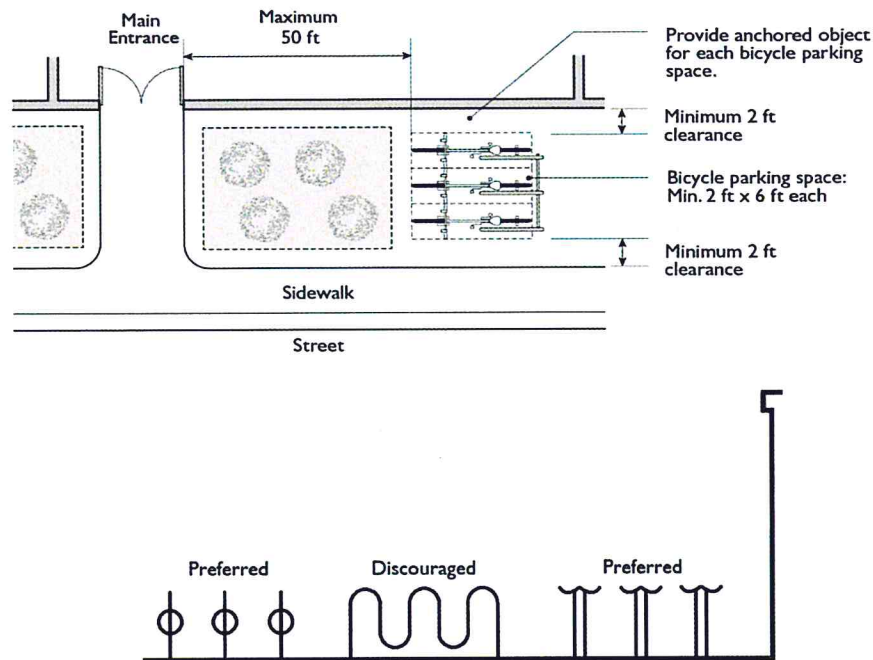
Within the Valley Growth Boundary, parking for bicycles shall be provided according to the standards of this section in conjunction with the establishment of any new land use or building, as well as in conjunction with any change in use, alteration, or expansion. ~~In Rural Communities, bicycle parking shall be required for any new construction designed for retail or restaurant uses or expansions of retail or restaurant floor area that creates an increase in the number of automobile spaces.~~

- 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. ~~Residential Uses.~~ Long-term bicycle parking spaces shall be provided for multi-family residential developments with ten or more units. A minimum of one long-term bicycle parking space shall be provided for every five units, with a minimum of two long-term bicycle spaces provided per lot. Projects that provide at least one garage space per dwelling unit satisfy the long-term bicycle parking requirement.

b.a. ~~Nonresidential Uses.~~ Any establishment individual with 50 or more employees shall provide long-term bicycle parking at a minimum ratio of one bicycle space per 25 100 automobile spaces, for the first 200 automobile spaces required and one bicycle parking space for every 100 automobile parking spaces for over the first 200 automobile parking spaces required. At least two long-term bicycle parking spaces shall be provided per establishment.

e.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. ~~Covered Spaces.~~ At least 50 percent of required long-term bicycle parking must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.



4.3. **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.

5.4. **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, 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. **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.

## Chapter 11.31 Non-conforming Uses, Structures, and Lots

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### 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
11.31.050	Maintenance and Repair of Non-conforming Structures
11.31.060	Alterations and Enlargements to Non-conforming Structures
11.31.070	Restoration of Damaged or Partially Destroyed Non-conforming Structures
11.31.080	Expansion of Non-conforming Uses
11.31.090	Changes and Substitutions of Non-conforming Uses
11.31.100	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



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. **Second Dwelling Units.** A Second Dwelling Unit in compliance with Section 11.32.240, Second 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.



## Chapter 11.32 Standards for Specific Uses

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### Sections:

11.32.010	Purpose and Applicability
11.32.020	Applicability
11.32.030	Agricultural Labor Housing
11.32.040	Animal Raising and Keeping
11.32.050	Automobile/Vehicle Sales and Services
11.32.060	Campgrounds
11.32.070	Caretaker Residences
11.32.080	Drive-In and Drive-Thru Facilities
11.32.090	Emergency Shelters
11.32.100	Employee Housing
11.32.110	Family Day Care, Large
11.32.120	Farmer's Markets
11.32.130	Home Occupations
11.32.140	Lodging
11.32.150	Mobile Vendors
11.32.160	Outdoor Dining and Seating
11.32.170	Outdoor Retail Sales
11.32.180	Personal Storage
11.32.190	Planned Mobile Home Parks
11.32.200	Produce Stands
11.32.210	Ranch Marketing
11.32.220	Recycling Facilities
11.32.230	Residential Care Facilities, General
11.32.240	Second Dwelling Units
11.32.250	Single-Room Occupancy
11.32.260	Alternative Energy Systems
11.32.270	Wind Energy Systems
11.32.280	Surface Mining
11.32.290	Wireless Communications Facilities
11.32.300	Temporary Uses and Special Events
11.32.310	Transitional and Supportive Housing
11.32.320	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 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 a Zoning Clearance. 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 (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.).

#### 11.32.040 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.
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.

<b>TABLE 11.32.040-A(3)(A1): NUMBER OF LIVESTOCK PER ANIMAL UNIT (AU)</b>	
<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
<p>1. No roosters are permitted</p> <p>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.</p> <p>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.</p>		

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.

<b>TABLE 11.32.040-B(2): NUMBER OF BIRDS PERMITTED IN OUTSIDE AVIARIES</b>			
<i>Parcel Size</i>	<i>Maximum Number of Birds</i>	<i>Bird Class</i>	<i>Distance from adjacent residences (feet)</i>
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.

