

**ARTICLE 4 – SPECIFIC USE REGULATIONS****CHAPTER 130.40 – SPECIFIC USE REGULATIONS****Sections:**

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**130.40.010 Content of Chapter**

This Chapter contains regulations applicable to certain specified uses that may be allowed, either by right or by discretionary permit, in a number of different zones. This Chapter provides appropriate standards for the design, location, and operation of the specific uses consistent with the General Plan.

**130.40.020 Applicability**

The provisions contained in this Chapter shall apply to all land in the unincorporated part of El Dorado County regardless of zone, unless otherwise specified in this Chapter.

**130.40.030 Accessory Structures and Uses**

- A. Accessory Uses and Their Determination.** In addition to the principal use or uses expressly established for the zone, as specified in Chapters 130.21 (Agricultural, Rural Lands, and Resources Zones) through 130.25 (Special Purpose Zones) inclusive, each use shall include such accessory uses which are customarily associated with the principal use(s). For those uses not specifically identified in the use matrices for the zones, the Director shall determine whether such use is customarily associated with the principal use of the zone.
- B. Exemption.** Agricultural buildings, small sheds or other storage structures that do not require a building permit for installation under Title 110 (Buildings and Construction), Section 110.16.060 (International Building Code, Appendix Chapter 1, Section 105.2–Work exempt from permit) pursuant to applicable building code provisions shall be exempt from the provisions of this Title, but shall remain subject to the setback requirements of the zone.
- C. Relationship of Accessory Use or Structure to Primary Use**
1. Accessory uses and structures shall be consistent with the primary use.
  2. For purposes of this Section, barns, stables, and other structures used to store crops and feed, shelter livestock, or house agriculturally-related machinery shall be allowed as a primary use, subject to the development standards for the zone (See Chapter 130.21: Agricultural, Rural Lands, and Resources Zones). When allowed in the residential zones, R1, R20K, R1A and R2A said structures shall be accessory to an existing primary residence, except where the existing parcel is larger than 10 acres. In R3A and RE zones, said structures shall be allowed as a primary use.
  3. Accessory uses and structures shall be established or constructed at the same time or after the establishment or construction of the primary use or structure on a lot, except where earlier establishment or construction is authorized by Administrative Permit.

4. Where building permits are issued concurrently for the primary and accessory structures, the permit for the accessory structure may be approved for final occupancy prior to completing the primary structure.

**D. Residential Accessory Structures Uses.** In addition to the primary dwelling, the following residential accessory structures and uses that are customarily associated with the primary structure shall be allowed in compliance with specific regulations under this Chapter, development standards of the respective zone, and Article 3 (Site Planning and Project Design Standards):

1. Garages, carports, and storage sheds.
2. Swimming pools and spas.
3. Shade structures, arbors, trellises, and gazebos.
4. Decks and other outdoor residential amenities such as outdoor kitchens and free standing fireplaces with chimneys.
5. Barns, stables, and other animal shelters, where the keeping of animals is allowed in the zone.
6. Accessory structures providing habitable space subject to the following:
  - a. A structure no greater than 600 square feet that is designated a guest house as defined in Article 8 (Glossary), shall be subject to the requirements of Section 130.40.150 (Guest House).
  - b. A structure up to 1,600 square feet that is designated a secondary dwelling as defined in Article 8 (Glossary), shall be subject to the requirements of Section 130.40.300 (Secondary Dwellings).
  - c. A structure to be used by the property owner as a pool house, workshop, artist studio, as defined in Article 8 (Glossary), or other similar use, may contain a full bathroom along with the changing room or work area, but shall not contain kitchen and/or cooking facilities nor be utilized for housing residents or guests.
7. Alternative energy systems, such as solar or wind energy collection systems, subject to the requirements of Sections 130.40.310 (Solar Collection Systems) and 130.40.390 (Wind Energy Conversion Systems).
8. Activities typically associated with residential uses are allowed on all parcels occupied by a residential use. Examples of such residential accessory uses include vehicle parking, gardens, vehicle and boat storage, the keeping of domestic pets (as defined in Title 6 (Animals) of the County Code of Ordinances, composting of household organic and yard waste, and other similar activities.

**130.40.040 Adult Business Establishments**

- A. Content.** This Section regulates the time, location, and manner of operating adult (sex oriented) business establishments in compliance with California Government Code Section 65850.4, in order to protect the public health, safety, and welfare. This Section is establishes reasonable and uniform regulations to prevent any deleterious location and concentration of adult business establishments within the county, thereby reducing or eliminating the adverse secondary effects experienced by other cities and counties, such as crime, blight, and downgrading of the surrounding commercial districts and residential neighborhoods. Location of said establishments along U.S. Highway 50 will be regulated in order to preserve the commercial, residential, and scenic character of not only its main transportation corridor, but what is considered to be the “gateway” to the county.
- B. Applicability.** The regulations and standards within this Section shall apply to adult business establishments, as defined in Article 8 (Glossary), where allowed in the use matrices for the zones, under the following forms:
- 1. New Business.** The opening or commencement of operation of a business as a new business.
  - 2. Conversion of an Existing Business.** The conversion of an existing business, whether an adult business or not, to an adult business establishment.
  - 3. Enlargement of Existing Business.** The addition of an adult business to an existing adult business if the addition results in enlargement of the place of business. For the purpose of this Subsection (Applicability), enlargement shall mean an increase in the size of the structure within which the business is conducted by either construction or use of an adjacent structure or a portion of a structure, whether located on the same or an adjacent lot.
- C.** Prior to Administrative Permit approval, a potential adult business owner shall provide a vicinity map demonstrating that the adult business is not being established or located within 300 feet of U.S. Highway 50 and within 1,000 feet of the following existing uses:
1. Any zone that allows residential uses by right;
  2. Any house of worship or any noncommercial establishment operated by a bona fide religious organization;
  3. Any public library, public building, or other public facility;
  4. Any public, private, or parochial school, pre-school, child day care center, park, or playground, or any establishment or facility likely to be used by minors; and
  5. Any other adult business.

- D. For the purposes of this Section, distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the structure in which the adult business will be located to the nearest property line of a use or zone described in Subsection C above.
- E. No adult business establishment shall be open nor shall any activity described in this Section be conducted or carried on in the business premises between the hours of 10:00 p.m. and 10:00 a.m. of any day.
- F. Signs or structures, advertisements, displays, or other promotional material depicting “specified anatomical areas” or “specified sexual activities”, as defined under Title 5 (Business Taxes, Licenses and Regulations), Subsections 5.34.020 (Adult-Related Establishments: Definitions) of the County Code of Ordinances, or displaying instruments, devices or paraphernalia designed for use in connection with “specific sexual activities”, shall not be exhibited or shown in a way that is visible from an exterior area.
- G. Structure openings, entries, and windows shall be located, covered, or screened to prevent viewing the interior from an exterior area.
- H. Loudspeakers or sound equipment audible to persons in a public area shall not be used in connection with an adult business, and the business shall be conducted so that sounds associated with the business are not emitted beyond the exterior walls of the structure in which the use is occurring.
- I. Dumpsters used by an adult business establishment shall be locked when not in use to prevent access thereto by the public.

**130.40.050** *Reserved*

**130.40.060** **Agricultural Preserves and Zones: Contracts, Criteria and Regulations**

- A. **Content.** This Section implements the provisions of the Land Conservation Act of 1965 (Williamson Act) and the farmland security zone legislation (California Government Code Chapters 51200 et seq. and 51296 to 7, respectively) and provides criteria for zoning and protecting the existing agricultural resources of the county.
- B. **Criteria for Establishment of Agricultural Preserves.** In order to establish a new Agricultural Preserve, hereinafter referred to as “Preserve”, a property owner must enter into a Williamson Act Contract with the county subject to the provisions and criteria set forth in California Government Code Chapter 51200 et seq. and Resolutions adopted by the Board establishing Williamson Act criteria, as amended from time to time, and the following:
  - 1. **Zone Change.** The property shall be zoned to Planned Agricultural (PA), Limited Agricultural (LA), or Agricultural Grazing (AG) with the approval and establishment of a Preserve, subject to the specific provisions of Subsection

130.21.010 (Matrix of Allowed Uses), Subsections C..1 (Planned Agricultural (PA) , C.2 (Limited Agricultural (LA) and C.3 (Agricultural Grazing).

2. **Term.** The initial term of a contract is ten years, calculated from January 1 of the same year it is approved in. On each anniversary date of a contract, a year shall be automatically added to the initial term unless written Notice of Non-Renewal is given as provided in Subsection D (Non-Renewal of Williamson Act Contracts/Agricultural Preserves) below. If the property owner or the county serves written Notice of Non-Renewal in any year, the contract shall remain in effect for the balance of the unexpired term.

**C. Preserve Standards.**

1. **Minimum Acreage.** The minimum acreage of a Preserve shall be:
  - a. 20 acres for high intensive farming operations or 50 acres for low intensive farming operations, consisting of a single lot or contiguous lots; or
  - b. At least ten acres but less than 20 acres upon a positive recommendation from the Ag Commission and approval by the Board if the property meets all land suitability requirements for agricultural potential, and the lot was or contiguous lots were in existence as of March 23, 1993.
2. **Use and Structures.** The use of the property shall be limited during the term of the contract to agricultural and compatible uses. Structures may be erected and/or enlarged on the property upon a positive recommendation from the Ag Commission and approval by the Board if they are directly related to and compatible with uses allowed in Table 130.21.020 (Agricultural and Resource Zone Districts Use Matrix).
3. **Residential Development.** In addition to a primary dwelling, one secondary dwelling may be allowed within a Preserve by Administrative Permit approval in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver), providing all of the following findings regarding the secondary dwelling can be made:
  - a. It complies with all other zone setbacks and development standards, including agricultural buffer setbacks, if applicable;
  - b. It is consistent with the terms of the applicable Agricultural Preserve Contract; and is incidental to the agricultural use of the land;
  - c. It is consistent with the principles of compatibility in compliance with California Government Code Section 51238.1(a), as determined by the Ag Commission.

**D. Non-Renewal of Williamson Act Contracts/Agricultural Preserves.** In compliance with California Government Code Section 51245, a Notice of Non-Renewal shall be processed according to the following procedures:

1. A written Notice of Non-Renewal (Notice) shall be submitted by the property owner and a copy provided to the Board at least 90 days prior to the contract renewal date, which would be by October 1 for the upcoming year.
2. A Notice of Non-Renewal, initiated by the County, shall be submitted to the property owner at least 60 days prior to the annual contract renewal date.
3. Upon receiving a Notice, the Clerk of the Board shall forward such Notice to the Department, the Assessor, and the Ag Commission for a report.
4. The Department shall submit a written report to the Ag Commission indicating whether the Notice is for a partition, a roll out, or a partial roll out, as defined in Article 8 (Glossary): See “Williamson Act Contract”), and other relative information regarding the agricultural preserve, with a copy to the Board.
5. When the Notice is for a partition or partial roll out, the remaining parcels under contract will be required to meet the minimum Williamson Act Contract criteria specified by the County. The Ag Commission shall be required to make a recommendation, to the Board, on the viability of the remaining parcels within the Williamson Act Contract (WAC). If the remaining parcels meet the minimum criteria for a WAC, the existing contract shall be amended to reflect the changes to the parcel descriptions or boundary lines.
6. When the Notice concerns a complete Non-Renewal (total roll out of a contract), the Ag Commission may submit a report to the Board giving an evaluation of the potential impacts resulting from the Notice.
7. The Board shall receive and file the Notice and direct the county Assessor to begin the roll-out procedure, or when partial roll-out has been requested and it has been determined by the Board that the remaining portion of the agricultural preserve no longer meets the minimum criteria to qualify as an agricultural preserve, direct the Clerk of the Board to file a Notice of Non-Renewal for the entire contract.

**E. Breach of Contract.** The county shall file a Notice of Non-Renewal (Notice) when the Board finds that a breach of contract has occurred, when the property no longer meets minimum criteria as a Preserve, or when the remaining property in a partial roll out no longer qualifies as a Preserve under the Williamson Act.

1. Prior to the Board's decision, the Ag Commission shall hold a hearing to determine if the terms of the contract have been violated. The Ag Commission may provide an opportunity for the operator to bring the agricultural operation into compliance or may recommend to the Board that the Notice be filed.

2. A hearing to determine compliance with the terms of the contract shall be held by the Board prior to filing the Notice. The property owner shall be provided written notice of all hearings.
3. Upon the Board's decision not to renew the contract, the county shall serve a written Notice upon the property owner at least 60 days prior to the contract renewal date, which would be by November 1 for the upcoming year.
4. In the case where certain structure(s) are placed within an agricultural preserve that qualify as a material breach of contract under State law, additional remedies may be applied, including the payment of penalties, in compliance with the requirements under said California Government Code Section 51250, as amended from time to time.

**F. Immediate Cancellation.** The property owner may file an application for an immediate cancellation of a Williamson Act Contract, concurrent with a zone change and General Plan amendment, if applicable, at any time during the contract period. As part of the application, the property owner must demonstrate the cancellation is consistent with the purpose of the Williamson Act so that the Board may make the necessary findings in compliance with California Government Code Section 51282, et seq. The application shall be processed as follows:

1. The Department shall forward a copy of the application to the Ag Commission and Assessor's Office for comments and recommendations.
2. The Assessor's Office shall determine the cash value of the property as though the land is free from contractual obligations and forward the report to the Department.
3. The Commission shall hold a public hearing and make a recommendation to the Board.
4. The Board shall decide at public hearing whether to approve the cancellation, zone change, and General Plan amendment, if applicable, or deny the request.
5. If approved, the applicant shall pay the amount of cancellation fees, based on the Assessor's report, prior to the effective date of cancellation.

**G. Agricultural Zones not under Williamson Act Contract.** Land to be zoned for agricultural or horticultural use that is not encumbered by a Williamson Act or farmland security zone contract must meet one of the following criteria:

1. **Soil Capability.** The site is classified as choice soil, as defined in the General Plan, based on the *Soil Survey of El Dorado Area, California* issued April 1974 by the U.S.D.A. Soil Conservation Service, or other comparable local, state or federal criteria, as further described below:

- a. Choice agricultural land, up to 30 percent slope, includes some lands in classes II, III, IV, VI, and VII, which are suitable for orchard, vineyard, and woodland; or
  - b. Choice rangeland includes some lands in classes IV, VI, and VII, with range site indices of 1, 2, and 3, suitable for range use.
2. **Present Use.** Lands that are not included in one of the above soil groupings but are being actively used agriculturally may be considered for agricultural zoning when the land in question meets the three criteria of acreage, gross income, and capital outlay for establishment of an agricultural preserve, as set forth by resolution of the Board, as may be amended from time to time.
3. **Ag Commission Recommendation.** When lands do not qualify as agricultural zones under Subsections G.1.a, G.1.b, or G.2 above in this Section, they may still be zoned PA, LA or AG, based on the recommendation of the Ag Commission to the Board that there are unique circumstances applying to the land and that an agricultural zone would further the intent of the General Plan for protecting and enhancing the agricultural industry in the county.

#### 130.40.070 Agricultural Support Services

- A. **Applicability.** The standards set forth in this Section shall apply to agricultural support services, as defined in Article 8 (Glossary), where allowed in the use matrices for the zones.
- B. **Special Findings Required.** In order to approve a Conditional Use Permit for agricultural support services, the review authority must make the following findings in addition to the findings required under Chapter 130.52.020 (Conditional and Minor Use Permits):
1. The establishment of the proposed support service will support the agricultural industry in the surrounding area based on the type of agricultural enterprises that exist in the area.
  2. The proposed support service will have no significant adverse effect on commercial agriculture production in the area.
- C. **Uses Allowed By Right.** Uses are allowed in the zone as reflected in the matrix in Table 130.21.020 (Agricultural, Rural Lands and Resource Zone Districts Use Matrix).
- D. **Uses Requiring an Administrative Permit.** Uses allowed by Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver):
1. Shall have direct access to a County-maintained roadway or State Highway;
  2. Shall have no impact to traffic, noise or neighboring parcels.

- E. Uses Requiring a Minor Use Permit.** Uses allowed by a Minor Use Permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits):
1. Shall have no direct access to a County-maintained roadway or State Highway;
  2. Shall have a less than significant impact to traffic, noise and neighboring parcels;
  3. **Review by the Agricultural Commissioner.** Where an application for a Minor Use Permit is required to construct or operate a commercial operation on agricultural or resource zoned land as an agricultural support service, the use shall be considered by the Agricultural Commissioner prior to a hearing before the review authority.
- F. Uses Requiring a Conditional Use Permit.** Uses allowed with a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits):
1. May have significant impacts to traffic, noise, neighboring parcels and may result in a loss of productive agricultural land.
  2. **Review by Ag Commission Required.** Where an application for a Conditional Use Permit is required to construct or operate a commercial operation on agricultural or resource zoned land as an agricultural support service, the use shall be considered by the Ag Commission prior to a hearing before the review authority.

#### **130.40.080 Animal Raising and Keeping**

- A. Applicability.** The standards set forth in this Section shall apply to the raising and keeping of Domestic Farm Animals for personal use, hobby purposes, educational projects, or commercial use (where allowed) on residentially zoned lands, where the use matrices for the zones allow the raising and keeping of animals.
1. The standards in this Section apply to Residential Zones that allow for animal raising and keeping, including the Single-Unit Residential (R1/R20K), One-, Two-, and Three-Acre Residential (R1A, R2A, and R3A), and Residential Estate (RE) zones.
  2. The raising and keeping of domestic fowl and domestic farm animals is not allowed in the Multi-unit Residential (RM) or residential uses in Commercial zones.
  3. The standards in this Section do not apply to the keeping of household pets which are addressed in Title 6 (Animals) of the County Code of Ordinances.

4. Exceptions:
  - a. **Agricultural, Rural Lands and Resource Zones.** These standards do not apply to the raising and keeping of animals in: (1) Agricultural zones: Limited Agricultural (A), Planned Agricultural (PA), and Agricultural Grazing (AG); and, (2) Rural Lands zones (RL); and (3) Resource zones: Forest Resources (FR), and Timber Production (TPZ).
  - b. **Educational Projects.** Animal Husbandry Projects shall be exempt from the requirements of Subsection C (Animal Keeping in Residential Zones), below, provided the applicable animal husbandry project protocols are followed, and the animals shall be maintained in a healthy and sanitary manner that does not violate any section of the State of California Penal Code or Title 6 (Animals) of the County Code of Ordinances.
  - c. **Working Animals.** Livestock guardian or herding dogs shall be exempt from the commercial kennel requirements and managed in accordance with Title 6 (Animals) of County Code of Ordinances.
  - d. **Legal Nonconforming Animal Keeping.** Where an existing use involves the keeping of animals, then the number of animals, types of animals, minimum lot area for animals, or other standards for the keeping of animals not in conformance with the zone in which they are located, may be continued until the owner or occupant removes them.

**B. Definitions Applicable to 130.40.080 (Animal Raising and Keeping).**

1. **Animal Raising and Keeping.** The keeping, feeding or raising of animals as a commercial agricultural venture, avocation, hobby or school project, including the processing of products or byproducts. This use is allowed either as a primary use or as subordinate and accessory to a compatible residential use.
2. **Animal Husbandry Project.** The raising of farm or game animals such as cattle, horses, goats, sheep, hogs, chickens, rabbits, birds, as a school, 4-H, Grange, or FFA project conducted by students through the twelfth grade and under the direct supervision of a qualified, responsible adult advisor or instructor.
3. **Animals, Large.** Large animals include, but are not limited to, cattle, horses, mules, ostrich, swine, llamas, and/or similar livestock.
4. **Animals, Medium.** Medium animals include, but are not limited to, sheep, goats, emu, alpaca, turkeys, and donkeys.
5. **Animals, Small.** Small animals include, but are not limited to, rabbits, ducks, chickens, fowl, bees, and worms.

