Title 8

LAND DEVELOPMENT AND ZONING

Chapters:

Chapter 1

LAND DEVELOPMENT

Sections:

Article 1. Title and Purpose

Sec. 8-1.101. Title.

This chapter shall be known as, and may be cited as, the "Land Development Regulations of the County". (§ 1.00, Ord. 546)

Sec. 8-1.102. Purpose.

The purpose of this chapter shall be the establishment of the following principles in the interests of protecting the health, safety, and general welfare of the people of the County:

(a) Effectuating the objectives established for the development of the County in the Master Plan of the County. In all respects a proposed subdivision, street plan, or land division shall be considered in relation to the Master Plan of the County;

(b) Providing for the creation of reasonable building sites;

(c) Providing for the construction and installation of streets, roads, alleys, highways, public utilities, and other facilities;

(d) Providing for adequate street alignment and means of ingress and egress to property;

(e) Controlling the division of land which is subject to inundation or other detrimental influences which make land unsuitable for many uses;

(f) Providing for planned development subdivisions; and

(g) Providing rules and regulations governing the contents of tentative and final subdivision maps, land division plats, and street dedication maps, the filing thereof, and other matters related thereto. (§ 1.10, Ord. 546)

Article 2. Advisory Agency

Sec. 8-1.201. Advisory Agency.

The Yolo County Planning Commission is hereby designated as the "Advisory Agency" pursuant to the Subdivision Map Act of the State as to all matters relating to the division or subdivision of land. (§ 1.20, Ord. 546, as amended by § 2, Ord. 1303, eff. July 24, 2003)

Sec. 8-1.202. Advisory Agency: Duties.

It shall be the duty of the Advisory Agency to review all parcel maps and tentative subdivision maps, and to take the appropriate action to deny or approve said maps. In granting approval of parcel maps, the Advisory Agency shall make the following minimum findings:

(1) That an environmental review, in accordance with the California Environmental Quality Act (CEQA), was conducted for the proposed map;
(2) That the proposed map is consistent with the Yolo County General Plan;
(3) That the proposed map is consistent with Yolo County Land Development Regulations, and zoning requirements and parcel size minimum standards, as set forth in this Title, Chapter 1 and Chapter 2, et. Seq., including the findings set forth in Section 8-1.457 of this chapter;
(4) That the proposed map complies with the requirements of the Subdivision Map Act of the State (Government Code section 64000 et. seq.); and
(5) That access to a county road is provided to all effected lots and parcels, and that an improved access road is provided or will be constructed, consistent with County Engineering Specifications and Standards. (§ 1.30, Ord. 546, as amended by § 2, Ord. 1303, eff. July 24, 2003)

Sec. 8-1.203. Conditions of approval.

The Advisory Agency may impose reasonable conditions on the approval on maps that are subject to this Article in order to find or insure compliance with the applicable requirements of this chapter or Federal, State, or County laws or regulations and standards, and to provide for the necessary improvements and facilities, and the mitigation of environmental impacts as necessary, and to insure the public health, safety and general welfare. Such conditions shall be expressly stated in writing by the Advisory Agency.. (§ 1.30, Ord. 546 as amended by § 2, Ord. 1303, eff. July 24, 2003)

Sec. 8-1.204. Public notices and hearings.

Meetings of the Advisory Agency shall be duly noticed public hearings and shall give public notices and conduct public hearings, as provided for by Section 8-2.3004 of this Title. Such public hearings shall be open to the public, and any officer, person, applicant or owner interested in any matter before the Committee shall have the privilege of attending any such meeting and making any presentation which may be appropriate.

Such notices shall state that all persons are invited to attend such hearings and present evidence regarding the proposed action. (§ 1.31, Ord. 546, as amended by § 1, Ord. 677, eff. January 10, 1973, as amended by § 2, Ord. 1303, eff. July 24, 2003)

Sec. 8-1.205. Appeals.

Decisions of the Advisory Agency under this article shall take effect, and appeals thereof made and considered, in the manner provided in Article 33 of Chapter 2 of this Title. (§1.32, Ord. 546, as amended by § 2, Ord. 1303, eff. July 24, 2003)

Article 3. Definitions.

Sec. 8-1.301. Scope.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined in this article. (§ 1.40. Ord. 546)

Sec. 8-1.302. Alley.

"Alley" shall mean a way permanently reserved primarily for vehicular access to the rear or side of properties which also abut on a street. (§ 1.40, Ord. 546)

Sec. 8-1.302.1. Applicant.

"Applicant" shall mean an applicant for a building permit to be issued by the County. (§ 1.40, Ord. 546, as amended by § 1, Ord. 613).

Sec. 8-1.303. Arterial.

"Arterial" shall mean a present or future four (4) lane street which provides for through high volume traffic movements between areas or to a city, with intersections at grade and direct access to abutting property subject to necessary control of entrances, exits, and curb use. An arterial street usually connects to a thoroughfare street. (§ 1.40, Ord. 546)

Sec. 8-1.304. Building site.

"Building site" shall mean a parcel of land, exclusive of public streets or alleys, occupied, or intended to be occupied, by a main building or group of such buildings and accessory buildings, together with such open spaces, yards, minimum width, and area, as are required by the zoning regulations (Chapter 2 of this title), and having full frontage on an improved and accepted public street which meets the standards of widths and improvements specified by the County for the street in question, or having either partial frontage on such street or access thereto by a recorded right-of-way or recorded easement, which partial frontage right-of-way or easement and improvements therein are determined by the Commission to be adequate. In subdivided areas a building site shall be any portion of a filed and recorded lot or any combination of contiguous lands, including more than a lot, which meets the area and width requirements of the zoning regulations (Chapter 2 of this title).

As used in this chapter, a building site shall not be restricted to a parcel of land identified on a filed and recorded subdivision by lot number. (§ 1.40, Ord. 546)

Sec. 8-1.305. Chief Building Inspector.

"Chief Building Inspector" shall mean the Chief Building Inspector of the County or his authorized representative. (§ 1.40, Ord. 546)

Sec. 8-1.306. Collector.

"Collector" shall mean a street which provides for traffic movement between arterial and land service streets and access to abutting properties. "Collector" shall include, but not be limited to, the principal entrance streets of residential developments and streets for circulation of traffic within such developments. (§ 1.40, Ord. 546)

Sec. 8-1.307. Commission.

"Commission" shall mean the County Planning Commission. (§ 1.40, Ord. 546).

Sec. 8-1.308. Committee.

"Committee" shall mean the Subdivision Committee of the County. (§ 1.40, Ord. 546)

Sec. 8-1.308.1. County Standards.

"County Standards" shall mean the Yolo County Improvement Standards and Specifications and amendments thereto. (§ 1.40, Ord. 546, as amended by § 2, Ord. 613)

Sec. 8-1.309. Cul-de-sac.

"Cul-de-sac" shall mean a street which connects to other streets only at one end and has provision for a turnaround at its other end. (§ 1.40, Ord. 546)

Sec. 8-1.310. Design.

"Design" shall mean and include street alignment, gradient, and width; the alignment and width of easements; the rights-of-way for drainage sewers and utilities; the size, shape, and area of lots; the uses of land; and the construction and installation of all public improvements. (§ 1.40, Ord. 546)

Sec. 8-1.311. Director of Public Works.

"Director of Public Works" shall mean the Director of the Planning and Public Works Department of the County or their designated representative and shall include the terms County Engineer and County Surveyor. (§ 1.40, Ord. 546, as amended by §3, Ord. 1303, eff. July 24, 2003)

Sec. 8-1.312. Dividing strips.

"Dividing strips" shall mean a separation median or other means of channelization between adjacent or opposing traffic lanes or a separation between the traffic lanes on a thoroughfare or arterial and the parallel frontage

road which provides access to abutting property. (§ 1.40, Ord. 546)

Sec. 8-1.313. Double frontage.

"Double frontage" shall mean a lot having frontage on two (2) parallel or nearly parallel streets and having the rights of access to both streets. (§ 1.40, Ord. 546)

Sec. 8-1.314. Expressway.

"Expressway" shall mean a multilane highway for thorough traffic with full or partial control of access with grade separation at some intersections and major rail crossings. (§ 1.40, Ord. 546)

Sec. 8-1.315. Final map.

"Final map" shall mean a map prepared as a final map in accordance with the provisions of this chapter and the Subdivision Map Act of the State, which may is intended to be placed on record in the office of the County Clerk-Recorder. (§ 1.40, Ord. 546)

Sec. 8-1.316. Freeway.

"Freeway" shall mean a multilane divided highway for through traffic with full control of access and with grade separation at all intersections and rail crossings. (§ 1.40, Ord. 546)

Sec. 8-1.317. Frontage.

"Frontage" shall mean the lot width measured along the property line adjacent to the street right-of-way. On a corner lot the frontage shall be the lesser of two (2) street frontages. (§ 1.40, Ord. 546)

Sec. 8-1.318. Frontage road.

"Frontage road" shall mean a street or road contiguous to, and generally paralleling, a freeway, thoroughfare, expressway, railroad, or through street, which street or road is designed to intercept, collect, and distribute traffic desiring to cross, enter, or leave such facility and to furnish access features. (§ 1.40, Ord. 546)

Sec. 8-1.319. Future street or alley.

"Future street or alley" shall mean any real property which the owner thereof has offered for dedication to the County for street or alley purposes but which has been rejected by the Board, subject to the right of the Board to rescind its action and accept, by resolution at any later date and without further action by the owner, all or part of such property as a public street or alley. (§ 1.40, Ord. 546)

Sec. 8-1.320. Improvements.

"Improvements" shall mean streets, highways, monuments, or any facility, fixture, or object installed or constructed in accordance with the Improvement Standards and Specifications of the County for acceptance or maintenance by the County or other public agencies. (§ 1.40, Ord. 546)

Sec. 8-1.321. Improvement security.

"Improvement security" shall mean a cash deposit, a corporate survey bond, or an instrument of credit covering faithful performance and labor and materials, as set forth in the Subdivision Map Act. (§ 1.40, Ord. 546)

Sec. 8-1.322. Land division.

"Land division" shall mean the creation of any parcel of land having boundaries which are not set forth in any land division plat, parcel map, or final map approved by the County pursuant to the provisions of the Subdivision Map Act or ordinances enacted thereunder by:

(a) Division of a parcel into four (4) or less parcels; or

(b) Division of a parcel into lots or parcels, each of a gross area of forty (40) acres or more, or each of which is a quarter-quarter section or larger. (§ 1.40, Ord. 546, as amended by § 2, Ord. 677, eff. January 10, 1973)

Sec. 8-1.322.1. Land division plat.

"Land division plat" shall mean a map prepared for the purpose of showing the design or layout of a proposed land division, and the existing conditions in and around it, and a general description of any proposed improvement. A land division plat may satisfy the requirements as a tentative map for a parcel map. (§ 3, Ord. 677, eff. January 10, 1973)

Sec. 8-1.323. Land service street,

"Land service street" shall mean a minor street or road primarily for direct access to residential, business, industrial, or other abutting property. A land service street usually connects to a collector or arterial street. (§ 1.40, Ord. 546)

Sec. 8-1.324. Limited access way.

"Limited access way" shall mean a street or highway to which the right of access is restricted to designate places for the purpose of increasing safety and the efficient regulation of traffic. (§ 1.40, Ord. 546)

Sec. 8-1.325. Lot.

"Lot" shall mean a parcel of land intended for transfer of ownership, lease, or building development. (Also see "Building site", Section 8-1.304 of this article.) (§ 1.40, Ord. 546)

Sec. 8-1.326. Lot area.

"Lot area" shall mean the total horizontal area included within the lot lines but excluding any portion of such area which has been dedicated or offered for dedication for a public

street, alley, or pedestrian way. (§ 1.40, Ord. 546)

Sec. 8-1.327. Lot, corner.

"Comer lot" shall mean a lot bounded by streets on two (2) or more adjoining sides where the angle of intersection between the tangents of the two (2) intersecting streets is less than 135 degrees. (§ 1.40, Ord. 546)

Sec. 8-1.328. Lot depth.

"Lot depth" shall mean the horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines. (§ 1.40, Ord. 546)

Sec. 8-1.329. Lot, interior.

"Interior lot" shall mean a lot other than a corner lot. (§ 1.40, Ord. 546)

Sec. 8-1.330. Lot lines.

"Lot lines" shall mean the lines bounding a lot, as defined in Section 8-1.325 of this article. (§ 1.40, Ord. 546)

Sec.8-330.1. Lot line adjustment.

"Lot line adjustment" shall mean an adjustment between at least two (2), but not more than four (4), existing adjacent and contiguous parcels where the land from one parcel(s) is added to an adjacent and contiguous parcel(s), and where a greater number of parcels than originally existed are not thereby created, provided such adjustment is excluded from the Subdivision Map Act of the State by virtue of subsection (d) of Section 66412 of the Government Code of the State. (§4, Ord. 1303, eff. July 24, 2003)

Sec. 8-1.331. Lot width.

"Lot width" shall mean the horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard setback line. Whenever such definition cannot be applied due to irregularity in the shape of the lot, the lot width shall be as determined by the Planning Director, subject to appeal and review by the Commission. (§ 1.40, Ord. 546)

Sec. 8-1.332. Master Plan.

"Master Plan" shall mean the master or general plan of the County, or any element, section, or portion thereof. (§ 1.40, Ord. 546)

Sec. 8-1.332.05 Merger of contiguous parcels.

"Merger of contiguous parcels" (referred to in this chapter as "merger") shall mean the elimination of parcel lines between contiguous parcels under common ownership, without reverting the land in such parcels to acreage, pursuant to the authority set forth in Section 66499.20-3/4 of the Government Code of the State (Subdivision Map Act). (§5, Ord. 1303, eff. July 24, 2003)

Sec. 8-1.332.1. Parcel.

"Parcel" shall mean any land, improved or unimproved, which is comprised of any combination of contiguous lands which are under one ownership according to record in the office of the County Clerk-Recorder. (§ 4, Ord. 677, eff. January 10, 1973)

Sec. 8-1.333. Parcel map.

"Parcel map" shall mean a map for the division of land resulting in four (4) or fewer parcels, prepared and processed in accordance with the provisions for parcel maps as set forth in Section 64000 et. seq. of the Government Code of the State (Subdivision Map Act). (§ 1.40, Ord. 546, as amended by §6, Ord. 1303, effective July 24, 2003)

Sec. 8-1.334. Pedestrian way.

"Pedestrian way" shall mean a way dedicated for public use and designated for use by pedestrians, equestrians, and cyclists and not intended for use as a way for motor-driven vehicular traffic. (§ 1.40, Ord. 546)

Sec. 8-1.335. Planning Director.

"Planning Director" shall mean the Planning Director of the County or his authorized representative. (§ 1.40, Ord. 546)

Sec. 8-1.336. Preliminary plan.

"Preliminary plan" shall mean a sketch plan of a proposed subdivision prepared prior to a tentative map and showing existing conditions and the proposed development thereon. (§ 1.40, Ord. 546)

Sec. 8-1.337. Public Health Director.

"Public Health Director" shall mean the Public Health Director of the County or his authorized representative. (§ 1.40, Ord. 546)

Sec. 8-1.338. Public water system.

"Public water system" shall mean and include the water supply of:

(a) A public water district organized under the laws of the State;

(b) A water company regulated by the Public Utilities Commission of the State; or

(c) Any mutual water company in existence on December 20, 1965. (§ 1.40, Ord. 546)

Sec. 8-1.339. Street.

"Street" shall mean a way for vehicular traffic, whether designated as a street, highway, thoroughfare, road, avenue, boulevard, lane, place, court, circle, drive, or way, which has been dedicated to public use and accepted by the County, or laid out or constructed as such by the

County, or made a public street pursuant to law. "Street" shall not include a private road or alley. (§ 1.40, Ord. 546)

Sec. 8-1.340. Subdivider, developer, and land developer.

"Subdivider", "developer", and "land developer" shall mean a person or his agent who causes land to be divided or developed in accordance with the provisions of this chapter for himself and/or for others. (§ 1.40, Ord. 546)

Sec. 8-1.341. Subdivision.

"Subdivision" shall mean any real property as currently defined in the Subdivision Map Act of the State. (§ 1.40, Ord. 546)

Sec. 8-1.342. Subdivision agreement.

"Subdivision agreement" shall mean a contract between the County and the subdivider, in a form approved by the Board, requiring the subdivider to complete, install, or construct improvements as required by the provisions of this chapter. (§ 1.40, Ord. 546)

Sec. 8-1.343. Subdivision Map Act.

"Subdivision Map Act" shall mean Sections 11500 through 11641 of Chapter 2 of Part 2 of Division 4 of the Business and Professions Code of the State and all amendments or additions thereto. (§ 1.40, Ord. 546)

Sec. 8-1.344. Tentative map.

"Tentative map" shall mean a map for the division of land resulting in five (5) or more parcels, or the adjustment of lot lines involving five (5) or more parcels, prepared for the purpose of showing design or layout, and the existing conditions in and around it, and a general description of the proposed improvements, and shall also include the term "tentative subdivision map.". (§ 1.40, Ord. 546, as amended by §7, Ord. 1303, eff. July 24, 2003)

Sec. 8-1.345. Thoroughfare.

"Thoroughfare" shall mean a street of major importance with four (4) or more present or future lanes generally divided, which street primarily provides for the expeditious movement of large volumes of through traffic between traffic generators, communities, or cities. Such street may have full or partial control of access, and intersections may or may not be at grade. (§ 1.40, Ord. 546)

Sec. 8-1.346. Zoning regulations.

"Zoning regulations" shall mean the zoning regulations of the County (Chapter 2 of this title). (§ 1.40, Ord. 546)

Article 4. Land Divisions*

* Article 4 entitled "Four Lots or Less", consisting of Sections 8-1.401 through 8-1.406, codified from Ordinance No. 546, as amended by Ordinance No. 666, effective May 31, 1972, repealed by Section 5, Ordinance No. 677, effective January 10, 1973.

Sec. 8-1.401. Purpose.

Pursuant to the authority of the Subdivision Map Act of the State, the County finds it necessary and desirable to regulate land division and provide for the waiver of the requirements of a parcel map. Such regulation will encourage the best type of land development within the County, assure adequate access to each proposed building site, assure that the development of land is consistent with the public interests, and generally serve to protect land values for the individual. (§ 6, Ord. 677, eff. January 10, 1973)

Sec. 8-1.402. Land division plats: Filing.

Prior to any land division for the purpose of sale, lease, or financing, whether immediate or future, by the execution of any deed of conveyance, sale, or contract for sale, the land developer or his agent shall submit sixteen (16) copies of a land division plat to the Planning Department for distribution as set forth in Section 8-1.404 of this article. Every land divider shall, at the time of filing a land division plat, pay to the County such fees as are set forth in Article 11 of this chapter.

The time of filing a land division plat shall be fixed as the date when all the maps and information required by the provisions of this article have been filed, checked, and accepted as completed by the Planning Director and the required fees have been paid. If any required data is missing, the Planning Director shall so notify the land divider or his agent within three (3) working days, in which case no filing shall be accepted until all the necessary data is received. (§ 6, Ord. 677, eff. January 10, 1973)

Sec. 8-1.403. Land division plats: Form.

Land division plats shall be accurately drawn to a scale sufficient to show clearly the details of the plan (generally one inch equals fifty (50') feet, 100 feet, or 200 feet) and the essential dimensions related thereto. The survey information may be based on recorded data. The plat shall show the following information:

(a) The boundary lines of the original parcel, with dimensions, based on available survey data, together with a legal description thereof;

(b) The location of all surface and underground structures and improvements with appropriate dimensions;

(c) The names, locations, and widths of all existing and proposed streets affecting the proposed division;

(d) The proposed lot lines, with dimensions, the means of access to, and the area of each proposed lot;

(e) The proposed use of the lots to be created;

(f) Information on the utilities to be used, including the source or method of water supply and sewage disposal;

(g) Improvements and dedications to be made;

(h) Existing and proposed improvements for flood and drainage control;

(i) Any other pertinent information as required by the Planning Director; and

(j) The following certificate signed by the legal owner or his authorized agent:

Date_____

I hereby apply for approval of the division of real property shown on this plat and certify that I am the legal owner (or the authorized agent of the legal owner) of said property and that the information shown hereon is true and correct to the best of my knowledge and belief.

Signed _____

Address _____

If such certificate is signed by an agent of the legal owner, such agent shall submit written authorization from the owner with the plat.

Applications for waivers of the parcel map requirements shall be made by filing with the land division plat a verified petition of the land divider, stating fully the grounds of the application and the facts relied upon by the petitioner to satisfy the provisions of subsection (c) of Section 8-1.405 of this article. (§ 6, Ord. 677, eff. January 10, 1973)

Sec. 8-1.404. Land division plats: Distribution.

Within five (5) working days from the date of filing, copies of the land division plat shall be distributed by the Planning Director to the following departments and agencies for review and report thereon:

(a) The Public Works Department;

(b) The Health Department;

(c) The District Engineer of the Division of Highways of the State, as requested;

(d) The serving public utilities;

(e) The State Water Quality Control Board; and

(f) Other agencies of concern, as requested. (§ 6, Ord. 677, eff. January 10, 1973)

Sec. 8-1.405. Land division plats: Action.

(a) *Review by departments* and *agencies.* Within a period of not more than fifteen (15) days from the receipt of a copy of any land division plat, each individual to whom, or agency or department to which, such copy shall have been transmitted may file a report with the Committee indicating recommendations for approval, conditional approval, or disapproval.

(b) *Review by the Committee.* The Committee shall review the land division plat and the reports of such departments and agencies within twenty-one (21) days after the filing of such plat unless such time has been extended by agreement with the land divider.

The Committee may meet with representatives of other agencies which may be concerned and shall present its report and recommendation to the Commission. If the Committee finds that the design of the land division is in conformity with the provisions of law and of this chapter and satisfies all community needs, the Committee shall recommend approval of the plat and the waiver of the parcel map requirements to the Commission, together with any conditions the Committee deems necessary. If the Committee does not find that the land division complies with the law and meets community needs, it shall recommend to the Commission that the plat be disapproved.

(c) *Review by the Commission.* The Commission shall review the report of the Committee within forty (40) days after the filing of the land division plat, unless such time has been extended by agreement with the land divider. If the Commission is satisfied with the design of the land division and finds that the proposed division of land complies with requirements as to area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of State law and this article and is in conformity with the purpose and intent of the General Plan and Zoning Regulations, the Commission shall approve the plat, waive the requirements for filing a parcel map, and cause a certificate of compliance to be recorded in the office of the County Recorder. If such finding cannot be made, the plat shall either be disapproved or conditionally accepted as a tentative map of a parcel map. (§6, Ord. 677, eff. January 10, 1973)

Sec. 8-1.406. Exceptions.

The provisions of this article shall not apply to the following:

(a) Subdivisions pursuant to the provisions of this chapter;

(b) Divisions requiring the filing of parcel maps;

(c) The leasing of space within buildings or mobile home parks;

(d) Mineral, oil, and gas leases; and

(e) Land dedicated for cemetery purposes pursuant to the provisions of the Health and Safety Code of the State. (§ 6, Ord. 677, eff. January 10, 1973)

Sec. 8-1.407. Mergers.

Pursuant to the authority set forth in Section 66424.2 of the Government Code of the State, mergers of subdivided lots in the unincorporated territory of the County shall be governed by the following provisions:

(a) *Mergers.* If any one of two (2) or more contiguous parcels or units of land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or contiguous units, is held by the same owner or owners and does not conform to the standards for minimum parcel size to permit use or development under the applicable zoning, subdivision, or other laws of the County, and at least one of such contiguous parcels or units is not developed with a building for which a permit has been issued by the County, or which was built prior to the time such permits were required by the County, then such parcels shall be, and hereby are declared to be, merged for the purposes of this chapter and the Subdivision Map Act.

(b) *Divisions* of *merged parcels.* Any division, by any subdivider, of any unit of parcels declared merged by this section for the purposes of sale, lease, or financing shall constitute a "subdivision" for the purposes of this chapter and the Subdivision Map Act and shall require compliance with this chapter and the Subdivision Map Act.

(c) *Notices* of *merged parcels.* Whenever the County obtains knowledge that real property has merged pursuant to this section, the Director of Community Development shall cause to be filed for record with the County Clerk-Recorder a notice of such merger specifying the names of the record owners and particularly describing the real property; provided, however, at least thirty (30) days prior to the recording of such notice, the owner of the parcels or units to be affected by the merger shall be advised in writing by the Director of Community Development of the intention to record the notice and specifying the time, date, and place at which the owner may present evidence to the Commission as to why such notice should not be recorded.

Such good cause shall be limited to either a showing that the owner has applied for, or will within a reasonable time apply for, approval pursuant to this chapter and the Subdivision Map Act of the independent legal existence of the two (2) or more parcels in question, or that the facts referred to in subsection (a) of this section are not applicable to the property in question.

The decision of the Commission may be appealed to the Board pursuant to Article 13 of this chapter. (§ 1, Ord. 906, eff. March 24, 1981)

Article 4.5. Mergers of Parcels and Lot Line Adjustments

Sec. 8-1.451. Purpose.

The purpose of this article is to provide a simplified procedure to enable the removal of previously approved parcel lines and lot line adjustments to be approved by the Director of the Planning and Public Works Department exercising their authority as Zoning Administrator pursuant to Article 32 of Chapter 2, Title 8 of this Code, subject to appeal to the Planning Commission and Board as set forth in Article 33 of Chapter 2 of this title. (§ 1, Ord. 939, eff. November 18, 1982, as amended by §9, Ord. 1303, eff. July 24, 2003, as amended by § 3, Ord. 1312, eff. January 1, 2004)

Sec. 8-1.452. Common ownership.

For purposes of this article, "common ownership" shall exist if the title for all properties proposed for merger is vested in the same individual, individuals, firm, or partnership, and all persons required by the Subdivision Map Act of the State to consent to the recordation of a merger instrument have consented to the merger. The definition of contiguous parcels shall be the same as contiguous units as set forth in Section 66424 of the Government Code of the State (Subdivision Map Act). (§ 1, Ord. 939, eff. November 18, 1982, as amended by § 3, Ord. 1178, eff. April 27, 1995, as amended by §9, Ord. 1303, eff. July 24, 2003, as amended by § 3, Ord. 1312, eff. January 1, 2004)

Sec. 8-1.453. Mergers of parcels authorized.

Pursuant to Section 66499.20-3/4 of the Government Code of the State (Subdivision Map Act), the Zoning Administrator is hereby authorized to approve the merger of contiguous parcels under common ownership as defined in Section 8-1.452 of this article, without a reversion to acreage, upon the findings and utilizing the procedures set forth in this article (§ 1, Ord. 939, eff. November 18, 1982, as amended by § 4, Ord. 1178, eff. April 27, 1995, as amended by §9, Ord. 1303, eff. July 24, 2003, as amended by § 3, Ord. 1312, eff. January 1, 2004)

Sec. 8-1.454. Lot line adjustments authorized.

Pursuant to subsection (d) of Section 66412 of the Government Code of the State (Subdivision Map Act), the Zoning Administrator is hereby authorized to approve lot line adjustments, as defined in Section 8-1.330.1 of this chapter upon the findings and utilizing the procedures set forth in this article. (§ 1, Ord. 939, eff. November 18, 1982, as amended by §9, Ord. 1303, eff. July 24, 2003 as amended by § 3, Ord. 1312, eff. January 1, 2004)

Sec. 8-1.455. Applications for mergers or

lot line adjustments: Contents.

An application for a merger of parcels or a lot line adjustment pursuant to this article shall be accompanied by the following materials:

(a) The application shall be made on a form provided by the Planning and Public Works Department.

(b) No application shall be deemed complete or accepted for filing until the applicant therefore has paid the application fee. The Board hereby is authorized to promulgate such fee by resolution, such fee not to exceed the reasonable cost to process the application.

(c) The application shall include a discussion of the purpose for the proposal, the existing and proposed configurations of the parcels, the existing and any proposed improvements, and map diagrams and legal descriptions prepared by a licensed surveyor or civil engineer to illustrate such items with sufficient detail for recordation and to enable the Zoning Administrator to determine whether the findings required by this article are satisfied by the proposal.

(d) The application shall include a preliminary title report, or deeds as necessary, covering all affected parcels.

(e) Applications for lot line adjustments involving 2 or more parcel owners shall also be accompanied by a deed or deeds as necessary to convey the land subject to the lot line adjustment and to complete the transaction. .

(f) All final deeds, diagrams and legal descriptions shall be in a form suitable for recordation in the office of the County Recorder.

(g) All applications pursuant to this article shall include an application for a certificate of compliance pursuant to Section 66499.35 of the Government Code of the State, with a waiver of any notice or previous opportunity to be heard, such certificate to be issued and recorded upon the approval of the merger or lot line adjustment. Incomplete applications shall not be filed. The Zoning Administrator shall inform the applicant of what is needed to make the application complete. (§ 1, Ord. 939, eff. November 18, 1982, as amended by §9, Ord. 1303, eff. July 24, 2003, as amended by § 3, Ord. 1312, eff. January 1, 2004)

Sec. 8-1.456. Mergers of parcels and lot line adjustments: Findings required.

The Zoning Administrator shall not approve any merger or lot line adjustment pursuant to this article unless all the following findings have been made in the affirmative:

(a) That the application is complete and that all record title holders who are required by the Subdivision Map Act of the State to consent have consented to the proposed merger or lot line adjustment, and that the proposed merger or lot line adjustment is in compliance with said Act;

(b) That the deeds to be utilized in a transaction, if necessary, accurately describe the resulting parcels, and that the merger or lot line adjustment will not result in the abandonment of any street or utility easement of record;

(c) That if the lot line adjustment will result in a transfer of property from one owner to another owner, that the deed to the subsequent owner expressly reserves any street or utility easement of record;

(d) (Repealed by § 5, Ord. 1178, eff. April 27, 1995); and*****That the merger or lot line adjustment will not result in the elimination or reduction in size of an access way to any resulting parcel, or that the application is accompanied by new easements to provide access that meet all the requirements of this Code;

(e) That the merger or lot line adjustment is excluded from the Subdivision Map Act of the State, and has been reviewed pursuant to Section 66412(d) of said Act;

(f) That the merger or lot line adjustment is consistent with the General Plan;

(g) That the merger or lot line adjustment complies with the zoning regulations and parcel size minimum standards as set forth in Chapter 2 of this Title;

(h) That the Zoning Administrator is satisfied that the design of the resulting parcels will comply with the requirements of this Title and provides for water drainage, public road access, water supply sewer system availability, environmental protection, and all other requirements of State laws and this Code; and

(i) That the merger or lot line adjustment will not result in a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et. seq.), and/or is categorically exempt pursuant to CEQA Guidelines Section 15305, as amended. (§ 1, Ord. 939, eff. November 18, 1982, as amended by § 5, Ord. 1178, eff. April 27, 1995, as amended by §9, Ord. 1303, eff. July 24, 2003, as amended by § 3, Ord. 1312, eff. January 1, 2004)

Sec. 8-1.456.5 Conditional approval.