<b>TABLE 11.32.040-(E)(2): NUMBER OF DOGS PERMITTED BY ZONE DISTRICT</b>		
<i>Zone District</i>	<i>Number of Dogs (over 4 months of age)</i>	<i>Discretionary Permit Required</i>
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
<p>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.</p> <p>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.</p>		

- 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 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 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.

#### 11.32.070 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. **Maximum Floor Area.** The floor area of a caretaker residence shall not exceed 50 percent of the floor area of the commercial use on the site.~~

**F.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.).

**G.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 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 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 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. 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. Timing and location of outdoor activities.
  - 9. Temporary storage of residents' belongings.
  - 10. Safety and security including lighting.
  - 11. Site plan, floor plan, and building elevations.

**11.32.100 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 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 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 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:

TABLE 11.32.130: HOME OCCUPATIONS	
Administrative Use Permit	Minor Conditional Use Permit
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"> <li>• Up to 3 employees</li> <li>• Requires less than 5 parking spaces for business and employees</li> <li>• Business is conducted outdoors or requires more than 300 square feet of sales/display area.</li> </ul>
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. Firearms manufacture or sales;~~
- ~~9-8.~~ 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;
- ~~40-9.~~ Medical and dental offices, clinics, and laboratories;
- ~~44-10.~~ Mini storage;
- ~~42-11.~~ Mortuaries;
- ~~43-12.~~ Recording studio (electronic composition, recording, and re-mixing conducted with headphones and using no amplification, live instruments or live performance excepted);
- ~~44-13.~~ Restaurants;
- ~~45-14.~~ Retail stores;
- ~~46-15.~~ Towing service;



17-16. 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 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.

3. ***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.

### 11.32.150 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 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 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 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 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 Planning Commission 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 Planning Commission 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 Planning Commission. The height, construction, and type of material for such perimeter walls shall be as specified by the Planning Commission 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 Planning Commission 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 Districts unless a density bonus is approved.
- 1-2. 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 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 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) <sup>1</sup>	500-1,000 sq ft	501-1,001 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) <sup>3</sup>	Not applicable	Requires approval of an Administrative Use Permit.		
Food stands and Dining facilities <sup>4</sup> with seating or on-site food consumption	Not applicable	1 food stand per project and/or dining facility with up to 16 seats. <sup>5</sup>	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 <sup>2</sup>	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"> <li>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.</li> <li>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.)</li> <li>3. Food preparation areas that require a commercial kitchen and are not part of an approved food stand or dining facility.</li> <li>4. Dining facilities also includes bake shops and farm stores with on-site food consumption.</li> <li>5. Seating is located within the dining facility or within 100 feet of dining facility or food stand.</li> </ol>				
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.				
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.				

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 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.

#### 11.32.230 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 or is proposed to be established in conjunction with the construction of a Second Dwelling Unit.
- 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. **Minimum Lot Size.** The lot shall meet the minimum standards for the applicable district.~~
- ~~D.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.
- ~~E.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 a ~~Variance~~ Administrative Use Permit.
- ~~F.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.



- | **G.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.
- | **H.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.
- | **I.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.
- | **J.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 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 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, 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.

<b>TABLE 11.32.260: SOLAR ENERGY SYSTEM CONSUMPTION OFFSET THRESHOLDS</b>	
<i>Land Use Type</i>	<i>Maximum Kilowatts</i>
Agricultural uses	50
Residential uses ( <del>Outside-VGB</del> Ground Mounted)	20
Residential uses ( <del>Within-VGB</del> Roof Mounted)	<del>40</del> 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. ~~A—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 ~~in the following situations~~if the solar energy system is attached to a building.
    - a. ~~—— If the solar energy system is attached to a building.~~
    - b. ~~—— If located in AE, IG, IC, SE, IL, PF, EX, RP, and TP zones and a rear yard location would interfere with agricultural, mining, timber, or other permitted operations on the site.~~
  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 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 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 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.

### 11.32.300 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 or licensed caregiver needed to care for a member of the primary household.
- 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 Board of Supervisors.
- 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 Conditional Use Permit pursuant to thresholds in 11.32.300 Temporary Uses and Special Events sections 11.32.300(I)(2) and 11.32.300(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:
  - a. Special events that exceed the thresholds of Subsection 11.32.300(I)(2), Special Events Requiring Temporary Use Permit, above
  - b. Temporary campgrounds associated with a special event exceeding 48 hours in duration.
  - c. 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.)
  - d. ***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.
    - i. The proposed use does not detract from or diminish the on-site crop production uses.
    - ii. 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.

<b>TABLE 11.32.300: TEMPORARY USES AND SPECIAL EVENTS PERMIT TYPE</b>	
<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>	

TABLE 11.32.300: TEMPORARY USES AND SPECIAL EVENTS PERMIT TYPE	
Use/Event	Type of Permit or Clearance
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

### 11.32.310 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.

### 11.32.320 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 ~~on the same premises as the primary ingredients are grown shall be principally permitted in agricultural districts and within the Rural Residential district.~~
1. Milling, pressing, processing, and bottling of grapes, olives, beer and distilled beverages ~~produced on site (includes adjoining properties under same ownership)~~ is principally permitted in agricultural districts, ~~and in the Rural Residential zone district~~ with production 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 ~~that primarily utilizes agricultural crops from sites other than where the production facility is located of more than 5,000 cases per year~~ shall be subject to approval of ~~an Administrative Use Permit in agricultural districts and a Minor Conditional Use Permit within the Rural Residential and Residential Estate districts.~~ ~~For purposes of this section, the term "primarily" shall mean when more than 50 percent of the agricultural crops used in the product are from sites other than where the production facility is located (other sites does not include agricultural crops from adjoining properties under the same ownership or lease).~~
    - a. ~~Newly established vineyards and wineries that plan on primarily utilizing grapes or agricultural crops grown on site for their processing facility may apply for a Waiver pursuant to Section 11.60 of this Code to allow for grapes, juice or other agricultural crops from off-site locations to be used for a period not to exceed five years to allow time for the their on-site agricultural crop to mature.~~
    - b. ~~Established wineries that experience a crop failure that will require them to utilize more than 50 percent of the agricultural crops used in their product from sites other than where the production facility is located may apply for a Waiver from the on-site crop production requirements pursuant to Section 11.60.~~



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.