6. **Apiaries, Commercial.** Any place where 50 or more colonies or hives of bees are kept. (See Title 6 (Animals), Chapter 6.44 (Apiaries and Beekeeping) of the County Code of Ordinances.

**C. Animal Keeping in Residential Zones.**

1. **Apiaries, Commercial or Private.** Apiaries are allowed on the following Residential Zones: R2A, R3A, RE-5 and RE-10. Requirements for bee raising and keeping shall meet industry standards as approved by the Agricultural Commissioner and Title 6 (Animals), Chapter 6.44 (Apiaries and Beekeeping) of the County Code of Ordinances. No apiary shall be located within 100 feet of any other property boundary without the written consent of the adjacent resident.
2. **Small animal** keeping are allowed on lots within these Residential Zones: R1, R20K, R1A, R2A, R3A, RE-5 and RE-10 provided that owners adhere to all Operation and Maintenance standards in Subsection E (Operation and Maintenance Standards) and subject to Subsection G (Administrative) below and the following:
  - a. Poultry, fowl, and rabbits must be contained within the boundary of the residential lot and provided a suitable enclosure for nesting, feeding, watering, and roosting.
  - b. The keeping of roosters, guinea hens, or pea hens (peacock family) is prohibited on any lot less than 3 acres.
3. **Medium animal** keeping are allowed on lots within these Residential Zones: R1A, R2A, R3A, RE-5 and RE-10 provided that owners adhere to all Operation and Maintenance standards. The keeping of no more than 4 medium animals may be approved by Administrative Permit for lots greater than one half acre, zoned Single-unit Residential (R20K) and all structures or enclosures for use by the animal(s) meet the building setback requirements of the zone.
4. **Large animal** keeping is allowed on lots of more than two acre in size within these Residential Zones: R1A, R2A, R3A, RE-5 and RE-10 provided that owners adhere to all Operation and Maintenance standards. Two or more adjacent lots that are less than two acres in size but managed as a single operation and under same ownership may meet the minimum acreage standard. The keeping of no more than 2 large animals may be approved by Administrative Permit for lots less than two acres when zoned Residential One-acre (R1A) and all structures or enclosures for use by the animal(s) meet the building setback requirements of the zone.

**D. Stables.**

1. **Commercial.** Standards for Commercial Stables can be found in 130.40.210.C (Outdoor Recreational Facilities – Commercial or Public, Commercial Stables),

and are defined in Article 8 (Glossary: See “Stables; Commercial”). The licensing requirements and standards for commercial Equine Rental Facilities are included in Title 6 (Animals), Chapter 6.24 (Commercial Animal Establishments) of the County Code of Ordinances.

2. **Private.** Private stables, including the breeding and raising of horses, are allowed on residential zoned lots as specified in the zone matrices. Facilities are subject to the following standards:
  - a. The facility shall not involve more than three patrons visiting the site at any one time and no more than a maximum of fifteen patrons per day, unless authorized by a use permit as provided in Section 130.40.160 (Home Occupations).
  - b. The Operation and Maintenance Standards in Subsection E (Operation and Maintenance Standards) below shall be adhered to.

**E. Operation and Maintenance Standards**

1. **Odor and Vector Control.** 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.
2. **Erosion and Sediment Control.** In no case shall any person allow animal keeping to cause soil erosion, or produce sedimentation on any public road, adjacent property, or in any drainage channel. In the event such soil erosion and sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and subject to abatement under county code.
3. **Noise.** No animals will be allowed to create a public nuisance, disturbing the peace by frequent or continuous noise of an irritating or raucous nature. If a nuisance is deemed to have occurred it may be subject to abatement as specified in Title 6 (Animals) of the County Code of Ordinances.
4. **Specified types of animals allowed.** More than one type of animal may be kept on a single site as allowed for in the use matrix for the applicable zone.

**F. Setbacks.** Animal sheltering structures, including but not limited to coops, stables, and aviaries, shall meet the setbacks established in the applicable zone district in which they occur.

**G. Administrative.** On all lots of less than two acres in size, an Administrative Permit shall be required for:

1. The keeping of large animals allowed pursuant to Subsection C (Animal Keeping in Residential Zones) above.
2. The keeping of small animals for the purpose of sale, including their products, so long as the animals are maintained in a healthy and sanitary manner that does not violate any section of the State of California Penal Code or Title 6 (Animals) of the County Code of Ordinances.

**H. Penalties.** Violations of this Section may be charged as either an infraction or misdemeanor.

**Table 130.40.080.1 – Animal Raising & Keeping Matrix**

	<b>R1: Single-unit Residential</b> <b>R20K: Single-unit Residential</b> <b>R1A: One-acre Residential</b> <b>R2A: Two-acre Residential</b> <b>R3A: Three-acre Residential</b> <b>RE: Residential Estates (-5 or -10)</b>		<b>P</b> <b>A</b> <b>MUP</b> <b>CUP</b> <b>T</b> <b>---</b>	<b>Permissible (allowed) use (Article 4)</b> <b>Administrative permit required (130.52.010)</b> <b>Minor use permit required (130.52.020)</b> <b>Conditional use permit required (130.52.060)</b> <b>Temporary use permit required (130.52.060)</b> <b>Use not allowed in zone</b>					
	<b>TYPE</b>	<b>RM</b>	<b>R1</b>	<b>R20K</b>	<b>R1A</b>	<b>R2A</b>	<b>R3A</b>	<b>RE</b>	<b>Reference</b>
	Apiaries, Commercial	---	---	---	---	P	P	P	130.40.080.C.1
	Small Animals	---	P	P	P	P	P	P	130.40.080.C.2
	Medium Animals	---	---	A	P	P	P	P	130.40.080.C.3
	Large Animals	---	---	---	A	P	P	P	130.40.080.C.4

**130.40.090** *Reserved*

**130.40.100 Campgrounds and Recreational Vehicle Parks**

- A. Applicability.** The provisions of this Section shall apply to all campgrounds and recreational vehicle parks, as defined in Article 8 (Glossary), where the allowed use matrices for the zones allow these uses.
- B. Temporary Camping.** 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 for more than 30 days unless such placement, maintenance, use, or occupancy is authorized in compliance with this Section or with Section 130.52.050 (Temporary Mobile Home Permit).
- C. Compliance with State Law.** All campgrounds and recreational vehicle parks shall comply with the minimum standards of the Special Occupancy Parks Act (California Health and Safety Code Section 18860, et seq.) and the applicable regulations adopted by the Department of Housing and Community Development (California Code of Regulations, Title 25: Housing and Community Development Mobile Home Parks and Installations Regulations, Chapter 2) including, but not limited to setback and

separation standards, infrastructure requirements, operations, maintenance, and inspections within these facilities.

**D. Development Standards.** The following general standards shall apply to new campgrounds and recreational vehicle (RV) parks or proposed revisions to existing facilities, subject to a Conditional Use Permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits):

- 1. Minimum Area and Density.** The minimum area of a campground or RV park shall be three acres. At least 50 percent of the total site shall be left in its natural state or be landscaped. The remaining 50 percent of land is eligible for development. The maximum number of campsites, RV spaces, dormitory rooms or cabins shall not exceed 9 sites per developable area and each individual campsite or RV space shall be no less than 1,000 square feet. The average overnight population per campsite, RV space, or cabin shall not exceed four persons.
- 2. Fencing.** A fence, wall, landscaping screen, earth mound or other screening approved by the Director, or otherwise required by this Title, shall be required as needed for public safety.
- 3. Access.** Campground and recreational vehicle park access roads shall have clear and unobstructed access to a public roadway. There shall be no direct access from an individual campsite, RV space, dormitory room or cabin to a public roadway.
- 4. Trash Collection Areas.** Trash collection areas shall be adequately distributed and enclosed by a six foot high landscape screen, solid wall or fence, which is accessible on one side. Bear resistant garbage can containers are required in accordance with Subsection 130.30.030.C.3.g (Bear Resistant Garbage Can Containers).
- 5. Parking.** The campground and recreational vehicle park shall provide off street parking spaces for each campsite and guest parking in accordance with Chapter 130.35 (Parking and Loading).
- 6. Signs.** Campground and recreational vehicle park entrance signs shall comply with the provisions under Chapter 130.16 (Signs).
- 7. Water Supply and Sewage Disposal.** The County Environmental Health Division shall determine that adequate water supply and/or septic capability is available to serve the project.
- 8. Commercial Use.** The construction of a structure within the campground or recreational vehicle park that is under the ownership or control of the park and can provide commercial use to the public shall be reviewed by the county for potential impacts on local services under the Conditional Use Permit.

9. **Length of Stay.** The maximum length of stay in any campground or recreational vehicle park shall not exceed 30 days.
10. **Structures and Recreational Facilities.** The following standards apply to structures on the site, apart from the personal residence of the property owner or caretaker:
  - a. Structures are limited to restrooms/showers and one clubhouse which may contain one commercial kitchen facility.
  - b. The total area of the structures or portions of structures intended for sleeping that may include restrooms/showers shall be limited to an average of 300 square feet per structure. Structures intended for sleeping may not include any kitchen facilities.
  - c. Campgrounds may include minor accessory recreational uses or structures such as swimming pools and tennis courts.

#### 130.40.110 Child Day Care Facilities

- A. **Child Day Care Homes.** Child day care homes, as defined in Article 8 (Glossary), may be provided in any zone that allows detached, single-unit residential dwellings, including rental units, in compliance with California Health and Safety Code Section 1596.70. As such, the following permit requirements shall apply:
  1. **Small Family Day Care Homes.** Allowed by right.
  2. **Large Family Day Care Homes.** Allowed under an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver). The following shall be submitted in addition to the standard permit application requirements:
    - a. Name and address of the applicant and a statement that he/she resides in the home where the day care will be conducted.
    - b. A site plan drawn to scale, which may be hand drawn provided it is legible, clearly delineating the location and dimensions of all existing and proposed buildings, structures, walkways, yards, driveways, on-site parking areas, and available parking area along the road frontage.
    - c. A sign plan, if applicable, demonstrating compliance with Chapter 130.16 (Signs) for residential signage.
- B. **Child Day Care Centers.** Child day care centers, as defined in Article 8 (Glossary), shall be allowed where allowed in the use matrices for the zones.

- C. Employer-sponsored Child Day Care Centers.** Employer-sponsored child day care centers, as defined in Article 8 (Glossary), shall be allowed as part of a commercial or industrial building or complex where allowed in the use matrices for the zones.
- D. Permit Process.** When an Administrative Permit is required by this Section it shall be processed as follows:
1. The Director shall, within 45 days of the filing of a complete permit application, approve a child day care facility if the approval standards in Subsection E (Approval Standards) below, have been met; otherwise, the permit shall be denied.
  2. Not less than 10 days prior to the date on which the decision will be made on the application, written notice shall be given to all residentially zoned property owners within a 100-foot radius from the property lines of a proposed large family day care home, child day care center, or employee-sponsored child day care center. The notice shall declare that the application will be acted on without a public hearing if no request for a hearing is made, in compliance with Subsection E.3 (Approval Standards) below.
  3. A hearing will only be held if one is requested in writing by the applicant or other affected person prior to the Director's decision (California Health and Safety Code Section 1597.46.a.3). Hearings will be held before the Zoning Administrator.
  4. Decisions that are rendered by the Director may be appealed by the applicant or other affected person. All decisions of the Director are appealable to the Commission and then to the Board, in compliance with Section 130.52.090 (Appeals).
- E. Approval Standards.** No application for an Administrative Permit shall be approved unless it complies with the development standards of the zone, Article 3 (Site Planning and Project Design Standards), and the following standards:
1. The loading and unloading of vehicle occupants shall only be allowed on the driveway of a residential dwelling, an approved parking area, or along the frontage of the site and shall not restrict traffic flow. Facilities located on those roads delineated in Figure TC-1 of the General Plan or roads designed for speeds of 35 mile per hour or greater shall provide a drop-off and pickup area designed to prevent vehicles from backing into the roadway.
  2. The applicant shall comply with all fire and building codes applicable to child day care facilities.
  3. The applicant shall obtain a valid state license to operate a child day care facility on the site within 180 days of the date of issuance of an Administrative Permit. Within 14 calendar days after issuance of the state license, the applicant shall provide a copy of the license to the Director. The applicant's failure to

obtain a state license or to provide a copy of the license to the Director may result in revocation of the Administrative Permit in accordance with the provisions of Chapter 130.67 (Code Enforcement).

4. In addition to the standards in Subsections E.1 and E.2 (Approval Standards) above in this Section, a large family day care home shall be subject to the following:
  - a. The site shall provide at least two off-street parking spaces, none of which may be provided in a garage or carport. Parking spaces may include those provided to meet residential parking requirements.
  - b. The site shall not be located within 500 feet of any other large family day care home, as measured between the nearest property lines from one another.
  - c. If the site has a swimming pool or spa, the pool or spa shall meet all current code regulations for fencing, gate latches, and alarms.
  - d. No more than one family day care home shall be located on any single lot.
  - e. A permit for a large family day care home is non-transferable.

#### **130.40.120 Commercial Caretaker, Agricultural Employee, and Seasonal Worker Housing**

- A. **Applicability.** The provisions of this Section shall apply to all housing for commercial caretakers, agricultural employees, and seasonal workers, as defined in Article 8 (Glossary: See “Employee Housing”), where allowed in the use matrices for the zones.
- B. **Commercial Caretaker Housing.**

1. Commercial caretaker housing may be allowed as an accessory use where the primary commercial, industrial, recreational, or civic use involves operations, equipment, or resources that require 24-hour security, and where there is a demonstrated need for such security, including but not limited to one or more of the following:
  - a. Value and portability of goods and/or equipment stored on the property;
  - b. Precautionary measures taken by the applicant to prevent loss or vandalism; and
  - c. Data from law enforcement agencies demonstrating significant exposure to vandalism or the loss of goods and/or equipment.

2. Permanent housing for commercial caretakers may be established where accessory to an existing, allowed commercial, industrial, recreational, or civic use subject to the standards and permit requirements under Subsection E (General Standards) below.
3. Temporary housing for commercial caretakers shall be subject to a Temporary Mobile Home Permit in compliance with Section 130.52.050 (Temporary Mobile Home Permit).
4. The Director, in approving a permit for commercial caretaker housing must find that there is a need for such housing based on the information provided under Subsection B.1 (Commercial Caretaker Housing) above, and that appropriate additional security measures have been installed, such as security lighting and fencing, to minimize potential vandalism or theft.

**C. Agricultural Employee Housing**

1. A residential structure providing accommodation for six or fewer agricultural employees shall be considered a single-unit residential use and shall be allowed by right in any zone that permits single-unit residential uses. (California Health and Safety Code Section 17021.5).
2. Agricultural employee housing consisting of no more than 36 beds in group quarters, or 12 units or spaces designated for use by individual households, shall be allowed as specified in Table 130.21.020 (Agricultural, Rural Lands and Resource Zone Districts Use Matrix), subject to the standards in Subsection E (General Standards) below. The allowed occupancy in said housing shall allow agricultural employees who do not work on the property where the agricultural employee housing is located (California Health and Safety Code Section 17021.6). Permit approval for agricultural employee housing shall be subject to the following:
  - a. The Ag Commission determines the need for such housing exists; and
  - b. Agricultural employee housing shall be related to agricultural production, including livestock operations, and may serve agricultural employees who work off-site in serially seasonal, agriculturally-related employment.

**D. Seasonal Worker Housing.** Housing for seasonal workers in the rafting industry, at ski resorts, or for similar recreational uses may be allowed subject to the standards in Subsection E (General Standards) below. Rental and occupancy of the seasonal worker housing shall only occur during the season in which the workers are needed and shall not be occupied on a full-year basis.

**E. General Standards.** In addition to the specific provisions under Subsections B and D (Commercial Caretaker Housing, and Seasonal Worker Housing, respectively) above, all commercial caretaker, and seasonal worker housing shall be subject to the following

standards under an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver). Agricultural employee housing referenced in Subsection C.2 (Agricultural Employee Housing) above, shall be subject to the following standards under a Minor Use Permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits). Housing inconsistent with the standards under this Subsection (General Standards) shall be subject to a Conditional Use Permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits).

**1. Occupancy.** At least one of the occupants of each housing unit shall be a full-time or seasonal employee of the business, operation, or institution that qualifies for such housing in compliance with this Section.

**2. Location of Housing Unit.**

- a. Commercial caretaker housing shall be located on the same lot, or a contiguous lot under common ownership, as the primary use that provides the qualification for such housing, in compliance with the development standards for the zone.
- b. Seasonal worker housing may be located on-site, or off-site if adjacent to the primary use.
- c. Agricultural employee housing may be located on-site or off-site in compliance with Subsection C.2 (Agricultural Employee Housing) above.

**3. Housing Maintenance.**

- a. 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.
- b. Permanent housing shall be constructed and maintained to conform to State Department of Housing and Community Development regulations for employee housing.
- c. Mobilehomes and recreational vehicles used specifically for such housing shall be maintained in compliance with the applicable requirements of the Manufactured Housing Act (California Health and Safety Code Section 18000, et seq.)
- d. Recreational vehicles and temporary structures may be utilized for seasonal worker housing subject to the requirements under Section 130.40.100 (Camping and Recreational Vehicle Parks).

**F. Removal of Housing Unit.** A commercial caretaker, agricultural employee, or seasonal worker housing unit shall remain in use concurrent with the existence of the use that justifies the housing unit. Upon termination of the allowed use, the housing

unit shall be removed if a temporary structure, or converted to another allowed use if a permanent structure.

**130.40.130 Communication Facilities**

**A. Applicability.** This Section provides for the orderly development of commercial and private wireless communication facilities including transmission and relay towers, dishes, antennas, and other similar facilities. The Board finds that minimizing the number of communication facilities through co-locations on existing and new towers and siting such facilities in areas where their potential visual impact on the surrounding area is minimized will provide an economic benefit and will protect the public health, safety and welfare.

1. Communication service providers shall:
  - a. Employ all reasonable measures to site their antennas on existing structures as facade mounts, roof mounts, or co-location on existing towers prior to applying for new towers or poles;
  - b. Work with other service providers and the Department to co-locate where feasible. Where co-location on an existing site is not feasible, develop new sites which are multi-carrier to facilitate future co-location, thereby reducing the number of sites countywide;
2. Generally, the county will seek to minimize the visual impacts of wireless communication facilities by limiting the number of facilities. However, the county may require construction of a number of smaller facilities instead of a single monopole or tower if it finds that multiple smaller facilities are less visually obtrusive or otherwise in the public interest.

**B. Permit Requirements.** Communication Facilities, as defined in Article 8 (Glossary), shall be allowed subject to the following standards and permitting requirements:

1. **Repeaters and Other Small Facilities.** Repeaters and other similar small communication facilities that do not exceed five square feet and do not protrude more than 18 inches from the mounting surface or extend more than three feet above the roofline may be allowed by right in any zone provided that no additional equipment is required.
2. **Building Facade Mounted Antennas.** In all zones, building facade-mounted antennas may be allowed subject to an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) subject to the requirements below. Those facilities not meeting the requirements below are subject to a Conditional Use Permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits).