The Zoning Administrator may conditionally approve a merger or lot line adjustment as provided for in Section 66412(d) of the Government Code of the State (Subdivision Map Act), the conditions shall be set forth in writing and delivered to the applicant prior to action being taken on the merger or lot line adjustment. (§ 3, Ord. 1312, eff. January 1, 2004)

Sec. 8-1.457. Certificate of Compliance

If the Zoning Administrator approves a merger or lot line adjustment pursuant to this article, the Zoning Administrator shall waive any requirement for filing a parcel map, and cause a

certificate of compliance to be recorded in the office of the County Recorder along with any legal descriptions, map diagrams, or deeds necessary to complete any transaction. (§ 1, Ord. 939, eff. November 18, 1982 as amended by §9, Ord. 1303, eff. July 24, 2003 as amended by § 3, Ord. 1312, eff. January 1, 2004)

Sec. 8-1.458. Effect of approval of mergers of parcels and lot line adjustments.

Upon the recordation of the certificate of compliance regarding the approval of a merger pursuant to this article, all separate parcels shown on the merger application shall be merged into one parcel for all purposes and shall thereafter be shown as such on the assessment roll.

Upon the recordation of the certificate of compliance regarding the approval of a lot line adjustment pursuant to this article, the previous parcels shall be merged, and the approved resulting parcels shall be created and shall thereafter be shown as such on the assessment roll.. (§ 1, Ord. 939, eff. November 18, 1982 as amended by §9, Ord. 1303, eff. July 24, 2003, as amended by § 3, Ord. 1312, eff. January 1, 2004)

Sec. 8-1.459. Appeals and Reviews.

Prior to any action being taken by the Zoning Administrator on any merger or lot line adjustment, the applicant shall be entitled to have the Planning Commission review and take action on the requested merger or lot line adjustment. The Zoning Administrator may defer action on any merger or lot line adjustment initiated pursuant to this article to the Planning Commission for consideration. Decisions of the Zoning Administrator under this article shall take effect and appeals thereof made and considered in the manner provided for by Section 8-2.3232 of this Chapter. (§ 1, Ord. 939, eff. November 18, 1982 as amended by §9, Ord. 1303, eff. July 24, 2003, as amended by § 3, Ord. 1312, eff. January 1, 2004)

Article 5. Preliminary Plans

Sec. 8-1.501. Submission: Consideration by Committee.

Prior to filing a tentative map, a subdivider may submit to the Planning Department, for consideration by the Committee, information concerning a proposed or contemplated development. The Committee shall consider the preliminary plan in light of the Master Plan, present and future development in the area, and standards in the community. (§ 3.00, Ord. 546)

Sec. 8-1.502. Form.

The preliminary plan shall contain general information describing existing conditions in the vicinity, the proposed development, and the following:

(a) A location map showing the proposal in relation to existing streets, community facilities, special natural features, and other development which would affect the subdivision;

(b) A sketch plan governing the entire area of development with suggested unit breakdown delineated in simple form and generally to scale, showing the general topography, drainage ways, subdivision boundaries, existing zoning, layout of streets and lots, school sites, and other features;

(c) The intended residential, commercial, industrial, recreational, or other land use;

(d) Information concerning sanitary sewers, storm drainage, and other improvements; and

(e) Photographs, aerial photographs, maps, models, or other special information may be submitted to supplement the sketch plan. (§ 3.10, Ord. 546)

Sec. 8-1.503. Action by Committee.

The Committee shall, within thirty (30) days after receipt, advise the subdivider or his agent concerning such preliminary plans. Such advice may be provided in conference or in writing. The Committee shall make recommendations as to any necessary changes or desirable improvements in the preliminary plan and shall refer the subdivider to such other public and private agencies for further consultations as may be desirable. The Committee shall indicate the advisability of reserving suitable areas for park, playground, school, and other public or semipublic uses which shall be required or suggested in the subdivision, suggest desirable improvements in the street pattern and lot arrangement, and advise on any other matters or special problems which may arise. (§ 3.20, Ord. 546)

Article 6. Dedication of Streets

Sec. 8-1.601. Scope.

The procedure set forth in this article provides for the dedication of public streets, or portions thereof, where such dedication does not create a subdivision. (§ 4.00, Ord. 546)

Sec. 8-1.602. Maps: Filing.

The developer or his agent shall file with the Planning Department at least six (6) copies of a map, drawn to scale, showing the proposed street or street extension, together with a description of the proposed street improvements. (§ 4.10, Ord. 546)

Sec. 8-1.603. Maps: Form.

The map shall show the location of the proposed street and enough information about the surrounding conditions to indicate how the proposed street will fit into the neighborhood

street pattern and serve the interests of the general public. If new lots are to be created by the proposed street, such lots shall be indicated. (§ 4.20, Ord. 546)

Sec. 8-1.604. Maps: Review by Committee.

The Committee shall review the street dedication map within twenty-one (21) days after the filing of such map. In the event the street fits into the neighborhood street pattern for the area, the Committee may forward the map to the Commission with a recommendation of approval, with any conditions deemed appropriate.

In the event the proposed street dedication does not fit into the neighborhood street plan, the Committee may advise the applicant of changes which are necessary to warrant a recommendation of approval. (§ 4.30, Ord. 546)

Sec. 8-1.605. Maps: Action by Commission.

The Commission shall consider the street dedication map forwarded by the Committee within thirty (30) days after its filing. The Commission may approve, conditionally approve, or deny the map. (§ 4.40, Ord. 546)

Sec. 8-1.606. Approved maps: Improvements: Deeds.

After approval or conditional approval of the street dedication map, the developer may proceed with the improvements. Such improvements shall conform to the improvement standards and specifications of the County and shall be installed pursuant to the applicable requirements of Article 7 of this chapter and to the satisfaction of the Director of Public Works. The developer shall supply the County with a deed to the street, together with a certificate of title or policy of title insurance issued by a title company authorized by the laws of the State to write the same, showing the names of all persons interested in the land to be dedicated, together with the nature of their respective interests therein. Upon acceptance by the County of the completed improvements, such deed shall be recorded by the Director of Public Works. (§ 4.50, Ord. 546)

Article 7. Design Standards

Sec. 8-1.701. Conformance.

To ensure that land development shall reflect the best interests of the people of the County, all developments pursuant to the provisions of this chapter and all improvements installed in, over, or under any existing or proposed right-of-way, easement, or parcel of real property of the County in satisfaction of a condition of a variance or use permit issued pursuant to the zoning regulations (Chapter 2 of this title), or required by order of the Board made in a proceeding for amending said zoning regulations by changing the boundaries of any zone, or required in connection with the issuance of a building permit, shall conform to the standards of design of this chapter and the County Standards as set forth by resolution of the Board. (§ 6.40, Ord. 546, as amended by §§ 1 and 3, Ord. 617)

Sec. 8-1.702. Streets.

(a) *Master Plan.* If the circulation element of the Master Plan shows any street located so that any portion thereof lies within the proposed land development, such portion shall be shown as a street, or part of a street, within such area in the general location shown on the Master Plan unless an exception is granted pursuant to the provisions of Article 12 of this chapter.

(b) *Standards.* The location, width, and alignment of streets shall conform to the Master Plan and be arranged to produce the most advantageous development of the area in which the development lies. The street pattern shall be designed in accordance with the following standards:

(1) The design and construction of public improvements shall be in accordance with the County Standards as set forth by resolution of the Board.

(2) In all subdivisions, as defined in the Subdivision Map Act of the State, except subdivisions in planned development zones, each parcel of land shall be served by an improved public street.

(3) Where the side, front, or rear lines of any lots abut on a freeway, limited access highway, thoroughfare, or arterial, the subdivider may be required to dedicate to the County all rights of vehicular access to and from such lots across the lot line abutting such freeway, limited access highway, thoroughfare, or arterial.

(4) Streets which are extensions of existing streets shall continue the center lines of the existing streets, as far as practicable, either in the same direction or by adjustment curves.

(5) Streets within a subdivision entering upon opposite sides of any given street shall have their center lines located directly opposite each other if practicable, or such center line shall be offset at least 200 feet for land service streets and at least 250 feet for all other streets within a subdivision.

(6) The center lines of streets shall intersect one another as nearly at right angles as practicable, shall not be excessively curved, and shall conform to any table of requirements or formula for sight distance adopted pursuant to the authority of this chapter.

(7) Where a subdivision adjoins unsubdivided land, adequate or necessary streets in the subdivision shall be extended to such adjacent unsubdivided land to provide access, in the event of its future subdivision, and

in a manner to provide the most advantageous development of the street pattern in the area.

(8) In the event certain streets or alleys in a subdivision are to be reserved for future public use and they have been approved as to location and width, they shall be indicated on the final map and offered for dedication as future streets or future alleys. Certificates providing that the County may accept the offer to dedicate such easements at any time shall be shown on the final map.

(9) Except in unusual circumstances, a cul-de-sac street in a residential subdivision shall have a circular end with a minimum radius of forty-nine (49') feet on the property line and shall not exceed 250 feet in length.

(10) Alleys not less than twenty (20') feet wide may be required in the rear of properties where driveways to the street are not desirable.

(11) Minimum and maximum street grades, minimum radii, sight distances, and minimum length of tangents shall conform to the County Standards. (§ 6.00, Ord. 546)

Sec. 8-1.703. Blocks.

Blocks shall not exceed 1,000 feet in length, except that blocks abutting thoroughfares shall be designed with at least 1,320 feet between intersecting streets. (§ 6.10 A, Ord. 546)

Sec. 8-1.704. Intersections.

Intersections involving one or more streets having a right-of-way width of eighty (80') feet or more, and all intersections in industrial and commercial areas, regardless of street width, shall have rounded corners of not less than a twenty-five (25') foot radius at the property line. All other intersections shall have rounded comers of not less than a twenty (20') foot radius at the property line. Chords may be used in lieu of such required radii. (§ 6.10 B, Ord. 546)

Sec. 8-1.705. Pedestrian ways.

Pedestrian ways at least eight (8') feet in width and paved full width with a minimum of four (4") inch thick concrete may be required:

(a) To connect dead-end streets;

(b) To provide access to parks, schools, shopping centers, or similar activities; or

(c) At other locations where required by the Director of Public Works. (§ 6.10 C, Ord. 546)

Sec. 8-1.706. Easements.

(a) *Storm drainage.* Easements for storm drainage shall be provided as required. In the event the subdivision is traversed by any water course, channel, lake, stream, or creek, the subdivider shall provide rights-of-way or easements for storm drainage purposes, either conforming substantially with the lines of such water course, channel, lake, stream, or creek, or he shall provide necessary rights-of-way, or easements shall be adequate to provide for the necessary maintenance of the channels and incidental structures. In no event shall the width of such easement be less than eight (8') feet.

(b) *Public utilities.* Easements for sewers, water, gas, electricity, and other public utilities shall be provided as required. Unless required by the Director of Public Works, public utility easements adjacent to, and parallel with, public street rights-of-way shall not be permitted when such rights-of-way are available for utility usage under franchise agreements. (§ 6.10 D and E, Ord. 546)

Sec. 8-1.707. Lots.

(a) Minimum lot sizes shall conform to the standards established by the zoning regulations (Chapter 2 of this title) and the requirements of this chapter, whichever are greater.

(b) All lots shall be suitable for the purposes for which they are intended to be sold, leased, rented, or used.

(c) Residential lots abutting a limited access way shall normally have access on a frontage road, collector street, or land service street.

(d) Side lot lines shall be perpendicular or radial to the street upon which the lot faces, as far as practicable.

(e) The maximum depth of a residential lot shall not be greater than three (3) times the width of the lot.

(f) The requirements for commercial, industrial, agricultural, multiple-family, and recreational lots and lots located in planned development zones may vary from the requirements for single-family residential developments and shall conform with all applicable laws of the County.

(g) Lots with double frontage shall be avoided except where further subdivision is anticipated or where special conditions exist and where the Commission deems such an arrangement feasible. (§ 6.20, Ord. 546)

Sec. 8-1.708. Other requirements.

(a) *Water systems.* Where a public sewerage facility is available to the subdivision but a public water supply is not, the Commission may, upon the recommendation of the Director of Public Works, require the installation of a public water system as a condition to the approval of a tentative map.

(b) *Wells and septic tanks.* The construction and maintenance of wells and septic tanks shall meet the applicable standards or laws of the County.

(c) A*reas* for *parks, schools, and other public places.* Where the subdivision is of such a size that the Commission deems it proper, the Commission may require the subdivider to designate suitable areas for parks, playgrounds, schools, and other public building sites which

may be required for the use of the population in the neighborhood or community.

(d) *Preservation* of *natural features*. The Commission may require such measures as will preserve and enhance the scenic values and natural features of the County and the conditions making for excellence of residential, commercial, industrial, agricultural, or recreational development, as the case may be.

(e) *Trees:* Existing trees shall be preserved within any public way wherever, in the opinion of the Commission, such trees are suitably located, healthy, and of desirable variety and where approved grading permits the preservation of such trees. Where required, street trees of an approved type shall be planted in accordance with the County Standards.

(f) *Fire protection facilities.* Fire protection facilities, including water supply, fire hydrants, gated connections, and appurtenances to provide adequate fire protection, shall be furnished in accordance with the standards established by the National Board of Fire Underwriters; provided, however, such requirements may, be modified by the Commission upon recommendation of the fire district of jurisdiction.

The "Standard Schedule for Grading Cities and Towns of the United States with Reference to Their Fire Defense and Physical Conditions", 1956 Edition, as established by the National Board of Fire Underwriters, is hereby adopted and made a part of this chapter for all purposes.

(g) *Traffic barriers.* Permanent type traffic barriers, in accordance with the County Standards, shall be furnished at the dead end of streets adjacent to undeveloped land until such streets are extended onto the adjacent land.

(h) *Street lighting.* Street lighting may be required by the Commission when deemed appropriate.

(i) *Failure to provide* for *facilities.* The failure of the subdivider to make provisions for required streets, highways, schools, drainage, and other planned public facilities, or to conform to the zoning regulations (Chapter 2 of this title) shall be reason to disapprove the tentative map. (§ 6.30, Ord. 546)

Sec. 8-1.709. Soil reports.

(a) *Preliminary soil reports.*

(1) *Submission.* Prior to the submission of the final subdivision map, the developer shall file a preliminary soil report with the Chief Building Inspector.

(2) *Preparation.* Such report shall be prepared by a civil engineer who is registered by the State, and it shall be based upon adequate test borings or excavations in the subdivision.

(3) *Waiver.* The preliminary soil report may be waived if the Chief Building Inspector shall determine that, due to the knowledge of his department as to the soil qualities of the subdivision, no preliminary analysis is necessary.

(4) *Determination.* Such determination shall be in writing and shall be made part of the data accompanying the final map.

(b) *Soil investigation.*

(1) *Investigation.* If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision shall be prepared by a civil engineer who is registered by the State.

(2) *Recommendation.* The soil investigation report shall recommend corrective action which is likely to prevent structural damage to each building proposed to be constructed on the expansive soil.

(3) *Filing.* The report shall be filed with the Chief Building Inspector.

(4) *Approval* of *soil investigation.* The Chief Building Inspector shall approve the soil investigation if he determines that the recommended corrective action is likely to prevent structural damage to each building to be constructed on each lot in a subdivision.

(5) *Appeals.* Appeals from such determinations shall be to the Board of Appeals created by the Uniform Building code (Chapter 1 of Title 7 of this Code) and shall be taken in the manner of other appeals to that Board.

(6) *Building permits*. Subsequent building permits shall be conditioned upon the incorporation of the approved, recommended corrective action in the construction of each building. (§ 6.40, Ord. 546, § 2, Ord. 617)

Sec. 8-1.710. Checking plans and specifications: Inspections of construction.

(a) No improvement shall be installed in, over, or under any existing or proposed right-of-way, easement, or parcel of real property of the County until the plans and specifications therefor have been filed, checked, and approved as set forth in this section.

(b) Such plans and specifications shall be filed with the Director of Public Works and shall be accompanied by the fees required by law.

(c) The time of filing, checking, and approving shall be as follows:

(1) If the improvements are required as a condition to the recordation of a parcel map or final map, the time shall be as set forth in this chapter.

(2) If the improvements are required as a condition of a variance or use permit issued pursuant to the zoning regulations (Chapter 2 of this title), or in connection with the issuance of a building permit, except as otherwise provided, the time shall be prior to the issuance of a building

permit for any building or structure on the parcel for which the variance or use permit is granted.

(3) If the improvements are required by order of the Board made in a proceeding for amending the zoning regulations (Chapter 2 of this title) by changing the boundaries of any zone, the time shall be prior to the adoption of the ordinance changing the zone boundaries.

(d) The construction of all improvements pursuant to such approved plans and specifications shall be under the inspection of the Director of Public Works. (§ 6.60, Ord. 546, § 4, Ord. 617)

Article 8. Tentative Maps

Sec. 8-1.801. Filing: Fees.

Prior to any land division for the purpose of sale, lease, or financing, whether immediate or future, by the execution of any deed of conveyance, sale, or contract for sale, except where otherwise provided by this chapter, the land developer or his agent shall submit sixteen (16) copies of a tentative map to the Planning Department for distribution as set forth in Section 8-1.803 of this article. Every subdivider shall, at the time of filing a tentative map, pay to the County such fees as are set forth in Article 11 of this chapter.

The time of filing a tentative map shall be fixed as the date when all the maps and information required by the provisions of this article have been filed, checked, and accepted as completed by the Planning Director and the required fees have been paid. If any required data is missing, the Planning Director shall so notify the subdivider or his agent within three (3) working days, in which case no filing shall be accepted until all the necessary data is received. (§ 5.00, Ord. 546, as amended by § 7, Ord. 677, eff. January 10, 1973)

Sec. 8-1.802. Form.

The tentative map shall be prepared by a registered civil engineer or licensed land surveyor and shall be drawn to a scale sufficiently large as to show clearly the details of the plan (generally one inch equals fifty (50') feet, 100 feet, or 200 feet) and the essential dimensions related thereto.

(a) The tentative map shall contain the following additional information:

(1) The subdivision number;

(2) The legal and/or other sufficient description of the property to be subdivided to define the location and boundaries of the proposed tract;

(3) The names and addresses of the owner or owners of record, the subdivider, and the engineer or surveyor;

(4) The widths, approximate locations, and identity of all existing or proposed easements, streets, alleys, reserves, and drainage ditches on or adjacent to the proposed subdivision, together with all building and use restrictions applicable thereto;

(5) An indication of adjacent tentative or recorded subdivisions, property lines, or any development which will affect or be affected by the development;

(6) Topographic data shown in sufficient detail and contour lines at sufficient intervals to provide for a proper study of drainage, sewage disposal, lot design, and road locations; the location of existing buildings on or near the proposed subdivision and unusual natural features in the area; and a rough grading plan, together with preliminary soils data, whenever cuts or fills are five (5') feet or more;

(7) The location and general description of proposed public improvements;

(8) The location and width of adjacent existing and proposed streets and highways, as well as possible future street continuations, and an indication of how such development will fit into the neighborhood street plan and the Master Plan of the County;

(9) The proposed street names;

(10) The approximate radii of all curves;

(11) The approximate location of areas subject to inundation or storm water overflow, all areas normally covered by water, and all water courses which are to be preserved and used in the development of the subdivision;

(12) The proposed lot layout and typical lot dimensions;

(13) The existing and proposed uses of the property, with a statement of the respective proportions of the total area and the number of lots represented by each use;

(14) Provisions for the domestic water supply proposed by the subdivider, including the source, the location of existing, proposed, active, or abandoned wells and the future disposition of each well, and information concerning the approximate quantity of water when the source is other than a public water system;

(15) Provisions for sewage disposal and data pertaining to soil percolation rates for all areas not on public sewers to the satisfaction of the Public Health Director;

(16) Provisions for all other utilities, including a list of all firms and/or public districts supplying utility services;

(17) A flow diagram setting forth the manner and direction in which storm runoff will be carried through and away from the subdivision;

(18) Provisions for park and recreation facilities, schools, and other needed public areas;

(19) A statement as to the proposed landscaping and tree planting plan;

(20) The date, north arrow, scale, and gross area of the subdivision; and

(21) The boundary lines of any cities, counties, school districts, and other public districts within the area of the map.

(b) Any material required by the provisions of subsection (a) of this section which cannot be placed legibly and completely on the tentative map shall be submitted in writing with such map. (§ 5.10, Ord. 546)

Sec. 8-1.803. Distribution of copies.

Within five (5) working days from the date of filing, copies of the tentative map shall be distributed by the Planning Director to the following departments and agencies for review and reports thereon:

(a) The Department of Public Works;

(b) The fire district of jurisdiction;

(c) Each school district in which the subdivision is located;

(d) The Health Department;

(e) One copy to each city having an active Planning Commission if the proposed subdivision is within three (3) miles of the city limits of such city;

(f) The Planning Commission of each county whose boundary is within one mile of the proposed subdivision;

(g) The District Engineer of the Division of Highways of the State, as requested;

(h) The serving public utility companies; and

(i) Other agencies which may be concerned, upon request to the Planning Director. (§5.20, Ord. 546)

Sec. 8-1.804. Procedure for approval.

(a) *Review* of *officers and departments.* Within a period of not more than fifteen (15) days from the receipt of a copy of any tentative map, each officer to whom, or department in which, such copy shall have been transmitted may file a report with the Planning Director of his or its approval, conditional approval, recommendations, or disapproval.

(b) *Report* of *the Planning Director.* The Planning Director shall report to the Committee his findings and the reports received from the other agencies concerned.

(c) *Recommendation* of *the Committee.* The Committee shall review the tentative map and the reports of such departments and agencies within twenty-one (21) days after the filing of such map unless such time has been extended by agreement with the subdivider.

The Committee may meet with representatives of other agencies which may be concerned and shall present its report and recommendation to the Commission. If the Committee is satisfied with the design of the division and finds that it is in conformity with the provisions of law and of this chapter and satisfies all community needs, the Committee shall recommend approval of the map to the Commission, together with any conditions the Committee deems necessary. If the Committee is not satisfied with the design of the division, it shall recommend to the Commission that the map be disapproved or approved with indicated changes and conditions.

(d) *Approval, disapproval, or conditional approval by the Commission.* The Commission shall review the report of the Committee within forty (40) days after the filing of the tentative map unless such time has been extended by agreement with the subdivider. If the Commission is satisfied with the design of the division and finds that it is in conformity with the provisions of law and of this chapter and satisfies community needs, the Commission shall approve the map. If the Commission is not satisfied with the design of the division, it shall conditionally approve or disapprove the map within such forty (40) day period. If conditionally approved, the Commission shall designate the changes which shall be required pursuant to the provisions of this chapter before a final map may be filed. If disapproved, the Commission shall indicate the reasons therefor. The failure of the Commission to act within forty (40) days after the tentative map was filed, unless such time has been extended, shall be deemed to be approval of the map as submitted.

Within five (5) working days after having disapproved or approved the map with conditions, the Commission shall report such action in writing to the subdivider or his engineer, including a copy of the tentative map, indicating any conditions of approval. Similarly, a copy of the letter and map shall be sent to the Director of Public Works and a copy of each retained in the files of the Commission for at least three (3) years, after which time such letter and map may be destroyed.

The approval or conditional approval shall be valid for one year, within which time the final map may be presented to the Board for acceptance and recordation, or the parcel map may be recorded. Otherwise, the tentative approval shall expire unless a renewal is requested before such expiration date and is subsequently granted by the Commission.

In the event an approved tentative map is revised and subsequently approved by the Commission, the most recently approved tentative map shall constitute the only recognized tentative map for further action in the consideration of the filing of the final map or parcel map. (§ 5.30, Ord. 546. as amended by § 8, Ord. 677, eff. January 10, 1973)

Article 8A. Vesting Tentative Maps

Sec. 8A-1.801 Citation and authority.

This article is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State (referred to in this article as the Vesting Tentative Map Statute) and may be cited as the "Vesting Tentative Map Law". (§ 1, Ord. 1025, eff. January 9, 1986)

Sec. 8A-1.802. Purpose and intent.

It is the purpose of this article to establish the procedures necessary for the implementation of the Vesting Tentative Map Statute and to supplement the provisions of the Subdivision Map Act and this chapter. Except as otherwise set forth in this article, the provisions of this chapter shall apply to vesting tentative maps.

To accomplish such purpose, the regulations set forth in this article are determined to be necessary for the preservation of the public health, safety, and general welfare and for the promotion of orderly growth and development. (§ 1, Ord. 1025, eff. January 9, 1986)

Sec. 8A-1.803. Consistency.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable Specific Plan or not permitted by the zoning provisions or other applicable provisions of this Code. (§ 1, Ord. 1025, eff. January 9, 1986)

Sec. 8A-1.804. Definitions.

For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a) "Vesting tentative map" shall mean a "tentative map" for a residential subdivision, as defined in this chapter, which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 8A-1.806 of this article and is thereafter processed in accordance with the provisions of this article.

(b) All other definitions set forth in this chapter shall be applicable. (§ 1, Ord. 1025, eff. January 9, 1986)

Sec. 8A-1.805. Application.

(a) This article shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this chapter, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed in accordance with the provisions of this article.

(b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction. (§ 1, Ord. 1025, eff. January 9, 1986)

Sec. 8A-1.806. Filing and processing.

A vesting tentative map shall be filed in the same form, and have the same contents, accompanying data, and reports, and shall be processed in the same manner as set forth in this chapter for a tentative map, except as follows:

(a) At the time a vesting tentative map is tiled, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(b) At the time a vesting tentative map is filed, the subdivider shall also supply the following information:

(1) The land use of the lots;

(2) The square footage of the lot areas;

(3) The building setbacks;

(4) The height of the buildings; and

(5) Sewer, water, storm drain, and road details. (§ 1, Ord. 1025, eff. January 9, 1986)

Sec. 8A-1.807. Fees.

Upon filing a vesting tentative map, the subdivider shall pay the fees required by the County for the filing and processing of a tentative map. (§ 1, Ord. 1025, eff. January 9, 1986)

Sec. 8A-1.808. Expiration.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by this chapter for the expiration of the approval or conditional approval of a tentative map. (§ 1, Ord. 1025, eff. January 9, 1986)

Sec. 8A-1.809. Vesting on approval of vesting tentative maps.

(a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2 of the Government Code of the State.

However, if said Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(b) Notwithstanding subsection (a) of this section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following is determined:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or

(2) The condition or denial is required in order to comply with State or Federal laws.

(c) The rights referred to in this section shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 8A-1.808 of this article. If the final map is approved, such rights shall last for the following periods of time:

(1) An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, such initial time period shall begin for each phase when the final map for such phase is recorded.

(2) The initial time period set forth in subsection (1) of this subsection shall be automatically extended by any time used for processing a completed application for a grading permit or for design or architectural review if such processing exceeds thirty (30) days after the date a complete application is filed.

(3) A subdivider may apply for a one-year extension at any time before the initial time period set forth in subsection (1) of this subsection expires. If the extension is denied, the subdivider may appeal such denial to the Board within fifteen (15) days.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (1) through (3) of this subsection, the rights referred to in this section shall continue until the expiration of such permit or any extension of such permit.

(d) The rights conferred by this section shall be for the time periods set forth in subsection (c) of this section. (§ 1, Ord. 1025, eff. January 9, 1986)

Sec. 8A-1.810. Applications inconsistent with current policies.

Notwithstanding any provision of this article, a property owner or his designee may seek approvals or permits for development which depart from sections of the ordinances, policies, and standards described in subsection (a) of Section 8A-1.809 of this article, and local agencies may grant such approvals or issue such permits to the extent the departures are authorized under applicable laws. (§ 1, Ord. 1025, eff. January 9, 1986)

Article 9. Final Maps and Parcel Maps*

* The title of Article 9, formerly entitled “Final Maps”, amended by Ordinance No. 677, effective January 10, 1973.

Sec. 8-1.901. Authority.

Within one year after the approval or conditional approval of a tentative map by the Commission, unless such time shall have been extended, the subdivider may cause the subdivision to be accurately surveyed and a final map prepared and recorded substantially in conformance with the tentative map, including all required alterations and changes, and conforming in all particulars to the provisions of the Subdivision Map Act and this chapter. (§ 7.00, Ord. 546)

Sec. 8-1.902. Form.

(a) *Materials.* The final map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including affidavits, certificates, and acknowledgments; provided, however, such certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink when recommended by the County Clerk-Recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) *Size and margins.* The size of each sheet shall be eighteen (18”) inches by twenty-six (26”) inches. A margin line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The subdivision number and other designation, all drawings, affidavits, acknowledgments, endorsements, acceptances of dedication, and seals shall be within such margin line. The boundary of a subdivision shall be indicated by a border of light blue ink, approximately one-eighth (1/8”) inch in width, applied to the reverse side of the tracing inside such boundary line and shall not obliterate figures or other data.

(c) *Scale.* The scale of the map shall be one inch equals 100 feet on large areas, and one inch equals fifty (50’) feet or one inch equals (40’) feet on small or irregular areas unless otherwise permitted by the Director of Public Works. Variable scales for a single map, or separate pages of a map, shall not be permitted except to show details. In any event, the map shall show clearly all details of the subdivision with enough sheets to accomplish this end. Whenever practicable, all lots and blocks shall be shown in their entirety on one sheet.

(d) *Titles and descriptions.* Each sheet comprising the map shall contain the following:

(1) A title, consisting of a subdivision number assigned by the Planning Director, conspicuously placed at the top of the sheet. In addition to the official title, a subdivision name may be shown in smaller letters immediately below the official title;

(2) A subtitle, placed below the title and subdivision name, consisting of a general description of the property being subdivided, either by reference to recorded deeds, recorded maps, or plats of a United States survey;

(3) The number of the sheet and the total number of sheets comprising the map;

(4) The date of preparation and the name of the licensed surveyor or registered civil engineer responsible for the preparation of the map;

(5) The north arrow, legend, scale, and notes, and the basis of bearing for survey by reference to recorded deeds or to maps which have been recorded previously or by a reference to the plat of a United States survey, County Surveyor's map, or solar or Polaris observation; and

(6) In the event the property included within the subdivision lies wholly in unincorporated territory, the words "County of Yolo" shall appear in the subdivision title, and if the property lies partly in unincorporated territory and partly within an incorporated city, the words "Within and Adjoining the City of _____" shall appear in the subdivision title.

(e) *Certificates.* The following certificates shall appear on the final map:

(1) A certificate signed and acknowledged by all parties, with such exceptions as provided in the Subdivision Map Act of the State, having any recorded title interest in the land being subdivided, consenting to the preparation and recordation of the map and offering for dedication all parcels shown and intended for public use, subject to any reservation contained in such offer;

(2) Seals required by the provisions of law and this chapter;

(3) As required in the Business and Professions Code of the State, the certificate of either the engineer and his certificate number or the surveyor and his certificate number;

(4) A certificate concerning monument placements;

(5) A certificate for execution by the Director of the Community Development Agency;

(6) A certificate for execution by the Director of Public Works;

(7) A certificate for execution by the County official computing redemptions indicating that there are no liens against the subdivision for applicable taxes or assessments;

(8) A certificate for execution by the Clerk of the Board indicating approval of the map and the action concerning offers of dedication;

(9) A certificate for execution by the County Recorder; and

(10) A certificate for execution by the engineer making the soils report when such report is required by the County.