**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:

<b>TABLE 11.32.320.B TASTING ROOMS</b>				
<i>Use</i>	<i>Permitted</i>	<i>Administrative Use Permit (AP)</i>	<i>Minor Conditional Use Permit (MUP)</i>	<i>Major Conditional Use Permit (CUP)</i>
Gross square footage of tasting room including display or retail areas.	<b>500-2,500</b> sq ft	<b>501-2,501 to 2,500-7,000</b> sq ft	<del>2,501 to over</del> 7,000 sq ft	<del>Over 7,001</del> 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.				
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 <del>approval of a Minor Use Permit</del> , preparation of the appropriate CEQA document and any associated fees.				

3. ***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.
4. ***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.
5. *Picnic Areas.* Picnic areas may be provided but shall be subordinate to the tasting room.
6. *Utilities.* Sanitary facilities and potable water shall be provided pursuant to applicable codes.

## Chapter 11.33 Reserved

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## Chapter 11.34 Reserved

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## Chapter 11.35 Reserved

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## Chapter 11.36 Reserved

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## Chapter 11.37 Reserved

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## Chapter 11.38 Reserved

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## Chapter 11.46 Improvements

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### 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.
- e.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).

### 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.

<b>TABLE 11.52.110: REVIEW AUTHORITY</b>				
<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>
<b>Type One: Ministerial Actions</b>				
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
<b>Type Two: Discretionary Quasi-Judicial Actions</b>				
Administrative Use Permits – Exempt from CEQA	11.57	N/A	Zoning Administrator	Board of Supervisors
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



<b>TABLE 11.52.110: REVIEW AUTHORITY</b>				
<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>
Lot Line Adjustments	11.43	County Surveyor	<u>County Surveyor or Development Review Committee if CEQA required</u>	Board of Supervisors
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
<b>Type Three: Discretionary Legislative Actions</b>				
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
<u>Specific Plans and Specific Plan Amendments</u>	11.64	Planning Commission	Board of Supervisors	Superior Court
<u>Development Code and Official Zoning Map Amendments</u>	11.61	Planning Commission	Board of Supervisors	Superior Court



- 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. upon receipt of a written application with the required fee within one year of the date of the approval.

#### 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,



## Chapter 11.56 Design Review

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### 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 the ~~RC, RS, RM, RH, RE, NMX, CMX, GC, DC, PF, IL, SP and EC Districts~~ 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. **Public Notice for New Development Projects.** When a new development project does not require any Use Permit, Variance, or other discretionary approval other than Design Review, notice of the proposed action shall be posted in the Planning Department and mailed to all property owners of record within a minimum 300 radius of the subject property as shown on the latest available assessment role at least 10 days prior to the date of action. The notice shall include a general description of the subject of the application, the location of the property, the date of the decision, the procedure for submitting comments, and the procedure for appealing the decision. Minor modifications as identified in Subsection 11.53.120(A) are not subject to public notification.~~
  - ~~1. If in the opinion of the Planning Director, a project is not in substantial conformance with applicable, adopted design guidelines, prior conditions of approval, or if the Planning Director determines that, because of location, size or design that the public hearing should not be waived; the Planning Director shall refer the project for public hearing. The CDSA Director shall determine whether the project is to be heard by the Development Review Committee or the Planning Commission.~~
- ~~E.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. ~~To obtain Design Review approval, projects must satisfy these criteria to the extent that they are applicable:~~

- ~~A. The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, will enhance the appearance and features of the project site and surrounding natural and built environment.~~
- ~~B. The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.~~
- ~~C. The proposed architectural details, colors, materials, and landscaping are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.~~
- ~~D. Diverse building layouts and orientations; varying setbacks, building heights, and bulk; staggering of buildings and roof lines; and distinct architectural forms are utilized to create visual interest.~~
- ~~E. The project has been designed to be compatible with neighboring development by avoiding large differences in building scale and character between the proposed buildings and existing development on adjoining lots in the same zoning district and by providing a harmonious transition in scale and character between different districts.~~
- ~~F. The project is designed to include facilities that encourage and accommodate pedestrians and to provide convenient and safe pedestrian access to surrounding neighborhoods and nearby commercial and public services, parks, trails, and transit stops.~~
- ~~G. The proposed landscaping plan is suitable for the type of project and site conditions and will improve the appearance of the community, building, and site.~~
- ~~H. All screening, fencing and retaining walls shall be of compatible materials, color and texture with their related buildings.~~
- ~~I. Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.~~

### 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.

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 ~~for projects that are subject to CEQA~~. 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.
- 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.

## Chapter 11.60 Waivers and Modifications

### Sections:

11.60.010	Purpose
11.60.020	Applicability
11.60.030	Procedures
11.60.040	<del>Required Findings for Approval</del> <del>Required Findings for Approval</del>
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 ~~15-20~~ 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 ~~10-20~~ percent;
  4. Maximum lot coverage, up to ~~10-20~~ percent;
  5. Minimum landscaping, up to ~~10-20~~ percent of required landscaping for site or parking lot;
  6. Minimum number of required parking spaces, up to ~~15-20~~ 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 ~~10-20~~ 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.
- 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 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; and
  - 4. That denial 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.