- a. No portion of the antenna, support equipment, or cables shall project above the roofline unless consistent with Subsection 3 (Roof Mounted Antennas) below;
  - b. The surface area of all antenna panels shall not exceed 10 percent of the surface area of the facade of the building on which it is mounted or 30 square feet, whichever is greater;
  - c. No portion of the antenna or equipment shall extend out more than 24 inches from the facade of the building;
  - d. Antennas and equipment shall be constructed and mounted to blend with the predominant architecture and color of the building, or otherwise appear to be part of the building to which it is attached;
  - e. The lowest portion of all antennas shall be located a minimum of 15 feet above grade level; and
  - f. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or on the ground screened from public view. Equipment located on the roof must be screened from public view from adjacent streets and properties by an architecturally compatible parapet wall or other similar device.
- 3. Roof Mounted Antennas.** The construction or placement of communication facilities as roof mounted antennas may be allowed as follows:
- a. In all commercial, industrial and research and development zones, except where located adjacent to a state highway or designated scenic corridor, roof mounted antennas may be allowed subject to approval of an Administrative Permit. Those facilities not meeting the requirements under Subsections B.2.c, B.2.d, and B.2.f (Building Façade Mounted Antennas) above and the following requirement shall be subject to a Conditional Use Permit.
    - (1) Facilities located on the roof of the building shall be located towards the center of the roof if technologically feasible.
    - (2) The height of the facility shall not exceed 15 feet above the roof top or the maximum height for the zone, whichever is less.
  - b. In all other zones, or where located adjacent to a state highway or designated scenic corridor, roof mounted antennas shall be subject to Commission approval of a Conditional Use Permit.
- 4. Co-location on Existing Non-building Structures or Public Facilities.** In all zones, the co-location of antennas on signs, water tanks, utility poles and towers, light standards, and similar structures may be allowed subject to Zoning Administrator approval of a Minor Use Permit in compliance with Section

130.52.020 (Conditional and Minor Use Permits). Those facilities not meeting the requirements below are subject to a Conditional Use Permit:

- a. Antennas shall not exceed the maximum height for the zone or 15 feet above the height of the existing structure, whichever is less.
- b. Antennas and mounting brackets shall be constructed and mounted to blend with the design and color of the existing structure;
- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the structure being utilized for the communication facility, or on the ground screened from public view; and
- d. If proposed to be attached to a structure, utility pole, or tower located within a public utility easement, both the utility and the property owner must authorize submittal of an application for such use.

**5. Co-location on Existing Approved Monopoles or Towers.** In all zones, the placement of antennas on an existing approved monopole or tower may be allowed subject to an Administrative Permit. Those facilities not meeting the requirements below are subject to a Conditional Use Permit.

- a. New antennas shall be located at or below the topmost existing antenna array, either on the same pole, or at the same height on a replacement pole within the approved lease area;
- b. New antennas shall not extend out horizontally from the pole more than the existing widest projection. Use of designs similar to the existing antenna array is encouraged;
- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or on the ground screened from public view;
- d. The antennas and pole or tower shall be designed to match the existing facility, or to blend with the natural features or vegetation of the site; and
- e. Additional antenna arrays added above the existing approved antenna array or that requires the tower height to be increased shall be considered a new tower and shall be subject to the provisions of Subsection B.6 (New Towers or Monopoles) below.

**6. New Towers or Monopoles.** The construction or placement of communication facilities on new towers or monopoles, or an increase in height of existing towers or monopoles may be allowed as set forth below:

- a. In all commercial, industrial, and research and development zones, except where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone, a new tower or monopole may be allowed subject to Zoning Administrator approval of a Minor Use Permit.
  - b. In all other zones, or where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone, new towers or monopoles shall be subject to Commission approval of a Conditional Use Permit.
- 7. Other Types of Facilities Not Listed Above.** Application proposals that do not conform to the above requirements of Subsections B.2 through B.5 above in this Section will be subject to Commission approval of a Conditional Use Permit, as determined by the Director.
- 8. Speculative Towers.** Towers for which no licensed communication carriers have committed to utilize shall be prohibited.
- C. Visual.** Visual simulations of the wireless communications facility, including all support facilities, shall be submitted. A visual simulation can consist of either a physical mockup of the facility, balloon simulation, computer simulation, or other means.
- D. Development Standards.** All facilities shall be conditioned, where applicable, to meet the criteria below:
1. **Screening.** All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area. The facility shall be painted or constructed with stealth technology to blend with the prevalent architecture, natural features, or vegetation of the site.
  2. **Setbacks.** Compliance with the applicable zone setbacks is required. Setback waivers shall be considered to allow flexibility in siting the facility in a location that best reduces the visual impact on the surrounding area and roads, subject to Zoning Administrator approval of a Minor Use Permit.
  3. **Maintenance.** All improvements associated with the communication facility, such as equipment shelters, towers, antennas, fencing, and landscaping shall be properly maintained at all times. Design, color, and textural requirements under the approved conditions shall be maintained to ensure a consistent appearance over time.
- E. RF Requirements.** The application for a discretionary permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of the maximum electric and magnetic field strengths in all directions from the facility to the property lines of the facility site.

- F. Availability.** All existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.
- G. Unused Facilities.** All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Department at the time of abandonment. All site disturbance related to the facility shall be restored to its pre-project condition.
- H. Permit Application Requirements.** In order to protect the visual character of established neighborhoods and to protect school children from safety hazards that may result from a potentially attractive nuisance, in addition to the noticing requirements of Article 5, the following notification shall occur:
  - 1. School District Notification.** If the proposed wireless facility is located within 1,000 feet of a school, the appropriate school district shall be notified during the initial consultation.
  - 2. Homeowners Association Notification.** For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association which might govern the property and homeowners associations that are adjacent to the property. Any that are identified shall be notified during the initial consultation.

**130.40.140** *Reserved*

**130.40.150** **Guest House**

- A. Applicability.** A guest house attached to or detached from the primary dwelling may be established as an accessory use in any zone allowing single-unit residential development, subject to the general development requirements in Subsection B (General Development Requirements) below.
- B. General Development Requirements.** A guest house shall conform to the setbacks, height limits, lot coverage, and other requirements of the zone in which it is located, as well as the following:
  - 1. Floor Area Limitation.** The maximum floor area allowed for a guest house is 600 square feet. Floor area shall be measured from the outside of the exterior guest house walls including all enclosed habitable or potentially habitable space.
  - 2. Limitation on Use.** As defined under Article 8 (Glossary), a guest house:
    - a. May contain a living area, a maximum of two bedrooms, and one bathroom. The living area may include a wet bar, as defined in Article 8 (Glossary). A laundry facility and kitchen or cooking facility, or room

for installation of a stove, full size refrigerator, or sink other than the bathroom and wet bar sinks, shall be prohibited;

- b. Shall be used for temporary, non-commercial sleeping quarters by visitors of the property owner/lessor; and
- c. Shall not be provided an electric meter separate from the primary dwelling.

**130.40.160 Home Occupations**

- A. Contents.** This Section provides opportunities for home-based businesses compatible with surrounding residential and agricultural uses in order to encourage home workplace alternatives, promote economic self-sufficiency of county residents, reduce commuting on U.S. Highway 50, while minimizing conflicts with adjacent property owners, maintaining the residential character of neighborhoods, and protecting the public health, safety, and welfare.
- B. Applicability.** A home occupation, as defined in Article 8 (Glossary), shall be allowed in any zone that allows single- or multi-unit residential use in compliance with the standards and permitting requirements of this Section as shown in Table 130.40.160.1 (Home Occupation Use Matrix) below.

**Table 130.40.160.1 – Home Occupation Use Matrix**

	RM	R1	R20K	R1A/R2A	R3A	RE	Rural Lands, Agricultural and Resource Zones
Home Occupations (including Student Instruction) in compliance with standards in 130.40.160.C.	P	P	P	P	P	P	P
Student Instruction exceeding standards in 130.40.160. C but in compliance with standards of 130.40.160 D.	A	A	A	A	A	A	A
Home Occupations or Student Instructions not in compliance with standards in 130.40.160 C or D.	CUP	CUP	CUP	CUP	CUP	CUP	CUP

**C. Standards.** A home occupation shall be allowed in compliance with the following standards and Title 5 (Business Taxes, Licenses and Regulations) in the County Code of Ordinances:

1. All business is conducted within permitted structures on the lot or outdoors provided the business is screened from a right-of-way or road easement. The appearance of the structure shall not be altered nor shall the occupation be conducted in a manner that would cause the structure to differ from its residential character either by the use of colors, materials, construction, lighting, or signs, except where required under Subsection C.5 below in this Section.
2. For home occupations conducted in any part of a garage or a detached building, the activity shall not be visible from a right-of-way or road easement, nor shall it require vehicles of the property owner to be routinely parked on the street.
3. The business shall be owned and operated by a person or persons residing on the premises. The business owner may have on-site meetings with other business personnel who provide support service to the home occupation, such as accountants and transcribers. Full or part-time employees under the direct payroll and supervision of the business owner, or an independent contractor shall be allowed to work at the site of the home occupation subject to Subsection C.5 below, and as shown in Table 130.40.160.2 (Home Occupation Employee Limits) below:

**Table 130.40.160.2 – Home Occupation Employee Limits**

	RM	R1	R20K	R1A/ R2A	R3A	RE	Rural Lands, Agricultural and Resource Zones
<1 acres	1	1	1	1	1	1	1
1-5 acres	1	1	2	2	2	2	2
> 5 but less than 10 acres	1	1	2	2	2	2	2
> 10 acres	1	1	2	2	2	2	2

4. Retail sales may occur on the premises by appointment, only, or when conducted by telephone, mail, or internet, with delivery occurring off-site.
5. A building permit for change of use for that portion of the residence utilized as an office, workroom, sales area, and restroom facilities for employees and commercial customers shall receive final occupancy approval subject to current building code requirements prior to business license approval.
6. As part of the home occupation, no equipment or process shall be used that creates noise, vibration, dust, glare, fumes, odors, or electrical interference detectable to the normal senses off-site. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers, or that causes fluctuations in line voltage off-site. Businesses that do not meet these standards may be subject to a Conditional Use Permit.
7. Commercial delivery vehicles that are normally associated with residential uses may be utilized for the pick up or delivery of materials related to the home occupation.
8. Heavy Commercial Vehicles, as defined in Article 8 (Glossary: See “Vehicle, Heavy Commercial”) are allowed as follows:
  - a. Agricultural, Rural Lands (RL), and Resource zones (See Chapter 130.21: Agricultural, Rural Lands, and Resources Zones), may be stored on-site.
  - b. On lots 5 acres or larger and in Residential Estate (RE) may be stored on-site providing they are not visible from a right-of-way or road easement, except when in use.
  - c. On lots larger than or equal to one acre but less than five acres and are zoned R2A or R3A, commercial vehicles are allowed provided that the vehicle is stored or parked on-site within an enclosed structure or screened from public view when not in use.
  - d. On lots less than one acre or lots zoned RM, R1, R20K and R1A, no heavy commercial vehicles used as part of the home occupation shall be stored or parked on-site or on the road frontage.

9. Goods or materials used or manufactured as part of the home occupation shall not be visible from a right of way or road easement.
10. Any materials used or manufactured as part of the home occupation may be subject to the review and approval of Environmental Management and the applicable fire department prior to business license sign off by the Department.
11. The total acreage of contiguous lots under same ownership shall be used to determine the number of employees, customers and clients allowed for a home occupation.
12. Student instruction shall be provided by appointment only, subject to the following standards:
  - a. Group lessons shall be limited to a maximum of six students per group lesson at any one time, once per day, on parcels less than one acre, or twice per day on parcels one acre or greater, provided adequate parking is available. Parking space that meets on-site residential requirements, as well as available parking space along the road frontage may be used.
  - b. No concerts, recitals, performance events, or showings shall be held on the site unless in compliance with Subsection D (Student Instruction - Administrative Permit Required) below.
  - c. Student instruction shall be allowed between the hours of 7:00 a.m. and 9:00 p.m.
13. The following home occupations shall be allowed by right in Agricultural, Rural Lands and Resource zones, and Residential Estate (RE) zones (See Chapters 130.21: Agricultural, Rural Lands, and Resources Zones, and 130.24: Residential Zones), on lots with a minimum size of 10 acres, in compliance with the standards under Subsection C.12 (Standards) above in this Section:
  - a. Horseback riding lessons or similar instruction involving animal husbandry.
  - b. Horse boarding providing the use or training of the horse(s) is limited to their owners or lessees.

**D. Student Instruction - Administrative Permit Required.** An Administrative Permit shall be required when a home occupation exceeds the standards under Subsections C.12 or C.13 (Standards) above. An Administrative Permit for a home occupation under this Subsection shall only be approved when the Director finds that the standards being exceeded will not change the residential character of the neighborhood based on the attendance numbers, frequency or duration of the event, and nature of the use. If applicable, the location of an accessory structure relative to adjacent residential uses shall be considered, as well. In addition to all other standards under Subsection C

(Standards) above, permit approval shall be subject to compliance with the following standards:

1. The site of the home occupation either has direct access to a public or private road that conforms to Standard Plan 101C, or the property owner participates in a road maintenance association.
2. The total number of vehicle round trips to the site generated by students receiving group lessons shall not exceed 12 per day.
3. There shall be adequate parking on the site to accommodate recitals or concerts, in addition to the required residential parking spaces. Added parking areas shall be located outside of any setback areas for the zone, in compliance with Chapter 130.35 (Parking and Loading). Available parking along the road frontage may be used, also.
4. A proposed accessory structure for the purpose of conducting recitals or concerts shall be allowed as follows:
  - a. For lots less than one acre, one structure of 600 square feet, maximum.
  - b. For lots one acre or larger, one structure of 1,600 square feet, maximum.

**E. Signs.** Signs identifying authorized home business activities on the site shall be subject to the standards in Table 130.16.070.3 (Sign Standards for Home Occupation Signs) in Chapter 130.16 (Signs). All signs shall be compatible in design with the residential structures on-site and shall not be illuminated.

**F. Limitations on Home Occupations.** The following uses occurring on the site are not compatible with residential activities on parcels less than 1 acre, and shall not be allowed as home occupations. For parcels one acre or greater, the following uses occurring on the site as indicated below are subject to a Use Permit as specified in Table 130.40.160.1 (Home Occupation Use Matrix):

1. Motor vehicle and other vehicle repair or maintenance (body or mechanical) including, but not limited to the repair of engine, muffler, or drive train components of the vehicle; and upholstering, painting, or detailing work, except as provided in Section 130.40.380 (Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use).
2. Storage of motor vehicles, including but not limited to automobiles, motorcycles, heavy commercial vehicles, recreational vehicles, trailers, and boats (motorized or not), except as provided in Section 130.40.380 (Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use).
3. Carpentry and cabinet making, with the exception of woodworking that results in the creation of small wood products or single orders of furniture where delivery occurs off-site or on-site by appointment only.

4. Food preparation and food sales, except as part of a catering business where prepared food will be delivered off-site, subject to Environmental Health permit requirements.
  5. Commercial kennels or catteries.
  6. Personal services, as defined in Article 8 (Glossary: See “Services, Personal”).
  7. Medical and dental offices, clinics, and medical laboratories.
  8. Veterinary services, with the exception of those considered an ‘agricultural support service’, as defined in Article 8 (Glossary) and subject to the standards in Section 130.40.070 (Agricultural Support Services).
  9. Repair shops or service establishments, with the exception of repairing small electrical appliances, cameras, or other similar items where pick-up and delivery occurs off-site or on-site by appointment only.
  10. Commercial stables, as defined in Article 8 (Glossary: See “Stables: Commercial”), which shall be subject to Subsection 130.40.210.C (Outdoor Recreation Facilities).
  11. Large-scale upholstering service, with the exception of upholstering single orders of furniture or other objects where pick-up and delivery occurs off-site.
  12. Welding and machining, except when incidental to small scale production or parts assembly; or work or craft that is the activity of creative artists.
- G. **Conditional Use Permit.** Where a proposed home occupation exceeds the standards under Subsections C.1 through C.11 (Standards), or Subsection D (Student Instruction - Administrative Permit Required) above, a Conditional Use Permit shall be required.

**130.40.170 Lodging Facilities**

- A. **Applicability.** This Section applies to lodging facilities, as defined in Article 8 (Glossary), that are located outside of commercial zones where allowed under the use matrices for the zones. This Section does not apply to Vacation Home Rentals (see Section 130.40.370: Vacation Home Rental).
- B. **General Standards.** Lodging facilities shall be subject to the general standards below. In addition, the specific use standards under Subsections C-E (Agricultural Lodging, Bed and Breakfast Inns, Health Resort and Retreat Center, respectively) below shall apply.
1. Lodging facilities proposed within Agricultural Districts, as identified on the General Plan land use maps, on or adjacent to land zoned Planned Agriculture (PA), Limited Agriculture (LA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production (TPZ) must be reviewed by the Ag Commission for

- compatibility with surrounding agricultural land uses or on agriculturally zoned lands prior to action by the review authority.
2. The applicant must demonstrate to the satisfaction of the Environmental Management Department that the facilities meet all applicable health standards including, but not limited to, kitchen facility, water, and sewage disposal permit requirements.
  3. Unless superseded by the regulations under this Section, guest accommodations shall be allowed in compliance with the development standards of the respective zone and Article 3 (Site Planning and Project Design Standards).
  4. Signs: See Chapter 130.16 (Signs).
  5. Lodging facilities shall have direct access to a maintained road in conformance with Department of Transportation standards. The entrance, parking area, and walkways shall be kept free of obstructions or hazards of any type. With the exception of Agricultural Homestays, Guest Ranches, and Agricultural and Timber Resource Lodging, the entrance, parking and walkways shall be illuminated in compliance with Chapter 130.34 (Outdoor Lighting).
  6. Lodging facilities shall provide off street parking at a ratio of one space per each guest room, plus two spaces required for the primary dwelling. Guest parking shall be subject to the following:
    - a. No guest parking shall be allowed within the required front or side yard setback.
    - b. Tandem parking, meaning two cars parked one behind the other, may be allowed. Denser parking lot configurations may be allowed if valet parking is provided.
    - c. Guest parking shall be designed to prohibit the backing of vehicles directly into any public right of way in order to exit any parking space.
    - d. The parking area provided for a lodging facility may have a gravel surface.
  7. A lodging facility consisting of five or fewer guestrooms shall be considered a single-unit residential dwelling or lodging house for the purpose of building codes, unless additional standards are required by said codes, as amended from time to time and adopted by the county. Six or more guestrooms within one structure shall be subject to further requirements under the building codes.
  8. The operation of a lodging facility shall be subject to Title 3 (Revenue and Finance), Chapter 3.28 (Transient Occupancy Tax) and Title 5 (Business Taxes, Licenses and Regulations), Chapter 5.08 (License Requirements and Procedure)

of the County Code of Ordinances. The business license shall be posted in a conspicuous place on the premises prior to operation of the business.

9. Ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests may be allowed as part of a Conditional Use Permit (Section 130.52.020: Conditional and Minor Use Permits) or subject to a Temporary Use Permit (Section 130.52.060: Temporary Use Permit), if applicable.
10. If not already required under the allowed use matrix, a Conditional Use Permit shall be required when a proposed use exceeds the general standards in this Subsection.

**C. Agricultural Lodging**

Table 130.40.170.1 (Agricultural Lodging) below identifies the allowed agricultural lodging facilities subject to the provision below.

**Table 130.40.170.1: Agricultural Lodging**

<b>LA: Limited Agricultural</b>	<b>P</b>	<b>Permissible (allowed) use (Article 4)</b>					
<b>PA: Planned Agricultural</b>	<b>A</b>	<b>Administrative permit required (130.52.010)</b>					
<b>AG: Agricultural Grazing</b>	<b>T</b>	<b>Temporary use permit required</b>					
<b>RL: Rural Lands</b>	<b>CUP</b>	<b>Conditional use permit required (130.52.070)</b>					
<b>FR: Forest Resource</b>	<b>MUP</b>	<b>Minor use permit required (130.52.020)</b>					
<b>TPZ: Timber Production Zone</b>	<b>---</b>	<b>Use not allowed in Zone</b>					
<b>USE TYPE</b>	<b>LA</b>	<b>PA</b>	<b>AG</b>	<b>RL</b>	<b>FR</b>	<b>TPZ</b>	<b>Reference</b>
<b>Agricultural Lodging</b>							
Agricultural homestays	A	P	P	A	A	CUP	
Agricultural & timber lodging	MUP	A	P	MUP	A	CUP	
<b>Guest Ranch</b>							
160 or more acres	CUP	CUP	P <sup>1</sup>	CUP	CUP	CUP	
40 up to 160 acres	CUP	CUP	A <sup>1</sup>	CUP	CUP	CUP	
Less than 40 acres	CUP	CUP	MUP <sup>1</sup>	CUP	CUP	CUP	
Note: Agriculturally based lodging is an accessory and subordinate use to an agricultural operation, confirmed by the Agricultural Commissioner.							