(f) *Dimensions, bearings, and curve data.* The final map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon. Such information and data shall include the following:

(1) Radii and arc length or chord bearings, the length and central angle for all curves, and such information as may be necessary to determine the location of the centers of the curves;

(2) Reference to the California Coordinate System, Zone 2 and the Final Map shall be prepared with the basis of bearings being the State Plan Coordinate System; and

(3) Any other pertinent data required by the Director of Public Works.

(g) *Streets, lots, easements, and other data.* The final map shall show the following:

(1) The names of all streets as approved by the Commission;

(2) The number of each lot without repetition of numbers in the subdivision;

(3) The designation by letter of any lot or parcel proposed to be used for utility or other special purposes or offered for dedication;

(4) Easements; and

(5) Rights-of-way widths of streets adjoining or adjacent to the subdivision, rights-of-way widths of streets intersecting adjacent streets, and the exact ties to the center line or rights-of-way lines of such intersecting streets with respect to the proposed subdivision.

(h) *Monuments.* The final map shall show clearly and fully the stakes, monuments, or other evidence found on the ground to determine the boundaries of the subdivision. All adjacent lot lines of adjoining subdivisions, or portions thereof, lot and block numbers, tract numbers and names, the section or grant line, township, or other required information shall be shown. Pursuant to the provisions of Section 11566 of the Subdivision Map Act of the State, the subdivider's engineer shall adequately monument the exterior boundary of the land being subdivided prior to the recording of the final map. Monuments shall be installed in accordance with the Improvement Standards and Specifications of the County, and the location and type of such monuments shall be shown by symbol on the map.

(i) *City and County boundary* lines. Where any city or County boundary line crosses or adjoins a subdivision, the location of such boundary line shall be clearly shown in relation to lot lines. (§ 7.10 A through G, Ord. 546, as amended by §§ 20, 22, Ord. 1178, eff. April 27, 1995)

Sec. 8-1.903. Accompanying items.

The following items shall accompany the final map when submitted to the Department of Public Works for checking:

(a) Three (3) contact prints;

(b) Traverses of the subdivision boundaries and of each irregular lot and block therein;

(c) A cash deposit or other guarantee, as provided in Section 8-1.1004 of Article 10 of this chapter, in an amount estimated by the developer's engineer and approved by the

Director of Public Works for the cost of public improvements;

(d) A subdivision agreement signed by the principals of the property to be subdivided;

(e) A statement, or certified copy thereof, from the fire district in which the subdivision is located that such district will serve the subdivision provided subsequent improvements conform to the specifications and requirements of the district and of its governing laws;

(f) A statement, or certified copy thereof, from the agency furnishing the public water supply providing information as to the source and adequacy of the supply, including the notification that such agency will serve the subdivision if subsequent improvements conform to the specifications and requirements of the agency;

(g) A statement, or certified copy thereof, from the district or agency, if any, furnishing sanitary sewage disposal facilities that such district or agency will serve the subdivision if the improvements conform to the specifications and requirements of the district or agency;

(h) A bond guaranteeing special district assessments, if any, as provided in Section 11603 of the Business and Professions Code of the State (Subdivision Map Act);

(i) A statement from the Public Health Director approving the method of sewage disposal if individual sewage disposal systems are to be used;

(j) Complete plans, profiles, details, and specifications of the proposed public improvements, together with design calculations as required by the Director of Public Works;

(k) Drainage fees, if any, and map and plan-checking fees;

(l) A statement from the Chief Building Inspector that the preliminary soils report required by Section 8-1.709 of Article 7 of this chapter has been submitted or that submission has been waived in the manner provided by law, whether a soil investigation has been made of each lot, whether any corrective action was recommended in the course of such soil investigation, and that any such recommended action has been approved in the manner required by law; and

(m) Any other items required by Federal, State, and County laws. (§ 7.10 H, Ord. 546, as amended by § 5, Ord. 617, and § 3, Ord. 666, eff. May 31, 1972)

Sec. 8-1.904. Filing.

The subdivider shall file the final map, together with the items set forth in Section 8-1.903 of this article, with the Director of Public Works for checking. (§ 7.20, Ord. 546)

Sec. 8-1.905. Action by Director of Public Works.

If the Director of Public Works determines that the final map is in substantial conformity with the approved tentative map and the provisions of the Subdivision Map Act of the State and this chapter, he shall so certify on the final map and, within twenty (20) days of submission or resubmission, shall file such map, together with any other materials pertinent thereto, with the Clerk of the Board for presentation to the Board. If the Director of Public Works determines that substantial conformity to the provisions of this chapter and the Subdivision Map Subdivision Map Act of the State or the approved tentative map has not been made, he shall, within twenty (20) days from the date of submission of the final map for approval, advise the subdivider of the changes or additions which shall be made for such purposes and shall afford the subdivider an opportunity to make such changes or additions. (§ 7.20, Ord. 546)

Sec. 8-1.906. Approval.

At the next subsequent meeting of the Board, or within a period of ten (10) days after filing the final map with the Clerk of the Board, the Board shall approve such map if it conforms to all the requirements of the Subdivision Map Act of the State and this chapter.

At the time of approval of the final map, the Board shall accept or reject any or all offers of dedication. As a condition precedent to the acceptance of any streets or easements, the subdivider shall be required to improve such streets or easements or, as an alternative, execute an agreement therefor and comply with the provisions of this chapter in relation thereto and execute any bonds required by the provisions of this chapter.

Upon compliance with the provisions of the Subdivision Map Act of the State and this chapter, the map of the subdivision shall be approved, accepted, and recorded.

If, at the time of approval of the final map, any streets are rejected, the offer of dedication shall be deemed to remain open and shall not be subject to revocation, and the Board may, by resolution at a later date and without further action by the subdivider, rescind its action and accept and open such streets for public use, which acceptance shall be recorded in the office of the County Clerk-Recorder. If a resubdivision map or a map showing reversion to acreage of a tract is subsequently filed for approval, any offers of dedication previously rejected shall be deemed to be terminated upon the approval of the later map by the Board. (§ 7.30, Ord. 546)

Sec. 8-1.907. Approval: Recordation.

Prior to the recordation of the final map by the County Clerk-Recorder, a map filing certificate, issued to or for the benefit of the County Clerk-Recorder, shall be furnished by a

title company operating under the laws of the State, certifying that, as shown by the public records, the parties consenting to the recordation of the map are all of the parties have a record interest in the land subdivided whose signatures are required by the provisions of the Subdivision Map Act of the State. (§ 7.40, Ord. 546).

Sec. 8-1.908. Revocation: Reversions to acreage.

(a) Revocation of a final subdivision map may be made in accordance with the procedure set forth in the Subdivision Map Act provided no lots have been sold within the subdivision and no improvements required by this chapter have been made within two (2) years after the date of recordation. Such request for revocation shall be made to the Committee. The Committee shall review the request and advise the Board within ten (10) working days whether or not a public hearing should be held on the matter.

(b) Reversions to acreage pursuant to the Subdivision Land Exclusion Law shall be subject to Committee review, and the Committee may advise the Board within ten (10) working days whether or not an objection should be filed with the court holding hearings on the matter. If an objection to the proposed reversion is recommended, the Committee shall provide a written statement as to the reasons therefor and recommend whether or not the Board should order representation of the County at the hearings.

(c) Reversions to acreage may be made in accordance with the procedure set forth in the Subdivision Map Act. The reversion to acreage map shall be processed in the same manner set forth for tentative maps in Section 8-1.804 of Article 8 of this chapter; provided, however, the Commission shall hold a public hearing as set forth in Section 11537 of the Business and Professions Code of the State (Subdivision Map Act). After the Commission has acted on the reversion to acreage map, it shall be processed in the same manner set forth for final maps in Sections 8-1.904 through 8-1.907 of this article. (§ 7.50, Ord. 546)

Sec. 8-1.909. Parcel maps: Authorized.

Within one year after the approval or conditional approval of a tentative map or land division plat by the Commission, unless such time shall have been extended, a parcel map may be prepared and recorded after certification as to conformance to the tentative map or land division plat and the provisions of the Subdivision Map Act and this chapter. (§ 10, Ord. 677, eff. January 10, 1973)

Sec. 8-1.910. Parcel maps: Form.

The parcel map shall be drawn to conform to the Subdivision Map Act and as provided for final maps in subsections (a), (b), (c), (d), (f), (g), and (i) of Section 8-1.902 of this article, together with the following certificates:

(a) *County Surveyor's certificate.* This map has been examined this _____ day of _____, 19____ for conformance with the requirements of Section 11575 of the Subdivision Map Act of the State of California.

(Signed)_____
County Surveyor

(b) *Surveyor's certificate.* This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act of the State of California at the request of (name of person authorizing map) on _____, 19____. I hereby certify (that it conforms to the approved tentative map and the conditions of approval thereof; that) all provisions of applicable State laws and local ordinances have been complied with.

(Signed and sealed)_____
L.S. (R.C.E.).No. _____

(c) Recorder's certificate. Filed this _____ day of _____, 19____, at _____. m. in Book _____ of _____ at page _____ at the request of _____.

(Signed)_____
County Recorder

The parcel map shall show clearly and fully the stakes, monuments, or other evidence found on the ground to determine the boundaries of the division, including any set to comply with State laws or the provisions of this chapter. (§ 11, Ord. 677, eff. January 10, 1973)

Sec. 8-1.911. Parcel maps: Filing.

The parcel map, together with the necessary fees and supporting data, shall be filed with the Director of Public Works for checking. If the parcel map is found to be in substantial conformity with the approved tentative map or land division plat and the provisions of the Subdivision Map Act and this chapter, the Director of Public Works shall so certify on the map and, within twenty (20) days after submission, present the map to the County Recorder for filing. (§ 12, Ord. 677, eff. January 10, 1973)

Article 10. Public Improvements

Sec. 8-1.1001. Required.

The developer shall agree to make all required improvements in accordance with the County Standards and to the satisfaction of the Director of Public Works. Such improvements shall be delivered in good condition and shall include, but not be limited to, the following:

(a) Street grading, the installation of curbs and gutters where required, and barriers where required;

(b) Drainage facilities and appurtenances sufficient to protect the development from inundation, flooding, and ponding from storm waters, springs, underground waters, or other surface waters. All drainage installations shall be designed and constructed in accordance with the Improvement Standards and Specifications of the County. Improvements shall not include drainage facilities for the removal of surface and storm waters of local or neighborhood drainage areas for which a drainage fee is required of a developer;

(c) The paving of all streets, pedestrian ways, and alleys as required;

(d) The installation of sidewalks as required;

(e) Provisions for a domestic water system in accordance with the standards of the utility serving the area or the current Improvement Standards and Specifications of the County;

(f) Provisions for sufficient fire hydrants, gated connections, and appurtenances to provide adequate fire protection in accordance with the standards of the fire district serving utility and the provisions of this chapter;

(g) Provisions for public sanitary sewerage facilities, appurtenances, and connections for each lot to the sewer system as approved by the Director of Public Works and such other agencies as may have jurisdiction or individual sewage disposal systems as approved by the Public Health Director;

(h) Street name signs at all street intersections;

(i) Traffic control signs and safety devices as required by the Director of Public Works;

(j) The planting of trees as required;

(k) Fences or walls approved by the Director of Public Works constructed by the developer along all property lines where the Commission determines a condition hazardous to persons or property may exist; and

(l) The installation of a system of monuments as required by the Director of Public Works. (§ 8.00, Ord. 546, as amended by § 4, Ord. 666, eff. May 31, 1972)

Sec. 8-1.1002. Plans, reports, profiles, and certificates.

(a) *Required.* The following improvement plans, prepared under the direction of a registered civil engineer licensed by the State, shall be submitted by the subdivider or developer to the Director of Public Works for approval at the time of submitting the final map pursuant to the provisions of Section 8-1.903 of Article 9 of this chapter:

(1) The plans and specifications for all improvements required by this chapter or by the Director of Public Works, as well as for other improvements proposed to be installed by the developer in, over, or under any street or right-of-way, easement, or parcel of land where improvements are required or proposed;

(2) A grading plan and soils report showing all earth cuts and/or fills of five (5') feet or more;

(3) A certificate of approval of any of the proposed improvements of concern to a water and sanitary or sanitation district within which all or part of the subdivision may lie; and

(4) A report, including any data, profiles, contours, design calculations, and other information which the Director of Public Works shall require, stating that the drainage facilities to be installed to serve the proposed subdivision are in full compliance with the requirements of this chapter and will accomplish drainage in the manner stated.

(b) *Size of sheets.* Plans and profiles and construction details shall be drawn on sheets twenty-four (24") inches by thirty-six (36") inches in size. (§ 8.10, Ord. 546)

Sec. 8-1.1003. Completion.

Concurrently with the acceptance of the final map, the developer shall enter into an agreement with the Board, agreeing to have the public improvements completed within the time specified in the agreement. Such agreement shall provide a clause guaranteeing the workmanship and materials provided in all improvements for a twelve (12) months period after acceptance of the improvements by the Board. Such agreement may provide for an extension of time under specified conditions. The agreement may also provide for the termination of the agreement upon a reversion to acreage or revocation of all or part of the subdivision. The provisions of this section shall not preclude the developer or subdivision owner from entering into a contract with the Board, as authorized by the provisions of Section 11612 of the Business and Professions Code of the State (Subdivision Map Act), to initiate and commence proceedings pursuant to the applicable section of the Improvement Act of 1911 of the State for the formation of a special assessment district, including part or all of the subdivision, to finance and construct designated improvements as required for acceptance of the subdivision. When such assessment district proceedings are used, however, the cost of all engineering performed by the subdivider's engineer, including improvement plan preparation and all other preliminary engineering done by the subdivider's engineer prior to approval of the plans and specifications by the Director of Public Works, shall be paid directly by the subdivider and shall not become a charge against the incidental expenses of the assessment district. All costs incurred by the County in plan-checking and construction inspection and all other charges incurred subsequent to the approval of the plans

shall become a charge on the incidental expenses of the assessment district. The bonds required from contractors for construction under special assessment proceedings shall be acceptable by the County as faithful performance bonds as required by this article. (§ 8.20, Ord. 546, as amended by § 6, Ord. 671)

Sec. 8-1.1004. Completion: Bonds.

To assure that the improvements required by the provisions of this article are satisfactorily completed in accordance with the provisions of this chapter, adequate improvement security shall be furnished by the developer for the cost of the improvements according to the plans and specifications in a sum or amount equal to the estimate approved by the Director of Public Works. A partial release of such improvement security may be made in accordance with the provisions of the Subdivision Map Act of the State.

The improvement security shall be released by the Director of Public Works upon the acceptance of the work or upon the revocation or reversion to acreage of the subdivision and the abandonment of all roads and easements; provided, however, such amount as may be determined by the Director of Public Works to guarantee workmanship and materials shall remain in full force and effect for one year after the acceptance of the improvements. Such amount shall be not less than fifteen (15%) percent of the estimated cost of the public improvements, or Five Hundred and no/100ths ($500.00) Dollars, whichever is greater. (§ 8.30, Ord. 546)

Article 11. Fees

Sec. 8-1.1101. Fees required.

The fees fixed for the checking, filing, and processing of documents, improvement plans, specifications, and maps and for inspecting works of improvements and for materials and control testing services, all within the unincorporated areas of the County, unless elsewhere fixed, restricted, or prohibited by law, statute, or ordinance, shall be as established by resolution of the Board. (§ 1, Ord. 618, as amended by § 1, Ord. 672, eff. September 13, 1972, and § 1, Ord. 895, eff. November 6, 1980)

Sec. 8-1.1102. Tentative maps.

Every subdivider, at the time of filing a tentative map, shall pay to the County a filing fee in the amount established by the Board by resolution. There shall be no charge for lots in excess of 200. Such fees shall be paid at the office of the Planning Department. Where the proposed subdivision is a unit of a large development plan, the fee shall be calculated on the basis of the lots shown within the boundaries of the subdivision unit for which approval is requested. If additional tentative maps covering the same area or revisions to the initial map are filed, no additional fee need be paid during such time as there is an approved tentative map for such property. When additional property or lots are added to a previously filed tentative map, the fee for such added property or lots shall be One and no/100ths ($1.00) Dollar for each lot so added. No refund shall be made of any filing fee for any tentative map, or portion thereof, deleted, withdrawn, abandoned, or disapproved. (§ 1, Ord. 618, as amended by § 2, Ord. 672, eff. September 13, 1972, and § 1, Ord. 945, eff. February 24, 1983)

Sec. 8-1.1102.1. Land division plats.

Every land divider, at the time of filing a land division plat, shall pay to the County a filing fee in the amount established by the Board by resolution. Such fees shall be paid at the office of the Planning Department. No additional fee shall be required for additional plats covering the same area for revisions to the initial map. No refund shall be made of any filing fee for any land division plat withdrawn, abandoned, or disapproved. (§ 13, Ord. 677, eff. January 10, 1973, as amended by § 1, Ord. 945, eff. February 24, 1983)

Sec. 8-1.1103. Final maps and parcel maps.

(§ 1, Ord. 618; repealed by § 2, Ord. 1082, eff. September 22, 1988)

Sec. 8-1.1104. Reversion to acreage maps.

(§ 1, Ord. 618, as amended by § 3, Ord. 672, eff. September 13, 1972; repealed by § 3, Ord. 1082, eff. September 22, 1988)

Sec. 8-1.1105. Map revocations.

(§ 1, Ord. 618; repealed by § 4, Ord. 1082, eff. September 22, 1988)

Sec. 8-1.1106. Records of survey.

The fees for checking, filing, and indexing each record of survey shall be in the amount set forth in Section 27372 of the Government Code of the State. Such fees shall be paid to the Department of Public Works at the time of submission. (§ 1, Ord. 618, as amended by § 4, Ord. 672, eff. September 13, 1972)

Sec. 8-1.1107. Improvement plans, specifications, and inspections.

(§ 1, Ord. 618, as amended by § 5, Ord. 672, eff. September 13, 1972; repealed by § 2, Ord. 895, eff. November 6, 1980)

Sec. 8-1.1108. Street dedication maps.

The fee for processing and filing a street dedication map shall be Ten and no/100ths

($10.00) Dollars. Such fee shall be paid to the Department of Public Works prior to the recordation of such street dedication. (§ 1, Ord. 618)

Sec. 8-1.1109. Road abandonment.
(§ 1, Ord. 618, as amended by § 6, Ord. 672, eff. September 13, 1972; repealed by § 5, Ord. 1082, eff. September 22, 1988)

Sec. 8-1.1110. Street name changes.
(§ 1, Ord. 618; repealed by § 6, Ord. 1082, eff. September 22, 1988)

Sec. 8-1.1111. Appeals.
(a) The fee for filing an appeal pursuant to the provisions of Article 13 of this chapter shall be in the amount established by the Board by resolution. Such fee shall be paid to the Clerk of the Board at the time the appeal is filed.

(b) The fee for filing an appeal pursuant to the provisions of Article 15 of this chapter shall be in the amount established by the Board by resolution. Such fee shall be paid to the Clerk of the Board at the time the appeal is filed. (§ 4, Ord. 613, and § 1, Ord. 618, as amended by § 1, Ord. 945, eff. February 24, 1983)

Article 12. Exceptions

Sec. 8-1.1201. Authority.
The Committee may recommend that the Commission authorize conditional exceptions to any of the requirements and regulations set forth in this chapter. (§ 10.00, Ord. 546)

Sec. 8-1.1202. Petitions.
Applications for exceptions to the provisions of this chapter shall be made by a verified petition of the subdivider or developer, stating fully the grounds of the application and the facts relied upon by the petitioner. (§ 10.00 A, Ord. 546)

Sec. 8-1.1203. Petitions: Filing: Criteria for approval.
Such petition shall be filed with the tentative map of the subdivision or the street dedication map, whichever the case may be. In order for the property referred to in the petition to come within the provisions of this article, the Committee shall find that all the following facts apply with respect to the subject property:

(a) That there are special circumstances or conditions of topography, size, shape, or location affecting such property ;

(b) That the exception recommended is necessary for the preservation and enjoyment of a substantial property right of the petitioner;

(c) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the subject property is situated; and

(d) That the granting of the exception will not adversely affect the Master Plan. (§ 10.00 A, Ord. 546)

Sec. 8-1.1204. Petitions: Report by the Committee.
In recommending the authorization of any exception applied for pursuant to the provisions of this article, the Committee shall prepare a report to the Commission containing all facts and findings in connection therewith. The report shall set forth the exception as recommended and the conditions designated. (§ 10.00 B, Ord. 546)

Sec. 8-1.1205. Petitions: Approval by the Commission.
Upon receipt of the report provided for in Section 8-1.1204 of this article, the Commission may approve the tentative map with the exceptions and conditions recommended by the Committee. (§ 10.00 B, Ord. 546)

Article 13. Appeals

Sec. 8-1.1301. Filing.
Decisions of the Commission under this chapter shall take effect, and appeals thereof made and considered, in the manner provided in Article 33 of Chapter 2 of this title. (§ 11.00, Ord. 546, as amended by § 8, Ord. 1178, eff. April 27, 1995)

Sec. 8-1.1302. Transmittal of maps and documents to Board.
(§ 11.00, Ord. 546; repealed by § 9, Ord. 1178, eff. April 27, 1995)

Sec. 8-1.1303. Hearings: Notices: Continuances.
(§ 11.00, Ord. 546; repealed by § 9, Ord. 1178, eff. April 27, 1995)

Sec. 8-1.1304. Hearings: Decisions of the Board.
(§ 11.00, Ord. 546; repealed by § 9, Ord. 1178, eff. April 27, 1995)

Article 14. Enforcement: Penalties

Sec. 8-1.1401. Enforcement.
It shall be the duty of the District Attorney to enforce the provisions of this chapter. (§ 12.00, Ord. 546)

Sec. 8-1.1402. Voidability of permits and licenses.
No department, official, or public employee of the County vested with the duty or authority to issue permits or licenses shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the

provisions of the Subdivision Map Act or this article if he finds that the development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of the real property at the time of such violation or whether the applicant therefor is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his interest in such real property.

If any permit or approval for the development of any such real property is made, it may impose such additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property.

Whenever a County employee has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or this article, he shall cause to be filed for record with the recorder of the County in which the real property is located a notice of violation describing the real property in detail, naming the owners thereof, and describing the violation. Such notice, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.

Any permit or approval issued in violation of the provisions of this article shall be null and void. (§ 12.00, Ord. 546, as amended by § 14, Ord. 677, eff. January 10, 1973)

Sec. 8-1.1403. Voidability of conveyances, sales, and contracts.

Any deed of conveyance, sale, or contract to sell made contrary to the provisions of this chapter shall be voidable to the extent and in the same manner as provided in Section 11540 of the Business and Professions Code of the State (Subdivision Map Act). (§ 12.00, Ord. 546)

Sec. 8-1.1404. Violations.

Any violation of the provisions of this chapter shall constitute a misdemeanor and shall be punishable as set forth in Chapter 2 of Title 1 of this Code. (§ 12.00, Ord. 546)

Article 15. Dedications and Improvements: Conditions to Issuance of Building Permits

Sec. 8-1.1501. Dedications and improvements required.

(a) No building, electrical, mechanical, or plumbing permit for any building or structure shall be issued therefor on any lot in any R-3, R-4, C-1, C-2, C-3, C-H, M-L, M-1, M-2, or PD Zone, as set forth in the zoning regulations (Chapter 2 of this title), unless the one-half (1/2) of the highway which is located on the same side of the center of the highway as such lot has been dedicated and improved for the full width of the lot so as to meet County standards for such highway or such dedication and improvement has been assured to the satisfaction of the Director of Public Works and unless drainage fees, if any, have been paid. No building, electrical, mechanical, or plumbing permit for any building or structure shall be issued therefor on any lot in any R-1 or R-2 Zone as set forth in the zoning regulations (Chapter 2 of this title), unless drainage fees, if any, have been paid. As used in this section, the center of the highway shall mean the center of the highway as shown on the Master Plan.

The provisions of this subsection shall not apply to the issuance of permits under any of the following conditions:

(1) That the permit is issued for the purpose of performing alterations made necessary to protect the public health or safety upon the direction of the Chief Building Inspector, Health Officer, or other authorized County representative;

(2) That the permit issued is not related to or does not cause or create a material change in the character, occupancy, or use of the land or building involved;

(3) That the permit issued is not related to or does not cause or create a significant enlargement or expansion of the existing use of the land or the building involved; and

(4) That the permit is issued for the purpose of replacing structures destroyed or damaged by fire, flood, wind, or acts of God. This exemption shall be only to the extent that the replacement or restored building has the same or less square footage as the original structure. If it is significantly larger, or if there is a material change in the character, occupancy, or use of the building, then this exemption shall not apply.

None of the exemptions set forth in subsections (2) or (3) of this section shall apply to permits for alterations, improvements, or construction costing Five Thousand and no/100ths ($5,000.00) Dollars or more. The valuation of such alterations, improvements, or construction shall be based on the latest table of valuation used to determine building permit fees.

(b) The maximum area of land required to be so dedicated shall not exceed twenty-five (25%) percent of the area of any such lot which was of record on September 1, 1969, in the office of the County Clerk-Recorder. In no event shall such dedication reduce the lot below an area or dimension which would produce a nonconforming parcel for its specific zoning. Should such dedication create a substandard yard area or setback for an existing main building, no variance shall be required to permit additions to such structure provided such additions comply with all the other zoning regulations and provided further

such additions do not further reduce such nonconforming yard area or setback.

(c) No such dedication shall be required with respect to those portions of such a lot underlying a main building which was existing on September 1, 1969.

(d) No additional improvements shall be required on such a lot where complete roadway, curb, gutter, and sidewalk improvements exist within the present dedication contiguous thereto.

(e) No building or structure shall be erected on any such lot after September 1, 1969, within the dedication required by the provisions of this section.

(f) Except as otherwise provided in this article, where property is to be developed by the construction of any structure or building, all such structures or buildings shall be set back as required by any applicable law of the County, such setback to be measured from the right-of-way line of the proposed widening or extension of any highway adjacent to such property as shown on the Master Plan or, on any existing or proposed street not shown on the Master Plan, at the width adopted by the Board.

(g) The provisions of this article shall apply to all property used for commercial business purposes which use does not require permanent structures or buildings.

(h) Within thirty (30) days after the receipt of an application for a building permit, together with all required plans and information, the Director of Public Works shall either approve such application or return it to the owner or his agent with the requirements of the Director of Public Works appended thereto.

(i) Where the improvements required by this article have not been completed at the time an application is made for a building permit, except as hereinafter provided, no building permit shall be issued until the applicant shall submit to the Director of Public Works a layout plan for the property, showing all curbs, gutters, sidewalks, and drainage facilities, the location and grade, and all driveway sizes and locations, received the approval of such layout plan by the Director of Public Works, and agreed to the installation and construction of such improvements, in accordance with the approved layout plan, concurrently with the construction of the building for which the building permit is sought and before the issuance of an occupancy permit therefor. The agreement shall indemnify and hold harmless the County from any and all loss, damage, or liability resulting from the applicant's performance or nonperformance of his liabilities under the agreement. The applicant shall obtain and file with the County a good and sufficient improvement security in a sum or amount equal to the estimate of the Director of Public Works of the cost of the required improvement. The security shall be conditioned upon the full and faithful performance by the applicant of the terms and conditions of the agreement.

(j) If the Director of Public Works determines that the character of the surrounding neighborhood, the present development thereof, and the nature of the proposed use does not require the immediate installation and construction of the improvements required by the provisions of this article at the time of the construction of the building or structures authorized by the building permit, the Director of Public Works may waive any or all such improvement requirements or may enter into an agreement with the owner of the property under which the owner shall be required to install such improvements at his own cost and expense at such time as the Director of Public Works may determine that the character of the surrounding neighborhood and the development thereof require the installation of such improvements.

Such agreement shall indemnify and hold harmless the County from any and all loss, damage, or liability resulting from the owner's performance or nonperformance of his liabilities under the agreement. The agreement shall be binding upon the owner and his heirs, assigns, and successors in interest and shall contain the promise of the owner to sign a petition pursuant to the provisions of Chapter 27 of the Streets and Highways Code of the State upon the request of the Director of Public Works to do so. Such agreement shall be filed for record in the office of the County Clerk-Recorder.

At the time of the execution of such agreement the owner shall sign a petition requesting the installation of the improvements required by the provisions of this article pursuant to the provisions of Chapter 27, Part 3, Division 7 of the Streets and Highways Code of the State (commencing with Section 5780), and the Director of Public Works shall be authorized to file such petition whenever the petition, together with other petitions, satisfies the signature requirements of the statute.

When the Director of Public Works requires the installation of such improvements, the owner, or his successor in interest, shall comply with the provisions of this section relating to the approval of the layout plan for such improvements. Under such determination, the Director of Public Works shall give thirty (30) days' notice in writing to the owner of the property to install the required improvements. If the owner of the property refuses or neglects to install the required improvements after such notification, such improvements may be installed by the Department of Public Works, and the cost thereof shall become a lien and charge upon the property. (§ 8.50, Ord. 546, § 3, Ord. 613, as amended by § 5, Ord. 666, eff. May 31, 1972)

Sec. 8-1.1502. Street dedications.

Street dedications shall be made in conformance with the provisions of Article 6 of this chapter. (§ 8.55, Ord. 546, § 3, Ord. 613)

Sec. 8-1.1503. Construction of public improvements: Non-liability for reconstruction.

All public improvements shall be constructed in accordance with the provisions of this chapter and the County Standards.

Once improvements have been constructed pursuant to the provisions of this article in accordance with the plans and grades approved by the Director of Public Works, the property owner shall not be liable for any future reconstruction of such improvements if such reconstruction is necessitated by a change in grade or street widening. (§ 8.60, Ord. 546, § 3, Ord. 613)

Sec. 8-1.1504. Waiver of fees.

(§ 8.65, Ord. 546, § 3, Ord. 613; repealed by § 3, Ord. 895, eff. November 6, 1980)

Sec. 8-1.1505. Issuance of building permits.

When all the dedications and improvements required by the provisions of this article have been completed or have satisfied the requirements of the Director of Public Works, a building permit may be issued. (§ 8.70, Ord. 546, § 3, Ord. 613)

Sec. 8-1.1506. Appeals.

If the property owner or applicant for a building permit is dissatisfied with any determination made by the Director of Public Works pursuant to the provisions of this article, the property owner or applicant may appeal in writing to the Board stating the reasons for his dissatisfaction with the determination of the Director of Public Works. Such appeal shall be made within ten (10) days after the action of the Director of Public Works. The appeal shall be filed with the Clerk of the Board, and the Board shall hear the appeal within fifteen (15) days after the date of filing the appeal. Notice shall be given to the Director of Public Works and the appellant of the date and time of hearing the appeal.