#### **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.



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.

G.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.

***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).



**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 accessway 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 ~~500~~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.

**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.

**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



# RECOMMENDED ZONE CHANGES SUMMARY TABLE

APN	EXISTING USE	GENERAL PLAN DESIGNATION	EXISTING ZONING DISTRICT	RECOMMENDED ZONING DISTRICT	COMMENT
013-511-013	Commercial	Valley Neighborhood	DC Downtown Core	NMX Neighborhood Mixed Use	<i>Owner request</i> Consistent with adjacent zoning
014-270-101	Vacant	Natural Resources	No zoning in place	GC General Commercial	<i>Staff recommendation</i>
014-220-019; 014-270-008, 010, 012, 079, 080, 104; 014- 510-018, 019	Residential, Commercial, and Industrial	Natural Resources	AE-80 Exclusive Agricultural(80 acres)	AI Agricultural Industrial	<i>Staff recommendation</i> Consistent with land use
014-270-110; 014-510-016, 021, 022, 023, 024, 025	Residential, Commercial, Vacant, and Industrial	Natural Resources Employment	GC General Commercial; AE-80 Exclusive Agricultural (80 acres)	IG General Industrial	<i>Staff recommendation</i> Consistent with land use
019-040-016	Vacant	Natural Resources	RPR Resource Preservation and Recreation	AE-40 Exclusive Agricultural District (40 Acres)	<i>Owner request</i> 80 acre portion is not in conservation easement
019-230-073	Vacant	Valley Neighborhood	NMX Neighborhood Mixed Use and RS Single Family Residential	CMX Commercial Mixed Use and RS Single Family Residential	<i>Owner request</i> CMX for 9 +/- acres Consistent with commercial to the south
019-230-088	Vacant	Valley Neighborhood	NMX Neighborhood Mixed Use	CMX Commercial Mixed Use	<i>Staff recommendation</i> Consistent with adjacent area
020-132-014	Single Family	Valley Neighborhood	RM Medium Density Residential	NMX Neighborhood Mixed Use	<i>Owner request</i> Allows for commercial
020-132-013; 020-134-002, 009	Single Family	Valley Neighborhood	RM Medium Density Residential	NMX Neighborhood Mixed Use	<i>Staff recommendation</i> Allows for commercial
021-363-005, 006	Single Family	Valley Neighborhood	NMX Neighborhood Mixed Use	GC General Commercial	<i>Owner request</i> Allows for commercial expansion
056-100-002, 038	Church	Rural Community	RR-5 Rural Residential (5 Acres)	PF Public Facilities	<i>Owner request</i> Church property
060-110-010	Vacant	Natural Resources	AE-40 Exclusive Agricultural District (40 Acres)	AE-20 Exclusive Agricultural (20 Acres)	<i>Owner request</i> Consistent with land use patterns in the area
060-110-012, 013, 014	Vacant	Natural Resources	AE-40 Exclusive Agricultural District (40 Acres)	AE-40 Exclusive Agricultural (40 Acres)	<i>Owner request. AE-40 to AE-20 staff does not support</i>
040-220-041	Commercial	Rural Community	RR-5 Rural Residential (5 Acres)	RC Rural Commercial	<i>Owner request</i> Consistent with land use



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**Commissioners**  
**Eric Sklar**, President  
Saint Helena  
**Jacque Hostler-Carmesin**, Vice President  
McKinleyville  
**Anthony C. Williams**, Member  
Huntington Beach  
**Russell E. Burns**, Member  
Napa  
**Peter S. Silva**, Member  
Chula Vista

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

Vale (255-0616) Two n... - 1 of 4  
Sacramento, CA 95814  
(916) 653-4899  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

**RECEIVED**

JUN 10 2016

Clerk/Board of Supervisors

June 10, 2016

TO ALL INTERESTED AND AFFECTED PARTIES:

**COPY OF REFERENCED  
DOCUMENT ON FILE WITH  
CLERK OF THE BOARD**

This is to provide you with a copy of the notice of proposed regulatory action to add Section 782.1, Title 14, California Code of Regulations, to establish the Fish and Game Commission's conflict of interest code, which will be published in the California Regulatory Notice Register on June 10, 2016.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments. Additional information and all associated documents may be found on the Fish and Game Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov).

Mike Yaun, Legal Counsel, Fish and Game Commission, phone 916-653-9719, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Caren Woodson  
Associate Governmental Program Analyst

Attachment





**Commissioners**  
**Eric Sklar, President**  
Saint Helena

**Jacque Hostler-Carmesin, Vice President**  
McKinleyville

**Anthony C. Williams, Member**  
Huntington Beach

**Russell E. Burns, Member**  
Napa

**Peter S. Silva, Member**  
Chula Vista

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

v. (255-0616) Two n... - 3 of 4  
1110 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

RECEIVED

JUN 13 2016

Clerk/Board of Supervisors

June 8, 2016

TO ALL AFFECTED AND INTERESTED PARTIES:

COPY OF REFERENCED  
DOCUMENT ON FILE WITH  
CLERK OF THE BOARD

This is to provide you with a Notice of Receipt of Petition to list coast yellow leptosiphon as endangered under the California Endangered Species Act. This notice will be published in the California Regulatory Notice Register on June 10, 2016.