**1. Agricultural Homestays.**

- a. The applicant shall demonstrate to the satisfaction of the Agricultural Department that the site meets the minimum qualifications for agricultural or grazing use as set forth under the minimum criteria for a Williamson Act Contract, whether the property is under Contract or not. The adopted Williamson Act criteria for lots between 10 and 20 acres shall also apply on similarly sized lots, whether they are under Contract or not.
- b. The use is limited to a maximum of three guest rooms for up to six guests at any one time.
- c. The property owner shall reside in either the primary or secondary dwelling on-site.
- d. 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 enforced by the County (California Health and Safety Code Section 113893).
- e. Uses which do not meet the above criteria may be considered as a Bed and Breakfast Inns under Subsection D (Bed and Breakfast Inns), below.

**2. Agricultural and Timber Resource Lodging**

- a. Minimum lot size – 10 acres
- b. The applicant shall demonstrate to the satisfaction of the Agricultural Department that the site meets the minimum qualifications for

agricultural or grazing use as set forth under the minimum criteria for a Williamson Act Contract, whether the property is under contract or not.

- c. Lodging in TPZ shall be subject to Subsection 130.40.350.G (Required Findings to Support Residential, Recreational and Other Non-Timber Uses).

### **3. Guest Ranch.**

- a. The applicant shall demonstrate to the satisfaction of the Agricultural Department that the site meets the minimum qualifications for agricultural/grazing use as set forth under the minimum criteria for a Williamson Act Contract, whether the property is under contract or not.
- b. 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.

### **D. Bed and Breakfast Inns (*Adopted 4/29/08*)**

1. Bed and breakfast inns shall be considered an expanded home occupation in residential and agricultural zones and a compatible use in commercial zones.
2. The bed and breakfast inn may provide up to a maximum of 20 guestrooms, which shall be contained within the primary and secondary dwelling units and guest house only, in compliance with the development standards of the applicable residential or agricultural zones.
3. The property owner shall reside in either the primary or secondary dwelling on-site.
4. Meal service shall be limited to registered guests and shall consist of breakfast and light snacks as a portion of the overall room rate in compliance with the California Retail Food Codes enforced by the County (California Health and Safety Code Section 113893).
5. The Conditional Use Permit may authorize limited ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests, subject to conditions of approval that include, but are not limited to, restrictions upon the frequency and time of holding events, duration thereof, and the maximum number of persons attending. Food preparation, except for the aforementioned breakfast and light snacks, shall not be allowed within the bed and breakfast inn. Unless expressly authorized in the Conditional Use Permit, such ancillary activities are prohibited.

A Temporary Use Permit for an ancillary activity may be processed in situations where special events are not authorized under the Conditional Use Permit for the bed and breakfast inn, in compliance with Section 130.52.060 (Temporary

Use Permit). Applicable conditions shall be imposed, as determined necessary by the review authority, which restrict the number of people attending and offset other related impacts, in order to maintain the residential character of the surrounding neighborhood.

6. New construction proposed on a bed and breakfast inn site, including buildings not necessarily proposed for bed and breakfast inn use, or exterior remodeling of the building(s) to be used for guest accommodations, is subject to architectural review by the review authority as part of the Conditional Use Permit process. This determination will be based on building materials, compatibility with neighborhood building style, and any historic style indigenous to the area.

**E. Health Resort and Retreat Center.**

1. Health resorts and retreat centers shall be considered an expanded home occupation in residential zones and may be a compatible use in Agricultural, Rural Lands and Resource Zones, Commercial and Special Purpose zones.
2. Prior to action by the review authority, lots adjacent to or within Agricultural zoning must be reviewed by the Ag Commission for compatibility with surrounding agricultural uses prior to action by the review authority.
3. 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.
4. The Health Resort and Retreat Center may provide up to a maximum 20 guestrooms within one or more structures, in compliance with the development standards of the applicable residential or agricultural zones.

**130.40.180 Mixed Use Development**

**A. Applicability.** Residential development may occur with the commercial development allowed in Chapter 130.22 (Commercial Zones) under the use matrices for the zones. Commercial development may occur with residential development allowed in Chapter 130.24, Multi-Unit Residential.

**B. General Requirements.** The following requirements shall apply to all mixed use development projects:

1. Commercial and residential uses shall be complementary and mutually supportive of each other and shall be integrated into the community or neighborhood where the development is located.
2. The residential component shall be allowed on separate lots within the development.

3. The residential component may include a full range of single-unit and/or multi-unit residential design concepts.
4. On commercially zoned land, the residential component shall be constructed concurrently with or following construction of the commercial component of the project site. On RM zoned land, timing provisions shall not apply.
5. Mixed use development projects may be phased.
6. Mixed use development may include live/work units. A live/work unit is defined as a single unit consisting of both a commercial/office and a residence that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.
7. Mixed use development projects in Community Regions shall require a Design Review Permit consistent with Section 130.52.030 (Design Review Permit). All mixed use development projects in Community Regions shall demonstrate consistency with the design standards and guidelines found in the adopted Mixed Use Design Manual. For discretionary projects requiring public hearing, staff shall make a recommendation to the review authority based on a determination of consistency with the adopted Mixed Use Design Manual.
8. Mixed use development projects in Rural Centers or the Rural Region shall be encouraged to comply with the standards and guidelines found in the adopted Mixed Use Design Manual.
9. Any other development project with a mixed use component, such as a Conditional Use Permit or Development Plan Permit, shall be encouraged to comply with the standards and guidelines found in the adopted Mixed Use Design Manual.

**C. Development Standards.**

1. At least 30 percent of the gross floor area of the mixed use development project shall be devoted to commercial uses. "Gross floor area" as used within this Section does not include inner courtyards and exterior stairwells or balconies.
2. The maximum density for the residential use component shall be 20 dwelling units per acre in Community Regions and 10 dwelling units per acre in Rural Centers or developments without a public sewer connection.
3. Minimum residential dwelling unit area shall comply with the building code.
4. The gross floor area of commercial use in a mixed use development on RM zoned land shall not exceed 15 percent of the gross floor area of the project.
5. Setbacks: Notwithstanding Sections 130.22.030 and 130.24.030 (Commercial Zones: Development Standards; and Residential Zones: Development

Standards, respectively), front setbacks for mixed use development projects shall be as follows:

Street Classification	Minimum (in feet)	Maximum (in feet)
Major 2-lane Road – Community Region	0	10
Major 2-lane Road – Rural Center and Rural Region	0	5
Local Road	0	5

Mixed use buildings shall have no minimum side and rear setbacks if the building has a fireproof wall with no openings that meets all building and fire code requirements. Otherwise, side and rear setbacks shall be a minimum of 5 feet.

6. Parking shall be subject to the requirements in Chapter 130.35 (Parking and Loading) and Chapter 130.33 (Landscaping Standards). Notwithstanding the requirements of Chapter 130.35 (Parking and Loading), parking shall be required as follows:

Use type	Minimum standard
Accessory dwelling unit	none
Commercial use	1 space/400 square feet 3 bicycle parking spaces per 2,000 square feet of building space
Civic use	1 space/400 square feet
Industrial use (limited to commercial zone provisions)	1 space/500 square feet 3 bicycle parking spaces per 2,000 square feet of building space
Residential use	1 space/dwelling unit
Live/work	1 space/dwelling unit, plus the lesser of 1 space/400 SF or 1 space for each non-resident employee

- a. On-street parking spaces located within 400 feet of the project may be credited to meet up to 50 percent of the minimum required off-street parking spaces. On-street parking allowed by this provision shall not be counted toward the maximum amount of parking allowed.
- b. The Director may reduce the minimum off street parking requirements by up to 100 percent for mixed-use projects meeting at least one of the following requirements:
  - i. The project is sited within one-quarter mile of a public or private parking lot that can accommodate the off-street requirements.
  - ii. The project developer or owner contributes into a “public parking lot development fund” based upon the number of required off-street parking spaces.

7. On-site pedestrian walkways or sidewalks connecting the residential and commercial components, as well as connecting to adjacent commercial, residential, and civic uses, shall be provided for pedestrian safety.
- D. Findings.** To assure the proposed development meets the intent of this Section for mixed use development the following findings shall be made prior to approving a mixed use project.
1. The development contains complementary and connected uses that are mutually supportive of each use, provides a significant functional interrelationship, and are integrated into the community or neighborhood it is located.
  2. The development creates an appropriate internal and external human scale, and provides for pedestrian comfort and amenities.
  3. The development is an integrated project as to land use, building design, and site layout, with a coherent physical design.

#### **130.40.190 Mobile/Manufactured Homes**

- A. Applicability.** A mobile or manufactured home (hereinafter referred to as “mobile home”) or a recreational vehicle (RV) may be allowed for temporary or permanent use in compliance with the provisions of Chapter 15.64 of the County Code (Mobilehome Regulations), the development standards of the zone, and the provisions of this Section.
- B. Permit Requirements.**
1. **Residential Dwellings.** In all zones which permit detached, single-unit residential dwellings by right, the permanent placement of mobile homes as primary and/or secondary dwellings shall be allowed by right.
  2. **Temporary While Constructing.** One mobile home or recreational vehicle may be placed on a lot for the purpose of habitation during the construction of a permitted primary dwelling or during major repair of a damaged dwelling that is uninhabitable. A temporary occupancy permit shall be obtained from Building Services for the mobile home or recreational vehicle, and an active building permit must remain in effect for the primary dwelling.
  3. **Hardship Purposes.** One temporary mobile home may be allowed on a lot measuring one acre or larger, in compliance with permit requirements under Section 130.52.050 (Temporary Mobile Home Permit) only when there is an existing primary dwelling and the temporary mobile home is for the following uses:
    - a. To provide temporary housing or shelter for the owner or members of the household and/or to allow for in-home care of household members who reside on the lot.

- b. To provide caretaker assistance to the elderly or disabled homeowner(s) in their personal care and/or protection of their property. The elderly or disabled homeowner(s) must reside in the primary or secondary dwelling. Under this Section, “elderly” shall mean a person 62 years of age or older.
4. **Contractor’s Office.** One or more mobile home(s) may be used exclusively as a temporary office for contractors engaged in construction projects during the course of construction of the project where an active building, grading, or other permit remains in effect, subject to the following provisions:
  - a. A temporary contractor’s office may be located on the same property as the construction project subject to approval of an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver).
  - b. A temporary contractor’s office may be located off-site subject to approval of a Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit).
  - c. A temporary contractor’s office located on or adjacent to agricultural or resource zoned land shall be subject to review by the Agricultural Commissioner.
5. **Construction Employee Housing.** The temporary placement of one or more mobile homes or recreational vehicles to provide construction-related employee housing may be allowed subject to the use matrices for the zones. Such temporary housing shall be limited to projects in remote areas where permanent housing is infeasible and where a mobile home park, recreational vehicle park, or campground space are unavailable. A temporary occupancy permit shall be obtained from Building Services for the mobile home(s) or recreational vehicle(s), and an active building permit must remain in effect for the construction project.
6. **Agricultural Employee Housing.** One or more mobile homes may be used for housing agricultural employees and their immediate families in compliance with the requirements under Section 130.40.120 (Commercial Caretaker, and Agricultural Employee, and Seasonal Worker Housing).
7. **Caretaker Housing.** On lots that contain commercial, industrial, recreational, or civic uses including public and private schools and churches, one mobile home may be placed on the lot or contiguous lots under common ownership for the purpose of providing housing for a caretaker in compliance with the requirements of Section 130.40.120 (Commercial Caretaker and Agricultural Employee, and Seasonal Worker Housing).

- C. **Temporary Mobile Home Removal.** Where the permit has expired in compliance with Subsection 130.52.050.E (Permit Expiration), the mobile home or recreational vehicle shall be removed from the property within 30 days following the date of expiration. The applicant shall be required to obtain a demolition permit in order that the county can verify that water, sewer or septic systems, and other utilities are disconnected and the unit is removed from the site.

**130.40.200**      *Reserved*

**130.40.210**      **Outdoor Recreational Facilities – Commercial or Public**

- A. **Applicability.** Commercial or public outdoor recreational facilities are subject to the provisions of this Section where allowed under the use matrices for the zones. The standards under this Section do not apply to private recreational facilities such as swimming pools or tennis courts, that are accessory to an individual residence, a planned community or a multi-unit residential complex and not open to the public, or that are accessory to a school.
- B. **Permit Requirements.** Where allowed under the use matrices for the zones, those commercial or public outdoor recreational facilities allowed by right shall be subject to the building permit process, while those subject to Administrative or Conditional Use Permit approval shall be reviewed for impacts to the surrounding area. In addition, the specific use standards under Subsections D-G (Hunting/Fishing Club, or Farm; Off - highway or Off-road Vehicle area; Parks, Day Use; Swimming Pools and Tennis Courts, respectively) below shall apply.
- C. **Commercial Stables.** Stables that provide horses for hire at an hourly, daily or weekly rate, commercial boarding and training of horses, or riding lessons that exceed the standards of a home occupation shall be subject to the following minimum standards:
  - 1. **Minimum Lot Size.** 10 acres.
  - 2. **Setbacks.** Under this Subsection, commercial stables, barns, and other structures used for or intended to be used for the sheltering of horses and/or other animals shall comply with the setback requirements of the zone in which they are located, except that the minimum setback from any residentially-zoned property shall be 100 feet.
  - 3. **Parking and Loading.** Horse trailer parking spaces required under Chapter 130.35 (Parking and Loading) shall be located a minimum of 50 feet from any public road or right-of-way.
  - 4. **Arenas.** Training arenas shall have a minimum setback of 100 feet from any residentially-zoned property. Arenas used for shows or events where more than 10 people could congregate at any one time shall be subject to a Conditional

Use Permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits).

- 5. Equestrian Trails.** Prior to Department approval of a permit for a commercial stable where the public may be riding off of the premises, the applicant shall demonstrate access to a trail easement for equestrian purposes. Proposed commercial stables adjacent to trail easements may be required to dedicate land for trail access points, as determined by the Director.

- a. If horses will be traveling on a roadway, written approval shall be submitted from the following:
- (1) Private road: Any road maintenance association or other entity created for road maintenance. The operator of the stable shall provide sufficient written documentation to provide proof of the right to use the private road for the proposed use.
  - (2) County road: Department of Transportation.
  - (3) State highway: Caltrans and the California Highway Patrol.

**D. Hunting/Fishing Club, or Farm**

1. Minimum lot size – 20 acres.
2. Where applicable, lodging facilities accessory to this use shall be consistent with the standards under Subsection 130.40.170.B (Lodging Facilities: General Standards).

**E. Off -highway or Off-road Vehicle area.** Uses within this Subsection shall include but not be limited to go-cart, motocross, all-terrain vehicle, snowmobile, and miniature auto tracks for recreational purposes. The following standards shall apply:

- 1. Residential Zones.** Where allowed in the use matrices for the zones, the noncommercial on-site use of recreational off-road vehicles shall be subject to the following provisions:
  - a. Lot size - five acre minimum;
  - b. Compliance with all applicable development standards under this Title to include, but not be limited to:
    - (1) Noise and outdoor lighting standards;
    - (2) Issuance of grading and encroachment permits where applicable;
    - (3) County erosion, dust control, and air quality standards; and
    - (4) Equipment requirements under Subsection E.2 (Non-residential Zones) below.
- 2. Non-residential Zones.** Where allowed in the use matrices for the zones, any commercial or public off-road vehicle (OHV) recreation area shall require all vehicles using the site to be equipped, at a minimum, with the following:

- a. Spark arrestors of a type approved by the U.S. Forest Service;
- b. Noise suppression devices, such as mufflers or silencers, which limit exhaust noise emissions in compliance with threshold levels under Chapter 130.37 (Noise Standards). No exhaust system or noise suppression device shall be equipped with a cutout, bypass, or similar device, nor shall it be modified in such a manner to amplify or increase the noise emitted by the subject vehicle; and
- c. Licensing to the extent required by law.

**F. Parks, Day Use.** Uses within this Subsection include neighborhood, community, and regional parks and picnic areas. The following standards shall apply:

- 1 Use and operation of park facilities shall be limited to daylight hours.
- 2. Playground equipment shall be centrally located on the park site, or situated in a way that minimizes noise impacts on adjacent residential property owners.
- 3. Landscaping and parking shall comply with the standards set forth in Chapters 130.33 (Landscaping Standards) and 130.35 (Parking and Loading).
- 4. Signs shall be in compliance with Chapter 130.16 (Signs).
- 5. Lighting shall be limited to security lighting only. Temporary lighting to extend daytime use of the park facilities shall be prohibited.

**G. Swimming Pools and Tennis Courts.**

- 1. The facilities under this Subsection shall be subject to the standards under Subsection F (Parks, Day Use) above except as follows:
  - a. A noise analysis will be required for a swimming pool facility within 500 feet of a residential zone, prior to permit approval. If the noise analysis shows that the noise levels will exceed the daytime standards of Chapter 130.37 (Noise Standards), a Conditional Use Permit shall be required in compliance with Section 130.52.020 (Conditional and Minor Use Permits).
  - b. When open for nighttime use, a Conditional Use Permit shall be required.

**130.40.220 Outdoor Retail Sales**

- A. Content.** This Section is regulates the operation of permanent and temporary outdoor retail.
- B. Permanent Outdoor Retail Sales.** Areas of commercial development intended to be used for outdoor retail sales on a permanent or ongoing basis shall be allowed where shown in the use matrices for the zone. Outdoor retail sales areas may be conducted as a primary use, such as a vehicle sales lot or plant nursery, or as an accessory use, such as a sales yard, nursery area, or vending machine in conjunction with a building materials or other retail store. Outdoor seating at a restaurant, whether conducted as a primary or accessory use, shall also be subject to the standards of this Subsection. The following standards shall apply:
1. A permanent outdoor retail sales area shall be distinct and separate from parking and loading areas, walkways, and landscaping areas.
  2. Sales areas shall be included in square footage calculations when determining parking requirements under Section 130.35.030 (Parking and Loading).
  3. All development standards under the specific zone shall apply, as well as those general standards applicable to the site plan, such as landscaping, lighting, signs, and noise (See Chapters 130.33 (Landscaping Standards), 130.34 (Outdoor Lighting), 130.16 (Signs), and 130.37 (Noise Standards), ).
  4. A permanent outdoor retail sales area shall be screened from the side and rear property lines adjacent to residentially zoned property.
  5. Surfacing requirements of the outdoor sales area shall consist of concrete or asphalt pavement, chip seal, gravel, or other material that can be maintained in a dust-free condition. Vehicle access and parking areas shall be surfaced in compliance with county design standards.
- C. Temporary Outdoor Retail Sales.** Temporary outdoor retail sales such as farmers' markets, arts and craft fairs, seasonal sales, swap meets/flea markets, sidewalk sales, and mobile food vendors are allowed subject to the issuance of an Administrative Permit (See Section 130.52.010: Administrative Permit, Relief, or Waiver), unless otherwise specified below and under Subsections D through H (Certified Farmers' Markets; Garage Sales; Seasonal Sales; Swap Meets/Flea Markets; Itinerant Sales, respectively) below. The following standards shall apply:
1. **Location.** The temporary sales area shall not block any emergency access route or otherwise disrupt general vehicular or pedestrian circulation of the shopping center or public street on which the retail business is located.
  2. **Hours of Operation.** The temporary sales area shall be conducted during daylight hours only, with all sales facilities, signs, and any related vehicles removed from the site at the close of daily business. Except where otherwise prohibited by this Section, night operations are allowed only when specifically

authorized through Temporary Use Permit approval (See Section 130.52.060: Temporary Use Permit).