The fee for filing such appeal shall be as set forth in subsection (b) of Section 8-1.1111 of Article 11 of this chapter. (§ 8.75, Ord. 546, § 3, Ord. 613)

Sec. 8-1.1507. Interpretation.

The provisions of this article are enacted for the protection of the public health, safety, and welfare and shall be liberally construed to obtain the beneficial purposes thereof. (§ 5, Ord. 613)

Article 16. Drainage Fees

Sec. 8-1.1601. Fees required.

Upon the conditions set forth in this article, there is hereby required as a condition of the issuance of a building, electrical, mechanical, or plumbing permit in the zones specified in subsection (a) of Section 8-1.1501 of this chapter, or for the approval of a final subdivision map, parcel map, or land division plat, the payment of a fee for the purposes of defraying the actual or estimated costs of the engineering, administration, and construction of planned drainage facilities for the removal of surface or storm waters from local or neighborhood drainage areas. (§ 2, Ord. 666, eff. May 31, 1972)

Sec. 8-1.1602. Drainage plans.

The drainage area and the fee prescribed therefor shall be set forth in a drainage plan, or modification thereof, adopted for a particular drainage area by resolution of the Board; provided, however, no fee for any such area shall be payable unless such drainage plan or modification has been adopted at least thirty (30) days prior to the filing of a tentative map, the submission of a land division plat, or an application for a building, electrical, mechanical, or plumbing permit and provided, further, that the County shall not refuse to issue or accept for filing any such permit, plat, or map solely for the reason that no drainage plan has been adopted. The County shall refuse to issue or accept for filing any such permit, plat, or map as to any parcel of land or lot outside the boundaries of a drainage area unless satisfactory provision is made for the design and construction of storm drainage improvements reasonably related thereto. The drainage plan shall set forth the planned drainage facilities, the boundaries of the drainage area, and an estimate of the total costs of the local drainage facilities required by the plan. Where the drainage plan contemplates the maintenance or operation of the improvements by any then existing public agency other than the County, or a connection to the existing facilities of such agency, the plan shall include a joint exercise of powers agreement executed between such public agency and the County whereby the agency agrees to accept any conveyance of rights-of-way and improvements, agrees to the proposed connection, or agrees to operate and maintain such improvements. The drainage facilities so planned shall be in addition to existing local drainage facilities serving the area at the time of the adoption of the drainage plan for the area. (§ 2, Ord. 666, eff. May 31, 1972)

Sec. 8-1.1603. Drainage plans: Hearings: Notices.

The resolution of the Board adopting a drainage plan, as set forth in Section 8-1.1602 of this article, shall only be adopted after a public hearing, ten (10) days' notice of which shall be given by publication in a newspaper of general circulation pursuant to the provisions of Section 6061 of the Government Code of the State. (§ 2, Ord. 666, eff. May 31, 1972)

Sec. 8-1.1604. Findings.

Such costs, whether actual or estimated, shall be based upon findings by the Board that the subdivision or development of property within the planned local drainage plan will require the construction of the facilities described in the drainage plans and that the fees are fairly apportioned within the local drainage area, either on the basis of benefits conferred on property proposed for subdivision or on the need for local drainage facilities created by the proposed subdivision and the development of other property within the local drainage area. (§ 2, Ord. 666, eff. May 31, 1972)

Sec. 8-1.1605. Limitations on fees.

The aggregate of all the drainage fees paid for any one local drainage area as to any parcel of property proposed for division or the issuance of a building, electrical, mechanical, or plumbing permit within the local drainage area shall not exceed the pro rata share of the amount of the total actual or estimated costs of all the facilities within the local drainage area which would be assessable on such property if such costs were apportioned uniformly on a per acre basis computed on the gross acreage included within the boundaries of the subdivision, land division plat, or parcel for which an application is made for a building permit. (§ 2, Ord. 666, eff. May 31, 1972)

Sec. 8-1.1606. Planned Local Drainage Facilities Funds: Use.

The drainage fees required by the provisions of this article shall be paid into a Planned Local Drainage Facilities Fund. A separate fund shall be established for each local drainage area. Interest upon moneys in each fund shall accrue thereto. Moneys in such funds shall be expended solely for the construction or reimbursement to the County or other person or agency for the construction of local drainage facilities within the planned local drainage area from which the fees comprising the fund were collected, or to reimburse the County or other person or agency for the costs of engineering or administrative services to form a district, if required, and to design and construct the facilities. (§ 2, Ord. 666, eff. May 31, 1972)

Sec. 8-1.1607. Construction in lieu.

In lieu of payment of a portion or all of the drainage fees provided for in this article, the developer may agree to construct a portion or all of the improvements included in the drainage plan. The agreement shall specify the time for the completion of the improvements and guarantee the workmanship and materials provided in all improvements for a twelve (12) month period after acceptance by the Board. The developer shall furnish improvement security in a sum determined by the Director of Public Works to be adequate to secure the cost of the construction of the improvements according to the plans and specifications forming a part of the agreement. (§ 2, Ord. 666, eff. May 31, 1972)

Sec. 8-1.1608. Offset for rights-of-way designated.

In lieu of the payment of a portion or all of the drainage fees provided for in this article, the Board may offset against such fees the fair market value of the right-of-way dedicated by the developer for the construction of the improvements included in the drainage plan; provided, however, the total amount of the offset shall not exceed the total amount of the drainage fees. (§ 2, Ord. 666, eff. May 31, 1972)

Sec. 8-1.1609. Reimbursement agreements.

In the event a developer is required by the Board to construct the drainage improvements included in the drainage plan, the reasonable cost of which exceeds the drainage fees provided for in this article, and, in the opinion of the Board, the drainage improvements, or a portion thereof, are for the benefit of property other than that developed, the Board may authorize the County to enter into a reimbursement agreement with the developer. The reimbursement agreement shall set forth the terms, conditions, amounts, and time of reimbursement. The reimbursement provisions of such agreement shall not become effective before the acceptance of the drainage improvements for operation and maintenance. The term of such agreement shall not exceed seven (7) years from the date of its execution. The maximum amount of reimbursements paid under such agreement shall not exceed the benefit, in the opinion of the Board, of the drainage improvements to property other than that developed, and reimbursements shall be paid only from the Planned Local Drainage Facilities Fund established for the drainage area for which the drainage facilities were constructed. (§ 2, Ord. 666, eff. May 31, 1972)

Article 17. Yolo County Master Address Numbering System

Sec. 8-1.1701. Purpose.

This chapter is adopted to provide a County-wide comprehensive address numbering system

to enable emergency vehicles from fire, sheriff, and ambulance services to respond quickly to calls and to facilitate postal and other delivery service. A positive identification system that eliminates error and confusion and aids prompt response is deemed to be in the public interest and necessary to protect the public health, general welfare, and safety of the citizens of the County. (Ord. 1072, eff. March 31, 1988)

Sec. 8-1.1702. System description.

The Yolo County Master Address Numbering System shall consist of index lines corresponding to the Township Section Line System within the County. The northwest corner of Section 4, T12N, R5W shall be designated as the point of origin of the Yolo County Master Address Numbering System and is hereby assigned the North-South grid reference number 1000 and the East-West grid reference number 4000. One thousand numbers shall be allocated sequentially for each sectional increment to the east and south from the point of origin. (Ord. 1072, eff. March 31, 1988)

Sec. 8-1.1703. System maps.

The Yolo County Master Address Numbering System shall be delineated on a series of maps at a scale of one (1") inch equals 1,600 feet. The maps shall show the grid index system and the address numbers assigned, Maps at a scale other than one (1") inch equals 1,600 feet may be substituted in areas requiring greater precision or graphic clarity. Copies of said maps shall be kept at the offices of the County Community Development Agency. (Ord. 1072, eff. March 31, 1988)

Sec. 8-1.1704. Administration.

The system shall be implemented within the unincorporated areas of the County by the County Planning Director and supersedes any system used prior to its implementation. Private road sign installation and fee reception shall be accomplished by the County Public Works Director pursuant to the provisions of this chapter. Technical assistance and information shall be mutually exchanged among all County departments as may be required in carrying out the provisions of this chapter. Funds, if any, collected from fees pursuant to this chapter shall be maintained by the Department of Public Works. (Ord. 1072, eff. March 31, 1988)

Sec. 8-1.1705. Assignment of numbers.

(a) The Planning Director shall determine and assign all address numbers to single-family dwellings, duplex residences, properties, and business establishments and issue the same to property owners and occupants without charge in accordance with the provisions of this chapter. A record of all numbers assigned pursuant to this chapter shall be maintained by the Planning Director and open for inspection by the public during business hours.

(b) Multiple units within a residential, industrial, or commercial building or complex shall be identified with a sequential numerical suffix and shall be classified as apartment, suite, unit, or other classification as determined to be appropriate by the Planning Director. There shall be no duplications of identifiers within any building or complex.

(c) An address number for a particular location shall be assigned to the principal access based on the incremental distance between index grid lines as determined by the Planning Director.

(d) Odd numbers shall be assigned to the westerly and northerly sides of all roads and even numbers assigned to the easterly and southerly sides of all roads.

(e) The predominant direction of curvilinear and diagonal roads and applicable index increments shall be determined by the Planning Director. (Ord. 1072, eff. March 31, 1988)

Sec. 8-1.1706. Display of numbers.

(a) Upon receipt of the address number from the Planning Director, the owner of the property or building shall cause the number to be displayed upon the building or land in such a manner as to be visible from the road upon which the land or building fronts, and shall remove or obscure from public view any old or obsolete number not in accordance with the system.

(b) In areas where buildings and/or property front roads where mail delivery is provided, the number and street name shall be displayed upon mailboxes or receptacles designed for receipt of mail.

(c) Where residences and/or properties front upon roads not receiving mail delivery, the number and road name upon which the building and/or property fronts shall be displayed upon mailboxes or receptacles at the intersection of the frontage road and the road where mail delivery is provided.

(d) Where residences and/or property are not clearly visible from the road, access identification other than mailboxes shall be on four (4") inch by four (4") inch wood posts, metal stakes, or equivalent markers elevated at least three (3') feet for clear visibility and rapid directional identification.

(e) Residence and/or building address numbers shall be conspicuous to ensure positive identification and placed at front doors, on lamp posts, near garage doors, at driveway entrances, or other areas of similar proximity and visibility.

(f) All address numbers shall be a minimum height of four (4") inches for residential structures and six (6") inches for commercial structures, of reflective and/or a color contrasting with the surface where placed.

(g) Before final inspection can be completed on new construction, including additions and alterations, the building address and any unit addresses assigned by the Planning Director shall be posted in accordance to minimum standards. (Ord. 1072, eff. March 31, 1988, as amended by § 4, Ord. 1185, eff. January 1, 1996)

Sec. 8-1.1707. Names of roads.

(a) Any County road may be officially named or the official name may be changed by the Board of Supervisors upon petition of sixty (60%) percent of the property owners whose property is serviced by the County road proposed to be affected, upon recommendation by the Planning Director, or upon resolution of intention by the Board of Supervisors. The Board of Supervisors may refer the proposed County road name to the Planning Commission for report and recommendation. The petition, recommendation, or resolution shall be set for hearing and notice posted at a conspicuous place along the County road to be affected. Such posting is to be made at least ten (10) days before the hearing. At the hearing or continued hearing, the Board shall hear and consider all name proposals for such County road, and upon the adoption or change thereof shall make an order in its minutes officially designating the name for said County road. Thereafter, such County road shall be known by the name so designated.

(b) Upon motion of the Board and without any resolution, hearing, or notice, any County road which has not been officially named by the Board of Supervisors shall be named by an order duly made and entered on the minutes of the Board. Thereafter the road shall be known by the name thus designated.

(c) Private road names shall be assigned to every access road that serves four (4) or more dwellings and/or business establishments or combination thereof, except in shopping centers, apartment-type developments, and other multi-use developments as may be determined by the Planning Director. When naming or renaming private roads, the Planning Director shall contact one property owner on the road, access road, or easement to circulate a petition for selecting a name. If within thirty (30) days a new name has not been submitted to the Planning Director, the County shall have the right to select a name or new name for the road, access road, or easement. Any private road within the unincorporated area of the County may be officially named or the existing name be changed by the Board of Supervisors upon petition of sixty (60%) percent of the property owners whose property is serviced by the private road proposed to be affected, upon recommendation by the Planning Director or upon a resolution of intention by the Board of Supervisors. The Board of Supervisors may refer the proposed private road name to the Planning Commission for report and recommendation. The petition shall be set for hearing and notice posted at a conspicuous place along the private road proposed to be affected. Such posting is to be made at least ten (10) days before the hearing. At the hearing or continued hearing, the Board shall hear and consider all name proposals for such private roads, and upon the adoption or change thereof shall make an order in its minutes officially designating the name for the private road. Thereafter such private road shall be known by the name so designated.

(d) Road name selections shall be made on the basis of appropriateness and shall not exceed a length of seventeen (17) letters.

(e) Each road shall be known by the same name for its entire length, and where roads change directions by an angle greater than ninety (90) degrees, each directional segment shall be known by a different name, unless and except for those roads deemed by the Director of Planning as meandering.

(f) An alphabetical list of all City streets and County road names in the County shall be established and known as the Yolo County Master Road Index. The list shall be compiled and maintained by the Planning Director. To provide future road names which are easily understood in verbal and written communications, new road names shall not be approved which have a similar spelling or sound to names in the Yolo County Master Road Index or do not conform to the specifications of this article.

(g) Road naming exceptions may be granted where general naming integrity is otherwise preserved and name confusion is not likely to result. (Ord. 1072, eff. March 31, 1988, as amended by § 1, Ord. 1084, eff. December 1, 1988)

Sec. 8-1.1708. Road signs.

(a) Private road signs shall be identical in design to that of public road signs except the background color shall be brown for private road signs.

(b) The fee for private road signs, including the installation thereof, shall be determined by the Board by resolution. All signs shall be installed by the County Department of Public Works.

(c) Signs shall be required as a condition of approval for all private roads created through the minor subdivision process. A fee as established by the Board of Supervisors by resolution shall be imposed for each sign required. (Ord. 1072, eff. March 31, 1988)

Sec. 8-1.1709. Penalties.

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, failing to

comply with the provisions of this article shall be guilty of an infraction, and upon conviction thereof, shall be punishable by a fine of not more than Three Hundred ($300.00) Dollars. (Ord. 1072, eff. March 31, 1988)

Sec. 8-1.1710. Appeals.

Any individual whose property is affected by the implementation of this article and who is dissatisfied with implementation as it applies to his/her property may submit a written request for hearing by the Planning Commission to the Planning Director. Such request must be received by the Director or postmarked no later than fifteen (15) days after the Director sent the individual notice of the Planning Director's action. The appeal shall be governed by the procedures set forth in Article 2 of Chapter 1 of Title 10 of this Code. (Ord. 1072, eff. March 31, 1988)

Sec. 8-1.1711. Validity.

If any section, subsection, sentence, clause, or phrase of this article is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this article. The Board of Supervisors hereby declares that it would have passed this article and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared invalid. (Ord. 1072, eff. March 31, 1988).

Chapter 2

ZONING

Sections:

Article 1. Title, Adoption, Scope, and Purpose

Article 2. Definitions

Article 1. Title, Adoption, Scope, and Purpose

Sec. 8-2.101. Title.

This chapter shall be known as, and may be cited as, the "Zoning Regulations of the County". In any administrative action taken by any public official pursuant to the authority set forth in this chapter, the use of the term "Zoning Regulations", unless further modified, shall also refer to and mean the provisions of this chapter. (§ 1.02, Ord. 488, effective December 18, 1963)

Sec. 8-2.102. Adoption.

There is hereby adopted a zoning plan for the County, as provided in Chapter 4 of Title 7 of the Government Code of the State. This chapter constitutes a precise plan for the use of land in conformity with the adopted Master Plan and Master Plan standards. (§ 1.01, Ord. 488)

Sec. 8-2.103. Scope.

The provisions of this chapter shall apply to all lands and all owners of lands within all of the unincorporated areas of the County and shall be applicable not only to private persons, agencies, and organizations but also to all public agencies and organizations to the full extent that such provisions may now or hereafter be enforceable in connection with the activities of any such public agency or organization. (§§ 1.01 and 30.01, Ord. 488)

Sec. 8-2.104. Purpose.

The provisions of this chapter are adopted to promote and protect the public health, safety, morals, comfort, convenience, and general welfare, to provide a plan for sound and orderly development, and to ensure social and economic stability within the various zones established by the provisions of this chapter. (§ 2.01, Ord. 488)

Please note article 2 was amended in its entirety by section 2, Ord. 124???, eff.

Article 2. Definitions

Sec. 8-2.201. Scope.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined in this article. (Article 3, Ord. 488)

Sec. 8-2.202. Abutting.

"Abutting" shall mean land having a common property line or separated only by an alley, easement, or private street. (§ 3.001, Ord. 488)

Sec. 8-2.203. Access drive.

"Access drive" shall mean a private driveway connecting a street or alley with a parking or loading area of space and of sufficient width to permit safely the passage of all vehicles, equipment, machinery, trailers, mobile homes, boats, and/or pedestrians, either self-propelled or transported, which may normally or reasonably be expected to seek access to the parking or loading area or space. Whenever the size, location, or use of the parking or loading area is such as to reasonably necessitate the use of such drive by emergency vehicles, the drive shall be of adequate width and design to permit the passage of such emergency vehicles in order to be considered an access drive within the meaning of this chapter. (§ 3.002, Ord. 488)

Sec. 8-2.204. Accessory use.

"Accessory use" shall mean a use lawfully permitted in the zone, which use is incidental to, and subordinate to, the principal use of the site or of a main building on the site and serving a purpose which does not change the character of the principal use, and which is compatible with other principal uses in the same zone and with the purpose of such zone. (§ 3.003, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.204.1 Accessory agricultural support structure.

"Accessory agricultural support structure" shall mean an uninhabited agricultural building or facility that is incidental and accessory to the primary agricultural use of the subject property. Such structures include, but are not limited to, the following: farm offices, barns, roadside stands, greenhouses, and reservoirs. (§2, Ord. 1377, eff. Aug. 28, 2008)

Sec. 8-2.204.3 Accessory housing structure.

"Accessory housing structure" shall mean a residential building that is in addition to the primary residential dwelling on a parcel. Such structures include, but are not limited to, the following: farm labor camps, ancillary dwellings, residential second units (attached or detached), and guest houses. (§2, Ord. 1377, eff. Aug. 28, 2008)

Sec. 8-2.204.5 Accessory non-dwelling building.

"Accessory non-dwelling building" shall mean an uninhabited non-residential building that is incidental and accessory to the primary residential use of the subject property. Such structures include, but are not limited to, the following: detached garages, detached workshops, pool houses or cabanas, game rooms/ exercise studios, artist studios, storage buildings, and storage or shipping containers. (§2, Ord. 1377, eff. Aug. 28, 2008)

Sec. 8-2.204.7 Accessory structure.

"Accessory structure" shall mean a detached subordinate structure or building located on the same parcel as the main building and designed and intended for a use which is subordinate to the use of the main building.

Sec. 8-2.204.8 Accessory structure conversion.

Conversion of an existing accessory structure from a non-habitable and non-work use, such as a garage or storage shed, to a habitable or work use such as a second unit or artist studio.

Sec. 8-2.204.15.5 Wind energy, tower height.

"Wind energy, tower height" shall mean the height above existing grade of the fixed portion of a small or large wind energy system tower, excluding the wind turbine. (§2, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.205. Advertising sign or structure.

(See Section 8-2.2406 of Article 24 of this chapter.) (§ 3.004, Ord. 488, as amended by § 12, Ord. 652, eff. May 5, 1971)

Sec. 8-2.206. Agent of owner.

"Agent of owner" shall mean any person who can show written authorization that he is acting for the property owner. (§ 3.005, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.206.5. "Agribusiness Development Park Area".

"Agribusiness Development Park Area" shall mean a group of individual agricultural commercial, industrial or research users planned and developed as a unit on one or more parcels. (§2, Ord. 1244, eff. February 30, 2000)

Sec. 8-2.207. Agricultural labor camp.
(See "Labor camp, agricultural or farm", Section 8-2.256 of this article.) (§ 3.007, Ord. 488)

Sec. 8-2.208. Agriculture.
"Agriculture" shall mean the use of land for the raising of crops, trees or animals, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses thereto; provided, however, the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. For the purposes of this section, "accessory use" shall mean supply, service, storage, and processing areas and facilities for any other agricultural land. The uses set forth in this section shall not include stockyards, slaughterhouses, hog farms, fertilizer works, or plants for the reduction of animal matter. (§ 3.006, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.208.3. Agricultural Building.
"Agricultural Building" shall mean an uninhabited building used to shelter farm animals, farm implements, supplies, products and/or equipment; and that contains no residential use, is not open to the public, and is incidental and accessory to the principal use of the premise; and may contain processing activities as a direct result of the farming operation of the premises. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.208.4. Agricultural Structure.
"Agricultural Structure" shall mean an uninhabited structure used to shelter farm animals, farm implements, supplies, products and/or equipment; and that contains no residential use, is not open to the public, and is incidental and accessory to the principal use of the premise. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.208.5. Agricultural Research.
"Agricultural Research" shall mean industrial or scientific uses subordinate to, and in support of agriculture, and include product processing plants and agriculturally based laboratories or facilities for the production or research of food, fiber, animal husbandry or medicine, and may include administrative office space in support of the operation. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.209. Alley or Lane.
"Alley" or "lane", except when modified by the word "bowling", shall mean a public or private way, not more than thirty (30') feet wide, affording only secondary means of access to abutting property. (§ 3.008, Ord. 488)

Sec. 8-2.209.3. Ancillary.
"Ancillary" shall mean subordinate to a main or principal use, or that which serves as an aid. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.209.5. Ancillary Dwelling.
"Ancillary Dwelling" shall mean a dwelling unit allowed in addition to the primary or principal dwelling on agriculturally-zoned parcels. (§ 2, Ord. 1244, eff. February 3, 2000, as amended by §2, Ord. 1377, eff. Aug. 28, 2008)

Sec. 8-2.210.1 Animal hospital.
"Animal hospital" shall mean a building wherein the care and treatment of sick or injured dogs, cats, rabbits, birds, and similar small animals are performed. (Also see "Kennel", Section 8-2.254 of this article.) (§ 3.009, Ord. 488, as amended by §2, Ord. 1377, eff. Aug. 28, 2008)

Sec. 8-2.210.3. Antiquated Subdivision.
"Antiquated Subdivision" shall mean all or any portion of a lot which is part of any subdivision for which a map was recorded prior to March 4, 1972. Any lot to be developed within an Antiquated Subdivision which is less than the minimum lot area required within the applicable zone shall either be merged with adjoining lots to meet the minimum lot area or shall comply with all of the following requirements:

(a) The lot shall be served by community sewer and water connections or shall be at least one and one-half (1.5) acres in area; and

(b) The lot shall have a minimum sixty-foot (60') frontage on a County-maintained road or shall be served by a minimum ten-foot (10') wide public utility easement and a twenty-foot (20') wide all-weather surface private vehicular access easement (PVAE) subject to a property owner's road maintenance agreement, approved as to form by the Planning and Public Works Department, ensuring ongoing repair and maintenance of the road; and

(c) The agency responsible for fire protection shall certify that fire protection facilities meet the requirements of the Uniform Fire Code (current adopted edition) for access roads and water supply; and

(d) A "Right-To-Farm Notice" shall be placed on the subject property using a form approved by County Counsel and recorded in a manner to the satisfaction of the Planning and Public Works Director. (1, Ord. 1250, eff. August 24, 2000)

Sec. 8-2.210.5. Appropriate Authority.
"Appropriate Authority" shall mean the Yolo County Board of Supervisors, the Yolo County

Planning Commission, or the Director of Planning and Public Works (or his or her designee). The Director, Director's designee, or Zoning Administrator shall: process Minor Use Permits, Zoning Administration, routine staff and over the counter reviews, building permit, and administrative matters, including Design Review for compliance with established project standards. The Planning Commission shall: review proposed changes to existing Yolo County General Plans, the Zoning Ordinance, Major Use Permits, administer Appeals from the Director, Zoning Administrator, or staff; review Environmental Impact Reports, and establish Design Review Standards for new projects. The Board shall act upon all General Plan Amendments, Re-Zonings, handle all Appeals from any lower administrative body, staff action, permit processing, and matters of public concern. Notwithstanding the provisions of this paragraph, each authority shall also be responsible for other duties as may be elsewhere defined, including those set forth in local, state, and federal laws; regulations; and, guidelines. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.210.7. Appurtenant.

"Appurtenant" shall mean an addition to, an adjunct of, or attached to a more important thing and passing with it upon sale, transfer, or conveyance. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.211. Automobile or trailer sales area.

"Automobile or trailer sales area" shall mean an open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in an operable condition and where no repair work is done. (§ 3.012, Ord. 488)

Sec. 8-2.212. Automobile repair, major.

"Major automobile repair" shall mean the general repair, rebuilding, or reconditioning of engines, including the removal of the same; motor vehicle, truck, or trailer collision services, including body, frame, or fender straightening or repair; and overall painting or paint shops. (§ 3.010, Ord. 488)

Sec. 8-2.213. Automobile repair, minor.

"Minor automobile repair" shall mean upholstering, replacement of parts, and motor service, not including the removal of the motor, to passenger cars and trucks not exceeding one and one-half (1/2) tons' capacity, but not including any operation set forth in the definition of "major automobile repair" (Section 8-2.212 of this article) or any other use similar thereto. (§ 3.011, Ord. 488)

Sec. 8-2.214. Automobile service, gas, or filling station.

"Automobile service, gas, or filling station" shall mean a place which provides for the servicing, washing, and fueling of operating motor vehicles, including minor repairs and the sale of merchandise and supplies incidental thereto. (§ 3.013, Ord. 488)

Sec. 8-2.215. Automobile wrecking.

"Automobile wrecking" shall mean the commercial dismantling or disassembling of used motor vehicles, trailers, tractors, and self-propelling farm or road machinery or the storage, sale, or dumping of the same, when dismantled, partially dismantled, obsolete, or wrecked, or the parts thereof. (§ 3.014, Ord. 488)

Sec. 8-2.215.3 Bar.

A business in which alcoholic beverages are sold for on-site consumption and that is not part of a larger restaurant. A bar includes taverns, pubs, cocktail lounges, microbreweries, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Bars may include entertainment on a stage, such as a live band, comedians, etc. (§3; Ord. 1386, eff. July 2, 2009)

Sec. 8-2.215.5 Bed and Breakfast (B&B).

"Bed and Breakfast" shall mean temporary, night-to-night lodging provided for paying guests in a dwelling, including accessory structures, containing a residential living unit which serves as a residence. Rooms shall be locate din the main residence, with access to each bedroom provided from within the residence, or exterior courtyard or patio. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.216. Beginning of construction.

(Repealed § 2, Ord. 1244, effective February 3, 2000)

Sec. 8-2.217. Boardinghouse.

"Boardinghouse" shall mean a dwelling, or part thereof, where meals and/or lodging are provided for compensation for three (3) or more persons. (§ 3.018, Ord. 488, as amended by § 2, Ord. 1244, effective February 3, 2000)

Sec. 8-2.218. Board of Zoning Adjustment.

"Board of Zoning Adjustment" shall mean the Planning Commission unless otherwise provided by the Board of Supervisors. (§ 3.017, Ord. 488)

Sec. 8-2.219. Building.

"Building" shall mean any structure having a roof, which structure is used, or intended to be used, for the shelter or enclosure of persons, animals, or property. When such structure is divided into separate parts by one or more

unpierced walls extending from the ground or foundation up, each part shall be deemed a separate building, except for minimum side yard requirements. The word "building" shall include the word "structure". (Also see "Structure", Section 8-2.299.13 of this Article.) (§ 3.019, Ord. 488)

Sec. 8-2.220. Building, accessory.

Same as "Accessory Structure." Refer to Section 8-2.204.3 of this Chapter. (§ 3.020, Ord. 488, as amended by §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.221. Building height.

"Building height" shall mean the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof. (§ 3.021, Ord. 488)

Sec. 8-2.222. Building, main.

"Main building" shall mean a building in which is conducted the principal use of the parcel upon which such building is situated. (§ 3.022, Ord. 488, as amended by §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.223. Building, nonconforming.

(§ 3.074, Ord. 488; Repealed § 2, Ord. 1244, effective February 3, 2000)

Sec. 8-2.224. Building site.

(§ 3.023, Ord. 488; Repealed § 2, Ord. 1244, effective February 3, 2000)

Sec. 8-2.225. Child care in home.

"Child care in home" shall mean foster homes and the day care of children when licenses are obtained pursuant to the laws of the State. (Also see "Foster home or day care home", subsections (a) and (b) of Section 8-2.243 of this article.) (§ 3.024, Ord. 488, as amended by § 4, Ord. 488.156, eff. June 13, 1972)

Sec. 8-2.226. Commission.

(§ 3.025, Ord. 488; Repealed § 2, Ord. 1244, effective February 3, 2000)

Sec. 8-2.227. Communication equipment building.

"Communication equipment building" shall mean a building housing electrical and mechanical equipment necessary for the conduct of a public utility communications business, with or without personnel. (§ 3.026, Ord. 488)

Sec. 8-2.228. Conditional use.

"Conditional use" shall mean a principal or accessory use of land or of structures thereon, which use may be essential or desirable to the public convenience or welfare in one or more zones, but which use may also impair the integrity and character of the zone restrictions on the location and extent of the use are imposed and enforced. Such use shall become a principal permitted use or accessory use when all specific additional restrictions are completed and permanently satisfied in conformance with an approved use permit. Should such restrictions be of a continuing nature, the use shall remain conditional so long as the restrictions are complied with but shall become an unlawful use whenever and so long as the restrictions are not complied with. A conditional use shall require a use permit from the appropriate authority. (§ 3.027, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.228.5. Dairy.

"Dairy" shall mean that part, department, establishment or facility concerned with the business of production of milk, butter, or cheese, including the sale or distribution of milk and milk products, from animals. The feeding and care for dairy stock may be by feed lot, pasture or grazing, or any combination thereof, as elsewhere provided for herein. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.229. Department store.

"Department store" shall mean a store or group of shops under unified management selling a variety of merchandise groups, normally including clothing, appliances, hardware, furniture, and similar merchandise. (§ 3.023, Ord. 488)

Sec. 8-2.229.5. Development Agreement.

"Development Agreement" shall mean a contract with one or more private developers that binds both the County and the developer(s) to certain rights and responsibilities pursuant to State Law. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.230. Distance between residential structures.

(§ 3.029, Ord. 488; Repealed § 2, Ord. 1244, effective February 3, 2000)

Sec. 8-2.230.3. Dry land farming.

"Dray land farming" shall mean the practice of crop production without irrigation. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.231. Dwelling.

"Dwelling" shall mean any building, or portion thereof, containing one or more dwelling units designed or used exclusively as a residence or sleeping place for one or more families, but not including a tent, cabin, boat, trailer, mobile home, dormitory, labor camp, hotel, or motel. (§ 3.030, Ord. 488)

Sec. 8-2.232. Dwelling, multiple-family.