Sincerely,

Sheri Tiemann  
Associate Governmental Program Analyst

Attachment



## AGENDA

## Public Meeting

Central Valley Regional  
Water Quality Control Board

Clerk/Board of Supervisors

Wednes  
Thurs

(256-0616) Agend... - 1 of 6

Friday, June 24, 2016 – 8:30 a.m.  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

## WEBCAST OF BOARD MEETING

Live video broadcast of this meeting will be available at: <http://www.calepa.ca.gov/Broadcast/>

The Central Valley Board strives to conduct accessible, orderly, and fair meetings. The Board abides by the following rules when conducting its meetings:

- No person is required to register their name or provide other information to the Board in order to attend a Board meeting. Completing an attendance card is voluntary, unless you wish to testify before the Board.
- Anyone speaking to the Board will be requested to complete an attendance card.
- Anyone testifying in permit and enforcement actions will be required to complete an attendance card and affirm that any testimony that they provide is the truth by taking an oath.
- Items on this Agenda are numbered for identification purposes only; the Board may consider these items out of their listed order.
- Any item scheduled for the first day of a multi-day Board meeting may be delayed or continued to the next day, and items may also be moved from the second day to the first day. The Board may remove items from this Agenda without prior notice.
- If the Board lacks a quorum, the Board may conduct a hearing as a Panel Hearing. However, the Board will not take final action on such an item until a quorum of the Board is present.

Copies of the items to be considered by the Central Valley Water Board are posted on the Board's website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/)

Board agendas and the minutes of prior meetings are posted on the Board's website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_info/meetings/](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/)

Questions regarding individual items should be directed to the Board staff person whose name and phone number are indicated with the agenda item. If no staff person is listed, or for general questions, please contact Ms. Kiran Lanfranchi-Rizzardi at: (916) 464-4839 or [klanfranchi@waterboards.ca.gov](mailto:klanfranchi@waterboards.ca.gov)

The Board meeting will be conducted at a facility that is accessible to people with disabilities. Individuals requiring special accommodations are asked to contact Ms. Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

A list of applications for Water Quality Certifications, which the Board issues pursuant to Section 401 of the Clean Water Act, can be found at: [http://www.waterboards.ca.gov/centralvalley/public\\_notices/](http://www.waterboards.ca.gov/centralvalley/public_notices/) or can be obtained by calling the Board at: (916) 464-3291.



**ELECTRONIC PRESENTATIONS**

PowerPoint and other electronic presentations are frequently presented at the Board Meetings. Please e-mail presentations to the Board's Webmaster at [webmaster5@waterboards.ca.gov](mailto:webmaster5@waterboards.ca.gov) at least 24 hours in advance, or bring your files either on a USB Flash Drive or CD-ROM and give them to Board Staff prior to the start of the meeting.

**WEDNESDAY JUNE 22, 2016 – 9:00 A.M.**

1. Introductions, Pledge of Allegiance.
2. Meeting Rules and Procedures
3. Public Forum – *Any member of the public may address the Board on any matter within the Board's jurisdiction and not scheduled for consideration at this meeting, or pending before the Board*
4. Workshop to Discuss the Framework for a Salt and Nitrate Management Plan for the Central Valley

**THURSDAY, JUNE 23, 2016– 9:00 A.M.**

1. Introductions, Pledge of Allegiance, and approval of minutes of the April 20-21 Board meeting
2. Meeting Rules and Procedures
3. Board Member Communications – Board Members and the State Board Liaison Member may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. There will be no voting or formal action taken
4. Public Forum – *Any member of the public may address the Board on any matter within the Board's jurisdiction and not scheduled for consideration at this meeting, or pending before the Board*
5. State Board Liaison update-Informational item only
6. Executive Officer's Report ([http://www.waterboards.ca.gov/centralvalley/board\\_info/exec\\_officer\\_reports/](http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/))

**NPDES PERMITS**

7. City of Auburn, Auburn Wastewater Treatment Plant, Placer County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0077712) [Elizabeth Thayer (916) 464-4671]*

**NPDES PERMITS-ENFORCEMENT**

8. City of Live Oak, Live Oak Wastewater Treatment Plant, Sutter County – *Consideration of NPDES Permit Renewal (NPDES Permit CA0079022) and Time Schedule Order [David Kirn (916) 464-4761]*

**NPDES PERMIT**

9. *Consideration of Adoption of a Regionwide Municipal Separate Storm Sewer Systems (MS4s) General Permit [Bryan Smith, (530) 226-3425]*

**OTHER BUSINESS**

10. Sulphur Creek Mine Waste Removal Project, Colusa County – *Informational Item Only [Jeff Huggins (916) 464-4639]*
11. Monitoring and Data Collection Needs and Challenges for Pyrethroid Pesticides related to the Central Valley Pyrethroid Pesticides TMDL and Basin Plan Amendment – *Informational Item Only [Danny McClure (916) 464-4751]*

12. Introductions, Pledge of Allegiance.
13. Meeting Rules and Procedures.
14. Board Member Communications – Board Members and the State Board Liaison Member may discuss meetings, communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. There will be no voting or formal action taken.
15. Public Forum – *Any member of the public may address the Board on any matter within the Board's jurisdiction and not scheduled for consideration at this meeting, or pending before the Board (3 minute time limit per subject)*
16. Executive Officer's Report  
([http://www.waterboards.ca.gov/centralvalley/board\\_info/exec\\_officer\\_reports/](http://www.waterboards.ca.gov/centralvalley/board_info/exec_officer_reports/))
17. The Board will be asked to approve items through 23 to 29 with no discussion if no one is here to testify about them.