3. **Parking Requirements.** Parking requirements shall be in conformance with Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements) in Chapter 130.35 (Parking and Loading) for each specific use. Parking shall be available to accommodate employee and customer parking needs either on-site or on adjacent to property, provided a shared parking agreement between the applicant and the adjacent property owner has been notarized and submitted with the application. Parking along the road frontage(s) may be allowed subject to the review and approval of the Department of Transportation. If the temporary sales area is located within an existing parking lot, adequate alternative parking must be available.
  4. **Surfacing.** Surfacing materials shall comply with Subsection B.5 (Permanent Outdoor Retail Sales) above.
  5. **Signs.** Signs allowed in conjunction with temporary outdoor retail sales are subject to provisions of Chapter 130.16 for size and placement standards. Sign placement shall be limited to one day prior to the first day of the sales event and removal shall be required at the close of business on the last day of the event.
  6. **Duration.** Unless otherwise stated in Subsections D through H (Certified Farmers' Markets; Garage Sales; Seasonal Sales; Swap Meets/Flea Markets; Itinerant Sales, respectively) below, a sales event shall run no more than three consecutive days in the same location, with no more than three such sales events occurring during a calendar year beginning January 1. This standard may be modified through Temporary Use Permit approval where it is found that the proposed site will be provided with adequate parking and restroom facilities and that the surrounding area can sustain traffic volumes generated by the sales event without adverse effects in the area.
- D. Certified Farmers' Markets.** In addition to the standards under Subsection C (Temporary Outdoor Retail Sales) above, Certified Farmers' Markets are subject to all applicable provisions of Sections 47002 et seq. of the California Food and Agriculture Code and shall register with the Department of Agriculture, Weights and Measures. Certified Farmer's Markets are exempt from Subsection C.6 (Duration) above.
- E. Garage Sales.** Garage sales or similar uses may be allowed by right by the residents of the property only, subject to the following standards:
1. Garage sale activity shall not be conducted in the public right-of-way, including streets, sidewalks, parkways, or alleys.
  2. Items sold at garage sales shall be used goods, wares, or merchandise of a household nature, and shall not have been acquired elsewhere for resale.

3. Single-unit residential dwellings shall be allowed a maximum of four garage sales per calendar year at the same address. Each garage sale may be allowed for up to 3 days and shall not exceed a total of 12 days per calendar year at the same address.
  4. Multi-unit residential dwellings shall be allowed a maximum of two garage sales per calendar year per legal dwelling unit.
  5. Garage sale advertising signs shall comply with the standards under Subsection 130.40.210.C.5 (Temporary Outdoor Retail Sales, Signs) as to duration and with Chapter 130.16 (Signs), and further shall not be posted on telephone poles, streetlights, traffic signs, or any other structure or location within the public right-of-way.
  6. Garage sales that exceed the standards provided in this Subsection shall be considered a temporary use requiring issuance of a Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit).
- F. Seasonal Sales.** Seasonal sales, as defined in Article 8 (Glossary), shall be subject to the following:
1. **Time Limit.** Seasonal sales products grown in a location separate from where they are sold shall be limited to a period of 45 consecutive days.
  2. **Merchandise.** The area dedicated to seasonal sales shall not contain the sale of any merchandise not directly associated with the season identified by the applicant as the basis for the seasonal sales activity.
  3. **Location.** Seasonal sales shall be conducted outside of any public right-of-way or road easement unless an encroachment permit is approved by the Department of Transportation. Off-site sales may utilize a shopping center parking lot subject to a maximum reduction of 20 percent of the total amount of available parking.
  4. **Hours of Operation.** Seasonal sales shall be conducted between the hours of 8:00 A.M. and 10:00 P.M. unless otherwise restricted.
  5. **Lighting.** Lighting shall be subject to the requirements in Chapter 130.34 (Outdoor Lighting).
- G. Swap Meets/Flea Markets.** These temporary events may be conducted on the site of another use established in compliance with this Title in a commercial or industrial zone, provided that such site is not adjacent to a residential zone.
1. **Limitation on Use.** The sale of vehicles is not allowed.

2. **Site Surfacing.** Portions of a swap meet site used for sales activities or pedestrian circulation shall be surfaced in compliance with Subsection B.5 (Permanent Outdoor Retail Sales) above or with planted and maintained lawn.

**H. Itinerant Sales.**

Transient produce, food, flower, or merchandise stands that are not part of a temporary use or event authorized in compliance with this Section, are not authorized by another permit or license, or that are not operated as a produce stand in compliance with Section 130.40.240 (Produce Sales) are prohibited.

**130.40.230 Private Schools in Light Manufacturing Facilities**

**A. Applicability.** Private schools and their accessory uses allowed under the use matrices for zones allowing light manufacturing uses, as defined in Article 8 (Glossary: See “Light Manufacturing”), are subject to the standards and permitting requirements of this Section.

**B. Exemptions.** Trade schools that provide training in skills that would be compatible with the uses in zones allowing light manufacturing shall be exempt from this Section.

**C. Permit Requirements.** The use of light manufacturing facilities for private schools shall be subject to discretionary review. As part of discretionary approval, the review authority shall determine:

1. There is sufficient land or structures available in the adjacent area or business park in which the school is located to accommodate the expected demand for light industrial uses.
2. Sufficient outdoor play area is provided to accommodate the number of children anticipated or approved by the discretionary permit, with age-appropriate play facilities on the site of the school.
3. The location of the school will not detract from or compromise current or future light industrial uses in the vicinity.
4. The private school conforms to all other requirements of this Title, including, but not limited to parking and signs (Chapters 130.35 (Parking and Loading) and 130.16 (Signs), respectively).

**D. General Standards.**

1. Where it can be demonstrated that shared parking can accommodate the anticipated parking demand based on alternating use schedules, a school shall not be required to provide additional parking with the exception of meeting ADA requirements for access to the school building.

2. An adjacent site may be utilized for parking with submittal of a written, binding agreement with the adjacent land owner allowing use of their site for this purpose.
3. Utilization of parking and/or loading areas for outdoor play shall be prohibited.
4. A drop-off and pick-up area shall be provided that does not conflict with traffic flow or impact parking areas.

#### **130.40.240 Produce Sales**

- A. **Applicability.** The standards set forth in this Section shall apply to produce sales, as defined in Article 8 (Glossary), where allowed in the use matrices for the zones.
- B. **General Standards.** Sale of produce grown on-site shall be subject to the following:
  1. Sales may occur on-site subject to adequate off-road and/or road frontage parking.
  2. One produce stand, as defined in Article 8 (Glossary), may be used subject to the following requirements:
    - a. The stand shall measure 200 square feet or less in size and be situated a minimum of 50 feet from the nearest side or rear property line.
    - b. An encroachment permit shall be secured from the Department of Transportation if the produce stand is accessed from a county road.
    - c. Parking requirements shall be in compliance with Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements) in Chapter 130.35 (Parking and Loading). The parking area shall meet minimum setback standards for the zone and shall be designed to prevent vehicles from backing into the roadway. Said parking area may be of gravel or dirt surface, but dust control measures shall be implemented as needed to comply with Air Pollution Control District standards.
- C. **Value-added Agricultural Products.** Value-added agricultural products, as defined in Article 8 (Glossary), created from products grown on-site, may be sold concurrently with agricultural products on-site. Products shall comply with all local, and state and federal laws and regulations.
- D. **Off-site Sales.** No direct sales of produce grown off-site or of any other merchandise, including wholesale or retail nursery products, shall be allowed by right. Off-site produce sales, when in conjunction with a shared multi-farm produce stand, may be allowed subject to approval of a Minor Use Permit (See Section 130.52.020: Conditional and Minor Use Permits).

- E. Ranch Marketing.** Produce sales in excess of the requirements of this Section, shall be subject to Section 130.40.260 (Ranch Marketing).

**130.40.250 Public Utility Infrastructure**

- A. Applicability.** Public utility infrastructure, as defined in Article 8 (Glossary), may be established as an allowed use in any zone, subject to Subsections B through D (Allowed by Right; Administrative Permit Required; Conditional Use Permit Required, respectively) below, provided that the routes and site locations of the proposed lines or facilities be submitted to the Department for a finding of consistency with the General Plan during the preliminary planning stages, prior to the adoption of the routes and site locations(s) and/or acquisition of right-of-way.
- B. Allowed by Right.** Public utility infrastructure is allowed by right when said facilities do not exceed the height limit of the zone by more than 15 feet and do not create potential safety and health hazards to adjacent property owners, present or future.
- C. Administrative Permit Required.** Notwithstanding Subsection B (Allowed by Right) above, an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) shall be required for the following:
1. Overhead public utility infrastructure proposed to be constructed in the Airport Transportation Corridor (TCA) zone or Airport Safety (-AA) Combining Zone (See Chapter 130.38: Airport Safety (-AA) District). Said permit shall be subject to the review and approval of the Airport Land Use Commission.
  2. Public utility infrastructure that exceeds the height limitations of the zone, as set forth in Subsection B (Allowed by Right) above, but is less than 150 feet in height or does not comply with setback standards.
- D. Conditional Use Permit Required.** A Conditional Use Permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits) shall be required for the following:
1. Where the construction of the public utility infrastructure creates a potential safety or health hazard to adjacent property owners, present or future, as determined by the Director.
  2. Where the construction of the public utility infrastructure exceeds 150 feet in height.

**130.40.260 Ranch Marketing**

- A. Applicability.** Except as provided in Subsection B (Exceptions) below, the regulations and standards of this Section shall apply to ranch marketing uses, as defined in Article 8 (Glossary), where allowed in the use matrices for the zones on lots that meet the following minimum criteria:
1. **Minimum Lot Size.** Ten gross acres.

2. **Minimum Cropland Area.** As defined in Subsection C (Definitions: See “Minimum Cropland Area”) below:
  - a. Five acres of permanent agricultural cropland in production; or
  - b. Ten acres of annual agricultural cropland in production;
  - c. The minimum cropland area shall be properly maintained and cared for to produce a commercial crop, as determined by the County Agricultural Commissioner. Failure to maintain cropland will void the ranch marketing uses of this Section.
  - d. A smaller acreage amount may qualify for Ranch Marketing if minimum production standards are met, as determined by the Agricultural Commissioner and approved by the Director.
3. Agricultural production is the primary use or function of the property. The Agricultural Commissioner may review the proposed Ranch Marketing area to ensure that the site conforms to the standards 130.40.260.D.2 (General Standards, Maximum Ranch Marketing Area). Ranching marketing activities proposed on or adjacent to land zoned Planned Agriculture (PA), Limited Agriculture (LA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production (TPZ) must be reviewed by the Director for consistency with General Plan Policy 2.2.5.2 and for new uses by the Agricultural Commissioner and Ag Commission for compatibility with surrounding agricultural land uses or on agriculturally zoned lands prior to action by the review authority.

**B. Exceptions.** This Section does not apply to the following uses:

1. Produce sales, as defined in Article 8 (Glossary), for the direct sale of products grown on-site.
2. Indirect sales by mail, telephone, or internet where delivery of the goods occurs off-site.
3. Direct sale of value-added agricultural products created from products grown on-site.

**C. Definitions.** As used in this Section, the terms below will mean the following:

“**Bake shop**” means a facility for the preparation and consumption of food items in which agriculture products grown on-site are used as a main ingredient for at least one of the baked goods (i.e. pies, turnovers, and other pastries.) Baked goods made from other ingredients may be offered for sale concurrently with goods made from produce grown on-site.

“**Choose and Cut Tree Sales**” shall mean a commercial operation where the public is allowed on a site where evergreen trees are grown in order to personally select a specimen, cut it, and transport it off-site for their use as a Christmas tree.

“**Christmas Tree Season**” is the time period beginning November 1 and ending on Christmas Day.

“**Food Stand**” means a food-serving facility used in conjunction with a ranch marketing operation serving prepared food from products grown on-site or off-site and for which indoor seating is not provided.

“**Harvest Season**” shall mean the time period in which the primary crop(s) is harvested on-site and in which certain ranch marketing activities associated with that crop may occur. The season shall begin with the first day of the month in which the crop is harvested and conclude with the last sale of the primary crop(s) harvested that season.

“**Minimum Cropland Area**” shall mean the minimum required area planted and maintained in crop production, as defined in Article 8 (Glossary), using standard horticultural practices with regard to irrigation, plant spacing, pruning, and pest and predator control.

“**Properly Maintained**” shall mean that the planted crops are tended in a manner consistent with proper and accepted customs and standards of the Agricultural industry including but not limited to the provision of irrigation, the control of pests and diseases, and the protection against deer depredation.

“**Ranch Marketing Area**” shall mean an area used for ranch marketing activities, not including land planted in cropland, and packing and storage facilities, unless those areas are also used for accessory ranch marketing activities as set forth in Subsections D and E (General Standards, and Development Standards, respectively) below.

“**Special Events**” shall mean events such as charitable events, promotional events, and facility rental events, where more than 50 persons are in attendance, subject to the limitations set forth in Subsection F.1.e (Ranch Marketing Uses: Special Events) below. Facility rental events involve the property, or portions thereof, being rented or donated for weddings, parties, company picnics, and similar social gatherings.

#### **D. General Standards.**

- 1. Concurrency.** The uses identified in Subsections F, G, and H (Ranch Marketing Uses for Crop Production; Ranch Marketing Provisions for Christmas Tree Sales; and Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal, respectively) below, shall be conducted concurrently with the on-site sale of agricultural products grown on-site and/or value-added, except as provided below:

- a. Marketing activities, as provided in Subsection F.1.c ((Ranch Marketing Uses: Marketing Activities and Accessory Uses) below, may be allowed concurrently with the sale of off-site produce or value-added if:
  - (1) The off-site produce or value-added are, or are made from, the same type of produce grown on-site;
  - (2) All other requirements of this Section are met.
- b. Special events, as provided in Subsection F.1.e (Ranch Marketing Uses: Special Events) below may occur at any time, subject to all other provisions of this Section.

**2. Maximum Ranch Marketing Area.** The total ranch marketing area, as defined in Subsection C (Definitions: See “Ranch Marketing Area”) above, cannot occupy more than five acres or 50 percent of the lot, whichever is less. The total enclosed square footage of all ranch marketing buildings shall not exceed the square footage shown in Table 130.40.260.1 (Ranch Marketing Use Matrix) below. Any building, or group of ranch marketing and accessory buildings, exceeding the square footage in the following table shall require a Conditional Use Permit. Ranch marketing buildings do not include residential buildings, garages, outbuildings, and structures not associated with the ranch marketing operation.

**Table 130.40.260.1 – Ranch Marketing Use Matrix**

LOT ON WHICH THE RANCH MARKETING OPERATION IS LOCATED	MAXIMUM ALLOWABLE RANCH MARKETING BUILDING AREA
10 acres to less than 20.0 acres	10,000 square feet
20 acres to less than 40.0 acres	40,000 square feet
40.0 acres and larger	60,000 square feet

**E. Development Standards:** Ranch marketing uses shall not be allowed unless they comply with the development standards of the zone and Article 3 (Site Planning and Project Design Standards), except as provided below:

**1. Parking.**

- a. Parking spaces shall be provided on-site for all Ranch Marketing uses, in compliance with Chapter 130.35 (Parking and Loading). No on-street parking is allowed on county maintained roads.
- b. Special events may utilize temporary overflow parking areas that are mowed of dried vegetation to a maximum height of two inches.
- c. Areas for bus stop and drop off areas shall be provided for any site that has a minimum of 20 parking spaces. Bus stops and drop off areas may be waived if the parking lot is designed to provide a loop or circular path

of travel so that the bus can use the parking drive aisle as a temporary bus stop.

**2. Access.**

- a. A ranch marketing facility shall be connected directly to a county maintained road or state highway, except as provided in Subsections F.2.b (Uses Requiring an Administrative Permit), F.3.f (Uses Requiring a Use Permit), H.2.a (Uses Requiring an Administrative Permit), and H.3.e (Uses Requiring a Conditional Use Permit) below.
- b. Access to a facility shall meet the minimum fire safe standards or same practical effect, as determined by the applicable fire district.

**3. Signs.** See Chapter 130.16 (Signs).

**4. Setbacks.** The following minimum setbacks apply to all ranch marketing facilities and outdoor use areas, excluding parking lots and picnic areas:

- a. Adjacent to non-residential zones: 50 feet from all property lines.
- b. Adjacent to residential zones: 200 feet from all property lines.
- c. The 200 foot setback in 4.b above may be reduced to no less than 50 feet by a grant of administrative relief in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver).

**F. Ranch Marketing Uses for Crop Production.** Table 130.40.260.2 (Ranch Marketing Uses for Crop Production) identifies the allowed Ranch Marketing uses for crop production, subject to the provision below.

**Table 130.40.260.2: – Ranch Marketing Uses for Crop Production**

<b>LA: Limited Agricultural</b> <b>PA: Planned Agricultural</b>	<b>P</b> Permissible (allowed) use (Article 4) <b>A</b> Administrative permit required (130.52.010) <b>TUP</b> Temporary use permit required (130.52.070) <b>CUP</b> Conditional use permit required <b>MUP</b> Minor use permit required (130.52.020) <b>---</b> Use not allowed in zone		
		<b>PERMIT REQUIRED BY ZONE</b>	
<b>USE TYPE</b>	<b>LA (10+ acres)</b>	<b>PA (10+ acres)</b>	<b>Reference</b>
Agricultural Museums	CUP	P	—
Art/Merchandise sales	MUP	P	—
Bake shop	CUP	P	—
Campground			—
Temporary	TUP	TUP	—
Permanent	CUP	CUP	130.40.100
Christmas Trees, choose & cut	A	P	—
Commercial Kitchen			—
Catering, off-site	MUP	P	—
Food preparation, on-site	MUP	P	—
Dining facility	CUP	CUP	—
Events			—
Marketing/promotional	MUP	P	—
Special	CUP	P/MUP/CUP/TUP	—
Food stand	CUP	P	—
Handicraft sales	MUP	P	—
Lodging			—
Agricultural homestays	See Table 130.40.170.1 (Agricultural Lodging)		
Agricultural & timber lodging	See Table 130.40.170.1 (Agricultural Lodging)		
Guest Ranch	See Table 130.40.170.1 (Agricultural Lodging)		
Mechanical rides	CUP	CUP	—
Music festivals & concerts	TUP/CUP	TUP/CUP	—
Picnic Area	A	P	—
Petting Zoo	MUP	P	—

1. **Ranch Marketing Uses.** The following uses shall be allowed by right during the harvest season:
  - a. **Bake Shops, and Food Stands, and Dining Facilities.** Bake shops and food stands, subject to the following standards:
    - (1) Bake shops, food stands, dining facilities and any other sale of food products shall comply with the California Health and Safety Code, subject to approval from all applicable agencies including, but not limited to El Dorado County Environmental Management Department, California Department of Public Health, and California Department of Food and Agriculture.
    - (2) A commercial kitchen established for a bake shop, food stand or dining facility can be used off-season to make value-added products from cold storage produce. The on- or off-site sale of said value-added products is not limited to its applicable harvest season.
  - b. **Handicraft Sales.** Handicraft sales subject to the following standards:
    - (1) Handicrafts shall be products that are made domestically by hand, normally sold by the person who made them, and do not include items that are mass produced by others;
    - (2) Vendors shall have a current county business license; and
    - (3) Vendors may use the site for overnight recreational vehicle camping during the time the vendor occupies the site, subject to any applicable state and county health and safety regulations.
  - c. **Marketing Activities and Accessory Uses.** Marketing activities and accessory uses such as picnic areas, public tours, hay mazes, pony rides, and tractor rides, and fishing ponds, are limited to daylight hours. Outdoor music shall meet county noise standards. Amplified music or amplified speech shall comply with Chapter 130.37 (Noise Standards). For any events with amplified sound, occurring between 7:00 PM and 10:00 PM, a noise analysis shall be submitted to the Department demonstrating that the noise standards will not be exceeded. No outdoor music will be allowed after 10:00 p.m.
  - d. **Retail Sales.** Retail sales of merchandise, art, and prepackaged food items shall be allowed within the ranch marketing area. The sale of prepackaged food items shall comply with the California Health and Safety Code and be permitted by Environmental Management. The sale of non-agricultural merchandise shall be subordinate to the sale of produce and value-added products.-Retail sale of on-site produce kept in cold storage is not limited to its harvest season.
  - e. **Special Events.** Special events, subject to the following limitations:
    - (1) Total of 24 events per calendar year.
    - (2) Maximum capacity of 250 persons at one time.