"Multiple-family dwelling" shall mean a building, or portion thereof, containing three (3) or more dwelling units, including apartments and flats, but excluding rooming houses, boardinghouses, lodging houses, motels, mobile home parks, hotels, fraternity and sorority houses, and private residence clubs. (§ 3.033, Ord. 488)

Sec. 8-2.233. Dwelling, single-family.

"Single-family dwelling" shall mean a building containing exclusively one dwelling unit. (§ 3.031, Ord. 488)

Sec. 8-2.234. Dwelling, two-family or duplex.

"Two-family or duplex dwelling" shall mean a building containing exclusively two (2) dwelling units under a common roof. (§ 3.032, Ord. 488)

Sec. 8-2.235. Dwelling unit.

"Dwelling unit" shall mean one room or a suite of two (2) or more rooms designed for, intended for, or used by one family, which family lives, sleeps, and cooks therein, and which unit has at least one kitchen or kitchenette. (§ 3.034, Ord. 488)

Sec. 8-2.236. Emergency vehicle.

(§ 3.035, Ord. 488; Repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.237. Essential services.

(§ 3.036, Ord. 488; Repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.238. Expressway.

(§ 3.037, Ord. 488; Repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.239. Family.

(§ 3.038, Ord. 488; Repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.240. Farm dwelling.

"Farm dwelling" shall mean a dwelling for permanent year-round residents of a farm, such as the owner, lessee, foreman, or others whose principal employment is the operation of the farm. (§ 3.039, Ord. 488)

Sec. 8-2.241. Farm labor camp.

(See "Labor camp, agricultural or farm", Section 8-2.256 of this article.) (§ 3.040, Ord. 488)

Sec 8-2.241.5. Farm Office.

"Farm Office" shall mean a private administrative office that is located within an enclosed building and is necessary to and used for the management of an ongoing agricultural operation. (§ 2, Ord. 1244, eff. February 3, 2000, as amended by §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.242. Feed lot or animal feed yard.

(a) "Feed lot" shall mean any premises used principally for the raising or keeping of animals in a concentration of more than 1,000 animal units in a confined feeding area.

(b) "Confined feeding area" shall mean any livestock feeding, handling, or holding operation or feed yard where animals are concentrated in an area:

(1) Which is not normally used for pasture or for growing crops and in which animal wastes may accumulate; or

(2) Where the space per animal unit is less than 600 square feet; or

(3) Dry Lot Feeding, where animals are confined in an enclosed area, and fed carefully mixed, high concentrate feed.

(c) "Feed lot" is not intended to otherwise preclude the raising of animals as part of a general farming and/or livestock operation or as an FFA, 4-H, or other student project in an agricultural zone.

(d) "General farming and/or livestock operation" shall mean one in which the confined feeding of animals is an incidental part of, or complimentary to the total livestock operation. (§ 3.041, Ord. 488, amended by § 1, Ord. 488.159, eff. July 18, 1973, as amended by § 2, Ord. 1244, eff, February 3, 2000)

Sec. 8-2.243. Foster home or day care home.

(§ 3.042, Ord. 488, as amended by § 1, Ord. 488.21, §§ 1, 2, and.3, Ord. 488.156, eff. June 13, 1972, §§ 1, 2, and 3, Ord. 488.167, eff. September 4, 1974, and §§ 1,2, and 3, Ord. 488.180, eff. April 18, 1985, Repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec.8-2.243.5 Wind energy, free air zone.

"Wind energy, free air zone" shall mean that the bottom of the turbine's blades are at least 10 feet above any structure or object that is within 300 feet. (§2, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.244. Freeway.

(§ 3.043, Ord. 488, Repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.245. Garage, private.

"Private garage" shall mean an accessory building or portion of a main building designed for the storage of self-propelled passenger vehicles, camping trailers, or boats belonging to the owners or occupants of the site and their guests, or an enclosed area for the same use as a private parking area. (§ 3.044, Ord. 488)

Sec. 8-2.246. Garage, public.

"Public garage" shall mean any building, or portion thereof, or premises, except the premises included in the definition of "private garage", Section 8-2.245 of this article, used for the storage and/or care of self-propelled vehicles, trailers, and boats or where any such vehicles, trailers, and boats are equipped for operation or repair or kept for remuneration and hire. (§ 3.045, Ord. 488)

Sec. 8-2.247. Garage, storage.

"Storage garage" shall mean any structure, or portion thereof, or premises, except the premises included in the definition of "private garage", Section 8-2.245 of this article, used exclusively for the storage, for a remuneration, of self-propelled vehicles, trailers, and boats. (§ 3.046, Ord. 488)

Sec. 8-2.247.5. Greenhouse.

"Greenhouse" shall mean an agricultural structure with transparent or translucent roof and/or wall panels intended for the raising of agricultural plants. Also, a household "Greenhouse" shall mean a residential accessory structure, with transparent or translucent roof and/or wall panels intended for the raising of household plants (§ 2, Ord. 1244, eff. February 3, 2000, as amended by §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.247.7. Grower's Cooperative.

(See "Yolo Store", Section 8-2.299.315 of this Article.) (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.248. Ground coverage.

"Ground coverage" shall mean the percentage of the total lot area which is covered by structures, as defined in Section 8-2.299.13 of this article. (§ 3.047, Ord. 488)

Sec. 8-2.249. Guest house.

"Guest house" shall mean a detached residential structure limited to sleeping and bathing facilities (i.e. no kitchen) that encompasses up to 600 square feet in living area, exclusive at attached garage space. (§ 3.048, Ord. 488, as amended by § 2, Ord. 1244, effective February 3, 2000, as amended by §2, Ord. 1377, effective August 28, 2008)

Sec. 8-2.249.1. Historic landmark and historic district.

"Historic landmark" and "historic district" are objects, buildings, places, vegetation, geology, or archaeological sites designated by the Yolo County Board of Supervisors in accordance with the historic preservation ordinance. (§ 3, Ord. 1080, eff. August 18, 1988)

Sec. 8-2.249.2. Historic resources.

"Historic resources" includes all resources listed on the Yolo County Historic Resources Survey as well as any object, building, structure, site, area, or place which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, natural vegetation, educational, social, political, maritime, religious, aesthetic, ethnic, military or cultural annals of Yolo County.

For the purposes of this section, historic resources shall include as of the date of adoption of this amendment all items listed in the Yolo County Historic Resources Survey Final Inventory that are not within the boundaries of any incorporated city. Thereafter, historic resources shall also include additional items when and as it is determined that they qualify as such based on the definitions described above. (§ 3, Ord. 1080, eff. August 18, 1988)

Sec. 8-2.250. Hog farm.

"Hog farm" shall mean any premises used exclusively for the raising or keeping of three (3) or more hogs raised, fed, or fattened for the purposes of sale and consumption by other than the owner of the site. The term "hog farm" is not intended to otherwise preclude the raising of hogs as part of a general farming operation or as an F.F.A., 4-H, or other student project in an agricultural zone. (§ 3.049, Ord. 488)

Sec. 8-2.251. Home occupation.

"Home occupation" shall mean a use which, as determined by the Commission, is customarily carried on within a dwelling or mobile home by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling or mobile home, and which use:

(a) Is confined completely within the dwelling or mobile home and occupies not more than fifty (50%) percent of the gross area of one floor thereof;

(b) Is operated by the members of the family occupying the dwelling or mobile home;

(c) Produces no evidence of its existence in the external appearance of the dwelling, mobile home, or premises or in the creation of noise, odors, smoke, or other nuisances to a degree greater than that normal for the neighborhood in which such use is located;

(d) Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which such use is located;

(e) Meets the requirements of the Chief Building Inspector and fire district of jurisdiction; and

(f) Requires no additions or extensions to the dwelling or mobile home.

Home occupations shall be permitted in mobile homes only if a use permit is granted and the mobile home is located in a mobile home

park. (§ 3.050, Ord. 488, as amended by § 1, Ord. 488.31)

Sec. 8-2.251.1. Hospital.

"Hospital" shall mean a health facility for the care of persons, other than a facility for the mentally retarded, having a duly constituted governing body with overall administrative and professional responsibility and having an organized medical staff which provides twenty-four (24) hour in-patient care, including, but not limited to, the following basic medical services: medical, emergency medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, dietary services, and/or psychiatric care and treatment, or any combination thereof. "Hospital" shall not include the use of land for residential dwelling units or activities not related to hospital services. (§ 2, Ord. 681.127, eff. June 11, 1987)

Sec. 8-2.252. Hotel.

"Hotel" shall mean any building, or portion thereof, containing living quarters or dwelling units without kitchen facilities and designed for, or intended to be used by, six (6) or more transient guests, but not including motels, mobile home parks, boarding houses, dormitories, or labor camps. (§ 3.051, Ord. 488)

Sec. 8-2.253. Junk yard.

"Junk yard" shall mean the use of more than 200 square feet of area of any parcel, lot, or contiguous lots as a place where imported waste, discarded or salvaged materials, or junk or salvaged materials are disassembled, handled, baled, packed, processed, or stored. "Junk yard" shall include auto wrecking yards, scrap metal yards, wrecking yards, used lumber yards, and places or yards for the storage of salvaged house wrecking and structural steel materials and equipment.

"Junk yard" shall not include such activities when conducted entirely within a completely enclosed building, nor pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, nor the sale of used cars, tractors, farm machinery, housetrailers, or boats in operable condition, nor the salvage of materials incidental to manufacturing or farming operations. (§ 3.052, Ord. 488)

Sec. 8-2.254. Kennel.

"Kennel" shall mean any enclosure, premises, building, structure, lot or area, except where reasonably necessary to support an agricultural use (i.e., to contain herding dogs), where five (5) or more dogs or other small domestic animals, as defined in Title 8, which are not sick or injured and are ten (10) weeks in age or older are boarded for compensation, cared for, trained for compensation, kept for sale, or bred for sale, or ten (10) or more dogs or other small domestic animals that are ten (10) weeks of age or older which are kept and maintained as pets, "rescue" animals, or for any other non-commercial purpose (Also see "Animal hospital," Section 8-2.210 of this article.) (§ 3.053, Ord. 488, as amended by §3, Ord. 1365, eff. December 6, 2007)

Sec. 8-2.255. Kitchen or kitchenette.

"Kitchen" or "kitchenette" shall mean any space used or intended or designed to be used for cooking and preparing food, whether the cooking unit is permanent or temporary and portable. (§ 3.054, Ord. 488)

Sec. 8-2.256. Labor camp, agricultural or farm.

"Agricultural or farm labor camp" shall mean any living quarters, dwelling, boardinghouse, tent, bunkhouse, mobile home, or other housing accommodation maintained in connection with any work or place where work is being performed and the premises upon which such accommodations are situated, and/or the areas set aside and provided for the camping of six (6) or more employees by a labor contractor. "Labor camp" shall also mean a labor supply camp. "Labor supply camp" shall mean any place, area, or piece of land where a person engages in the business of providing sleeping places or camping grounds for five (5) or more employees or prospective employees of another. (§ 3.055, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.257. Living quarters.

"Living quarters" shall mean one or more rooms in a building designed for, intended for, or used by, one or more individuals for living or sleeping purposes but which does not have cooking facilities. (§ 3.056, Ord. 488)

Sec. 8-2.258. Loading space.

"Loading space" shall mean an off-street area of not less than 250 square feet, which area is a minimum of fourteen (14') feet in height and is suitable and usable for the temporary parking of commercial vehicles while loading or unloading merchandise or materials, which area abuts upon a street or alley or has other appropriate means of access to and from public roads, and which area is on the same lot as the building which the area serves or on a lot contiguous to a building or group of buildings which the site serves. (§ 3.057, Ord. 488)

Sec. 8-2.258.5. Lodge.

"Lodge" shall be a residential structure with rooms for rent or hire, a common lobby, facilities which may include a restaurant, restaurant with

bar, indoor hall, open courtyard areas, reception and assembly area; with access to each guest's bedroom through the common lobby or courtyard; and may include accessory commercial uses incidental to the principal use of the premise. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.259. Lot area.

"Lot area" shall mean the total horizontal area included within lot lines but excluding any portion of such area which has been dedicated for public right-of-way purposes. (§ 3.063, Ord. 488)

Sec. 8-2.260. Lot, building site.

"Building site lot" shall mean a parcel of land, exclusive of public streets or alleys, occupied or intended to be occupied by a main building or group of such buildings and accessory buildings, together with such open spaces, yards, minimum width, and area as required by the provisions of this chapter, and having full frontage on an improved and accepted public street which meets the standards of widths and improvements specified by the County for the street in question, or having either partial frontage on such street or access thereto by a recorded right-of-way or recorded easement, which partial frontage right-of-way or easement, is determined by the Commission to be adequate. In subdivision areas a building site shall be any portion of a filed and recorded lot or any combination of contiguous lands, including more than a lot, which meets the minimum area and width requirements of the zone in which located and which is so shaped that a building having the minimum area, as set forth in the Building Code adopted by the provisions of Chapter 1 of Title 7 of this Code, for the purpose intended for such building could be constructed in compliance with all the yard requirements of such zone.

For the purposes of this chapter, a lot shall not be restricted to a parcel of land identified on a filed and recorded subdivision by lot number. (§ 3.058, Ord. 488)

Sec. 8-2.261. Lot, corner.

"Comer lot" shall mean a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. (§ 3.059, Ord. 488)

Sec. 8-2.262. Lot depth.

"Lot depth" shall mean the total horizontal area included within lot lines, but excluding any portion of such area which has been dedicated for public right-of-way purposes. (§ 3.060, Ord. 488)

Sec. 8-2.263. Lot, interior.

"Interior lot" shall mean a lot other than a corner lot. (§ 3.061, Ord. 488)

Sec. 8-2.264. Lot, key.

"Key lot" shall mean the first lot to the rear of a corner lot, the front line of which key lot is a continuation of the side line of the corner lot (exclusive of any alley) and fronting on the street which intersects or intercepts the street upon which the comer lot fronts. (§ 3.062, Ord. 488)

Sec. 8-2.265. Lot lines.

"Lot lines" shall mean the property lines bounding a lot. The definitions set forth in Sections 8-2.266 through 8-2.268 of this article shall be applicable to lots which are basically square or rectangular in shape. When such definitions are not applicable due to irregularity in the shape of the lot, as would be the case with a triangular or wedge-shaped lot, "lot lines" shall be as determined by the Planning Director, subject to appeal and review by the Commission. (§ 3.064, Ord. 488)

Sec. 8-2.266. Lot line, front.

"Front lot line" shall mean, in the case of an interior lot, the line separating the lot from the street right-of-way and, in the case of a comer lot, the shorter street frontage. (§ 3.065, Ord. 488)

Sec. 8-2.267. Lot line, rear.

"Rear lot line" shall mean the lot line opposite and most distant from the front lot line. (§ 3.066, Ord. 488)

Sec. 8-2.268. Lot line, side.

"Side lot line" shall mean any lot boundary which is not a front or rear yard line. (§ 3.067, Ord. 488)

Sec. 8-2.269. Lot line, side street.

"Side street lot line" shall mean a side lot line separating a lot from a street. (§ 3.068, Ord. 488)

Sec. 8-2.270. Lot width.

"Lot width" shall mean the horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard setback line. Whenever such definition cannot be applied due to irregularity in the shape of the lot, the lot width shall be as determined by the Planning Director, subject to appeal and review by the Commission. (§ 3.069, Ord. 488)

Sec. 8-2.270.1. Minor co-generation facility.

(§ 47, Ord. 488.188, eff. January 2, 1986; Repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.270.2 Major electrical transmission and distribution project.

"Major electrical transmission and distribution project" shall mean a project that includes a network of transmission lines and related towers and similar facilities with a capacity to convey 200 kilovolts (kV) or greater. It shall also include any project that proposes the designation of a transmission corridor zone to accommodate such facilities (§2, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.270.3. Major Use Permit.

"Major Use Permit" shall mean a Conditional Use Permit, issued by the Planning Commission or Board of Supervisors. The review process shall include at least one public hearing, incorporating Site Plan, General Plan, Zoning, and environmental review. A Minor Use Permit may subsequently be issued where, in the opinion of the Zoning Administrator, requested modifications or changed uses to a previously issued Major Use Permit, are not significant, or are covered elsewhere herein. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.270.5. Master Plan.

"Master Plan" shall mean the General Plan of the County. (§ 17, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.270.8. Minor co-generation facility.

"Minor co-generation facility" shall mean a facility which does not involve the generation of more than 500 kilowatts of electricity per day and does not create secondary uses on the site. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.270.9. Minor Use Permit.

"Minor Use Permit" shall mean a Conditional Use Permit, issued by the Zoning Administrator, Planning Director, or Director of Planning and Public Works, or his or her designee. The review process shall include at least one public hearing, incorporating Site Plan, General Plan, Zoning, and environmental review. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.271. Mobile home.

"Mobile home" shall mean a structure used as semi-permanent housing and designed for human habitation, with or without a permanent foundation and can be transported by a motor vehicle. For the purposes of this chapter, mobile homes shall be considered structures when such mobile homes are parked in a mobile home park. (Also see "Trailer", Section 8-2.299.16 of this article.) (§ 3.071, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.272. Mobile home park.

"Mobile home park" shall mean any area or tract of land where one or more mobile home sites are rented or held out for rent. "Mobile home park" shall include the terms "mobile home court", "trailer court", and "trailer park". (Also see "Trailer camp", Section 8-2.299.17 of this article.) (§ 3.072, Ord. 488, § 2, Ord. 488.31)

Sec. 8-2.273. Motel.

"Motel" shall mean a building or group of buildings comprising individual living quarters or dwelling units for the accommodation of transient guests, which building or group of buildings is so designed that parking is on the same building site and is conveniently accessible from the living units without having to pass through a lobby, and where luggage is moved between the parking area and living unit without necessarily having to pass through a lobby or interior court. "Motel" shall include the terms "auto court", "tourist court", and "motor hotel" but shall not include accommodations for mobile homes. (§ 3.073, Ord. 488)

Sec. 8-2.274. Nonconforming building.

"Nonconforming building" shall mean a building or structure, or portion thereof, which lawfully existed prior to the adoption of the zoning regulations on November 18, 1963, or a subsequent amendment to this chapter, but which, as a result of such adoption or amendment, does not conform to all the height and area regulations of the zone in which it is located or which is so designed, erected, or altered that it could not reasonably be occupied by a use permitted in the zone in which it is located. (§ 3.074, Ord. 488, as amended by § 1, Ord. 488.155, eff. May 14, 1973)

Sec. 8-2.275. Nonconforming use.

"Nonconforming use" shall mean a use which lawfully occupied a building or land prior to the adoption of the zoning regulations on November 18, 1963, or a subsequent amendment to this chapter, and which, as a result of such adoption or amendment, does not conform with the use regulations of the zone in which it is located. (§ 3.075, Ord. 488, as amended by § 2, Ord. 488.155, eff. May 14, 1973)

Sec. 8-2.276. Nursery.

"Nursery" shall mean commercial agricultural establishments engaged in the production of agricultural and ornamental plants and other nursery products, grown under cover or outdoors. A Nursery can be wholesale, and retail incidental to agriculture, or a combination of both. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.277. Office, business.

"Business office" shall mean an office which has as its main functions the arrangement of business transactions, the holding of sales meetings and administrative conferences, the

receiving of client payments, and the keeping of records and accounts pertaining to the particular business. (§ 3.077, Ord. 488)

Sec. 8-2.278. Office, medical.

"Medical office" shall mean a place for the practice of physiotherapy or medical, dental, optical, psychoanalytical, osteopathic, or chiropractic professions. (§ 3.070, Ord. 488)

Sec. 8-2.279. Office, professional.

"Professional office" shall mean an office from which, and at which, a doctor, attorney, engineer, architect, accountant, or similar professional person may offer services. (§ 3.078, Ord. 488)

Sec. 8-2.280. Official plan line.

"Official plan line" shall mean an officially established line defining the outer boundaries within which a public road right-of-way may be widened, constructed, or extended and within which the construction of structures is prohibited. (§ 3.079, Ord. 488)

Sec. 8-2.280.1 Wind energy, on-site.

"Wind energy, on-site" shall mean only the parcel upon which a small wind energy system and its associated accessory structure(s) are located and the location upon which the electrical power generated is primarily used. (§2, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.280.01 Off-Sale.

An off-sale license allows for the sale of beer, wine, and spirits (hard alcohol) for consumption off the premises where sold. (§3; Ord. 1386, eff. July 2, 2009)

Sec. 8-2.280.02 On-Sale.

An on-sale license allows for the sale of beer, wine, and spirits (hard alcohol) for consumption on the premises where sold. (§3; Ord. 1386, eff. July 2, 2009)

Sec. 8-2.280.3. Open Space.

"Open space" shall be land subject to valid restrictions against housing or other urban development, the maintenance of which in its natural or protected states Is necessary for the enhancement of living conditions in Yolo County. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.280.7. Over the Counter.

"Over the Counter" shall mean a minor review process, intended to be conducted by County staff, on a walk-in, first come-first served, case-by-case, basis, without the necessity of public notice or public hearing. It is not an entitlement, nor does it constitute an automatic approval; but, is rather the process by which a typical, ordinary and/or ministerial application is reviewed. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.281. Owner.

"Owner" shall mean the person holding legal title to, or recorded contract of purchase of, the property in question. (§ 3.080, Ord. 488)

Sec. 8-2.282. Parking area, private.

"Private parking area" shall mean an area designed for the storage of self-propelled passenger vehicles, camping trailers, or boats belonging to the owners or occupants of the site and their guests, or an open area for the same use as a private garage. (§ 3.081, Ord. 488)

Sec. 8-2.283. Parking area, public.

"Public parking area" shall mean an area, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a fee, free, or as an accommodation for clients or customers, including all space needed for the movement of vehicles and people, screening or buffering space, and access drives. (§ 3.082, Ord. 488)

Sec. 8-2.284. Parking space.

"Parking space" shall mean an off-street area, for the parking of a motor vehicle of not less than eight (8') feet in width and eighteen (18') feet in length with at least seven (7') feet of vertical clearance, either within a structure or in the open, excluding driveways or access drives, but which abuts upon a street or alley or has other appropriate means of access thereto. (§ 3.083, Ord. 488)

Sec. 8-2.285. Paved.

(§ 3.084, Ord. 488; Repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.286. Person.

(§ 3.085, Ord. 488; Repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.287. Planning Commission.

"Planning Commission" shall mean the Planning Commission of the County. (§ 3.025, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.287.5. Planning Director.

"Planning Director" shall mean the Director of the Planning and Public Works Department. (§ 17, Ord. 488.177, eff. March 7, 1985, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.287.7. Principal use.

"Principal use" shall mean the primary use of land or a main building, which use is compatible with the purpose of the zone and which is

permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it shall mean that the owner, lessee, or other person who has a legal right to use the land, can conduct such principal permitted use, subject to general limitations, such as health, safety, parking, drainage, utilities, access, site plan and building permit review, approval, or conditional approved, and such other limitations are generally applied to similarly situated uses in such zone. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.288. Primary Dwelling.

"Primary Dwelling" shall mean a structure designed, intended, and used for residential purposes, as elsewhere provided for herein. It shall not include Ancillary Dwelling; Residential Second unit; Guest House; or Living Quarters. (§ 3.086, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000, as amended by §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.288.5. Processing Plant.

"Processing Plant" shall mean a physical facility wherein machinery and fixtures are employed under special application to conduct a series of treatments, actions, or operations that constitute synthetic or artificial retail operations on a limited basis. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.289. Public use.

"Public Use" shall mean a use operated exclusively by a public body, having the purpose of serving the public health, safety, or general welfare, and including such uses as public schools, parks, playgrounds, hospitals, and administrative and service facilities. (§ 3.087, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.290. Quasi-public use.

"Quasi-Public Use" shall mean a use operated by a private nonprofit educational, religious, recreational, charitable, fraternal, or medical institution, association, or organization, such use having the purpose primarily of serving the general public, and including, but not limited to, such uses as churches, private schools, universities, community youth and senior citizen recreational facilities, meeting halls, private hospitals, and similar uses. (§ 3.088, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.291. Recreation, commercial.

"Commercial recreation" shall mean recreation facilities open to the general public for a fee or restricted to members when operated for profit as a business. (§ 3.089, Ord. 488)

Sec. 8-2.292. Recreation, private, noncommercial.

"Private, noncommercial recreation" shall mean clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such non-profit organization and their guests. (§ 3.090, Ord. 488)

Sec. 8-292.3. Recreational Vehicle.

"Recreational Vehicle" shall be a camp car, motorhome, travel trailer, or tent trailer, with or without motor power, designed for temporary human habitation for recreational or emergency occupancy, having less than 320 square feet. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.292.5. Recreational Vehicle Park.

"Recreational Vehicle Park" shall mean any area or tract of land, or portion thereof, where one or more lots are rented or held out for rent to owners and users of recreational vehicles, and which are occupied for temporary purposes. The presence of any one vehicle in the park shall be limited to a period not to exceed one-hundred eighty days (180) in any one-year period. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.293.8. Research.

"Research" shall be the diligent and systematic study, inquiry, examination, scrutiny, testing, or investigation into a subject or subject matters, in order to discover or revise facts, theories, applications, or uses. (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.293. Residential density, gross.

"Gross residential density" shall mean the average number of families living on one acre of land in a given area where the acreage is based upon the total land in the area. (§ 3.091, Ord. 488)

Sec. 8-2.294. Residential density, net.

"Net residential density" shall mean the average number of families living on one acre of land used or available for residential purposes. (§ 3.092, Ord. 488)

Sec. 8-2.295. Rest home or nursing home.

(§ 3.093, Ord. 488; Repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.296. Road.

(§ 3.094, Ord. 488; Repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.297. Roadside stand.

"Roadside stand" shall mean a structure, either temporary or permanent, used for the display and sale of agricultural products. (§ 3.095, Ord. 488, as amended by § 1, Ord. 488.182, eff. June 6, 1985, § 1, Ord. 1010, eff.

August 8, 1985 and §2, Ord. 1377 eff. August 28, 2008)

Sec. 8-2.298. Rooming house.
(See "Boardinghouse", Section 8-2.217 of this article.) (§ 3.095, Ord. 488)

Sec. 8-298.5. Rural Recreation.
"Rural Recreation" shall mean outdoor sporting or leisure activities that require large open space areas and do not have any significant detrimental impact on agricultural use of lands that are in the general vicinity of the rural recreation activity. Rural recreation activities shall include, but are not limited to: the shooting of skeet, trap, and sporting clays; archery; gun, hunting, or fishing, clubs; sport parachuting; riding; dude ranches; picnicking; nature study; viewing or enjoying historical, archaeological, scenic, natural or scientific sites; health resorts, rafting, hiking, backpacking, bicycling, or touring excursions; or camping. Rural Recreation shall also include commercial or non-commercial operations related to any outdoor sporting and leisure activities within the meaning of Rural Recreation as defined. (§ 2, Ord. 1244, eff. February 3, 2000, as amended by § 8, Ord. 1250, eff. August 24, 2000)

Sec. 8-2.299. Secondary Dwelling.
Repealed. (§ 3.097, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000, and §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.299.1. Servants' quarters.
(§ 3.098, Ord. 488; repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.2. Setback line.
"Setback line" shall mean a line established by the provisions of this chapter or other provisions of this Code to govern the placement of buildings or structures with respect to lot lines, streets, or alleys. (§ 3.099, Ord. 488)

Sec. 8-2.299.3. Site Plan.
A "Site Plan" shall consist of at least the following: A legible drawing, to scale, with north arrow; property lines; easements; acreage; draining directions; existing and proposed, uses, structures and improvements; and current ownership and surrounding ownerships. (§ 3.100, Ord. 488, as amended by § 13, Ord. 652, eff. May 5, 1971, and amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.4. Site Plan Review.
"Site Plan Review" shall consist of review by the appropriate authority for the purposes of determining if the applied for use is consistent with applicable codes and standards sufficient to be approved or referred for Minor or Major Conditional Use Permit approval. (§ 3.101, Ord. 488, as amended by § 14, Ord. 652, eff. May 5, 1971, and § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.5. Sign, general advertising.
(§ 3.102, Ord. 488, as amended by § 15, Ord. 652, eff. May 5, 1971, repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.6. Site, building.
(See "Lot, building site", Section 8-2.260 of this article.) (§ 3.103, Ord. 488)

Sec. 8-2.299.6.5 Large wind energy system.
"Large wind energy system" shall mean a utility-scale wind energy conversion system consisting of several wind turbines, towers, and associated control or conversion electronics, which have a rotor size greater than 200 square meters in size (approximately 52 feet in diameter), or which have a rated capacity of more than 150 kilowatts per turbine site, whichever is less, and that will be used to produce utility power to off-site customers. (§2, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.299.6.6 Small wind energy system.
"Small wind energy system" shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 150 kilowatts per customer site consistent with the requirements of paragraph (3) of subdivision (b) of Section 25744 of the Public Resources Code and that will be used to reduce net onsite consumption of utility power. Such uses are accessory to a primary use on the site. (§2, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.299.7. Stable, private.
"Private stable" shall mean those facilities used for the shelter, breeding, and/or training of horses and similar equine animals for the use of the residents and their guests. Private stables may include the boarding of fifteen (15) or fewer equine animals, that are not owned or leased pursuant to a written agreement, by either the property owner or resident. No more than two (2) shows, exhibitions, or other public/quasi-public events may be held per year. For the purposes of this section, a public/quasi-public event is defined as a gathering where an admission fee is charged, and/or where food and drink are sold onsite. Each public/quasi-public event held at a private stable shall require prior approval of a site plan review. Private stables that hold more than two (2) such events per year shall be considered a commercial stable, regardless of the number of horses boarded. (§ 3.104, Ord. 488, as amended by §2, Ord. 1212, eff. October 23, 1997)

Sec. 8-2.299.8. Stable, commercial.

"Commercial stable" shall mean a stable, other than a private stable, where sixteen (16) or more equine animals are boarded, that are not owned or leased pursuant to a written agreement, by either the property owner or resident. Commercial stables may include the retail or wholesale sales of tack, feed, and other equestrian products. Such sales shall be incidental to the operation of the stable. Shows, exhibitions, or other public/quasi events related to equine animals may be included as a part of the commercial stable. (§ 3.105, Ord. 488, as amended by §3, Ord. 1212, eff. October 23, 1997)

Sec. 8-2.299.9. Story.

"Story" shall mean that portion of a building included between the surface of any floor and the surface next above such floor or, if there is no floor above such floor, the space between the floor and the ceiling next above the floor. (§ 3.106, Ord. 488)

Sec. 8-2.299.10. Street.

(§ 3.107, Ord. 488; repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.11. Street line.

"Street line" shall mean the boundary between a street right-of-way and abutting property, (§ 3.108, Ord. 488)

Sec. 8-2.299.12. Structural alteration.

"Structural alteration" shall mean any change in the structural members of a building, such as bearing walls, columns, beams, or girders. (§ 3.110, Ord. 488)

Sec. 8-2.299.13. Structure.