**OTHER BUSINESS**

18. Effluent Limitations for Nitrogen for Wastewater Treatment Facilities – *Informational Item Only* [Scott Hatton (559) 444-2502]
19. Irrigated Lands Hearing Panel– *Informational Item Only* [Andrew Altevogt (916) 464-4656]
20. Strategic Planning – *Informational Item Only* [Pamela Creedon (916) 464-4839]

**ENFORCEMENT**

21. Cruiser Haven, Inc. and Delta Waterways, LLC. Contra Costa County – *Consideration of Administrative Civil Liability Order* [Guy Childs (916) 464-4648]

**WASTE DISCHARGE REQUIREMENTS**

22. Waste Management of Alameda County, Altamont Landfill and Resource Recovery Facility, Alameda County – *Consideration of Revised Waste Discharge Requirements (WDRs Order R5-2009-0055)* [Vino Jain, (916) 464-4815]

**UNCONTESTED CALENDAR**

(Cal. Code Regs., tit. 23, § 647.2, subd. (f).)

**Uncontested items are those items that are not being contested at the Board Meeting and will be acted on without discussion. If any person or Board Member requests discussion, the item may be removed from the Uncontested Calendar and taken up in the regular agenda in an order determined by the Board Chair.**

**ENFORCEMENT**

23. The Morning Star Packing Company L.P. and Fred Globel, The Morning Star Tomato Packing Plant, Colusa County – *Consideration of a Resolution to Amend Cease and Desist Order R5-2016-0007*

**OTHER BUSINESS**

24. Sequoia National Forest, Kern River Ranger District, Osa Meadow Restoration Project – *Consideration of a Resolution Approving an Initial Study and Mitigated Negative Declaration*
25. *Consideration of Approval of Butte County Environmental Health Division's Local Agency Management Program (LAMP), Pursuant to the State Water Board's Onsite Wastewater Treatment Systems Policy, Butte County*

**26. NPDES PERMITS**

- a. Bear Valley Water District, Bear Valley Wastewater Treatment Plant, Alpine County, (NPDES Permit CA0085146)(Renewal) and Rescission of Time Schedule Order R5-2011-0054
- b. City of Corning, Corning WWTP, Tehama County, (NPDES Permit CA0004995) (Renewal)
- c. Santa Fe Aggregates, Inc. and Walter John Seaborn, Sand and Gravel Plant, Tulare County, CA0082201) (Renewal)
- d. Quincy Community Services District, Quincy Wastewater Treatment Plant, Plumas County, (NPDES Permit CA0085146) (Renewal) and Time Schedule Order (New)
- e. The Boeing Company, Groundwater Extraction and Treatment Systems, GET HB, Southern Groundwater Study Area GET and Admin GET, Sacramento County, NPDES Permit R5-2014-0017(Revised)

**27. WASTE DISCHARGE REQUIREMENTS**

- a. ARO Pistachios, Inc., and Mehdi Orandi, Terra Bella Processing Facility, Tulare County, (New)
- b. Anderson Class III Municipal Solid Waste Landfill and Class II Surface Impoundments, Shasta County, R5-2005-0118 (Revised)
- c. City of Mendota, Mendota Wastewater Treatment Facility, Fresno County, (New)
- d. Meridian Beartrack Co. and Meridian Gold Company, Royal Mountain King Mine, Calaveras County, (WDRs Order R5-2008-0021) (Revised)
- e. Recology Hay Road and Recology Hay Road DBA Jepson Prairie Organics, Recology Hay Road Landfill, Solano County, (WDRs Order R5-2008-0188) (Revised)
- f. Tesoro Viejo Master Mutual Water Company, Tesoro Viejo Wastewater Treatment Plant, Madera County, (New)
- g. City of Clovis, City of Clovis Municipal Solid Waste Landfill, Class III Landfill, Construction, Operation, and Corrective Action, Fresno County, Order R5-2011-0050 (Revised)

**28. WASTE DISCHARGE REQUIREMENTS – RESCISSIONS**

- a. Brentwood City, Brentwood Master Reclamation Permit, Contra Costa County, Order R5-2004-0132
- b. Clear Creek Mobile Estates, Shasta County, Order 94-268
- c. Edward Hyatt Power Plant, Butte County, Order 93-009
- d. Granite Construction Company, Granite Kelseyville Plant, Lake County, Order 86-208
- e. Honey Rock Camp, Butte County, Order 89-049
- f. Indian Valley CSD, Taylorsville Wastewater Treatment and Subsurface Disposal System, Plumas County, Order 95-162

**29. CHANGE OF NAME/OWNERSHIP**

- a. Gary Douglas, Pilot Travel Center 168 WWTF, Yolo County, 01-266
- b. Southern Estates, LLC and Riverbend MHP, LLC, Sandy Point & River Bend MHPs, Fresno County, Order 90-098
- c. Golden Feather MHP, Butte County, Order 91-163
- d. Big Valley Power, Lassen County, Order R5-2007-0060



**CLOSED SESSION**

The Board may meet in closed session to consider personnel matters (Gov. Code, § 11126 subd. (a)), to deliberate on a decision to be reached based upon evidence introduced in a hearing (Gov. Code §, 11126, subd. (c)(3).), or to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation (Gov. Code, § 11126, subd. (e)). Current litigation involving the Board:

**Litigation filed against the Central Valley Water Board and/or the State Water Board:**

- a. Cleanup and Abatement Order Issued for the Cleanup of Dixon Park in 2005 – *ConAgra Foods and Monfort, Inc. v. Central Valley Water Board* (Solano County Sup. Ct., Case No. FCS027420)
- b. NPDES Permit Issued to Sacramento Regional Wastewater Treatment Plant in 2010 – *California Sportfishing Protection Alliance v. Central Valley Water Board et al.* (Sacramento County Sup. Ct., Case No. 34-2013-80001358)
- c. Irrigated Lands Coalition Waiver and Program EIR Issued in 2011 – *San Joaquin County Resource Conservation District California Farm Bureau Federation et al. v. Central Valley Water Board; California Sportfishing Protection Alliance et al. v. Central Valley Water Board* (Sacramento County Sup. Ct., Case No. 34-2012-80001186) (Consolidated Case No. RG 12632180)
- d. Administrative Civil Liability Orders R5-2011-0068, R5-2012-0070, R5-2013-0091, R5-2014-0119 and 13267 Order Requiring Monitoring of the Sweeney Dairy – *James G. Sweeney, et al. v. State Water Board, et al.* (Fresno County Sup. Ct. Case No. 15CEG02063)
- e. Administrative Civil Liability Order Issued to Henry Tosta Dairy in 2013 – *Henry J. Tosta, et al. v. Central Valley Water Board, et al.* (San Joaquin County Sup. Ct., Case No. 39-2014-00318863-CU-WM-STK)
- f. Administrative Civil Liability Order Issued for Mandatory Minimum Penalties to Malaga County Water District in 2013 – *Malaga County Water District v. Central Valley Water Board et al.* (Fresno County Sup. Ct., Case No. 14-CECG-03576, removed to Madera County Sup. Ct., Case No. MCV071280)
- g. Dairy General Waste Discharge Requirements, Reissued in 2013 – *Asociación de Gente Unida por el Agua et al. v. Central Valley Water Board* (Ca. Ct. of Appeal. 3rd DCA, Case No. C066410; Sacramento County Sup. Ct., Case No. 34-2008-00003604)
- h. Cleanup and Abatement Order Issued for Cleanup of Walker Mine in 2014 – *Atlantic Richfield Company v. Central Valley Water Board* (Sacramento County Sup. Ct., Case No. 34-2014-80001875)
- i. Cleanup and Abatement Order Issued for Cleanup of Mt. Diablo Mercury Mine in 2014 – *Sunoco, Inc. v. Central Valley Water Board* (Sacramento County Sup. Ct., Case No. 34-2016-80002282)
- j. NPDES Permit and Cease and Desist Order Issued to Malaga County Water District in 2014 – *Malaga County Water District v. State Water Resources Control Board, et al.* (Fresno County Sup. Ct., Case No. 14-CECG-03919, removed to Madera County Sup. Ct., Case No. MCV071279)
- k. 13267 Order Issued to Modus, Inc. in 2015 – *Modus, Inc. v. California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; Central Valley Water Board* (Fresno County Sup. Ct., Case No. 15CECG03668)
- l. Administrative Civil Liability Order Issued to Christopher Cordes, Eddie Axner, and Eddie Axner Construction, Inc. in 2015 – *Eddie Axner Construction, Inc. and Eddie Axner v. Central Valley Water Board* (Shasta County Sup. Ct., Case No. 183576)
- m. Regarding a CEQA Determination made by the City of Hanford in 2015 – *Hanford Environmental Awareness Team v. City of Hanford re Bajun American Properties, L.P. et al.* (Kings County Sup. Ct., Case No. 15C-0154)
- n. Administrative Civil Liability Order Issued to Sarbjit & Satwant Athwal in 2015 – *Athwal v. Central Valley Regional Water Quality Control Board* (Stanislaus County Superior. Court, Case No. 2017515)

**Litigation filed by the Central Valley Water Board against other parties:**

(256-0616) Agend... - 6 of 6

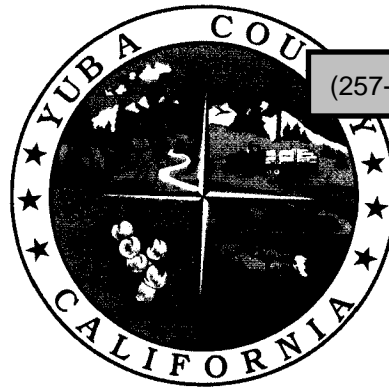
- a. Aerojet Cleanup – *Central Valley Water Board et al. v. Aerojet-General Corp. et al.* (Sacramento County Sup. Ct., Case No. 286073, consolidated with Case Nos. 288302 and 291981); *Central Valley Water Board et al. v. Aerojet-General Corp. et al.* (EDCal, Case No. CIV-S-86-0064-EJG) consolidated with *U.S. v. Aerojet-General Corp. et al.*, (EDCal, Case No. CIV-S-86-0063-EJG)
- b. Bonzi Landfill – *Central Valley Water Board v. Ma-Ru Holding Company et al.* (Stanislaus County Sup. Ct., Case No. 643740)
- c. Injunctive Relief for Tosta Dairy – *Central Valley Water Board v. Henry J. Tosta et al.* (San Joaquin County Sup. Ct., Case No. 39-2014-00318144-CU-MC-STK)
- d. Orland Sand and Gravel Facility – *People ex rel. Central Valley Water Board, Dept. of Fish and Wildlife v. Orland Sand and Gravel Corp. et al.* (Glenn County Sup. Ct., Case No. 15CV01436)
- e. Greener Globe Landfill – *People ex rel. Central Valley Water Board v. A Greener Globe Corporation* (Placer County Sup. Ct., Case No. SCV13231)