- (3) Special events shall be limited in time duration to 48 hours, and the event site shall be returned to its pre-event condition after each use, unless the next event is within two weeks, or an administrative permit is approved by the Director.
- (4) The total number of special events shall be limited to the number provided in this Section and shall not be cumulative if a lot also qualifies for events under Section 130.40.400 (Wineries).
- (5) Special events may be held throughout the year and are not limited to the harvest season.

f. **Agricultural Museum.** Agriculturally related museums that primarily display items from California’s agricultural history.

2. **Uses Requiring an Administrative Permit.** The following uses are allowed by Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver):

- a. Non-ranch marketing use of an existing commercial kitchen established for a bake shop or food stand as an owner-operated or leased catering facility, subject to approval from all applicable agencies including, but not limited to El Dorado County Environmental Management Department, California Department of Public Health, and California Department of Food and Agriculture.
- b. Ranch marketing activities that do not have direct access to a county-maintained road or state highway, provided that the operator of the facility has entered into an agreement to participate in any road maintenance entity (homeowner’s agreement, Zone of Benefit, Community Services District, or County Service Area) on roads that serve the site.
- c. Ranch marketing uses (See Section 130.40.260: Ranch Marketing), limited to the harvest season, shall be allowed year around by Administrative Permit (See Section 130.52.010: Administrative Permit, Relief, or Waiver).

3. **Uses Requiring a Use Permit.** The following uses are allowed by use permit in compliance with Chapter 130.52 (Permit Requirements, Procedures, Decisions, and Appeals), as follows:

- a. Special events that exceed the provisions of this Section that are on-going or reoccurring. One-time special events may be authorized by Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit).
- b. Campgrounds, Temporary Campgrounds and commercial stables.
- c. Dining facility to the following standards;

- i. Dining facilities and any other sale of food products shall comply with the California Health and Safety Code, subject to approval from all applicable agencies including, but not limited to Environmental Management, California Department of Public Health, and California Department of Food and Agriculture.
  - ii. A commercial kitchen established for a bake shop, food stand or dining facility can be used off-season to make value-added products from cold storage produce. The on- or off-site sale of said value added products is not limited to its harvest season.
- d. Mechanical amusement rides, helicopter rides, and similar non-agricultural activities.
  - e. Concerts or other live, outdoor amplified music where the music is the primary attraction.
  - f. Ranch marketing activities that do not have direct access onto a county-maintained road or state highway and do not participate in a road maintenance agreement.
  - g. In addition to the findings required under Subsection 130.52.021.C (Specific Findings for Conditional Use Permits), the following findings shall be made by the review authority prior to approving a Conditional Use Permit under this Section:
    - (1) The site meets the minimum acreage and planting standards
    - (2) The use is secondary and subordinate to the agricultural use.
    - (3) The 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) For lands under Williamson Act contract, the use is compatible with the provisions of California Government Code Section 51200 et seq.

**G. Ranch Marketing Provisions for Christmas Tree Sales.** The provisions of this Subsection apply only to operations whose primary product are Christmas trees and are not in addition to other uses allowed by this Section. The following ranch marketing provisions shall be allowed where Christmas trees are grown on sites that meet the minimum acreage and planting standards of Subsection A (Applicability) above:

1. Choose and cut tree sales, as defined in Subsection C (Definitions: See “Choose and Cut Tree Sales”) above.
2. Retail sales in compliance with Subsection F.1.d (Ranch Marketing Uses: Retail Sales) above.

3. The sale of pre-cut Christmas trees grown off-site provided they are sold concurrently with Christmas trees grown on-site and the primary crop (greater than 51 percent) is grown on-site.
4. Special events outside of the Christmas tree season on lots of 10 acres or more, subject to the following minimum standards:
  - a. Two events on lots with five acres or more of planted Christmas trees.
  - b. Five events on lots with ten acres or more of planted Christmas trees.

**H. Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal).** The provisions of this Subsection apply only to cattle grazing operations and are not in addition to other uses allowed by this Section. The following ranch marketing provisions shall provide a ranch atmosphere and natural environment for Guest Ranches, as allowed for in 130.40.170 (Lodging Facilities) and as defined in Article 8 (Glossary), and other events and activities defined in this ordinance and shall be allowed on land zoned Agricultural Grazing (AG). Table 130.40.260.3 (Ranch Marketing Uses for Agricultural Grazing Lands) identifies the allowed Ranch Marketing uses for Agricultural Grazing Lands with large animal operations, subject to the provision below.

**Table 130.40.260.3 – Ranch Marketing Uses for Agricultural Grazing Lands**

<b>AG: Agricultural Grazing</b>	<b>P</b>	<b>Permissible (allowed) use (Article 4)</b>		
	<b>A</b>	<b>Administrative permit required (130.52.010)</b>		
	<b>T</b>	<b>Temporary use permit required (130.52.070)</b>		
	<b>CUP</b>	<b>Conditional use permit required</b>		
	<b>MUP</b>	<b>Minor use permit required (130.52.020)</b>		
	<b>---</b>	<b>Use not allowed in zone</b>		
<b>USE TYPE</b>	<b>AG (160+ acres)</b>	<b>AG (40 to 160 acres)</b>	<b>AG (less than 40 acres)</b>	<b>Reference</b>
Agricultural Museums	P	P	MUP	—
Art/Merchandise sales	P	P	MUP	—
Campground				—
Temporary	P	P	A	
Permanent	CUP	CUP	CUP	130.40.100
Commercial Kitchen				—
Catering, off site	P	P	MUP	—
Food preparation, on-site	P	P	MUP	—
Dining facility	CUP	CUP	CUP	—
Events				—
Marketing/promotional	P	P	CUP	—
Special	P	A	CUP	—
Fishing & Hunting	P	P	A	—
Food stand or chuck wagon	P	A	CUP	—
Handicraft sales	P	A	MUP	—
Lodging				—
Ag Homestays	See Table 130.40.170.1 (Agricultural Lodging)			130.40.170
Agricultural & timber lodging	See Table 130.40.170.1 (Agricultural Lodging)			130.40.170
Guest ranches	See Table 130.40.170.1 (Agricultural Lodging)			130.40.170
Mechanical rides	CUP	CUP	CUP	
Music festivals & concerts	T/CUP	T/CUP	T/CUP	—
Petting zoo	P	P	MUP	—
Picnic Area	P	P	A	—
Round-ups, rodeos, etc.	P	A	CUP	—
Stables, commercial	P	A	MUP	—
Trail rides	P	A	MUP	—

**1. Ranch Marketing Uses on Grazing Lands.**

- a. Round-ups, rodeos, or other similar activities;
- b. Camping, fishing, hunting, horseback riding;
- c. Marketing Activities and Accessory Uses in compliance with Subsection F.1.c (Ranch Marketing Uses: Marketing Activities and Accessory Uses) above;
- d. Food Stands or Chuck Wagons in compliance with Subsection F.1.a (Ranch Marketing Uses: Bake Shops, and Food Stands, and Dining Facilities) above;

- e. Retail sales in compliance with Subsection F.1.d (Ranch Marketing Uses: Retail Sales) above;
- f. Special Events in compliance with Subsection F.1.e (Ranch Marketing Uses: Special Events) above;
- g. Museum as defined in Subsection F.1.f (Ranch Marketing Uses: Agricultural Museum) above.

**2. Uses Requiring an Administrative Permit.**

- a. Ranch marketing activities that do not have direct access to a county-maintained road or state highway, provided that the operator of the facility has entered into an agreement to participate in any road maintenance entity (homeowner’s agreement, Zone of Benefit, Community Services District, or County Service Area) on roads that serve the site.
- b. Use of existing permanent structures and/or temporary structures;
- c. Other uses found compatible with grazing operations

**3. Uses Requiring a Conditional Use Permit.**

- a. Concerts or other live, outdoor amplified music where the music is the primary attraction, unless a one-time event, in which case, a Temporary Use Permit would apply;
- b. Special events that exceed the provisions of this Section that are on-going or reoccurring. One-time special events may be authorized by Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit);
- c. Dining facility;
- d. Ranch marketing activities that do not have direct access onto a county-maintained road or state highway and do not participate in a road maintenance agreement;
- e. In addition to the findings required under Subsection 130.52.020.C (Special Findings for Conditional Use Permits), the following findings shall be made by the review authority prior to approving a Conditional Use Permit under this Section:
  - (1) The use is secondary and subordinate to the agricultural use.
  - (2) The use does not detract from or diminish the on-site agricultural uses.
  - (3) There is no adverse effect on agricultural operations on surrounding properties.

- (4) For lands under Williamson Act contract, the use is compatible with the provisions of California Government Code Section 51200 et seq.

Parcels that do not meet the above acreage criteria, but have over 40 acres of grazing land and have agricultural zoning, may qualify for Ranch Marketing activities with an Administrative Permit. For those parcels under 40 acres with agricultural zoning, a Minor or Conditional Use Permit shall be required. (See Table 130.40.260.3: Ranch Marketing Uses for Agricultural Grazing Lands)

**K. Ranch Marketing Provisions for Small Livestock Operations: *Reserved***

**130.40.270 *Reserved***

**130.40.280 Recycling Facilities**

- A. This Section is to facilitate the placement of recycling facilities to enhance waste stream reduction, while providing standards to ensure appropriate location, noise attenuation, and hazardous material handling to protect the public health, safety, and welfare.
- B. **Recycled Oil Collection Facilities.** Used oil may be collected for recycling, subject to the following standards:
  1. In all zones where automotive and equipment service, gasoline sales, small engine repair, and aircraft service and repair use types are allowed, the collection of used oil may be allowed by right, provided the use conforms to all applicable state laws and county requirements.
  2. Recycled oil collection facilities located as a part of any use other than those listed in B.1 above in this Section shall be subject to an Administrative Permit based on the findings under Subsection C.2 (Recycling Collection Facilities) below, as well as all applicable state and county requirements.
- C. **Recycling Collection Facilities.** Recycling collection facilities as defined in Paragraph 1 below, shall be allowed as a secondary use in Commercial (C), General Commercial (CG) and Industrial (I) zones by Administrative Permit. Approval from the Director shall be granted if the proposed use and site plan are in compliance with the findings required in Subsection C.2 below.
  1. “Recycling collection facilities” shall be defined for the purposes of this Section as:
    - a. Reverse vending machines, which are mechanical devices that accept one or more types of empty beverage containers and issue a cash refund or redeemable coupon. Some machines will also dispense coupons and

promotional materials. The machines identify containers by reading the bar code, scanning the shape, or by other methods.

- b. Mobile recycling units, which are properly licensed automobiles, trucks, trailers, or vans used for the collection of recyclable material such as aluminum, glass, plastic, and paper.
- c. Small collection facilities no larger than 500 square feet, which are intended for collection only. They have room for limited day to day storage of material, and do not include power driven processing equipment except as part of reverse vending machines. Small collection facilities are usually located outdoors.

2. The following findings shall be made by the Director prior to Administrative Permit approval:

- a. The facility is established in conjunction with an existing commercial or industrial use, or community service facility, and is in compliance with all applicable County Codes;
- b. The facility itself is clearly marked to identify the name and telephone number of the facility operator and hours of operation, and displays a notice stating that no material shall be left outside the recycling enclosure or containers;
- c. The facility's schedule will accommodate daily collection needs and storage capacity on the site;
- d. The facility is set back a minimum of ten feet from any road easement, is screened from view from said easement, and does not obstruct pedestrian or vehicular circulation;
- e. The facility is no larger than 500 square feet and occupies no more than five parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers;
- f. The facility's occupation of existing parking space by its customers and attendant does not reduce available parking space below the minimum number required for the primary use of the site, unless all of the following conditions exist:
  - (1) The facility is located in a convenience zone, as defined in Article 8 (Glossary), or a potential convenience zone, as designated by the California Department of Conservation;
  - (2) A parking analysis demonstrates that existing parking capacity is not already fully utilized by the primary use during the time the recycling facility will be on the site. A reduction of 20 percent of available parking in an established parking facility may then be allowed up to a maximum of 15 spaces. When the primary use is

a community facility, a maximum reduction of five spaces will be allowed.

- g. No additional parking space for a small collection facility will be required in an established parking facility. One space may be dedicated for the attendant, if excess parking is available;
- h. Attended facilities located within 100 feet of a property zoned or occupied for residential use will limit their hours of operation between 9 a.m. to 7 p.m. and be fully screened from view from said residential property;
- i. Containers for the 24 hour donation of materials are located at least 30 feet from any property zoned or occupied for residential use, unless there is a recognized service corridor and acoustic shielding between the containers and the residential use that will reduce noise impacts consistent with Chapter 130.37 (Noise Standards), and the containers are fully screened from view from said residential properties;
- j. The collection containers are insulated so that noise generated by associated activities shall not exceed thresholds for non-transportation noise sources under Chapter 130.37 (Noise Standards);
- k. The facility will not use power driven processing equipment, except for reverse vending machines;
- l. The facility shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when the attendant is not present;
- m. The facility will use containers that will be of a sufficient capacity to accommodate the daily collection of materials. The containers will be constructed and maintained with durable waterproof and rust resistant material that will remain covered when the site is unattended, and secured from unauthorized entry and removal of material;
- n. The facility will accept only glass, metals, plastic containers, and paper material. Containers are to be clearly marked to identify the type of material which may be deposited in each;
- o. No advertisement, posters, or flyers will be attached temporarily or otherwise to the containers; and
- p. The facility will be maintained free of litter and will be swept at the end of each collection day. All other undesirable materials are to be removed at the end of each collection day.

**130.40.290 Right To Farm**

- A.** It is the policy of the county to conserve and protect agricultural land and to encourage agricultural operations within the county. Where nonagricultural land uses, including but not limited to residential development, extend into or are adjacent to areas of agricultural land, agricultural operations have become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to curtail or cease operations, and operators are discouraged from making investments in farm improvements to the detriment of the economic viability of the county's agricultural industry as a whole. It is the purpose and intent of this Section to reduce the loss to the county of its agricultural resources by limiting circumstances under which agricultural operations may be considered a nuisance. This Section is not to be construed in any way as modifying or abridging state law relative to nuisances, but is to be utilized in the interpretation and enforcement of the provisions of this Code and other applicable county regulations.
- B. Definitions.** As used in this Section, the following terms shall have the meanings set forth below:
- “**Agricultural Land**” is lands which are zoned PA (Planned Agricultural), LA (Limited Agriculture), AG (Agricultural Grazing), FR (Forest Resource), and TPZ (Timberland Production Zone) or lands within a General Plan designated Agricultural District or lots with a General Plan land use designation of Agricultural Land (AL).
- “**Agricultural Operations**” are activities relating to agricultural use including, but not limited to, the cultivation and tillage of the soil; the burning of agricultural waste products or other agricultural burning; the protection of crops and livestock from insects, pests, diseases, birds, predators, or other pests that damage or could potentially damage crops; the proper and lawful use of agricultural chemicals, including but not limited to the application of pesticides and fertilizers; or the raising, production, irrigation, pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing.
- C. Nuisance.** No present or future agricultural operation or any of its appurtenances conducted or maintained for commercial purposes and in a manner consistent with proper and accepted customs and standards of the agricultural industry on agricultural land shall become or be a nuisance, private or public, due to any changed condition of the use of adjacent land in or about the locality thereof. However, the provisions of this Subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation and its appurtenances or if the agricultural activity or appurtenances obstruct the free passage or use in the customary manner of any navigable lake, stream, river, canal, or basin, or any public park, square, street or highway.
- D. Role of Ag Commission.** An interested party may submit a written request to the Ag Commission for an opinion as to whether a particular agricultural operation constitutes a nuisance. In the event a dispute arises between an owner of an agricultural operation

and a resident (or residents) in or about the locality thereof as to whether a particular agricultural operation constitutes a nuisance, an interested party may submit a written request to issue an advisory opinion or mediate a dispute. The Agricultural Commissioner may promulgate such regulations as are necessary for the implementation of this Section. The County Farm Advisor from the University of California Cooperative Extension Service may serve as technical advisor to the Ag Commission.

- E. Disclosure Notice.** Every seller of any real property in the unincorporated areas of the county, either directly or through his/her authorized agent, shall provide to any prospective buyer a written disclosure statement advising the buyer of the existence of a Right to Farm Ordinance enacted by the county. Such disclosure statement shall contain or be accompanied by a copy of the Right to Farm Ordinance, Section 130.40.290 (Right to Farm) or successor, and the brochure provided by the county entitled "Agricultural Land Use in El Dorado County". The disclosure statement shall be substantially in the form promulgated by the Agricultural Commissioner, or his/her designee. The written disclosure statement shall include any agricultural setback requirements applicable to the property. The written disclosure statement also shall include a statement that intensive agricultural activities may be conducted on agricultural land within the county. The buyer shall sign a copy of the written disclosure statement acknowledging receipt of the disclosure and accompanying documents and deliver the signed copy to the seller or his/her authorized agent. The seller or his/her authorized agent shall retain the copy of the disclosure statement executed by the buyer in the escrow process.

### 130.40.300 Secondary Dwellings

- A.** This Section implements California Government Code Section 65852.150 et seq. regarding secondary dwellings, provide affordable housing alternatives, and protect the public health, safety, and welfare of residents of El Dorado County.
- B. Applicability.** In all zones that permit single-unit residential development, the expansion of the primary dwelling or the construction of a new structure for the purpose of creating a secondary dwelling is allowed by right, except as required by Section 130.40.060.C.3 (Preserve Standards; Residential Development), subject to the provisions of this Section.
- C. Development Standards.** The following development standards shall apply to all secondary dwellings:
- 1. Maximum Floor Area.** The floor area of a secondary dwelling shall be measured from the outside of the exterior walls including all enclosed habitable or potentially habitable space, such as living areas, hallways, stairwells, attics, basements, storage areas, and equipment rooms, but excluding attached garages. The maximum floor area allowed for both attached and detached dwellings shall be subject to Table 130.40.300.1 (Maximum Floor Area for Attached/Detached

Secondary Dwellings) below, provided an attached secondary dwelling does not exceed 30 percent of the square footage of the primary dwelling, as follows:

**Table 130.40.300.1 – Maximum Floor Area for Attached/Detached Secondary Dwellings**

Lot Area	Maximum floor area
Up to 9,999 sq ft	600 sq ft
10,000 – 19,999 sq ft	800 sq ft
20,000 sq ft to less than 1 acre	1,200 sq ft
1 acre or greater	1,600 sq ft

**2. General Development Requirements.** A secondary dwelling shall conform to the setbacks, height limits, lot coverage, and other requirements of the zone in which it is located.