"Structure" shall mean anything constructed, the use of which requires permanent location on the ground, including swimming pools, but excluding driveways, patios, or parking spaces where the area is unobstructed from the ground up. (Also see "Building", Section 8-2.219 of this article.) (§ 3.109, Ord. 488)

Sec. 8-2.299.13.5 Wind energy, system height.

"Wind energy, system height" shall mean the height above existing grade of the fixed portion of both a small or large wind energy system tower, and the height to the tip of the blade or the highest point of the system at the 12:00 position. (§2, Ord. 139, eff. October 29, 2009)

Sec. 8-2.299.14. Timber production.

(§ 3.111, Ord. 488; repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.15. Tourism.

"Tourism" shall be that industry which promotes and accommodates the recreational touring, sight-seeking, leisure travel, and sojourns by individuals and groups within Yolo County, including eco-tourism and agri-tourism. (§ 3.116, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.16. Trailer.

"Trailer" shall mean any vehicle without motive power or designed to be drawn by a motor vehicle and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters, or the conduct of any business, trade, or occupation, or use as a selling or advertising device, or use for the storage or conveyance of tools, equipment, or machinery, and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. "Trailer" shall include the terms "camp trailer", "trailer coach", "automobile trailer", and "house trailer" except when "house trailer" falls within the definition of "mobile home". For the purposes of this chapter, trailers shall be considered structures when such trailers are parked in mobile home parks or trailer camps and are used on such sites for human habitation, offices, wash houses, storage, or similar auxiliary services necessary to the human habitation of the court or camp. (Also see "Mobile home", Section 8-2.271 of this article.) (§ 3.112, Ord. 488)

Sec. 8-2.299.17. Trailer camp.

(§ 3.113, Ord. 488; repealed by §2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.18. Trailer court or trailer park.

(§ 3.114, Ord. 488; repealed by §2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.19 Transient.

"Transient", when used in conjunction with boarding or lodging, shall mean persons charged for services in units of less than one month and where the majority of persons utilizing such services remain for periods of less than three (3) months. (§ 3.115, Ord. 488)

Sec. 8-2.299.20. Use.

(§ 3.117, Ord. 488; repealed by §2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.21. Used.

(Article 3, Ord. 488; repealed by §2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.22. Use, accessory.

(§ 3.118, Ord. 488; repealed by §2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.23. Use, conditional.

(§ 3.119, Ord. 488; repealed by §2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.24. Use Permit.

"Use Permit" shall be a Conditional Use Permit, Major or Minor, granted by the appropriate authority pursuant to necessary and applicable findings, and authorizing uses not allowed as a matter of right in a zone district or classification. (§ 3.074, Ord. 488; as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.25. Use, principal permitted.

(§ 3.120, Ord. 488; repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.26. Variance.

"Variance" is a permit issued to a land owner by the appropriate authority because of special circumstances, peculiar shape, unusual topography, or some other peculiarity of an individual lot, parcel or tract, which could not otherwise be put to productive use, if all of the detailed requirements for the applicable zone were to be strictly applied. The grant of the variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. (§ 3.087, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.27. Use, quasi-public.

(§ 3.088, Ord. 488; repealed by § 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.27.5 Winery.

"Winery" shall mean a building, or portion thereof, used for the crushing of grapes, the fermenting and/or processing of grape juice, the aging, processing, storage, and bottling of wine, or the warehousing and shipping of wine. It shall also include accessory uses, such as: related office, laboratory, wholesale, and retain sales activities and wine tasting and winery tours. (§6, Ord. 1234, effective May 6, 1999)

Sec. 8-2.299.27.8 Wireless Communication Facility.

"Wireless Communication Facility" shall mean an unstaffed facility for the transmission and reception of low-power radio signals, including, but not limited to cellular radiotelephone service facilities, specialized mobile radio service facilities, communication towers, personal communication service facilities, and commercial paging service facilities. (§4, Ord. 681.196, effective March 6, 2003)

Sec. 8-2.299.28. Yard.

"Yard" shall mean an open space, other than a court, on the same site with a building, which open space is unoccupied and unobstructed from the ground upward except for landscaping or as set forth elsewhere in this chapter, but not including any portion of any street, alley, or road right-of-way except as set forth elsewhere in this chapter. (§ 3.121, Ord. 488)

Sec. 8-2.299.29. Yard, front.

"Front yard" shall mean a yard of uniform depth extending across the full width of the lot between the front lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto. The front yard of a comer lot shall mean the yard adjacent to the shorter street frontage. (§ 3.122, Ord. 488)

Sec. 8-2.299.30. Yard, rear.

"Rear yard" shall mean a yard of uniform depth extending across the full width of the lot between the rear lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto; provided, however, the rear yard of a corner lot shall extend only to the side yard adjacent to the street. (§ 3.123, Ord. 488)

Sec. 8-2.299.31. Yard, side.

"Side yard" shall mean a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line on the lot and the nearest vertical support or main wall of each building or enclosed or covered porch attached thereto. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line. (§ 3.124, Ord. 488)

Sec. 8-2.299.31.5. Yolo Store.

"Yolo Store" shall be a structure, wherein the majority of the items offered for sale are primarily grown or manufactured in Yolo County (e.g., out-of-county bottled wines, but made from Yolo grapes, or locally grown nursery products, etc.). (§ 2, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.299.32. Zone.

"Zone" shall mean a portion of the territory of the County within which territory certain uniform regulations and requirements, or various combinations thereof, apply pursuant to the provisions of this chapter. "Zone" shall include the word "district". (§ 3.125, Ord. 488)

Sec. 8-2.299.33. Zoning Administrator.

"Zoning Administrator" shall be the Director of Planning and Public Works or his or her designee. (§ 2, Ord. 1244, eff. February 3, 2000, as amended by §2, Ord. 1303, efff. July 24, 2003)

Article 3. Designation of Zones

Sec. 8-2.301. Enumerated.

The several zones hereby established and into which the County is divided are designated as follows:

(a) A-P Agricultural Preserve Zone;
(b) A-E Agricultural Exclusive Zone;
(c) A-1 Agricultural General Zone;
(d) R-S Residential Suburban Zone;
(e) R-1 Residential One-Family Zone;
(f) R-2 Residential One-Family or Duplex Zone;
(g) R-3 Multiple-Family Residential Zone;
(h) R-4 Apartment-Professional Zone;
(i) C-1 Neighborhood Commercial Zone;
(j) C-2 Community Commercial Zone;
(k) C-3 General Commercial Zone;
(l) C-H Highway Service Commercial Zone;
(m) M-L Limited Industrial Zone;
(n) M-1 Light Industrial Zone;
(o) M-2 Heavy Industrial Zone;
(p) PR Park and Recreation Zone;
(q) -PD Planned Development Combining Zone;
(r) AV Airport Zone;
(s) -H Special Height Combining Zone;
(t) -B Special Building Site Combining Zone;
(u) WF Waterfront Zone;
(v) RRA Residential, Rural, Agricultural Zone;
(w) -W Watershed Combining Zone;
(x) POS Public Open Space Zone;
(y) OS Open Space Zone;
(z) -SG Sand and Gravel Combining Zone;
(aa) -MHF Mobile Home Combining Zone;
(ab) AGI Agricultural Industry Zone;
(ac) -RVP Recreational Vehicle Park Combining Zone;
(ad) Adult Entertainment Uses (Special Zone); and
(ae) -R Special Review Combining Zone. (§ 4.01, Ord. 488, as amended by § 3, Ord. 488.54, § 1, Ord. 488.161, eff. October 24, 1973, § 15, Ord. 488.177, eff. March 7, 1985, and § 2, Ord. 681.142, eff. June 18, 1992)

Sec. 8-2.301.1. Zone symbol series.

Zone symbols may be arranged in series to indicate additional, modified, sequential, physically superimposed, or other limitations or opportunities attached to or combined with the basic zone for such area. (§ 16, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.301.2. Combining zones: "-" symbols.

Combining zones shall be displayed on the zoning maps following the basic zone and a dash (-). (§ 16. Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.301.3. Sequential zones: "/" symbols.

Zoning which may be applied in the future according to the General Plan may be shown, following the present zone, by means of a diagonal mark "/". Symbols to the right of the "/" mark may be applied to such area and made effective by means of the future approval of zoning applications and may include plans, agreements, phasing, conditional use permits, and other implementing devices prescribed by the requirements of the General Plan and this Code. (§ 16, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.301.4. Integrated zones: "+" symbols.

Where the symbol "+" is used, the land uses indicated by the zone symbols on each side of the "+" symbols may be placed as integrated land uses on the same parcel. (§ 16, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.301.5. Physically superimposed zones: "-- " symbols.

Where the "-"symbol is placed between zone symbols, above and below the "-" symbol, the uses allowed by the zone shown above the "-" symbol shall be allowed on or in the upper portions of physical structures on such site, while the uses allowed by the zone shown below the "-"symbol shall be allowed on or in the lower portions of the physical structures on such site. The "-" symbol may be used to define the land use limitations and opportunities for air rights, condominiums, and other joint ownership/use facilities and areas where one or more such uses are physically placed over another or others. (§ 16, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.301.6. Phased zones: "Ph" symbols.

The "Ph" symbol shall be used to indicate where uses allowed by a zone are required to be developed in phases progressively from developed areas to undeveloped areas. The "Ph" symbol shall precede the base zone symbol and be separated from it by a dash. (§ 16, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.302. Zoning maps.

The designations, locations, and boundaries of the zones set forth in Section 8-2.301 of this article are set forth on the zoning maps of the County, which maps and all notations, references, data, and other information shown thereon shall be and are hereby adopted and made a part of this chapter by reference as if the information set forth thereon were fully described in this chapter.

The following notation shall be included on all official zoning maps: "This is an official zoning map, adopted _____ by the Yolo County Board of Supervisors pursuant to Article 3,

Section 8-2.302 of Chapter 2 of the Yolo County Zoning Regulations."

All unincorporated territory of the County which is not now or hereafter included on any such zoning map is hereby classified as Agricultural General Zone (A-1). Railroads, freeways, State highways, and County roads are transportation corridors and require a use permit beyond those uses normally found within rights-of-way. Lands below the ordinary low water line of Putah Creek and the Sacramento River are included within the Public Open Space Zone (POS). (§ 4.02, Ord. 488, as amended by § 13, Ord. 488.177, eff. March 7, 1985, and § 11, Ord. 681.123, eff. January 1,1986)

Sec. 8-2.303. Zoning maps: Classification of territory.

All unincorporated territory of the County shall be classified as set forth on the zoning maps adopted by reference as a part of this chapter pursuant to the provisions of Section 8-2.302 of this article. Such territory shall retain such zoning classification unless the territory shall be otherwise zoned in the manner prescribed by law. (§ 4.05, Ord. 488, as amended by § 12, Ord. 681.123, eff. January 1, 1986)

Sec. 8-2.304. Zoning district boundary determinations.

Wherever any uncertainty exists as to the boundary of a zoning district as shown on the zoning map, the following rules shall apply:

(a) *Lot lines.* Where a zoning boundary line follows or coincides approximately with a lot line or a property ownership line, the zoning boundary line shall be construed as following the lot line or property ownership line.

(b) *Scale on the zoning map.* Where a zoning boundary line does not coincide approximately with a lot line or property ownership line, the zoning boundary line shall be determined by the use of the scale designated on the zoning map.

(c) *Vacated rights-of-way.* When the right-of-way shown on the zoning map is vacated, the right-of-way will be zoned the land use of the adjoining property. If there are different zones for the adjoining properties, the right-of-way will be divided in the center, unless the Commission finds there are circumstances that justify one zone for the entire right-of-way. When the Commission finds there are circumstances that justify one zone, it will recommend such zone to the Board. The Board will determine the zone after reviewing the Commission's recommendation.

(d) *Riverfront.* Where a zoning boundary line follows the riverbank of the Sacramento River, old river channel, or Putah Creek, the zoning boundary line shall be construed as following the ordinary low water line of such riverbank.

(e) *Further zoning boundary uncertainties.* Where further uncertainty exists, the Commission, upon receiving a written application or upon its own motion, shall determine the location of the zoning boundary in question, giving due consideration to the location indicated on the zoning map, the objectives of this chapter, the purpose set forth in the zoning district regulations, and any previous action of the Board. The Commission will recommend the boundary to the Board. The Board will determine the boundary after reviewing the Commission's recommendation. (§ 4.04, Ord. 488, as amended by § 12, Ord. 488.177, eff. March 7, 1985, and § 13, Ord. 681.123, eff. January 1, 1986)

Sec. 8-2.305. Limitations on land use and structures.

Except as otherwise provided in this chapter:

(a) *Use requirements.* No building, or part thereof, or other structure shall be erected, altered, added to, or enlarged, nor shall any land, building, structure, or premises be used, designated, or intended to be used for any purpose or in any manner other than is included among the uses set forth in this chapter as permitted in the zone in which such building, land, or premises is located.

(b) *Height requirements.* No building, or part thereof, or structure shall be erected, reconstructed, or structurally altered to exceed in height the limits set forth in this chapter for the zone in which such building is located, except as provided in Section 8-2.2605 of Article 26 of this chapter.

(c) *Area requirements.* No building, or part thereof, or structure shall be erected, nor shall any existing building be altered, enlarged, rebuilt, or moved into any zone, nor shall any open space be encroached upon or reduced in any manner except in conformity with the yard, building site area, and building location regulations set forth in this chapter for the zone in which such building or open space is located.

(d) *Duplicate use* of *open spaces and yards.* No yard or other space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site unless specifically permitted by the provisions of this chapter.

(e) *Other requirements and procedures.* All other requirements, regulations, provisions, and procedures set forth in this chapter shall be complied with by all persons. (§ 4.06, Ord. 488)

Article 4. Agricultural Preserve Zone (A-P)

Sec. 8-2.401. Purpose (A-P).

The purpose of the Agricultural Preserve Zone (A-P) shall be to preserve land best suited for agricultural use from the encroachment of nonagricultural uses. The A-P Zone is intended to be used to establish agricultural preserves in accordance with the California Land Conservation Act of 1965, as amended. Uses approved on contracted land shall be consistent and compatible with the provisions of the Act. Uses authorized shall not include Agribusiness Development Parks Areas. (§ 5.01, Ord. 488, § 4, Ord. 488.47, as amended by § 3, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.402. Principal Uses (A-P).

The following principal uses shall be reviewed Over the Counter by the Planning and Public Works Department, and their authorization shall be subject to Site Plan Review and approval of facilities, infrastructure, health, and safety issues; and, issuance of any requisite Building Permit:

(a) Agriculture, as defined in Section 8-2.208 of Article 2of this Chapter, including agricultural buildings or structures. The uses set forth in this section shall not include dairies, stockyards, slaughterhouses, hog farms, fertilizer works, or plants for the reduction of animal matter;

(b) One single-family dwelling, except where located on a single Antiquated Subdivision parcel or lot of less than eighty (80) acres (as amended by §10, Ord. 1303, eff. July 24, 2003)

(c) Parks, publicly owned; and,

(d) Rural recreation, with no permanent buildings. (§ 5.02, Ord. 488, § 4, Ord. 488.47, as amended by § 1, Ord. 681.66, eff. January 8, 1981, § 1, Ord. 681.91, eff. August 26, 1982, § 3, Ord. 1244, eff. February 3, 2000, and §2, Ord. 1250, eff. August 24, 2000)

(e) Subject to Section 8-2.2703.5 of this chapter, one single-family dwelling where located on a single Antiquated Subdivision parcel or lot of less than eighty (80) acres (§11, eff. July 24, 2003)

Sec. 8-2.403. Accessory uses (A-P).

In addition to the accessory structures allowed pursuant to Article 34 of this Chapter, the following accessory uses shall be allowed subject to issuance of any requisite Building Permit, Site Plan Review, and approval by the Planning Division of setbacks, facilities, infrastructure, and health and safety issues: (§2, Ord. 1377, eff. August 28, 2008)

(a) Small and large wind energy systems, consistent with Section 8-2.2418 (§4, Ord. 1389, eff. October 29, 2009);

(b) Repealed (§2, Ord. 1377, eff. August 28, 2008);

(c) Home occupations;

(d) Accessory uses that enhance the primary use of agricultural lands or the agricultural industry, or any necessary equipment or facilities for the support or maintenance of the principal operation. For the purposes of this section, "accessory use" shall include temporary or permanent supply, services, or preparation areas for on-site purposes;

(e) One ancillary dwelling, except where located on a single Antiquated Subdivision parcel or lot of less than eighty (80) acres (as amended by §12, Ord. 1303, eff. July 24, 2003);

(f) Repealed (§2, Ord. 1377, eff. August 28, 2008);

(g) Repealed (§2, Ord. 1377, eff. August 28, 2008);

(h)Temporary landing strips appurtenant to a principal use;

(i) Repealed (§2, Ord. 1377, eff. August 28, 2008);

(j) Privately-owned reservoirs and/or water retention basins, with associated on-site water transmission facilities, provided that such reservoir or retention facility is found to have a potential either to provide flood control, fire suppression, water supply, wildlife habitat improvement, groundwater recharge, or tailwater enhancement. (§ 5.03, Ord. 488, § 4, Ord. 488.47, as amended by § 1, Ord. 652, eff. May 5, 1971, § 1, Ord. 488.122, eff. October 13, 1971, § 5, Ord. 488.155, eff. May 14, 1973, § 2, Ord. 488.182, eff. June 6,1985, § 2, Ord. 1010, eff. August 8, 1985, §§ 18 and 22, Ord. 488.188, eff. January 2, 1986, § 2, Ord. 1158, eff. March 4, 1993, § 3, Ord. 1244, eff. February 3, 2000, and § 3, Ord. 1250, eff. August 20, 2000, as amended by §13, Ord. 1303, eff. July 24, 2003)

(k) Subject to Section 8-2.2703.5 of this chapter, ancillary dwelling where located on a single Antiquated Subdivision parcel or lot of less than eighty (80) acres. (§14, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.404. Conditional uses (A-P). Minor Use Permit.

Upon review and approval, or conditional approval by the Zoning Administrator, the following conditional uses shall be authorized by Minor Use Permit:

(a) Agricultural labor camps consistent with Government Code Sections 17020, 17021.5 and 17021.6;

(b) Animal feed yards;

(c) Electrical distribution and transmission substations, communication equipment buildings, and public utility service yards;

(d) Dairies;

(e) Hog farms;

(f) Publicly-owned facilities incidental to the supply of essential services by a public entity, such as wastewater treatment ponds, sewage facilities pump stations, water supply facilities

and pump stations, and solid waste disposal sites;

(g) Small wind energy systems on parcels of one acre to five acres, which exceed a maximum height of sixty (60) feet for the tower and eighty (80) feet for the system, or are not consistent with the Design Standards for Small Wind Energy Systems in Section 8-2.2418.4 or with any other provisions of Section 8-2.2418 (§4, Ord. 1389, eff. October 29, 2009);

(h) Small wind energy systems on parcels of more than five acres, which exceed a maximum height of one hundred (100) feet for the tower and one hundred sixty (160) feet for the system or are not consistent with the Design Standards for Small Wind Energy Systems in Section 8-2.2418.4 or with any other provisions of Section 8-2.2418 (§4, Ord. 1389, eff. October 29, 2009);

(f) Co-generation facilities;

(j) Officially designated County Historic Resources to be used for educational and tourist purposes including, but not limited to, archaeological sites, museums, bed and breakfasts; restaurants, restaurants with bars, wedding chapels, or reception establishments directly dependent upon a unique natural resources or feature; and schools;

(k) Commercial stables;

(l) Oil and gas well drilling and operations;

(m) Agricultural research with the exception of product processing plants; and

(n) "Yolo Stores" or "Growers Cooperatives".

(o) Repealed by §16, Ord. 1303, eff. July 24, 2003)

(p) The keeping, care of sheltering of any animal, the keeping of which requires a permit from the Department of Fish and Game pursuant to the fish and Game Code, with the exception of ocelots, jungle cats, and wolves, which are prohibited. (§3, Ord. 1365, eff. December 6, 2007)

Sec. 8-2.404.5. Conditional Uses (A-P). Major Use Permit.

Upon review and approval, or conditional approval, by the Planning Commission, the following conditional uses may be authorized by Major Use Permit:

(a) Rural recreation, public and private, with permanent buildings. The landowner shall agree to a modification of the Land Use contract affecting the parcel that provides for taxation of the affected portion of the parcel pursuant to the provisions of Section 423(a)(3) of the California Revenue and Taxation Code, as amended from time to time, *inter alia*. In addition to the above criteria, such use shall be found to meet the following:

(1) The use will not substantially modify the land's natural characteristics or change them beyond those modifications already related to current or previous agricultural uses;

(2) The use will not require permanent cessation of agriculture on the subject lands or preclude conversion back to agriculture if desirable in the future; and

(3) The use will not be detrimental to surrounding agricultural uses in the area;

(b) Commercial surface mining operations, after the approval of a Special Sand and Gravel Combining Zone (SG) pursuant to Article 23.1 of this Chapter. Surface mining operations may be allowed only when located within the Off-Channel Mining Plan area and/or when necessary for agriculture. Such use may include processing plants, batch plants, offices, equipment storage yards, and other facilities appurtenant to the surface mining operations. The landowner shall agree to a modification of the Land Use contract affecting the parcel that provides for taxation of the affected portion of the parcel pursuant to the provisions of Section 423(a)(3) of the California Revenue and Taxation Code, *inter alia*;

(c) Agricultural uses not otherwise listed as a principal, accessory, or conditional use in this zone, provided that it is found that the proposed use:

(1) Is consistent with Government Code Sections 51200 et. seq; and,

(2) Will serve and support production of agriculture, or animal husbandry; or,

(3) Is not appropriate for location within a city or town, and, cannot be reasonably located on lands containing non-prime soils.

The landowner shall agree to a modification of the Land Use contract affecting the parcel that provides for taxation of the affected portion of the parcel pursuant to the provisions of Section 423(a)(3) of the California Revenue and Taxation Code, *inter alia*;

(d) Lodges, incidental and dependent upon agriculture, or directly dependent upon a unique natural resource or feature as an attraction. The landowner shall agree to a modification of the Land Use contract affecting the parcel that provides for taxation of the affected portion of the parcel pursuant to the provisions of Section 423(a)(3) of the California Revenue and Taxation Code, *inter alia; and*

(e) Airports and landing strips, private;

(f) Wineries;

(g) Bed and Breakfasts. (§ 3, Ord. 1244, eff. February 3, 2000); and

(h) Single-Family Dwellings where located on two (2) or more Antiquated Subdivision parcels or lots (§ 17, Ord. 1303, eff. July 24, 2003)

(i) Major electrical transmission and distribution projects. (§3, Ord. 1388, eff. September 3, 2009)

(j) Large wind energy systems (§4, Ord. 1389, eff. October 29, 2009).

Sec. 8-2.405. Height regulations (A-P).

There shall be no height regulations in the A-P Zone except where required for conditional uses and as set forth in Section 8-2.2605, Section 8-2.2418, and Article 34 of this Chapter. (§ 5.05, Ord. 488, § 4, Ord. 488.47, as amended by § 16, Ord. 652, eff. May 5, 1971, and § 3, Ord. 1244, eff. February 3, 2000, as amended by §2, Ord. 1377, eff. August 28, 2008, as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.406. Parcel size and yard requirements (A-P).

(a) New parcels shall be no less than 80 gross acres where the soils are capable of cultivation and are irrigated; 160 gross acres where the soils are capable of cultivation but are not irrigated; and 320 gross acres where the soils are not capable of cultivation including range land and lands which are not income producing. (as amended by §18, Ord. 1303, eff. July 24, 2003)

(b) Front yard, ninety (90') feet as measured from the right-of-way center line of the abutting street;

(c) Side yard, ten (10') feet from property line; and

(d) Rear yard, fifty (50') feet from property line. (§ 5.06, Ord. 488, § 4, Ord. 488.47, as amended by § 2, Ord. 488.116, eff. November 4, 1970, § 1, Ord. 488.147, eff. March 15, 1973, § 1, Ord. 488.168, eff. February 11, 1976, § 1, Ord. 488.169, eff. May 20, 1976, § 5, Ord. 1157, eff. January 21, 1993, and § 3, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.407. Conditions for establishment of an Agricultural Preserve.

The establishment of an agricultural preserve shall be subject to the following requirements:

(a) Applications for such agricultural preserve designation may be submitted by one or more property owners provided the parcels of such property are contiguous.

(b) The minimum acreage requirement for the establishment of an agricultural preserve designation shall be 100 acres total.

(c) If a proposed establishment of an Agricultural Preserve does not meet the minimum total acreage requirement of this section, the Agricultural Preserve shall only be established by its inclusion into an existing contiguous agricultural preserve that meets the minimum total acreage requirement of this Section. The boundary of any effected agricultural preserve shall be amended accordingly concurrent with the establishment of a Williamson Act Contract.

(d) The Property shall either:

(1) Be predominately Class I, II, or III soil; or

(2) Satisfy the purposes of the zone in any one of the following ways:

(i) Tend to maintain the agricultural economy;

(ii) Tend to prevent the premature or unnecessary conversion from agriculture;

(iii) Tend to assist in the preservation of prime lands; or;

(iv) Preserve lands with public value as open space. (§ 5.07, Ord. 488, § 4, Ord. 488.47, as amended by § 1, Ord. 488.116, eff. November 4, 1970, § 6, Ord. 1157, eff. January 21, 1993, and § 3, Ord. 1244, eff. February 3, 2000, as amended by §19, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.407.5 Conditions for establishment of a Williamson Act Contract (A-P)

The minimum area of each parcel subject to a new Williamson Act Contract shall be no less than 40 gross acres where the soils are capable of cultivation and are irrigated; and 80 gross acres where the soils are capable of cultivation but are not irrigated, and where the soils are not capable of cultivation including range land and lands which are not income producing.

Sec. 8-2.408. Land use contracts (A-P)

(a) This section shall apply to all lands subject to Williamson Act Contracts entered into under the provisions of the Land Conservation Act of 1965 (Williamson Act Section 51200 et. seq., California Government Code), and Yolo County ordinances and programs implementing the Williamson Act.

(b) Notwithstanding any status as legal parcels under the Subdivision Map Act and County subdivision ordinances, if two (2) or more parcels are subject to a single Williamson Act Contract, a division of the Williamson Act Contract shall first be approved by the Zoning Administrator as authorized by 8-2.408(f) prior to any of the following:

(1) Independent sale, transfer or conveyance of the parcel(s) from the other parcel(s) subject to the contract; or

(2) Independent leasing or financing for non-agricultural purposes of the parcel(s) from the other parcel(s) subject to the contract; or

(3) Independent leasing or financing with the effect of conveying ownership of the parcel(s) from the other parcel(s) subject to the contract.

(c) A division of a Williamson Act contract as authorized by 8-2.408(b) of this article shall also be subject to the following:

(1) The property owner(s) shall execute separate Williamson Act Successor Agreements for each separately situated parcel, and the agreement(s) shall be duly executed and recorded in the office of the County Recorder;

(2) The parcels must be legal parcels under the Subdivision Map Act (Government Code section 66400 et. seq.) and Chapter 1 of this Title;

(3) Each parcel proposed to be subject to a Williamson Act Successor Agreement, and each Williamson Act Successor Agreement, shall meet the following minimum size standards:

(i) At least the minimum acreage sizes as specified in Subsection 8-2.406(a) of this chapter; or

(ii) If less than the minimum acreage sizes as specified in Subsection 8-2.406(a) of this chapter, at last a minimum of 40 acres for irrigated land, or at least a minimum of 80 acres for non-irrigated land, provided that the owner annually demonstrates that, except for a homesite no larger than a single acre, the remainder of the acreage is being used for the commercial production of agricultural products or is planted with immature fruit or nut trees, or vines, or is used partly for storage of commodities obtained from the owner's owned or leased land, which demonstration shall be made by filing a declaration or a Williamson Act questionnaire with the county Assessor not later than April 1 of each year;

(4) The Williamson Act Successor Agreement must be consistent with the General Plan, and such Agreement shall preserve agricultural uses from the encroachment of nonagricultural uses, maintain the agricultural economy, assist in the preservation of prime lands, and preserve lands with public value as open space; and

(5) Failure to file the declaration or questionnaire as required by 8-2.408(b)(3)(ii), by April 1, shall cause the property to be valued pursuant to Section 423(a)(3) of the Revenue and Taxation Code using as the stipulated income to be capitalized the product of the property's factored base year value and the capitalization rate applicable for valuing restricted open-space land. If the property owner fails to file the declaration or questionnaire for two consecutive years, the County shall consider giving notice of non-renewal of the Williamson Act contract. The above conditions shall be reflected in the applicable Williamson Act contract(s).

(d) A division of a Williamson Act contract and approval of a Williamson Act Successor Agreement may be granted and established by the Zoning Administrator without meeting the minimum parcel size standards set forth in subsection (c), above, if all the following requirements are satisfied:

(1) At the time of execution of the original Williamson Act contract, two or more parcels which were not then owned by the same owners were made subject to a single contract;

(2) Each landowner or successor in interest to the landowner at the time of execution of the original contract will hold, upon completion of the division, substantially the same parcel or parcels as he or his predecessor held at the time of execution of the original contract; and

(3) Each landowner or successor in interest executes a single Williamson Act successor agreement as to the parcel or combination of parcels he formerly held subject to the original contract.

(e) Landowners may request to enter into Williamson Act contracts on a parcel or two or more parcels provided that the parcel or each of the parcels are or will be zoned Agricultural Preserve (A-P), and satisfy the minimum parcel size and agricultural preserve standards set forth in Section 8-2.406(a) and 8-2.407 of this Article;

(f) The Zoning Administrator or their designee may approve or deny a Williamson Act Successor Agreement, or a request to establish a Williamson Act contract, that satisfies the requirements and standards as set forth by this article; however, such approval or denial shall be subject to review on appeal to the Planning Commission and further appeal to the Board of Supervisors. Upon due consideration and review of any proposal, the Zoning Administrator may refer further consideration and action to the Planning Commission.

(g) Upon approval of a Williamson Act Successor Agreement, or a Williamson Act contract, the Zoning Administrator shall deliver the approved and executed agreement or contract to the Clerk of the Board of Supervisors for execution by the Chair of the Board, such agreement or contract being subject to appeal as provided for by Section 8-2.3301(b)(2) of this chapter. (§ 2, Ord. 488.147, eff. March 15, 1973, as amended by § 1, Ord. 488.183, eff. August 15, 1985, § 7, Ord. 1157, eff. January 21, 1993, §§ 2, 3, Ord. 1163, eff. November 4, 1993, § 3, Ord. 681.164, eff. September 5, 1996, § 3, Ord. 1244, eff. February 3, 2000, and as amended by §21, Ord. 1303, eff. July 24, 2003)

(h) Williamson Act contracts may be non-renewed, rescinded or cancelled only as provided in the Williamson Act (Government Code section 51200 et. seq.);

Uses that are allowed, whether as permitted, accessory or conditional uses, in the A-P zone shall be restricted to those uses deemed compatible with contracted land under the Williamson Act. Compatible uses shall meet all applicable findings required in Section 51238 et. seq. of the Williamson Act. Any amendment to the lists of permitted accessory or conditional uses in the A-P zone shall be an amendment of the uses allowed under then existing and subsequently approved Williamson Act contracts without further notice. (as amended by §21, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.409. Farmland Security Zone (FSZ).