**Petitions for Review of Central Valley Water Board Actions filed with State Water Board:**

- a. City of Live Oak, NPDES Permit R5-2011-0034 and TSO R5-2009-0012-01 [NPDES Permit No. CA0079022] (State Water Board File Nos. A-2172(a) and 2172(b))
- b. City of Auburn Wastewater Treatment Plant, WDRs Order R5-2011-003 (Amending WDRs Order R5-2010-0090) [NPDES Permit No. CA0077712] – Petition filed by California Sportfishing Protection Alliance
- c. City of Stockton, WDRs Order R5-2014-0070 [NPDES No. CA0079138] and Time Schedule Order R5-2014-0071 (State Water Board File No. A-2315)
- d. City of Tracy, WDRs Order R5-2012-0115 [NPDES Permit No. CA0079154] (State Water Board File No. A-2238)
- e. Eastern San Joaquin Irrigated Lands General Waste Discharge Requirements, Order R5-2012-0116 – Petitions filed by California Sportfishing Alliance et al.; San Joaquin County Resource Conservation District et al.; and Asociacion de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2239(a) through (c))
- f. Irrigated Lands General Waste Discharge Requirements for Individual Growers, Order R5-2013-0100 – Petition filed by Kern River Watershed Coalition Authority and Paramount Farming Company, LLC (State Water Board File No. A-2269)
- g. Sacramento River Watershed Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0030 – Petition filed by California Sportfishing Alliance et al. (State Water Board File No. A-2302)
- h. San Joaquin County and Delta Area Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0029 – Petition filed by California Sportfishing Alliance et al. (State Water Board File No. A-2301)
- i. Tulare Lake Basin Area Irrigated Lands General Waste Discharge Requirements, Order R5-2013-0120 – Petitions filed by Southern San Joaquin Valley Water Quality Coalition et al., Michael and Yvonne LaSalle, and Asociación de Gente Unida por el Agua (AGUA) et al. (State Water Board File Nos. A-2278(a) through (c))
- j. West San Joaquin River Watershed Irrigated Lands General Waste Discharge Requirements, Order R5-2014-0002 – Petition filed by California Sportfishing Alliance et al. (State Water Board File No. A-2292)
- k. Valley Water Management Company, Cease and Desist Order R5-2015-0093 – Petitions filed by Valley Water Management Company, Clean Water Action, and the Central California Environmental Justice Network (State Water Board File Nos. A-2148(a), A-2148(b), and A-2148(c))
- l. Malaga County Water Dist., ACL Order R5-2016-0022 – Petition filed by Malaga County Water Dist (State Water Board File No. A-xxxx)

# The County of Yuba

OFFICE OF THE DISTRICT ATTORNEY




(257-0616) Consi... - 1 of 4

DISTRICT ATTORNEY

(530) 749-7770  
FAX (530) 749-7363

**DATE:** May 17, 2016

**TO:** Yuba County Board of Supervisors  
Law and Justice Committee

**FROM:** Patrick McGrath  
District Attorney 

**SUBJECT:** Adopt an ordinance authorizing the District Attorney to accept the standards for recruitment and training of Peace Officers established by the Commission on Peace Officer Standards and Training.

**RECOMMENDATION:** Recommend to the Board the adoption of an ordinance authorizing the District Attorney to accept the standards for recruitment and training of Peace Officers established by the Commission on Peace Officer Standards and Training.

**BACKGROUND:** The State of California, through the Commission on Peace Officer Standards and Training (POST), sets recruitment standards for the hiring of peace officers and provides training that promotes the professionalism and expertise of peace officers at no cost to participating agencies. Although District Attorney Investigators are peace officers as defined in the Penal Code, the Yuba County District Attorney's office is one of four DA's offices statewide that is not a POST participating agency. Participation requires that the Board enact the proposed ordinance. It has been reviewed by County Counsel and a copy is attached.

**DISCUSSION:** POST participation will make a significant amount of State sanctioned training available to District Attorney's Investigators at no County cost. In addition, POST membership improves the County's risk management position and will enhance the Office's ability to recruit and retain well-qualified District Attorney Investigators.

**FISCAL IMPACT:** POST participation requires the re-establishment of a Chief Investigator position. Human Resources is currently drafting the class specification and salary range. Consequently, POST participation will have an as yet undetermined impact on the public safety fund.



ORDINANCE NO. \_\_\_\_\_

**ORDINANCE ADDING CHAPTER 3.26 TO TITLE III  
OF THE YUBA COUNTY ORDINANCE CODE  
RELATING TO THE TRAINING OF DISTRICT ATTORNEY INVESTIGATORS**

The following ordinance consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:

NOES:

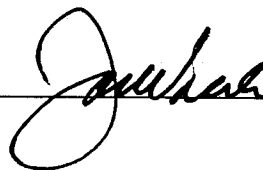
ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairman of the Board of Supervisors of the  
County of Yuba, State of California

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_  
ANGIL P. MORRIS-JONES  
YUBA COUNTY COUNSEL  
APPROVED AS TO FORM:

  
\_\_\_\_\_

**The BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA DOES ORDAIN AS FOLLOWS:**

Section 1. This ordinance shall take effect Thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published, with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

Section 2. Chapter 3.26 is hereby added to the Yuba County Ordinance Code to read as follows:

**CHAPTER 3.26**

**TRAINING OF DISTRICT ATTORNEY INVESTIGATORS**

Section 3.26.010 Declaration of Intention. The governing body of the County of Yuba, a political subdivision of the State of California, declares that it desires to qualify to receive aid from the State of California under the provisions of Section 13522, Chapter 1 of Title 4, Part 4 of the California Penal Code.

Section 3.26.020 Standards for Recruitment and Training. Pursuant to Sections 13510.1 and 13512 of said Chapter 1, the Yuba County District Attorney's Office will adhere to the standards for recruitment and training established by the Commission on Peace Officer Standards and Training.

Section 3.26.030 Adherence to Training. The Commission and its representatives may make such inquiries as deemed necessary to ascertain that the peace officer personnel of the Yuba County District Attorney's Office adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.