**3. Specific Development Requirements.**

**a. Attached Dwellings.**

- (1) An attached secondary dwelling shall share a common wall with the primary dwelling or garage. The common wall or portion thereof shall measure a minimum of 10 linear feet on the horizontal plane of the shared surface, to be considered an attached dwelling.
- (2) In order for the primary dwelling to maintain its single-unit residential character, the entrance to an attached secondary dwelling shall not be located on the same building face as the entrance to the primary dwelling unless separate entrances to both the primary and secondary dwellings are off of a shared entrance.

**4. Parking.** Parking shall comply with the requirements under Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements) in Chapter 130.35 (Parking and Loading). Said parking space(s) may be in tandem with the parking spaces required for the primary dwelling unless tandem parking is not feasible based upon specific site, fire, or safety restrictions.

**5. Utilities.** Secondary dwellings may be connected to the power source, water supply, and sewage disposal system of the primary dwelling or may have separate connections that provide the same standards required of the primary dwelling, subject to the requirements of the applicable service providers and/or the Environmental Management Department.

**D. Owner Occupancy.** One of the residential dwelling units shall be occupied by the property owner. This Subsection is explicitly intended to prohibit two rental units on lots zoned for one single-unit residential dwelling. A notice of restriction on the subject property that is signed and notarized by the property owner declaring this limitation shall be filed with the Department prior to issuance of the certificate of occupancy for the secondary dwelling.

**130.40.310 Solar Collection Systems**

**A. Applicability.** As defined in Article 8 (Glossary) and used in this Section, active solar collection systems may be allowed in any zone in compliance with the general standards in Subsection B (General Standards), below.

**B. General Standards.**

1. Solar panels located on the roof of an existing structure shall be subject to the height requirements for the zone.
2. Solar panels located on the ground shall be classified as accessory structures, and shall be subject to front yard setback requirements for the zone. Exceptions to side and rear setback requirements shall be subject to Subsection 130.30.030.C.3.f (Solar Collectors).
3. Solar paneled structures placed in parking lots, whether public or private, may be counted as part of the shade requirements in compliance with adopted design standards.
4. Solar collection systems constructed for the primary purpose of generating power for sale to a public utility, even if also generating power for use on-site, shall be subject to a Conditional Use Permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits).

**130.40.320 Storage Facilities**

**A. Applicability.** Storage facilities and outdoor areas including, but not limited to, self storage, vehicle storage, and commercial and industrial equipment and material storage yards are subject to the provisions of this Section where allowed under the use matrices for the zones.

**B. Self Storage Facilities.** The following provisions shall apply to self storage facilities, as defined in Article 8 (Glossary):

1. Self storage facilities shall be limited to the storage of personal effects of individuals or equipment and materials by businesses inside of a building or buildings. Use of storage facilities for manufacturing, retail, wholesale, or service uses other than storage shall be prohibited. Human occupancy of individual storage units shall be limited to that required for transporting, arranging, and maintaining stored materials.
2. Vehicle storage areas may be allowed as an accessory use of a self storage site provided such use is allowed in the zone in which the self storage facility is located. Such storage area shall be fenced, screened, and landscaped in compliance with Subsections C.1 and C.2 (Equipment and Material Storage Yards) below.

3. Caretaker housing may be provided in compliance with the provisions of Section 130.40.120 (Commercial Caretaker and Agricultural Employee, and Seasonal Worker Housing).

**C. Equipment and Material Storage Yards.** In commercial, industrial, and transportation corridor zones, storage yards under this Subsection, as defined in Article 8 (Glossary), may be allowed as a primary use or as an accessory use to an otherwise allowed use. In the Agricultural, Rural Lands and Timber Production (TPZ) zones, storage yards are limited to storage that is accessory to an allowed use, such as storage of material and/or equipment associated with a resource extraction industry. Storage yards shall be fully screened from view from public areas such as roads, parking lots, pedestrian walkways, open space, and adjacent residential development, as follows:

1. Screening shall be by building design and placement, solid fence material, landscaped berms, or a combination thereof.
2. Landscaping requirements under Chapter 130.33 (Landscaping Standards) shall be in addition to the screening requirements.
3. Screening and landscaping requirements can be waived by the Director where the storage yard is located on an Agricultural, Rural Lands, or Resource Zones or on an interior lot within an industrial zone or park and not visible from outside the zone or park.

**D. Residential Storage Areas.** The storage of personal equipment and materials on a residentially-zoned lot shall be allowed as an accessory use to a dwelling subject to the requirements of Section 8.42.700 (Littering, accumulation of litter, and illegal dumping prohibited) of Title 8 (Public Health and Safety) of the County Code of Ordinances and the following provisions:

1. There shall be no limit to the amount of materials or equipment stored when all materials and equipment are stored inside an enclosed structure, in compliance with development standards of the zone and Section 130.40.030 (Accessory Structures and Uses).
2. Unenclosed, outside storage area(s) shall be fully screened from view by the public. Storage material shall be placed no higher than the screening material, including existing fencing that complies with Section 130.30.050 (Fences, Walls, and Retaining Walls).
3. Vehicle storage shall be subject to the standards in Section 130.40.380 (Vehicle Maintenance, Repair, and Storage, Accessory to a Residential Use).
4. The use of semi-trailers, shipping containers such as sea-land containers, railroad cars, and similar storage units shall be allowed on all single family residential parcels greater than one acre, subject to the screening requirements in E.2 above.

**130.40.330 Temporary Real Estate Sales Offices**

**A. Applicability.** A temporary real estate sales office for the exclusive sale of property within an approved subdivision may be allowed before completion of the subdivision improvements, where allowed in the use matrices for the zones subject to the standards in Subsection B (General Standards) below.

**B. General Standards.**

1. Where a temporary sales office is a separate structure and not located within a model home, as defined in Article 8 (Glossary), a site plan shall be submitted demonstrating compliance with all applicable development standards under the zone, such as setbacks and building height, as well as building and fire codes, and grading and encroachment ordinances.
2. Any off-site parking areas shall be in compliance with Chapter 130.35 (Parking and Loading), except that the surface may be gravel instead of pavement.
3. Exterior lighting shall be in compliance with 130.34 (Outdoor Lighting). Floodlights are prohibited.
4. On-site signage and landscaping shall be in compliance with Chapter 130.16 (Signs) and Chapter 130.33 (Landscaping Standards).
5. Temporary sales office shall be allowed until the sale of the final lot in the subdivision
6. Site restoration shall be required within 60 days of the time limits specified under B.5 above in this Section, as follows:
  - a. The real estate sales office shall be removed from the site if it is in a trailer or mobile home. If it is in the garage of a model home, the office shall be converted back to a garage and any off street parking area shall be converted back to residential use.
  - b. All temporary structures and related improvements shall be completely removed from the subject site.
7. The review authority may require other conditions of approval deemed necessary to protect the public health, safety, and welfare of persons residing or working in the neighborhood.

**130.40.340 Reserved**

**130.40.350 Timber Production Zone: Criteria, Regulations, and Zone Change Requirements**

- A. Content.** This Section implements the provisions and intent of the Forest Taxation Reform Act of 1976 as amended.
- B. Applicability.** Lands subject to the following criteria and regulations are or shall be zoned Timber Production Zone (TPZ).
- C. General Standards.** In addition to the following regulations, lands within the TPZ shall be subject to the allowed uses and development standards under Chapter 130.21 (Agricultural, Rural Lands, and Resources Zones).
- D. TPZ Rezone Application Requirements.** In addition to the requirements set forth in Chapter 130.63 (Amendments and Zone Changes), the following is required as part of any zone change to TPZ:
- 1. Timber Production Assessment.** Based on General Plan Policy 8.3.1.3, the Ag Commission shall assess property to determine its suitability for timber production. Their decision as to suitability shall be based, in part, on the following findings:
    - a. Property is identified as meeting Timber Site Classifications I, II, or III, as defined in the *California Forest Handbook* and the *Soil Survey of El Dorado Area* issued April 1974 by the USDA Soil Conservation Service and the U.S. Forest Service;
    - b. Property is being used for commercial forestry/timber production;
    - c. Property possesses topographical and other features that makes it suitable for timber production; and
    - d. No conflict exists with adjacent high density development.
  - 2. Forest Management Plan.** A forest management plan for the property shall be submitted that has been prepared or approved by a Registered Professional Forester, as defined in Article 8 (Glossary: See “Qualified Professional: Registered Professional Forester”). Prior to approval of the zone change application, the forest management plan shall be reviewed and approved by the Ag Commission. The forest management plan shall include, at a minimum, a discussion and recommendation on each of the following:
    - a. Commercial harvesting, a history of past operations, and recommendations for the future;
    - b. Provisions for legal and physical access to the property so commercial operations can be carried out;

- c. A reasonable attempt to locate the boundaries of the property and attempts to protect the property against trespass;
  - d. Disease or insect control work;
  - e. Thinning slash disposal, pruning, and other appropriate silvicultural work;
  - f. A fire protection plan including a fuels management program;
  - g. Erosion control on existing roads and skid trails along with maintenance of existing roads; and
  - h. Planting of a significant portion of the understocked areas of the land.
3. The property shall currently meet the timber stocking standards as set forth in the California Public Resources Code Section 4561 and the forest practice rules adopted by the State Board of Forestry for the district in which the property is located. As an alternative, the owner shall sign an agreement with the Board to meet the timber stocking standards and forest practice rules by the fifth anniversary of the signing of said agreement. After the zone change to TPZ is approved, failure to meet the state's timber stocking standards and forest practice rules within the five year time period will provide the Board grounds for rescinding the zone change of the property.
- E. Continued Eligibility.** The property owner shall continuously comply with at least six of the criteria in the forest management plan required under Subsection D.2 (Forest Management Plan) above, in order to continue to be eligible for the TPZ classification.
- F. Disclosure Notice of Rezone.** Within 10 days of final action of a zone change application that either includes or deletes property from a TPZ, the Clerk of the Board shall cause to be recorded an instrument which will serve as constructive notice of the zone change action to prospective buyers of the subject property.
- G. Required Findings to Support Residential, Recreational and Other Non-Timber Uses.** Certain uses within the TPZ may be compatible with growing and harvesting timber in certain circumstances, and may be allowed by Conditional Use Permit. When approving a Conditional Use Permit, as allowed in Table 130.21.020 (Agriculture, Rural Lands and Resource Zone Districts Use Matrix), for compatible, non-timber related uses, the review authority shall consider the recommendations of the Ag Commission and shall make the following findings:
1. The proposed use is compatible with and will not detract from the land's ability to produce timber;
  2. Fire protection and public safety concerns have been adequately met, including the ability to provide adequate public access, emergency ingress and egress, and sufficient water supply and sewage disposal facilities;

3. The proposed use will not adversely impact the area's watershed, wildlife, and other natural resources.

**130.40.360 Transitional Housing**

- A. Applicability.** Where allowed under the use matrices for the zones, transitional housing providing for six persons or less (small) shall be allowed by right, while transitional housing providing for more than six persons (large) shall be allowed subject to discretionary permit.
- B. General Standards.** All transitional housing shall conform to the development standards for its zone and under this Title. For those facilities housing seven persons or more the following additional standards shall apply:
  1. A facility shall be located a minimum of 1,000 feet from another transitional housing facility, as measured in a straight line without regard to intervening structures, between the nearest point of each property line.
  2. A six-foot high solid fence shall be provided along all property lines, in compliance with Section 130.30.050 (Fences, Walls, and Retaining Walls).
  3. Landscaping shall be regularly maintained and irrigated.
  4. No identification signs shall be allowed within any zone allowing single-unit residential use. Signs for transitional housing within nonresidential zones shall comply with Chapter 130.16 (Signs).
  5. Outdoor activities shall not be conducted between the hours of 10pm and 8am.
  6. A valid business license is required prior to operation and shall be maintained as long as the use is in operation.

**130.40.370 Vacation Home Rental *Reserved***

**130.40.380 Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use**

- A. General Standards.** The maintenance, repair, and storage of motor vehicles on lots allowing residential uses by right shall be prohibited unless:
  1. All vehicles being stored or repaired are registered to an occupant of the lot, or
  2. Vehicle maintenance, repair, retail sale or storage of vehicle parts are in compliance with Section 130.40.160 (Home Occupations), and

3. Vehicle storage shall not be allowed in any setback area other than the front setback on an access driveway.

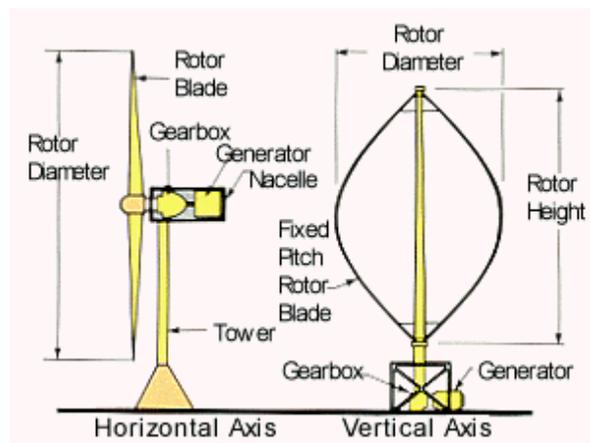
### 130.40.390 Wind Energy Conversion Systems

**A. Applicability.** This Section complies with California Government Code Section 65893, applicable to wind energy conversion system (WECS), used for electrical energy generation based on the State Energy Commission's *Wind Resource Potential Maps*. Microturbines and Small WECS shall be regulated as accessory structures in all zones while large and utility-scale systems shall be regulated as a primary use in non-residential zones, subject to permitting requirements under Subsection E (Development Standards) below.

**B. Definitions.** The following definitions shall apply to this Section:

“WECS”, or “system”, means a machine which can convert the kinetic energy in wind into a usable form of electrical or mechanical energy, such as a wind turbine or windmill. As used within this Section, a WECS includes all parts of the turbine and the tower upon which it is installed, but does not include power transmission equipment. Turbines are classified as being either on a horizontal or a vertical axis configuration, as shown below:

#### EXAMPLE: WIND TURBINE CONFIGURATIONS



“**Height of tower**” means the height from base grade to the top of the system, including the uppermost extension of any horizontal axis blades.

“**Rated Capacity**” means the electrical generation capacity of one WECS unit. Classifications for rated capacity are microturbine, small WECS, large WECS, and utility-scale WECS, as defined below:

“**Microturbine**” means a WECS that generates one kilowatt (kw) or less.

“**Small WECS**” means one system with a rated capacity of greater than one to less than 50 kw, to be used to provide electrical energy on-site. Excess electricity can be sold back to the utility supplier through net metering, net billing, or similar programs.

“**Large WECS**” means one system with a rated capacity of 50kw to less than 100 kw.

“**Utility Scale WECS**” means one system with a rated capacity of more than 100 kw.

“**Wind Farm**” means two or more utility-scale WECS on the same lot or group of adjacent lots under common ownership. A wind farm may cover an extended area, but the land between the systems may be used for agriculture or other purposes.

**C. Permit Requirements.** WECS are allowed under Table 130.40.390.1 (WECS Use Matrix) in the following zones subject to the rated capacity thresholds designated below:

“**P**” Allowed use

“**A**” Use allowed subject to issuance of an Administrative Permit (130.52.010)

“**MUP**” Use allowed subject to issuance of a Minor Use Permit (130.52.020)

“**CUP**” Use allowed subject to issuance of a Conditional Use Permit (130.52.020)

Rated capacity designated by a dash (–) is not allowed in the zone.

**Table 130.40.390.1 – WECS Use Matrix**

ZONES	RATED CAPACITY Per Individual WECS Unit <sup>1</sup>				
	Microturbine	Small WECS		Large and Utility Scale WECS	
	1kw or less	>1kw to less than 10kw	10kw to less than 50kw	50kw to less than 100kw	100kw or greater
Residential (all), RE, Residential-Tahoe Basin	P	A	CUP	—	—
Commercial (all), Industrial, R&D	P	A	A	CUP	CUP
Agricultural and Resource Zones (all)	P	A	A	A/CUP <sup>2</sup>	CUP

Notes:  
<sup>1</sup> Subject to maximum number of WECS units provided in Subsection D (Number of WECS Units).  
<sup>2</sup> In compliance with Subsection D.3.c ( Large WECS in Agricultural and Resource Zones).

**D. Number of WECS Units.**

**1. Microturbines.** The maximum number of microturbines that may be installed on a lot is as follows:

- a. Residential lots less than five acres in size may install a maximum of 5 microturbines.

- b. Residential and agricultural lots five acres or greater in size may install a maximum of 10 microturbines.
  - c. All Agricultural and Resource, Commercial, Industrial, and R&D zoned lots may install up to 25 microturbines.
- 2. Small WECS.** The maximum number of small WECS units that may be installed on one lot shall be based on the following acreage requirements:
- a. For lots one acre to less than 10 acres, one WECS shall be allowed.
  - b. For lots 10 acres to less than 20 acres, two WECS shall be allowed.
  - c. For lots 20 acres or greater, a maximum of three WECS shall be allowed.
  - d. If small WECS generate less than five kilowatts each and are limited to 50 feet in height, a maximum of two such WECS may be installed per five acres. Additionally, the separation between them may be reduced to twice the height of the tallest tower or manufacturer's specification, whichever is greater.
- 3. Large WECS in Agricultural and Resource Zones.**
- a. For lots 10 acres to less than 20 acres, one WECS shall be allowed.
  - b. For lots 20 acres or greater, a maximum of two WECS shall be allowed.
  - c. Where individual systems exceed 50 kilowatts of rated capacity or where total unit numbers exceed standards under 3.a and 3.b above in this Section, a Conditional Use Permit shall be required.
- E. Development Standards.** The following development standards shall apply to all WECS, except that microturbines shall comply with all standards but Subsections E.3, E.4, E.9, and E.12 below in this Section:
- 1. General Development Standards.** General development standards shall be applied as set forth in Table 130.40.390.2 (Development Standards).

**Table 130.40.390.2 – Development Standards**

<b>DEVELOPMENT STANDARDS</b>			
<b>Rated Capacity (per WECS Unit)</b>	<b>Minimum Lot Size</b>	<b>Setbacks – Freestanding Systems</b>	<b>Maximum Height</b>
Microturbines Up to 1 kw	Subject to Zone Standards		
Greater than 1 – 10kw	1 acre	Greater of tower height or zone standard	80 feet
Greater than 10 to 50kw	5 acres	Tower height	100 feet
Greater than 50 – 100kw	10 acres	Tower height x 2	100 feet
Greater than 100kw	20 acres or Manufacturer’s Recommendations	Greater of tower height x 3 or 500 feet	Manufacturer’s Recommendations

2. **Safety.** All WECS shall be completely enclosed by a locked, protective fence at least six feet high unless located upon a roof or other location with limited access.
3. **Guy Wires.** Anchor points of any guy wires for a system tower shall be located within the property that the system is located on. Guy wires shall not cross any above-ground electric transmission or distribution lines. The points of attachment for the guy wires shall be either enclosed by a fence six feet high or sheathed in bright orange or yellow coverings from three to eight feet above the ground.
4. **Tower Access.** Towers must either:
  - a. Have tower-climbing apparatus located no closer than 12 feet from the ground;
  - b. Have a locked anti-climb device installed on the tower;
  - c. Have a tower-access limitation program approved by the review authority.
5. **Rotor Safety.** Each WECS must be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor.
6. **Electromagnetic Interference.** The WECS shall be designed, installed and operated so that no disrupting electromagnetic interference is caused. Disruptive interference from the facility shall be promptly rectified to include the discontinued operation of one or more WECS.