(a) This section shall apply only to those lands subject to FSZ contracts entered into under the provisions of the Williamson Act (Section 51296 et seq. of the California Government Code), other applicable provisions of State law, and Yolo County ordinances and programs implementing the Williamson Act.

(b) In addition to the requirements for an FSZ contract set forth in State law, the establishment of a Farmland Security Zone in Yolo County shall be subject to the following conditions:

(1) `The minimum acreage requirement for a FSZ preserve shall be 100 acres.

(2) Only those lands located within three miles of a LAFCO-adopted city sphere of influence may quality for placement within a FSZ contract.

(c) Uses which are allowed, whether as permitted, accessory or conditional uses, in a FSZ contract shall be restricted to those uses which are deemed compatible with FSZ contracted land under State law. Any amendment to the lists of permitted accessory or conditional uses in a FSZ contract shall be an amendment of the uses allowed under then existing and subsequently approved FSZ contracts without further notice. Any list of compatible uses previously adopted by Yolo County shall have no force or effect after the effective date of the ordinance adding this subsection to the County Code.

(d) Except as otherwise described in this section, all other provisions of this Article remain effective. (§ 7, Ord. 1250, eff. August 24, 2000)

Article 5. Agricultural Exclusive Zone (A-E)

Sec. 8-2.501. Purpose (A-E).

The purpose of the Agricultural Exclusive Zone (A-E) shall be to provide uses for lands best suited for agriculture. (§ 5.01, Ord. 488, as amended and renumbered to § 6.01, Ord. 488, by § 3, Ord. 488.47 and § 4, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.502. Principal permitted uses (A-E).

All principal uses as specified in the Agricultural General (A-1) Zone Section 8-2.602 of this Chapter. (§ 5.02, Ord. 488, as amended and renumbered to § 6.02, Ord. 488, by § 3, Ord. 488.47, as amended by § 2, Ord. 681.66, eff. January 8, 1981, § 2, Ord. 681.91, eff. August 26, 1982, and § 4, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.503. Accessory uses (A-E).

All accessory uses as specified in the Agricultural General (A-1) Zone Section 8-2.603 of this Chapter. (§ 5.03, Ord. 488, as amended and renumbered to § 6.03, Ord. 488, by § 3, Ord. 488.47, as amended by § 2, Ord. 652, eff. May 5, 1971, § 2, Ord. 488.122, eff. October 13, 1971, § 4, Ord. 488.182, eff. June 6, 1985, § 4, Ord. 1010, eff. August 8, 1985, §§ 19 and 23, Ord. 488.188, eff. January 2, 1986, and § 4, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.504. Conditional uses (A-E). Minor Use Permit.

All conditional uses as specified in the Agricultural General (A-1) Zone Section 8-2.604 of this Chapter. (§ 5.04, Ord. 488, as amended and renumbered to § 6.04, Ord. 488, by § 3, Ord. 488.47, as amended by § 3, Ord. 652, eff. May 5, 1971, § 5, Ord. 488.122, eff. October 13, 1971, § 2, Ord. 488.144, eff. January 26, 1973, § 2, Ord. 681.99, eff. March 17, 1983, § 2, Urgency Ord. 488.172, eff. July 24, 1984, § 1, Ord. 488.181, eff. May 9, 1985, § 5, Ord. 488.182, eff. June 6, 1985, § 5, Ord. 1010, eff. August 8, 1985, § 6, Ord. 488.188, eff. January 2, 1986, § 3, Ord. 488.204, eff. June 21, 1990, § 3, Ord. 681.160A, eff. August 31, 1995, § 5, Ord. 1212, eff. October 23, 1997, § 4, Ord. 1234, eff. May 6, 1999, and § 4, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.504.5. Conditional uses (A-E). Major Use Permit.

All conditional uses as specified in the Agricultural General (A-1) Zone Section 8-2.604.5 of this Chapter. (§ 4, Ord. 1244, eff. February 3, 2000)

(a) Major electrical transmission and distribution projects. (§3, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.505. Height regulations (A-E).

There shall be no height regulations in the A-E Zone except where required for conditional uses and as set forth in Section 8-2.2605 and Article 34 of this Chapter. (§ 5.05, Ord. 488, as amended and renumbered to § 6.05, Ord. 488, by § 3, Ord. 488.47, as amended by § 17, Ord. 652, eff. May 5, 1971, as amended by§2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.506. Lot and yard requirements (A-E).

Lot and yard requirements as specified in the Agricultural General (A-1) Zone Section 8-2.606 of this Chapter. (§ 5.06, Ord. 488, as amended and renumbered to § 6.06, Ord. 488, by § 3, Ord. 488.47, as amended by § 2, Ord. 488.168, eff. February 11, 1976, and § 4, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.507. Conditions for establishment (A-E).

(§ 5.08, Ord. 488, as amended and renumbered to § 6.08, Ord. 488, by § 3, Ord. 488.47; repealed by § 4, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.508. Other required conditions (A-E).

(§ 5.07, Ord. 488, as amended and renumbered to § 6.07, Ord. 488, by § 3, Ord. 488.47; repealed by § 4, Ord. 1244, eff. February 3, 2000)

Article 6. Agricultural General Zone (A-1)

Sec. 8-2.601. Purpose (A-1).

The purpose of the Agricultural General Zone (A-1) shall be to provide uses on lands best suited for agriculture. Uses authorized shall not include Agribusiness Development Park Areas. (§ 6.01B, Ord. 488, as renumbered to § 7.01B, Ord. 488, by § 2, Ord. 488.47, as amended by § 8, Ord. 1157, eff. January 21, 1993, and § 5, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.602. Principal uses (A-1).

The following principal uses shall be reviewed Over the Counter by the Planning and Public Works Department, and their authorization shall be subject to Site Plan Review and approval of facilities, infrastructure, health, and safety issues; and, issuance of any requisite Building Permit:

(a) Agriculture, as defined in Section 8-2.208 of Article 2 of this Chapter, including agricultural buildings or structures. The uses set forth in this section shall not include dairies, stockyards, slaughterhouses, hog farms, fertilizer works, or plants for the reduction of animal matter;

(b) One single-family dwelling, except where located on an Antiquated Subdivision parcel or lot of less than twenty (20) acres; (as amended by §22, Ord. 1303, eff. July 24, 2003)

(c) Parks, publicly owned; and,

(d) Rural recreation, with no permanent buildings. (§ 6.02, Ord. 488, as renumbered to § 7.02, Ord. 488, by § 2, Ord. 488.47, as amended by § 3, Ord. 681.66, eff. January 8, 1981, § 3, Ord. 681.91, eff. August 26, 1982, § 5, Ord. 1244, eff. February 3, 2000, and § 5, Ord. 1250, eff. August 24, 2000)

(e) Subject to Section 8-2.2703.5 of this chapter, one single-family dwelling where located on an Antiquated Subdivision parcel or lot of less than twenty (20) acres. (§23, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.603. Accessory uses (A-1).

In addition to the accessory structures allowed pursuant to Article 34 of this Chapter, the following accessory uses shall be allowed subject to issuance of any requisite Building Permit, Site Plan Review, and approval by the Planning Division of setbacks, facilities, infrastructure, and health and safety issues (§2, Ord. 1377, eff. August 28, 2008):

(a) Small and large wind energy systems, consistent with Section 8-2.2418 (as amended by §4, Ord. 1389, eff. October 29, 2009);

(b) Repealed (§2, Ord. 1377, eff. August 28, 2008);

(c) Home occupations;

(d) One ancillary dwelling, except where located on an Antiquated Subdivision parcel or lot of less than twenty (20) acres; (as amended by §24, Ord. 1303, eff. July 24, 2003)

(e) Repealed (§2, Ord. 1377, eff. August 28, 2008);

(f) Repealed (§2, Ord. 1377, eff. August 28, 2008);

(g) Repealed (§2, Ord. 1377, eff. August 28, 2008;

(h) Repealed (§2, Ord. 1377, eff. August 28, 2008;

(i) Accessory uses that enhance the primary use of agricultural lands or the agricultural industry, or any necessary equipment or facilities for the support or maintenance of the principal operation. For the purposes of this section, “accessory use” shall include temporary or permanent supply, service, or preparation areas for on-site purposes.

(j) Privately-owned reservoirs and/or water retention basins, with associated on-site water transmission facilities, provided that such reservoir or retention facilities is found to have a potential either to provide flood control, fire suppression, water supply, wildlife habitat improvement, or groundwater recharge or enhancement benefits. (§ 6.03, Ord. 488, as renumbered to § 7.03, Ord. 488, by § 2, Ord. 488.47, as amended by § 4, Ord. 652, eff. May 5, 1971, § 3, Ord. 488.122, eff. October 13, 1971, § 6, Ord. 488.182, eff. June 6, 1985, § 6, Ord. 1010, eff. August 8, 1985, §§ 20 and 24, Ord. 488.188, eff. January 2, 1986, § 3, Ord. 1158, eff. March 4, 1993, and § 5, Ord. 1244, eff. February 3, 2000)

(k) Subject to Section 8-2.2703.5 of this chapter, ancillary dwelling where located on an Antiquated Subdivision parcel or lot of less than twenty (20) acres. (§25, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.604. Conditional uses (A-1). Minor Use Permit.

Upon review and approval, or conditional approval by the Zoning Administrator, the following conditional uses may be authorized by Minor Use Permit:

(a) Agricultural chemicals, sales, and storage;

(b) Agricultural processing plants;

(c) Agricultural products storing plants and yards;

(d) Animal feed and sales yards;

(e) Animal hospitals, veterinary offices, and kennels;

(f) Dairies;

(g) Cemeteries, crematories, mausoleums, and columbariums;

(i) Electrical distribution stations, transmission substations, communication equipment buildings, and public utility service yards;

(i) Fertilizer plants and yards;

(j) Forest products manufacturing and processing plants;

(k) Hog farms;

(l) Agricultural labor camps consistent with State law (amended by §2, Ord. 1377, eff. August 28, 2008);

(m) "Yolo Stores," or "Grower's Cooperatives";

(n) Agricultural research;

(o) Commercial aquaculture or any related use involving aquaculture ponds, tanks, or similar facilities and equipment;

(p) Commercial stables;

(q) Oil and gas well drilling and operations;

(r) Foster home nursery schools, and day care centers;

(s) Small wind energy systems on parcels of one acre to five acres, which exceed a maximum height of sixty (60) feet for the tower and eighty (80) feet for the system, or are not consistent with the Design Standards for Small Wind Energy Systems in Section 8-2.2418.4 or with any other provisions of Section 8-2.2418 (as amended by §4, Ord. 1389, eff. October 29, 2009);

(t) Small wind energy systems on parcels of more than five acres, which exceed a maximum height of one hundred (100) feet for the tower and one hundred sixty (160) feet for the system or are not consistent with the Design Standards for Small Wind Energy Systems in Section 8-2.2418.4 or with any other provisions of Section 8-2.2418 (as amended by §4, Ord. 1389, eff. October 29, 2009);

(u) Officially designated County Historic Resources used for educational and tourist purposes, including, but not limited to, archaeological sites, museums, bed and breakfasts, restaurants, wedding chapels, or reception establishments and schools as authorized by Section 8-2.2402(h) of this Chapter; (as amended by §3, Ord. 1386, eff. July 2, 2009)

(v) Rural recreation with permanent buildings;

(w) Bed and breakfast; and,

(x) Lodges, with restaurant, incidental and dependent upon agriculture; and/or directly dependent upon a unique natural resource or feature as an attraction. (As amended by §3, Ord. 1386, eff. July 2, 2009)

(y) Repealed. (§ 6.04, Ord. 488, as renumbered to § 7.04, Ord. 488, by § 2, Ord. 488.47, as amended by § 5, Ord. 652, eff. May 5, 1971, § 1, Ord. 488.121, and § 6, Ord. 488.122, eff. October 13, 1971, § 3, Ord. 488.144, eff. January 26, 1973, § 4, Ord. 488.167, eff. September 4, 1974, § 2, Ord. 488.170, eff. February 22, 1979, § 4, Ord. 681.66, eff. January 8, 1981, § 3, Ord. 681.99, eff. March 17, 1983, § 3, Urgency Ord. 488.172, eff. July 24, 1984, § 4, Ord. 488.180, eff. April 18, 1985, § 2, Ord. 488.181, eff. May 9, 1985, § 7, Ord. 488.182, eff. June 6, 1985, § 7, Ord. 1010, eff. August 8, 1985, § 7, Ord. 488.188, eff. January 2, 1986; §§ 1, 2, Ord. 681.133, eff. November 17, 1988, § 1, Ord. 681.138, August 17, 1989, § 4, Ord. 488.204, eff. June 21, 1990, § 7, Ord. 1158, eff. March 4,1993, § 2, Ord. 681.160A, eff. August 31,1995, §§ 4, 5, Ord. 681.164, eff. September 5, 1996, §6, Ord. 1212, eff. October 23, 1997, § 5, Ord. 1234, eff. May 6, 1999, § 5, Ord. 1244, eff. February 3, 2000, and § 6, Ord. 1250, eff. August 24, 2000; Repealed by §27; Ord. 1303, eff. July 24, 2003)

(z) The keeping, care or sheltering of any animal, the keeping of which requires a permit from the Department of Fish and Game pursuant to the Fish and Game Code, with the exception of ocelots, jungle cats, and wolves, which are prohibited. (§3, Ord. 1365, eff. December 6,2007)

Sec. 8-2.604.5. Conditional uses (A-1). Major Use Permit.

Upon review and approval, or conditional approval, by the Planning Commission, the following conditional uses shall be authorized by Major Use Permit:

(a) Commercial and industrial uses of primary and essential service to the agricultural use of the area, including, but not limited to, almond hulling; fruit, grain, and bean storage and drying; the sale of fertilizers and insecticides; the sale and repair of farm equipment and machinery, such as tractors and cultivators; and the limited manufacture of such equipment and machinery;

(b) Airports and landing strips, private;

(c) Building and structures, public and quasi-public, and uses of an administrative, educational, religious, cultural, or public service type; provided, however, that in addition to the findings required for the use permit specified by Section 8-2.2804(a) through (e); approval of the use shall be subject to the following:

(1) That the site shall have previously been utilized by non-farm production uses;

(2) That the proposed use requires or will benefit from an agricultural setting; and

(3) That a condition of the use permit shall be the recordation of a "right to farm easement" with regard to the site, approved by the County as to form and content.

(d) Forest products manufacturing and processing plants;

(e) Commercial surface mining operations, after the approval of a Special Sand and Gravel

Combining Zone (SG) pursuant to Article 23.1 of this Chapter. Surface mining operations may be allowed only when located within the Off-Channel Mining Plan area and/or when necessary for agriculture. Such use may include processing plants, batch plants, offices, equipment storage yards, and other facilities appurtenant to the surface mining operations;

(f) Auction yards, flea markets, and similar outdoor sales areas enclosed by an approved screen fence; and

(g) Wineries. (§ 5, Ord. 1244, eff. February 3, 2000)

(h) Single-Family Dwellings where located on two(2) or more Antiquated Subdivision parcels or lots (§ 28, Ord. 1303, eff. July 24, 2003)

(i) Restaurants with bars either associated with officially designated County Historic Resources, or associated with lodges that are incidental and dependent upon agriculture and/or a unique natural resource or feature as an attraction. (As amended by §3; Ord. 1386, eff. July 2, 2009)

(j) Major electrical transmission and distribution projects. (§3, Ord. 1388, eff. September 3, 2009)

(k) Large wind energy systems (§4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.605. Height regulations (A-1).

There shall be no height regulations in the A-1 Zone except where required for conditional uses and as set forth in Section 8-2.2605 Section 8-2.2418 and Article 34 of this Chapter. (§ 6.05, Ord. 488, as renumbered to § 7.05, Ord. 488, by § 2, Ord. 488.47, as amended by § 18, Ord. 652, eff. May 5, 1971, as amended by §2, Ord. 1377, eff. August 28, 2008; as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.606. Lot and yard requirements (A-1).

The following minimum lot and yard requirements shall be observed in the A-1 Zone:

(a) Lot area, twenty (20) acres;

(b) Lot width, one-hundred (100) feet;

(c) Front yards, ninety (90') feet as measured from the right-of-way center line of the abutting street;

(d) Side yards, ten (10') feet from property line; and

(e) Rear yards, fifty (50') feet from property line. (§ 6.06, Ord. 488, as renumbered to § 7.06. Ord. 488, by § 2, Ord. 488.47, as amended by § 3, Ord. 488.168, eff. February 11, 1976, and § 5, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.607. Other required conditions (A-1).

The following additional conditions shall be required in the A-1 Zone:

(a) Any building or enclosure in which animals or fowl, except domestic pets, are contained shall be distant at least 300 feet from any lot in an R or C Zone or from any school or institution for human care. (§ 6.07, Ord. 488, as renumbered to § 7.07, Ord. 488, by § 2, Ord. 488.47)

Sec. 8-2.608. Zone change application fees (A-1).

On and after January 1, 1965, the zone change application fee, as set forth in Section 8-2.3003 of Article 30 of this chapter, shall apply for any requested change from the A-1 Zone to the Agricultural Exclusive Zone (A-E). (§ 6.01A, Ord. 488, as renumbered to § 7.01A, Ord. 488, by § 2, Ord. 488.47)

Article 6.1. Agricultural Industry Zone (AGI)

Sec. 8-2.611. Purpose (AGI).

The purpose of the Agricultural Industry Zone (AGI) shall be to provide lands in rural areas for uses directly related to agricultural industry. (§ 1, Ord. 488.177, eff. March 7, 1985, as amended by § 6, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.612. Principal permitted uses (AGI).

Each principal use shall be reviewed Over the Counter by the Planning and Public Works Department, and their authorization shall be subject to Site Plan Review and approval of facilities, infrastructure, health, and safety issues; and, issuance of any requisite Building Permit. Any requested change in an authorized use shall require submission to the Zoning Administrator for review and approval, conditional approval, or denial of a Minor Use Permit.

(a) Uses directly related to agriculture, such as produce or grain storage facilities, maintenance, manufacture, or repair of farm machinery, and family supply outlets;

(b) Electrical distribution substations, transmission substations, communication equipment buildings, and public utility service yards;

(c) Publicly-owned facilities incident to the supply of essential services by a public entity, such as wastewater treatment ponds, sewage facilities pump stations, water supply facilities and pump stations, and solid waste disposal sites;

(d) Co-generation facilities;

(e) Agricultural research;

(f) Commercial surface mining operations, after the approval of a Special Sand and Gravel Combining Zone (SG) pursuant to Article 23.1 of this Chapter. Surface mining operations may be allowed only when located within the Off-Channel Mining Plan area and/or when necessary for

agricultural operations. Such use may include processing plants, batch plants, offices, equipment storage yards, and other facilities appurtenant to the surface mining operations;

(g) Public outdoor recreational uses. Such use may include buildings, structures, caretaker dwellings, and parking, customary and appurtenant to its use, including clubhouses and restaurant facilities where no alcoholic beverages are sold; and living quarters of persons employed on the premises; (As amended by §3, Ord. 1386, eff. July 2, 2009)

(h) Agricultural chemicals, sales, and storage;

(I) Agricultural processing plants;

(j) Agricultural products storing plants and yards;

(k) Airports and landing strips, private;

(l) Animal feed and sales yards;

(m) Animal hospitals, veterinary offices, and kennels;

(n) Forest products manufacturing and processing plants;

(o) Agribusiness Development Park Area;

(p) Auction yards, flea markets, and similar outdoor sales areas enclosed by an approved screen fence; and,

(q) Wineries. (§ 1, Ord. 488.177, eff. March 7, 1985, as amended by §6, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.613. Accessory uses (AGI).

The following accessory uses shall be reviewed over the counter by the Planning and Public Works Department, and their authorization shall be subject to Site Plan Review and approval of facilities, infrastructure, health, and safety issues; and, issuance of any requisite Building Permit:

(a) Accessory uses shall include buildings or structures for the purposes of supply of goods, materials, or services that support agricultural uses. These accessory uses shall include such goods, materials, or services such as sale and storage of seed, feed, fertilizer and chemical products, farm machinery, and equipment sales and service. (§ 1, Ord. 488.177, eff. March 7, 1985, as amended by §6, Ord. 1244, eff. February 3, 2000)

(b) Small and large wind energy systems, consistent with Section 8-2.2418. (§4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.614. Conditional uses (AGI). Minor Use Permit.

Upon review and approval, or conditional approved by the Zoning Administrator, the following conditional uses may be authorized by Minor Use Permit:

(a) All principal, accessory, and conditional uses allowed in the Agricultural Preserve, and Agricultural General Zones; and

(b) Other agricultural related land uses which meet the following criteria:

(1) Uses which cannot be placed in urban areas because of nuisances, hazards, or concentrations of people;

(2) Uses relating directly to agricultural land use; and

(3) Uses which will not diminish nor prevent the agricultural use of on-site or adjoining lands;

(i) Oil and gas well drilling operations; and,

(j) Any other agricultural industrial use not otherwise provided for herein, and consistent with the purposes of the AGI Zone. (§ 1, Ord. 488.177, eff. March 7, 1985, as amended by § 6, Ord. 1244, eff. February 3, 2000)

(c) Restaurants with bars. (As amended by §3, Ord. 1386, eff. July 2, 2009)

(d) Small wind energy systems on parcels of one acre to five acres, which exceed a maximum height of sixty (60) feet for the tower and eighty)80) feet for the system, or are not consistent with the Design Standards for Small Wind Energy Systems in Section 8-2.2418.4 or with any other provisions of Section 8-2.2418 (§4, Ord. 1389, eff. October 29, 2009);

(e) Small wind energy systems on parcels of more than five acres, which exceed a maximum height of one hundred (100) feet for the tower and one hundred sixty (160) feet for the system or are not consistent with the Design Standards for Small Wind Energy Systems in Section 8-2.2418.4 or with any other provisions of Section 8-2.2418. (§4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.614.5 Conditional Uses (AGI) Major Use Permit.

(a) Major electrical transmission and distribution projects (§3, Ord. 1388, eff. September 3, 2009)

(b) Large wind energy systems (§4, Ord. 1389, eff. October 29, 2009).

Sec. 8-2.615. Height regulations (AGI).

There shall be no height regulations in the AGI Zone, except those set forth in any Use Permit and in Section 8-2.2605 and Section 8-2.2418, and Article 34 of this Chapter. (§ 1, Ord. 488.177, eff. March 7, 1985, as amended by §6, Ord. 1244, eff. February 3, 2000, as amended by §4, Ord. 1839, eff. October 29, 2009)

Sec. 8-2.616. Lot and yard requirements (AGI).

There are no lot or yard requirements in the AGI Zone, except those set forth in any Use Permit. (§ 1, Ord. 488.177, eff. March 7, 1985, as amended by §6, Ord. 244, eff. February 3, 2000)

Sec. 8-2.617. Conditions for establishment (AGI).

The establishment of Agricultural Industrial Zone (AGI) shall be based upon the following findings:

(a) Such classification shall be approved only upon findings that the proposed use is compatible with: the size, shape, topography, drainage, and available infrastructure; the location of the site; the orientation of existing structures on site or structures on adjacent properties; and, shall be subject to environmental review pursuant to the California Environmental Quality Act (CEQA);

(b) There shall be no minimum acreage requirement, except where natural barriers, health or safety issues, environmental, or existing rail or highway facilities require;

(c) A site plan, housing the proposed use(s), including grading and drainage, access, and permanent structures shall be submitted with each request for rezoning. The site plan review shall be to determine compliance with the provisions of this Code, the General Plan, and all applicable building, environmental and engineering standards;

(d) The Application or Site Plan, at a minimum, shall also indicate:

(i) The boundary lines of the proposed parcel to be rezoned;

(ii) The adjoining or nearest roads;

(iii) The locations and dimensions of proposed improvements;

(iv) The locations and dimensions of proposed improvements;

(v) Any easements and their purposes; and,

(vi) Any other data necessary or required to address issues of public health, safety, or welfare; and,

(e) The appropriate authority may impose conditions on the issuance of any such permit necessary to enable the findings to be made to grant such permit, or to conform the permit to the requirements of this section, or to mitigate the grounds for objections received during any public hearing on the permit. (§ 1, Ord. 488.177, eff. March 7, 1985, as amended by §6, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.618. Other required conditions (AGI).

Pre-existing legal uses of parcels zoned AGI prior to January 1, 2000 shall be allowed to continue to the same or equal extent so long as the parcel is used for that pre-existing use. Any change in use, and/or any increase in the pre-existing use shall be subject to all the provisions of this Article, including Conditions for Establishment set forth in 8-2.617. (§ 1, Ord. 488.177, eff. March 7, 1985, as amended by §6, Ord. 1244, eff. February 3, 2000)

Article 7. Residential Suburban Zone (R-S)

Sec. 8-2.701. Purpose (R-S).

The purpose of the Residential Suburban Zone (R-S) shall be to stabilize and protect the residential characteristics of the zone and to promote and encourage a suitable environment for family life. The R-S Zone is intended for suburban family homes, and services appurtenant thereto, or for areas now in agricultural use but which are indicated for low density residential use in the General Plan and which may develop within a reasonable period of time. (§ 8.01, Ord. 488)

Sec. 8-2.702. Principal permitted uses (R-S).

The following principal uses shall be permitted in the R-S Zone:

(a) One single-family dwelling per lot.

(§ 8.02, Ord. 488, as amended by § 1, Ord. 488.191, eff. April 17, 1986)

Sec. 8-2.703. Accessory uses (R-S).

In addition to the accessory structures allowed pursuant to Article 34 of this Chapter, the following accessory uses shall be allowed in the R-S Zone:

(a) Animal and fowl breeding, hatching, raising, and fattening, including poultry, fowl, birds, rabbits, chinchillas, fish, and frogs for domestic use, and keeping bovine animals, horses, burros, mules, sheep, goats, and pigs. The keeping of such fowl and animals shall conform to Section 8-2.2411 and all other provisions of law governing the same. No pen, coop, stable, barn, or corral shall be kept or maintained within twenty-five (25) feet of any dwelling or other building used for human habitation, within a required side yard or front yard setback, or within 300 feet of any church, school, hospital, or institution licensed by the State for the care or treatment of humans. There shall be no raising, killing, or dressing of any such animal or poultry for commercial purposes. (§2, Ord. 1377, eff. August 28, 2008);

(b) Garages, private, and parking areas, private;

(c) (Repealed by § 4, Ord. 1158, eff. March 4, 1993);

(d) Home occupations;

(e) Repealed (§2, Ord. 1377, eff. August 28, 2008);

(f) Pets, household;

(g) Signs as provided in Section 8-2.2406 of Article 24 of this chapter;

(h) Swimming pools, private, exclusively for the use of the residents and guests, subject to the provisions of Section 8-2.2407 of Article 24 of this chapter;

(i) Other accessory uses and buildings customarily appurtenant to a permitted use, subject to the requirements of Section 8-2.2602 of Article 26 of this chapter;

(j) Mobile homes as temporary guest houses in accordance with subsection (7) of subsection (b) of Section 8-2.2404 of Article 24 of this chapter; and

(k) Temporary tract offices providing tract homes are for sale in the subdivision in which the offices are located. (§ 8.03, Ord. 488, as amended by §§ 21 and 41, Ord. 488.188, eff. January 2, 1986, and § 4, Ord. 1158, eff. March 4, 1993)

Sec. 8-2.704. Conditional uses (R-S).

The following conditional uses shall be permitted in the R-S Zone:

(a) Buildings and structures, public and quasi-public, and uses of an educational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses;

(b) Communication equipment buildings;

(c) Foster homes, nursery schools, and day care centers (§2, Ord. 1377, eff. August 28, 2008);

(d) Recreation areas and facilities, public and private noncommercial, such as country clubs, golf courses, and swimming pools (§2, Ord. 1377, eff. August 28, 2008);

(e) Repealed. (§ 8.04, Ord. 488, as amended by § 19, Ord. 652, eff. May 5, 1971, § 5, Ord. 488.167, eff. September 4, 1974, § 5, Ord. 488.180, eff. April 18, 1985, § 35, Ord. 488.188, eff. January 2, 1986, and § 8, Ord. 1158, eff. March 4, 1993, as amended by §2, Ord. 1377, eff. August 28, 2008)

(f) Small wind energy system on a parcel of two acres or more, consistent with Section 8-2.2418. (as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.705. Height regulations (R-S).

No main building in the R-S Zone shall exceed thirty-five (35') feet in height, and no accessory building shall exceed fifteen (15') feet in height, except as provided in Section 8-2.2605 and Section 8-2.2418, and Article 34 of this chapter. (§ 8.05, Ord. 488, §2, Ord. 1377, eff. August 28, 2008, as amended by §4, Ord. 1389, eff. October 29, 2009))

Sec. 8-2.706. Lot, yard, and area requirements (R-S).

The following minimum lot, yard, and area requirements shall be observed in the R-S Zone, except where changed for conditional uses:

(a) Lot area, one-half (1/2) acre as measured to the center line of adjoining public rights-of-way;

(b) Lot width, 125 feet;

(c) Lot depth, 110 feet;

(d) Front yards, thirty-five (35') feet;

(e) Side yards, the street side of comer lots, twenty (20') feet, and the interior side, ten (10') feet; and

(f) Rear yards, forty (40') feet. (§ 8.06, Ord. 488, as amended by § 4, Ord. 488.168, eff. February 11, 1976, and § 2, Ord. 488.191, eff. April 17, 1986)

Sec. 8-2.707. Other required conditions (R-S).

The following additional conditions shall be required in the R-S Zone:

(a) Off-street parking shall be required for all uses as provided in Article 25 of this chapter.

(b) Curbs, gutters, and provisions for adequate drainage may be required by the Commission where such improvements are determined by the Director of Public Works to be necessary to provide proper drainage in the particular area. (§ 8.07, Ord. 488)

Article 7.1. Residential, Rural, Agricultural Zone (RRA)

Sec. 8-2.711. Purpose (RRA).

The purpose of the Residential, Rural, Agricultural Zone (RRA) shall be to stabilize and protect the rural residential characteristics of the area to which it is applied and to promote and encourage a suitable environment for family life, including limited agricultural uses. The RRA Zone is intended for rural family homes with limited agricultural uses and limited on-site water and sewerage systems and for areas designated on the General Plan as RRA for Residential, Rural, Agricultural use. (§ 2, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.712. Principal uses (RRA).

The following principal uses shall be permitted in the RRA Zone:

(a) Single-family dwellings; and

(b) Agriculture and horticulture, except that the number of fowl and animals shall be limited to one animal unit per acre as defined by the University of California Extension Service and approved by the Environmental Health Department. (§ 2, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.713. Accessory uses (RRA).