7. **Utility Notification and Undergrounding.** For inter-connected systems, no wind turbine shall be installed until evidence has been given that the electric utility service provider has been notified and has indicated that the proposed interconnection is acceptable. On-site electrical wires associated with the system shall be installed underground, except for “tie-ins” to the electric utility service provider and its transmission poles, towers, and lines. This standard may be modified by variance if the project terrain is found to be unsuitable due to the need for excessive grading, biological impacts, or similar factors.
8. **Noise.** All WECS shall be subject to the noise standards under Chapter 130.37 (Noise Standards) or all applicable state laws governing sound pressure levels of WECS, whichever is strictest. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.
9. **Wind Farm Site Access.** Construction of on-site roadways shall be minimized. Temporary access roads utilized for initial installation shall be regraded and revegetated to its natural condition after completion of installation.
10. **Site Aesthetics.** WECS shall be designed and located in the following manner to minimize adverse visual impacts from public viewing areas and private property:
  - a. Structural components including, but not limited to, towers, blades, and fencing shall be of a nonreflective, unobtrusive color.
  - b. To the greatest extent feasible, the WECS shall not project above the top of ridgelines.
  - c. When adjacent to a designated scenic corridor, WECS shall not cause a significantly adverse visual impact either from the corridor, or on a designated scenic viewshed, subject to the requirement under Subsection F.3 (Application Submittal Requirements) below).
11. **Exterior Lighting.** Exterior lighting on any structure associated with the WECS shall be prohibited, with the exception of that specifically required by the Federal Aviation Administration.
12. **Signs.** Signage shall be considered as part of a Conditional Use Permit, and shall be limited to the following:
  - a. Signs warning of high voltage electricity shall be posted at a height of five feet above the ground on stationary portions of the WECS or its tower, and at gated entry points to the project site.
  - b. No advertising sign or logo shall be placed or painted on any WECS or tower.

- c. For wind farms, no more than two identification signs relating to the development shall be located on the project site.
  - d. Signs shall not exceed 16 square feet in surface area or eight feet in height.
13. Compliance with FAA Regulations. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

**F. Application Submittal Requirements.** All applications for Administrative or Conditional Use Permit for a WECS shall include the following:

- 1. Delineation of the direction of the prevailing winds across the project site;
- 2. Distance to residentially zoned lots, public and private airports and airstrips, public and private schools within one-quarter mile of the proposed project as measured from its nearest property line;
- 3. Photo simulations of the proposed WECS as seen from residentially zoned lots and public viewsheds within one mile of the project site;
- 4. Maximum generating capacity of the WECS unit(s) proposed to be installed;
- 5. Manufacturer’s specifications documenting maximum noise levels generated by the WECS on the surrounding area;
- 6. A statement by the manufacturer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practice, and have been approved by the California Energy Commission or certified by a national program, such as National Electrical Code (NEC), American National Standards Institute (ANSI), or Underwriters Laboratories (UL).
- 7. Certification by a state licensed structural, mechanical or civil engineer that the tower structures are designed and constructed in compliance with the pertinent provisions of the Building Code and California Electric Code.
- 8. Written evidence that the electric utility service provider for the proposed site has been informed of the applicant’s intent to install an interconnected customer-owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect.
- 9. A description of the proposed measures to minimize adverse noise, transmission interference, visual, and safety impacts to adjacent properties, and methods to prevent public access to the structure.

**130.40.400 Wineries****A. Content.** The winery ordinance:

1. Provides for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses (General Plan Policy 2.2.5.21.)
2. Encourages the economic development of the local agricultural industry by allowing for the direct sales and marketing of value added products (General Plan Policy 10.1.5.4.)
3. Implements General Plan policies that encourage development of agriculturally-related uses while protecting the agricultural character and long-term productivity of agricultural lands. (General Plan Policies: 8.2.2.1, 8.2.4.2., 8.2.4.3, 8.2.4.4, and 8.2.4.5)

**B. Applicability.** Except as provided in Subsection H (Micro-Wineries and Small Vineyards) below, the regulations and standards of this Section shall apply to wineries, as defined in Article 8 (Glossary), where allowed in the use matrices for the zones, on lots that are a minimum of 10 acres or more in size with a commercial vineyard.**C. Definitions.** As used in this Section, the terms below will mean the following:

**“Commercial Vineyard”** means a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop as determined and verified by the Agricultural Commissioner.

**“County Maintained Road”** means a road that is listed on the current County Maintained Mileage List by the Department of Transportation. This list does not typically include County Service Area (CSA) or Zones of Benefit (ZOB) roads.

**“Properly maintained”** means that the planted grapes are tended in a manner consistent with proper and accepted customs and standards of the agricultural industry including, but not limited to, the provision of irrigation, the control of pests and diseases, and the protection against deer depredation.

**“Winery”** means an agricultural processing facility that produces wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine, that is bonded through the Alcohol, Tobacco Tax and Trade Bureau, and that has a current California Alcohol Beverage Control (ABC) Type 2 Winegrower’s License.

**D. Table of Allowed Uses.** Uses allowed under Table 130.40.400.1 are subject to compliance with all applicable provisions of this Title and the County Code of Ordinances. Allowed uses may require a discretionary permit in compliance with Subsections F.1 and G.5 (Use Compatibility Limitations, and Access Standards,

respectively) below. The following winery and accessory uses are further defined in Subsection E (Winery Uses) below:

**Table 130.40.400.1 – Wineries Allowed Uses Matrix**

<b>LA: Limited Agricultural</b> <b>PA: Planned Agricultural</b> <b>AG: Agricultural Grazing</b> <b>RL: Rural Lands</b> <b>RE: Estate Residential</b>		A Administrative Permit MUP Minor Use Permit P Allowed use CUP Conditional Use Permit required (Section 130.52.020) TUP Temporary Use Permit — Use not allowed in zone				
	<b>PERMIT REQUIRED BY ZONE</b>					
	<b>AG &amp; PA</b> 20+ Acres	<b>PA</b> 10 -19.9 Acres; In Ag District	<b>PA</b> 10 - 19.9 Acres; Out of Ag District	<b>RE-10 &amp; RL</b> 10+ Acres; In Ag District	<b>RE-10 &amp; RL</b> 10+ Acres; Out of Ag District	<b>LA</b> 10+ Acres
<b>USE</b>						
Winery	P	P	MUP	MUP	CUP	CUP
Tasting Facilities	P	P	MUP	MUP	CUP	CUP
Wholesale/Retail Sale of Wine	P	P	MUP	MUP	CUP	CUP
Art/merchandise Sales	P	P	P	A	CUP	MUP
Campground						
Temporary	TUP	TUP	TUP	TUP	TUP	TUP
Permanent	CUP	CUP	CUP	CUP	CUP	CUP
Picnic Areas	P	P	P	P	A	A
Events						
Marketing/Promotional	P	P	A	MUP	CUP	MUP
Special Events	P	P	MUP	MUP	CUP	CUP
Agricultural museums	P	P	A	MUP	CUP	CUP
Commercial Kitchen						
Food preparation, on-site	P	P	A	MUP	CUP	MUP
Catering, off-site	P	P	A	MUP	CUP	MUP
Dining facilities	CUP	CUP	CUP	CUP	CUP	CUP
Distilleries	CUP	CUP	CUP	CUP	CUP	CUP
Lodging						
Agricultural Homestays	See Table 130.40.170.1 (Agricultural Lodging)					
Agricultural & Timber Lodging	See Table 130.40.170.1 (Agricultural Lodging)					
Special Events (in excess of E.3)	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP
Music Festivals & Concerts	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP

**E. Winery Uses:** The following provisions shall apply to all wineries, accessory structures, and accessory uses:

**1. General Winery Provisions.**

- a. The primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.
- b. Wineries include those areas of a winery where grapes are crushed, fermented, or pressed; where bulk wine is stored in tanks or barrels; where winery operations such as racking, filtering, blending, or bottling of wines are carried out; and where on-site case goods are stored.
- c. Multiple lots under the same ownership are not considered to be a single lot for purposes of this Section.

**2. Tasting Facilities.**

- a. **Subordinate to Winery.** Tasting facilities shall be clearly related and subordinate to the primary operation of the bonded winery as a production facility. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vinted, cellared, or bottled at the winery. Snack foods that are consumed during wine tasting are allowed.
- b. **Wine Sales.** Retail sales of wine fruit products shall be limited to those produced, vinted, cellared, or bottled by the winery operator or grown on the winery lot, or custom crushed at another facility for the winery operator, subject to the provisions of an ABC Type 2 Winegrower's license. (The ABC Type 2 Winegrower's license requires that at least 50 percent of the wine sold be produced by the winery).
- c. **Marketing.** Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility's products. Activities of a marketing event may include, but are not limited to live music, catered food, food prepared on the premises, winemaker dinners, releases, library wines, discounted sales, "bottle-your-own", and similar activities. Live music is subject to Subsection G.8 (Outdoor Amplified Music) below. Concerts or events sponsored by or for the benefit of an organization other than the winery shall not be allowed as marketing events, but may be allowed as special events subject to Subsection E.3 (Special Events) below.

- 3. Special Events.** Special events, as defined in Article 8 (Glossary), are any events such as charitable events, promotional events, and facility rental events that are not the tasting and marketing activities described in Subsection E.2.c (Tasting Facilities: Marketing) above.

- a. **Number Allowed.** Special events are limited to a total of 48 days per calendar year. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. Facility rental events are a type of special event where the property owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. Facility rental events are part of the total special events allowed, but are further limited to the following:
    - (1) Lots less than 20 acres in size: 12 days per calendar year.
    - (2) Lots 20 acres or more in size: 24 days per calendar year.
  - b. **Capacity Limitation.** All special events are limited to 250 persons at one time.
  - c. **Ranch Marketing.** The number of special events shall not be added to or combined with those allowed by right under Section 130.40.260 (Ranch Marketing).
  - d. **Temporary Use Permit.** Those special events, such as fundraisers, concerts, or other special functions where the number of attendees will exceed 250 persons at any given time and where such events are held no greater than three times per calendar year and no more than one time per calendar month, may be allowed by Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit).
- 4. **Dining Facility.** The dining facility, as defined in Article 8 (Glossary), shall be subordinate to the sale of wine. Areas of a winery that are temporarily set up for winemaker dinners are not considered to be part of the dining facility.
  - 5. **Distilleries.** A distillery, as defined in Article 8 (Glossary), shall be bonded through the Alcohol and Tobacco Tax and Trade Bureau and have a current California ABC License. Distilleries are only allowed with a Conditional Use Permit in conjunction with a winery on the same lot. Allowed activities include, but are not limited to, blending, aging, storing, bottling, and warehousing operations; tasting facilities; wholesale and retail sales; and administrative functions.
  - 6. **Commercial Kitchen.** A commercial kitchen, as defined in Article 8 (Glossary), shall be accessory to the winery, tasting room, and any other authorized accessory use.
  - 7. **Museum.** Agriculture-related museums shall be accessory to a winery and tasting room and shall primarily display items from California's agricultural history.
  - 8. **Picnic Areas.** Picnic areas shall be subordinate to the winery and tasting room.

9. **Retail Sales.** Retail sales of merchandise, art, and prepackaged food items shall only be allowed within the tasting facilities and shall not be located in a separate structure. The sale of prepackaged food items shall comply with the California Health and Safety Code and be permitted by Environmental Management. Sale of non-wine merchandise shall be subordinate to the wine sales.
10. **Catering.** As defined in Article 8 (Glossary), use of an on-site commercial kitchen for catering off-site events may be allowed by Conditional Use Permit and only when the catering use is found to be subordinate to the winery's wine sales.

**F. Special Provisions.**

1. **Use Compatibility Limitations.** Proposed winery facilities that are not located within an Agricultural District and that have property lines adjacent to a lot with a noncompatible zone designation shall require a Conditional Use Permit. For purposes of this Subsection, noncompatible shall be RM, R1, R20K, R1A, R2A and R3A. The use compatibility determination will be made prior to issuance of a building permit for a winery building. Subsequent expansion of the facility's structures or uses will require additional use compatibility determinations.

**G. Development Standards.** These standards are the minimum required for all wineries, accessory uses, and structures listed in Subsection E (Winery Uses) above. Additional requirements may be added through the discretionary permitting process, if applicable.

1. **Commercial Vineyard.** Should the minimum acreage of wine grapes cease to exist or be properly maintained, as determined by the Agricultural Commissioner, the right to operate the winery and all accessory uses shall immediately cease until such time as the required five acres of wine grapes are re-established to the satisfaction of the Agricultural Commissioner. A determination by the Agricultural Commissioner may be appealed to the Ag Commission whose decision shall be final.
2. **Setbacks.** The following minimum setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas:
  - a. Adjacent to non-residential zones: 50 feet from all property lines.
  - b. Adjacent to residential zones: 200 feet from all property lines.
  - c. The 200 foot setback in 2.b above in this Section may be reduced to no less than 50 feet by a grant of administrative relief in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver).

3. **Signs.** See Chapter 130.16 (Signs).
4. **Parking.** The following parking standards shall apply to wineries, tasting rooms, and accessory uses:
  - a. Permanent parking spaces shall be provided for wineries, tasting rooms, and retail sales areas in compliance with Chapter 130.35 (Parking and Loading).
  - b. Parking surfaces shall be surfaced with a Class 2 aggregate base or equivalent, with appropriate hard-surfacing for designated ADA compliant parking stalls.
  - c. Temporary parking for marketing activities and special events may utilize overflow parking areas that are not surfaced. Limitations on the number of guests may be based on availability of off street parking in compliance with Chapter 130.35 (Parking and Loading). All temporary parking shall be accommodated on-site and shall meet any fire district requirements.
5. **Access Standards.** Access standards shall be as follows:
  - a. Direct access from a non-county maintained road, regardless of whether the road is located on or off-site, shall require the following:
    - (1) **In an Agricultural District.** An Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver), following a recommendation by the Ag Commission.
    - (2) **Not in an Agricultural District.** A Conditional Use Permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits).
  - b. **Road Maintenance.** The winery owner will be required to participate in a private road maintenance entity, annex into a road zone of benefit (ZOB), or otherwise pay a fair share for road maintenance as determined by the review authority.
  - c. **Fire Safe/Code Standards.** Access to a winery open to the public shall meet the minimum access requirements of the applicable fire district, including both on-site and off-site access roads. Exceptions to these standards may be allowed by the fire district, subject to the appeal processes identified in the SRA Fire Safe Regulations.
  - d. **Facilities Not Open to the Public.** A winery that is not open to the public and does not provide on-site sales may be accessed by a non-county maintained road.

**6. Size Limitation.**

- a. The winery, accessory buildings, and accessory uses shall not occupy more than five acres or 50 percent of the gross lot area, whichever is less.
- b. All new wineries and expansions of existing wineries that exceed 10,000 square feet of floor area and are visible from a county maintained road shall require a Design Review Permit in compliance with Section 130.52.030 (Design Review Permit).
- c. Tent structures that exceed 1,200 square feet of floor area and are visible from a county maintained road shall be limited to a 30 day period, three times per calendar year, unless additional time frames are approved by a Temporary or Conditional Use Permit.
- d. The total enclosed square footage of all floors of a winery building shall not exceed the square footage shown in the Table 130.40.400.2 (Allowed Square Footage for Winery Buildings) below. Any winery building or group of winery buildings and accessory buildings exceeding the square footage in Table 130.40.400.2 (Allowed Square Footage for Winery Building) below shall require a Conditional Use Permit. Winery buildings do not include residential buildings, garages, outbuildings, and structures not associated with the winery, such as agricultural buildings.

**Table 130.40.400.2 – Allowed Square Footage for Winery Buildings**

LOT ON WHICH THE WINERY IS LOCATED	MAXIMUM ALLOWABLE WINERY BUILDING SIZE
10 acres to less than 20.0 acres	10,000 square feet
20 acres but less than 40.0 acres	40,000 square feet
40.0 acres and larger	60,000 square feet

**7. Cultural Resource Protection.**

- a. Winery development on a lot identified by the county as being listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets county guidelines.

- b. Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.
  
- 8. **Outdoor Amplified Music.** All events featuring outdoor amplified music or amplified speech shall comply with Chapter 130.37 (Noise Standards). For any events occurring between 7pm and 10pm, a noise analysis shall be submitted to the Department demonstrating that the noise standards will not be exceeded. No outdoor music will be allowed after 10 p.m.
  
- 9. **Wine Caves.** The use of subterranean space for winery facilities in natural or manmade caves shall be in compliance with all applicable building and fire codes, and permit requirements.
  
- H. **Micro-Wineries and Small Vineyards.** Wineries that do not meet the minimum acreage requirement for a commercial vineyard, as defined under Subsection C (Definitions), or the minimum lot size under Table 130.40.400.1 (Wineries Allowed Uses Matrix) below, shall be allowed in compliance with Table 130.40.400.3 (Micro-Winery and Small Vineyards Use Matrix) below, subject to the following requirements in this Subsection:

**Table 130.40.400.3 – Micro-Winery and Small Vineyards Use Matrix**

USE	PA & AG 10+ Acres; In Ag District	LA, PA, AG, RL, & RE 5+ Acres; In/Out of Ag District
Small Vineyard Winery	CUP	—
Micro-Winery	—	CUP

- 1. **Small Vineyard Winery Standards.** Wineries with a minimum of one to less than five acres of a planted wine-making crop (wine grapes or other fruit) shall be allowed in compliance with the following provisions and Subsection H.3 (General Standards) below in this Section:
  - a. The only accessory use allowed shall be a distillery; and
  - b. At least 75 percent of the fruit used by the facility shall be grown within El Dorado County.
  
- 2. **Micro-Winery Standards.** Micro-wineries shall be allowed in compliance with the following provisions and Subsection H.3 (General Standards) below in this Section:
  - a. All micro-wineries shall have a minimum of one acre of planted wine grapes on the same lot;

- b. The capacity of the micro-winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot, with a total capacity not to exceed 1,250 cases (2,972 gallons). Lots zoned PA may exceed these amounts in compliance with the Conditional Use Permit if:
    - (1) The lot is within an Agricultural District, and
    - (2) The Ag Commission finds that the land is not capable of supporting five acres of vineyard and potential on-site agricultural land is not being precluded from future agricultural production;
  - c. No other accessory uses described in this Section are allowed on the site.
  - d. On-site signs are limited to one, single-faced, non-illuminated sign advertising the name of the winery and owner, and stating "Not Open to the Public". The sign face shall measure a maximum of six square feet in area and shall stand no higher than six feet from natural grade, as measured directly below the sign; and
  - e. The total enclosed floor area(s) of the micro-winery shall measure no greater than 2,000 square feet.
- 3. General Standards.** The following standards shall apply to both small vineyard wineries and micro-wineries:
- a. One acre shall mean a planting of wine grapes spanning an area of at least 43,560 square feet and consisting of a minimum of 440 grape vines;
  - b. The wine grapes or fruit crop shall be properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum acreage cease, as determined by the Agricultural Commissioner, the right to operate the winery becomes void;
  - c. Wine sales shall be conducted off-site or by internet, mail order, telephone, facsimile, or similar means, only. No on-site sales, tasting, or public access shall be allowed either directly or by appointment;
  - d. Compliance with all applicable local, State, and federal laws shall be verified prior to operation. At a minimum, the following shall be required:
    - (1) Fire district review of the facility for consistency with the fire code;
    - (2) Waste Discharge Permit or Waiver of Discharge Permit from Regional Water Quality Control Board;
    - (3) Winegrower license from the ABC;

- (4) Bonding through the Alcohol and Tobacco Tax and Trade Bureau; and
- (5) Building permit, subject to review and approval of Development Services and Environmental Management.

**I. Uses Requiring an Administrative Permit or a Minor Use Permit.** Uses allowed by Administrative Permit or Minor Use permit as shown in Table 130.40.400.1 (Wineries Allowed Uses Matrix) shall comply with Section 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) and the following:

- 1. The use is incidental and accessory to the winery:
- 2. A commercial kitchen established for a winery may be used for preparation of food served on-site or off-site or may be leased as a catering facility under an administrative permit. The administrative permit shall verify that all approvals from applicable agencies including, but not limited to El Dorado County Environmental Management Department, California Department of Public Health, and California Department of Food and Agriculture have been obtained.