In addition to the accessory structures allowed pursuant to Article 34 of this Chapter, the following accessory uses shall be allowed in the RRA Zone, subject to the limitation of the number of animal units set forth in subsection (b) of Section 8-2.712 of this article:

(a) Animal and fowl breeding, hatching, raising, and fattening, including poultry, fowl, birds, rabbits, chinchillas, fish, and frogs for domestic use, and keeping bovine animals, horses, burros, mules, sheep, goats, and pigs. The keeping of such fowl and animals shall conform to Section 8-2.2411 and all other provisions of laws governing the same. No pen,

coop, stable, barn, or corral shall be kept or maintained within twenty-five (25) feet of any dwelling or other building used for human habitation, within a required side yard or front yard setback, or within 300 feet of any church, school, hospital, or institution licensed by the State for the care or treatment of humans (§2, Ord. 1377, eff. August 28, 2008);

(b) Garages, private, and parking areas, private;

(c) (Repealed by § 5, Ord. 1158, eff. March 4,1993)

(d) Home occupations;

(e) Repealed (§2, Ord. 1377, eff. August 28, 2008:

(f) Pets, household;

(g) Signs as provided in Section 8-2.2406 of Article 24 of this chapter;

(h) Repealed (§2, Ord. 1377, eff. August 28, 2008;

(i) Repealed (§2, Ord. 1377, eff. August 28, 2008) and,

(j) Temporary tract offices providing tract homes are for sale in the subdivision in which the offices are located. (§ 2, Ord. 488.177, eff. March 7, 1985, as amended by § 42, Ord. 488.188, eff. January 2, 1986, and § 5, Ord. 1158, eff. March 4, 1993)

Sec. 8-2.714. Conditional uses (RRA).

The following conditional uses shall be permitted in the RRA Zone:

(a) Buildings and structures, public and quasi-public, and uses of an educational, religious, cultural, and public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses;

(b) Communication equipment buildings;

(c) Foster homes, day nurseries, nursery schools, and day care centers;

(d) Recreation areas and facilities, public and private noncommercial, such as country clubs, golf courses, and swimming pools; and

(e) Repealed. (§ 2, Ord. 488.177, eff. March 7, 1985, as amended by § 40, Ord. 488.188, eff. January 2, 1986, and § 9, Ord. 1158, eff. March 4, 1993, as amended by §2, Ord. 1377, eff. August 28, 2008)

(f) Small wind energy system on a parcel of two acres or more, consistent with Section 8-2.2418. (§4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.715. Height regulations (RRA).

No main building in the RRA Zone shall exceed thirty-five (35') feet in height, and no accessory building shall exceed fifteen (15') feet in height, except as provided in Section 8-2.2605 and Section 8-2.2418, and Article 34 of this chapter. (§ 2, Ord. 488.177, eff. March 7, 1985, §2, Ord. 1377, eff. August 28, 2008, amended by §4, Ord. 1389, eff. October 30, 2009)

Sec. 8-2.716. Lot, yard, and area requirements (RRA).

The following minimum lot, yard, and area requirements shall be observed in the RRA Zone, except where changed for conditional uses:

(a) Lot area, two and one-half (2 1/2) acres gross area as measured to the center of adjoining public rights-of-way, except that areas may be limited to five (5) acre minimum parcels by the Commission after an evaluation of groundwater levels and soil leaching capabilities by the Environmental Health Department;

(b) Lot width, 180 feet gross width;

(c) Lot depth, not greater than four (4) times the lot width;

(d) Front yards, thirty-five (35') feet;

(e) Side yards, the street side of comer lots, twenty (20') feet, and the interior side, ten (10') feet;

(f) Rear yards, forty (40') feet; and

(g) Area per dwelling unit, the same as set forth in subsection (a) of this section. (§ 2, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.717. Other required conditions (RRA).

The following additional conditions shall be required in the RRA Zone:

(a) Off-street parking shall be required for all uses as provided in Article 25 of this chapter.

(b) Provisions for adequate drainage may be required by the Commission where such improvements are determined by the Director of Public Works to be necessary to provide proper drainage in the particular area. (§ 3, Ord. 488.177, eff. March 7, 1985)

Article 8. Residential One-Family Zone (R-1)

Sec. 8-2.801. Purpose (R-1).

The purpose of the Residential One-Family Zone (R-1) shall be to stabilize and protect the residential characteristics of the zone and to promote and encourage a suitable environment for family life. The R-1 Zone is intended to be used only for single-family homes and the services appurtenant thereto. (§ 9.01, Ord. 488)

Sec. 8-2.802. Principal permitted uses (R-1).

The following principal uses shall be permitted in the R-1 Zone:

(a) One single-family dwelling per lot. (§ 9.02, Ord. 488)

Sec. 8-2.803. Accessory uses (R-1).

In addition to the accessory structures allowed pursuant to Article 34 of this Chapter, the following accessory uses shall be allowed in the R-1 Zone: (§2, Ord. 1377, eff. August 28, 2008):

(a) Pets, household;

(b) Rooming and boarding of not more than two (2) persons;

(c) Signs as provided in Section 8-2.2406 of Article 24 of this chapter;

(d) Repealed. (§2, Ord. 1377, eff. August 28, 2008);

(e) Home occupations subject to the requirements of Section 8-2.251 of Article 2 of this chapter; and

(f) Repealed. (§ 9.03. Ord. 488, as amended by §§ 31 and 43, Ord. 488.188, eff. January 2, 1986, §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.804. Conditional uses (R-1).

The following conditional uses shall be permitted in the R-1 Zone:

(a) Buildings and structures, public and quasi-public, and uses of a recreational, educational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses;

(b) Communication equipment buildings;

(c) Foster homes, nursery schools, and day care centers;

(d) Repealed. (§2, Ord. 1377, eff. August 28, 2008);

(e) Repealed. (§2, Ord. 1377, eff. August 28, 2008); and

(f) Off-street public parking areas on building sites contiguous to nonresidential zones, subject to the provisions of Article 25 of this chapter. (§ 9.04. Ord. 488, as amended by § 20, Ord. 652, eff. May 5, 1971, § 6, Ord. 488.167, eff. September 4, 1974, § 6, Ord. 488.180, eff. April 18, 1985, and § 36, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.805. Height regulations (R-1).

No main building in the R-1 Zone shall exceed thirty (30') feet in height, and no accessory building shall exceed fifteen (15') feet in height, except as provided in Section 8-2.2605 and Article 34 of this chapter. (§ 9.05, Ord. 488, §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.806. Lot and yard requirements (R-1).

The following minimum lot and yard requirements shall be observed in the R-1 Zone, except where changed for conditional uses:

(a) Lot area, corner lots, 7,000 square feet, and interior lots, 6,000 square feet;

(b) Lot width, comer lots, seventy (70') feet, and interior lots, sixty (60') feet;

(c) Lot depth, 100 feet;

(d) Front yards, twenty-five (25') feet;

(e) Side yards;

(1) On the street side of comer lots, fifteen (15') feet; and

(2) On interior lots, the following side yard setbacks shall be observed:

(i) As to lots existing before July 1, 1986, the side yard setback shall be six (6') feet on both sides; provided, however, the smaller side yard may be no less than three (3') feet if the larger side yard is no less than ten (10') feet; and

(ii) As to lots created on or after July 1, 1986, the smaller side yard shall be no less than three (3') feet, and the larger side yard shall be no less than ten (10') feet; and

(f) Rear yards, twenty-five (25') feet. (§ 9.06, Ord. 488, as amended by § 4, Ord. 488.171, eff. August 23, 1984, and § 1, Ord. 681.121, eff. July 3, 1986)

Sec. 8-2.807. Other required conditions (R-1).

The following additional conditions shall be required in the R-1 Zone:

(a) Off-street parking shall be required for all uses as provided in Article 25 of this chapter. (§ 9.07, Ord. 488)

Article 9. Residential One-Family or Duplex Zone (R-2)

Sec. 8-2.901. Purpose (R-2).

The purpose of the Residential One-Family or Duplex Zone (R-2) shall be to stabilize and protect the residential characteristics of a zone where a compatible mingling of single-family dwellings and duplex dwellings is likely to occur and to promote and encourage a suitable environment for family life. The R-2 Zone is intended for residences and the community services appurtenant thereto. (§ 10.01, Ord. 488)

Sec. 8-2.902. Principal permitted uses (R-2).

The following principal uses shall be permitted in the R-2 Zone:

(a) One single-family dwelling or one duplex dwelling per lot. (§ 10.02, Ord. 488)

Sec. 8-2.903. Accessory uses (R-2).

In addition to the accessory structures allowed pursuant to Article 34 of this Chapter, the following accessory uses shall be allowed in the R-2 Zone: (§2, Ord. 1377, eff. August 28, 2008):

(a) Pets, household;

(b) Rooming and boarding of not more than two (2) persons;

(c) Signs as provided in Section 8-2.2406 of Article 24 of this chapter;

(d) Repealed (§2, Ord. 1377, eff. August 28, 2008);

(e) Home occupations subject to the requirements of Section 8-2.251 of Article 2 of this chapter; and

(f) Repealed. (§ 10.03, Ord. 488, as amended by §§ 32 and 44, Ord. 488.188, eff. January 2, 1986, as amended by §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.904. Conditional uses (R-2).

The following conditional uses shall be permitted in the R-2 Zone:

(a) Buildings and structures, public and quasi-public, and uses of a recreational, educational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, and warehouses;

(b) Communication equipment buildings;

(c) Foster homes, nursery schools, and day care centers;

(d) Repealed (§2, Ord. 1377, eff. August 28, 2008);

(e) (Repealed by § 28, Ord. 488.188, eff. January 2, 1986)

(f) Off-street public parking areas on sites contiguous to nonresidential zones, subject to the provisions of Article 25 of this chapter. (§ 10.04, Ord. 488, as amended by § 21, Ord. 652, eff. May 5, 1971, § 7, Ord. 488.167, eff. September 4, 1974, § 7, Ord. 488.180, eff. April 18, 1985, and §§ 28 and 37, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.905. Height regulations (R-2).

No main building in the R-2 Zone shall exceed thirty (30') feet in height, and no accessory building shall exceed fifteen (15') feet in height except as provided in Section 8-2.2605 and Article 34 of this Chapter. (§ 10.05, Ord. 488, §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.906. Lot and yard requirements (R-2).

The following minimum lot and yard requirements shall be observed in the R-2 Zone, except where changed for conditional uses:

(a) Lot area, comer lots, 7,000 square feet, and interior lots, 6,000 square feet;

(b) Lot width, comer lots, seventy (70') feet, and interior lots, sixty (60') feet;

(c) Lot depth, 100 feet;

(d) Front yards, twenty-five (25') feet;

(e) Side yards:

(1) On the street side of comer lots, fifteen (15') feet; and

(2) On interior lots, the following side yard setbacks shall be observed:

(i) As to lots existing before July 1, 1986, the side yard setback shall be six (6') feet on both sides; provided, however, the smaller side yard may be no less than three (3') feet if the larger side yard is no less than ten (10') feet; and

(ii) As to lots created on or after July 1, 1986, the smaller side yard shall be no less than three (3') feet, and the larger side yard shall be no less than ten (10') feet; and

(f) Rear yards, twenty-five (25') feet. (§ 10.06, Ord. 488, as amended by § 5, Ord. 488.171, eff. August 23, 1984, and § 2, Ord. 681.121, eff. July 3, 1986)

Sec. 8-2.907. Other required conditions (R-2).

The following additional conditions shall be required in the R-2 Zone:

(a) Off-street parking shall be required for all uses as provided in Article 25 of this chapter. (§ 10.07, Ord. 488)

Article 10. Multiple-Family Residential Zone (R-3)

Sec. 8-2.1001. Purpose (R-3).

The purpose of the Multiple-Family Residential Zone (R-3) shall be to stabilize and protect the residential characteristics of the zone. (§ 11.01, Ord. 488)

Sec. 8-2.1002. Principal permitted uses (R-3).

The following principal uses shall be permitted in the R-3 Zone:

(a) Dwellings, multiple-family;

(b) Dwellings, single-family and duplex; and

(c) Rooming and boarding of not more than six (6) persons. (§ 11.02, Ord. 488)

Sec. 8-2.1003. Accessory uses (R-3).

In addition to the accessory structures allowed pursuant to Article 34 of this Chapter, the following accessory uses shall be allowed in the R-3 Zone (§2, Ord. 1377, eff. August 28, 2008:

(a) Pets, household;

(b) Signs as provided in Section 8-2.2406 of Article 24 of this chapter;

(c) Repealed (§2, Ord. 1377, eff. August 28, 2008);

(d) Home occupations subject to the requirements of Section 8-2.251 of Article 2 of this chapter; and

(e) Repealed. (§ 11.03, Ord. 488, as amended by §§ 33 and 45, Ord. 488.188, eff. January 2, 1986, §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.1004. Conditional uses (R-3).

The following conditional uses shall be permitted in the R-3 Zone:

(a) Buildings and structures, public and quasi-public, and uses of a recreational, educational, religious, cultural, or public service type, but not including corporation yards, storage or repair yards, and warehouses;

(b) Communication equipment buildings;

(c) Foster homes, nursery schools, and day care centers;

(d) Repealed. (§2, Ord. 1377, eff. August 28, 2008);

(e) (Repealed by § 29, Ord. 488.188, eff. January 2, 1986)

(f) Mobile home parks with a maximum density of ten (10) units per gross acre, subject to

the further requirements set forth in Section 8-2.2404 of Article 24 of this chapter;

(g) Nursing homes, licensed;

(h) Offices, professional, including offices for:

(1) Accountants;

(2) Architects;

(3) Attorneys;

(4) Chiropodists;

(5) Chiropractors;

(6) Dentists;

(7) Engineers;

(8) Insurance agents;

(9) Opticians;

(10) Optometrists;

(11) Osteopaths;

(12) Physicians;

(13) Real estate brokers; and

(14) Surgeons;

(i) Off-street public parking areas on sites contiguous to nonresidential zones, subject to the provisions of Article 25 of this chapter;

(j) Rooming houses and boardinghouses for any number of guests;

(k) Schools, private, with organized classes, including music schools and dance studios; and

(l) Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit;

(m) Repealed. (§ 11.04, Ord. 488, as amended by § 22, Ord. 652, eff. May 5, 1971, § 8, Ord. 488.167, eff. September 4, 1974, § 8, Ord. 488.180, eff. April 18,1985, §§ 29 and 38, Ord. 488.188, eff. January 2, 1986, and Ord. 681.143, eff. July 23, 1992, §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.1005. Height regulations (R-3).

No main building in the R-3 Zone shall exceed forty (40') feet in height, and no accessory building shall exceed twenty-five (25') feet in height except as provided in Section 8-2.2605 and Article 34 of this Chapter. (§ 11.05, Ord. 488, §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.1006. Lot, yard, and area requirements (R-3).

The following minimum lot, yard, and area requirements shall be observed in the R-3 Zone, except where changed for conditional uses:

(a) Lot area, comer lots, 7,000 square feet, and interior lots 7,000 square feet;

(b) Lot width, comer lots, seventy (70') feet, and interior lots, sixty (60') feet;

(c) Lot depth, 100 feet:

(d) Front yards, twenty (20') feet;

(e) Side yards:

(1) On the street side of comer lots, fifteen (15') feet; and

(2) On interior lots, the following side yard setbacks shall be observed:

(i) As to lots existing before July 1, 1986, the side yard setback shall be six (6') feet on both sides; provided, however, the smaller side yard may be no less than three (3') feet if the larger side yard is no less than ten (10') feet; and

(ii) As to lots created on or after July 1, 1986, the smaller side yard shall be no less than three (3') feet, and the larger side yard shall be no less than ten (10') feet;

(f) Rear yards, twenty (20') feet;

(g) Lot area per dwelling unit, 2,000 square feet; and

(h) Distance between buildings on the same lot, twenty (20') feet between buildings used for dwelling purposes, ten (10') feet between a building used for dwelling purposes and an accessory building, and six (6') feet between accessory buildings. (§ 11.06, Ord. 488, as amended by § 6, Ord. 488.171, eff. August 23,1984, and § 3, Ord. 681.121, eff. July 3, 1986)

Sec. 8-2.1007. Other required conditions (R-3).

The following additional conditions shall be required in the R-3 Zone:

(a) Off-street parking shall be required for all uses as provided in Article 25 of this chapter. (§ 11.07, Ord. 488)

Article 11. Apartment-Professional Zone (R-4)

Sec. 8-2.1101. Purpose (R-4).

The purpose of the Apartment-Professional Zone (R-4) shall be to provide areas within which protective regulations will create an attractive environment for the compatible combination of multiple-family dwellings and professional and administrative office developments, together with community facilities and services appurtenant thereto. (§ 12.01, Ord. 488)

Sec. 8-2.1102. Principal permitted uses (R-4).

The following principal uses shall be permitted in the R4 Zone:

(a) Buildings and structures, public and quasi-public, and uses of a recreational, educational, religious, cultural, or public service type, including communication equipment buildings, but not including corporation yards, storage or repair yards, and warehouses;

(b) Clinics, medical;

(c) Foster homes, nursery schools, and day care centers;

(d) Dwellings, single-family, duplex, and multiple-family;

(e) Nursing homes, licensed;

(f) Offices, administrative, executive, business, editorial, and professional;

(g) Rooming houses and boardinghouses for any number of guests;

(h) Schools, private, with organized classes, including music schools and dance studios; and

(i) Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit. (§ 12.02, Ord. 488, as amended by § 9, Ord. 488.167, eff. September 4, 1974, and § 9, Ord. 488.180, eff. April 18, 1985)

Sec. 8-2.1103. Accessory uses (R-4).

In addition to the accessory structures allowed pursuant to Article 34 of this Chapter, the following accessory uses shall be allowed in the R-4 Zone (§2, Ord. 1377, eff. August 28, 2008):

(a) Pets, household;

(b) Signs as provided in Section 8-2.2406 of Article 24 of this chapter;

(c) Repealed. (§2, Ord. 1377, eff. August 28, 2008)

(d) Home occupations subject to the requirements of Section 8-2.251 of Article 2 of this chapter; and

(e) Repealed. (§ 12.03, Ord. 488, as amended by §§ 34 and 46, Ord. 488.188, eff. January 2, 1986, §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.1104. Conditional uses (R-4).

The following conditional uses shall be permitted in the R-4 Zone:

(a) (Repealed by § 30, Ord. 488.188, eff. January 2, 1986)

(b) Mobile home parks with a maximum density of twelve (12) units per gross acre, subject to the further requirements set forth in Section 8-2.2404 of Article 24 of this chapter; and

(c) Off-street parking areas for uses not located on the premises, subject to the provisions of Article 25 of this chapter. (§ 12.04, Ord. 488, as amended by § 23, Ord. 652, eff. May 5, 1971, and §§ 30 and 39, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.1105. Height regulations (R-4).

No main building in the R-4 Zone shall exceed four (4) stories or forty-five (45') feet in height, and no accessory building shall exceed twenty-five (25') feet in height except as provided in Section 8-2.3400 and Section 8-2.2605 of this Chapter. (§ 12.05, Ord. 488, §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.1106. Lot, yard, and area requirements (R-4).

The following minimum lot, yard, and area requirements shall be observed in the R-4 Zone, except where changed for conditional uses:

(a) Lot area, comer lots, 7,000 square feet, and interior lots, 7,000 square feet;

(b) Lot width, comer lots, seventy (70') feet, and interior lots, sixty (60') feet;

(c) Lot depth, 100 feet;

(d) Front yards, twenty (20') feet;

(e) Side yards:

(1) On the street side of comer lots, fifteen (15') feet; and

(2) On interior lots, the following side yard setbacks shall be observed:

(i) As to lots existing before July 1, 1986, the side yard setback shall be six (6') feet on both sides; provided, however, the smaller side yard may be no less than three (3') feet if the larger side yard is no less than ten (10') feet; and

(ii) As to lots created on or after July 1, 1986, the smaller side yard shall be no less than three (3') feet, and the larger side yard shall be no less than ten (10') feet;

(f) Rear yards, twenty (20') feet;

(g) Lot area per dwelling unit, 1,000 square feet; and

(h) Distance between buildings on the same lot, twenty (20') feet between buildings used for dwelling purposes, ten (10') feet between a building used for dwelling purposes and an accessory building, and six (6') feet between accessory buildings. (§ 12.06, Ord. 488, as amended by § 7, Ord. 488.171, eff. August 23,1984, and § 4, Ord. 681.121, eff. July 3, 1986)

Sec. 8-2.1107. Other required conditions (R-4).

The following additional conditions shall be required in the R-4 Zone:

(a) Off-street parking shall be required for all uses as provided in Article 25 of this chapter. (§ 12.07, Ord. 488)

Article 12. Neighborhood Commercial Zone (C-1)

Sec. 8-2.1201. Purpose (C-1).

The purpose of the Neighborhood Commercial Zone (C-1) shall be to provide a center for convenient shopping and services in a residential neighborhood. New land classified C-1 shall have a minimum area of three (3) acres in locations where the analysis of residential population demonstrates that such facilities are required, unless such areas adjoin commercial or industrial zones. (§ 13.01, Ord. 488)

Sec. 8-2.1202. Principal permitted uses (C-1).

The following principal uses shall be permitted in the C-1 Zone:

(a) Buildings and structures, public and quasi-public, and uses of a recreational, educational, religious, cultural, or public service type, including communication equipment buildings, but not including corporation yards, storage or repair yards, and warehouses;

(b) Offices, business, professional, and medical;

(c) Parking lots, commercial, for passenger vehicles, subject to the requirements of Article 25 of this chapter;

(d) Restaurants, cafes, and soda fountains (As amended by §3, Ord. 1386, eff. July 2, 2009)

(e) Retail businesses and service establishments, local, for residents of the neighborhood, including:

(1) Bakeries;

(2) Barber and beauty shops;

(3) Clothes cleaning and laundry pickup stations;

(4) Drugstores;

(5) Florist shops;

(6) Grocery, fruit, and vegetable stores;

(7) Hardware stores;

(8) Laundromats;

(9) Variety stores; and

(10) Similar businesses;

(f) Social halls, lodges, and fraternal organization clubs; and

(g) Other commercial uses or services which the Commission finds to be consistent with the purposes of this article and which are of the same general character as the principal permitted uses set forth in this section. (§ 13.02, Ord. 488)

Sec. 8-2.1203. Accessory uses (C-1).

The following accessory uses shall be permitted in the C-1 Zone:

(a) Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities;

(b) Living quarters when accessory to the principal permitted use; and

(c) Signs as permitted in Section 8-2.2406 of Article 24 of this chapter. (§ 13.03, Ord. 488, as amended by § 24, Ord. 652, eff. May 5, 1971)

Sec. 8-2.1204. Conditional uses (C-1).

The following conditional uses shall be permitted in the C-1 Zone:

(a) Automobile service stations; and

(b) Buildings and structures, public and quasi-public, and uses of a recreational, educational, religious, cultural, or public service type, but not including corporation yards, storage or repair yards, or warehouses;

(c) Schools, business and technical, and schools and studios for photography, art, music, and dance;

(d) Nursery schools and day care centers; (As amended by §3, Ord. 1386, eff. July 2, 2009);

(e) Other uses which the Commission finds to be consistent with the purposes and intent of this article and which are of the same general character as the conditional uses set forth in this section.

A request for an interpretation of whether a use should be added to the list of conditional uses pursuant to this section may be heard by the Commission concurrently with the application for the use permit for the proposed use if the application is complete and notice is given as required for hearing the application, both as an interpretation and as an application for a use permit. (§ 13.04, Ord. 488, as amended by § 6, Ord. 652, eff. May 5, 1971, § 2, Ord. 488.161, eff. October 24, 1973, § 10, Ord. 488.167, eff. September 4, 1974, and § 1, Ord. 681.92, eff. September 8, 1982; as amended by §3, Ord. 1386, eff. July 2, 2009) and

(f) Bars. (as amended by §3, Ord. 1386, eff. July 2, 2009).

(g) Small wind energy system on a parcel of two acres or more, consistent with Section 8-2.2418 (as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.1205. Height regulations (C-1).

No main building in the C-1 Zone shall exceed forty (40') feet in height, and no accessory building shall exceed fifteen (15') feet in height, except as provided in Section 8-2.2605 and Section 8-2.2418 and Article 34 of this chapter. (§ 13.05, Ord. 488, as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.1206. Lot and yard requirements (C-1).

The following minimum lot and yard requirements shall be observed in the C-1 Zone, except where changed for conditional uses:

(a) Lot area, no minimum requirements;

(b) Front yards, ten (10') feet;

(c) Side yards, no minimum requirement except, where abutting an R Zone, not less than that required for the abutting R Zone; and

(d) Rear yards, ten (10') feet except, where abutting an R Zone, not less than twenty (20') feet. (§ 13.06, Ord. 488)

Sec. 8-2.1207. Other required conditions (C-1).

The following additional conditions shall be required in the C-1 Zone:

(a) All uses shall be conducted wholly within a completely enclosed building, except service stations, off-street parking and loading facilities, and essential services, as defined in Section 8-2.237 of Article 2 of this chapter.

(b) In any part of the C-1 Zone directly across a street from an R Zone, no parking or loading facilities shall be located within the required front yard area.

(c) Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises.

(d) Not more than three (3) persons shall be engaged in the fabrication, repair, and other processing of goods in any establishment.

(e) Off-street parking and loading shall be required for all uses as provided in Article 25 of this chapter. (§ 13.07, Ord. 488)

Article 12.1 Esparto Downtown Mixed Use (DMX) Zone

Sec. 8-2.1211. Applicability and Purpose.

The Esparto Downtown Mixed use (DMX) zone is to be applied to unincorporated areas that are planned for development or redevelopment of a mixture of primarily commercial, retail, office and residential uses.

The purposes of the DMX District are to:
(a) Accommodate a physical pattern of development often found along village main streets and in neighborhood commercial areas of older cities;
(b) Encourage mixed use development projects with neighborhood and community-serving retail, service, and other uses on the ground floor and residential and live/work units above the nonresidential space;
(c) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets;
(d) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction; and
(e) Provide flexibility for the development of live/work units, particularly within existing buildings and ensure that the exterior design of live/work buildings is compatible with the exterior design of commercial, industrial, and residential buildings in the area, while remaining consistent with the predominant workspace character of live/work buildings. (§2, Ord. 1393, eff. November 12, 2009)

Sec. 8-2.1212. Definitions.

As used in this ordinance, the following words and terms shall have the meanings specified herein:

(a) "Artisan crafts production, large scale or mechanized" means the creation of unique arts and crafts products using heavy mechanical or industrial tools, e.g., welding, glass blowing, or any production process involving hazardous materials, excluding art paint.
(b) "Artisan crafts production, small scale" means the creation of unique arts and crafts products using hand operated or light mechanized tools only, e.g., jewelry or ceramics.
(c) "Gross floor area" is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.
(d) "Live/work unit" or Live/work space" means a building or spaces within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. "Live-work unit" is further defined as a structure or portion of a structure:

(1) That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household;

(2) Where the resident owner, occupant, or employee of the business is responsible for the commercial or manufacturing activity performed; and

(3) Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

(e) "Mixed use development project" means a development project of one or more buildings that includes a mixture of uses, i.e., residential, retail, office, service, industrial, or public, entire vertically integrated (a mixture of uses on separate floors of a single building) or horizontally integrated (a mixture of uses in more than one building spread over a large parcel, e.g. retail, office, and upstairs apartments in a building along a main frontage arterial, with residential uses behind).
(f) "Stores, shops, retail sales" means stores and shops supplying a commodity such as bakeries, florist shops, hardware stores, antique and other specialty shops. "Stores, shops, retail sales" does not include sales or services related to large or heavy commodities such as building materials, furniture manufacturing, electrical and plumbing services, wholesale business and accessory storage, and other similar uses that are allowed in the General Commercial (C-3) Zone.
(g) "Walk in business" means a professional service or office use that relies on some pedestrian foot traffic to thrive, and which contributes to, and does not detract from, a pedestrian-oriented retail/services shopping environment.
(h) "Vacant land" means land that is currently undeveloped with urban structures, but may be occupied by a rural residence or structure, and is designated for future urban growth. (§2, Ord. 1393, eff. November 12, 2009)

Section 8-2.1213. Allowed Uses.

Uses are allowed in the DMX zoning district in accordance with the following use table

Specific Use Type
P = Allowed by-right
C = Conditional use (major use Permit)
C *= Conditional use (minor use permit)
N = Not allowed

Household Living

Artist Live/Work space located above the ground floor P
Artist Live/Work Space, ground floor P
Dwelling units located above the ground floor P
Detached Single Family Units P
Attached Single Family Units (duplex, townhouse, condo
- Two to four units P
- Over four units C
Multiple Family Units (apartments) C

Group Living

Group Living
Assisted Living P or C over 6 beds
Group Home P or C over 6 beds
Nursing Home C
Transitional Residences or Shelter P or C over 6 beds

Public/Quasi-Public
Colleges and Universities C
Cultural Exhibits P
Day Care P
Hospital C
Urgent Care Clinic C
Libraries
Lodge or Private Club
Parks and Recreation P
Postal Service P
Public Safety Services P
Religious Assembly C or P if on upper floors
School, private C
School, public P
Utilities and Services, Minor P
Utilities and Services, Major C
Welcome/Visitor Center P

Adult Use N

Animal Services
Shelter/Boarding Kennel N
Sales and Grooming P
Veterinary (small animals only) P

Artist Work or Sales Space P

Eating and Drinking Establishments
Restaurant P
Sale of alcohol C
Bar/Tavern C
Drive-Through Facility
C
Outdoor eating and drinking P

Entertainment and Spectator Sports
Indoor P
Outdoor C

Lodging
Small (1 - 59 guest rooms) P
Large (60+ guest rooms) C

Commercial Services
Barber/Hairdresser
P U B L I C A N D C I V I C

Financial or Professional Services
(not walk in) C* or P if on upper floors
Financial or Professional Services
(walk in) P
Food and Beverage Retail Sales (including alcohol) C
Grocery/Food and Beverage Retail Sales (no alcohol) P
Gas Stations N
Medical/Dental Service P
Office (not walk in) C*
or P if on upper floors
Office (walk in) P
Parking, Commercial (Non-accessory) C
Personal Service, including laundry and health clubs P
Repair Service, Consumer, including bicycles
P
Residential Storage Warehouse N
Vehicle Service and Repair C
Vehicle Sales N
C
Stores, Shops, Retail Sales C or P if on upper floors
Retail Sales, General, under 3,000 square feet
P
Retail Sales, General, 3,000 to 10,000 square feet C*
Retail Sales, General, over 10,000 square feet (excluding grocery stores) C

Manufacturing, Production and Industrial Services
Artisan crafts production, small scale P
Artisan crafts production, large scale or mechanized C*
All other industrial and manufacturing production N

Wireless Communication Facilities
Co-located C
Freestanding (Towers) C

Temporary Uses
Seasonal farmers market P
Other temporary uses (as allowed by County Code) . (§2, Ord. 1393, eff. November 12, 2009)

Projects on Large Parcels

For projects proposed on vacant lands of more than one acre in size, the following regulations apply:

(a) Projects are encouraged to include a mix of residential and non-residential uses (a mixed use development project), integrated either vertically or horizontally. Retail uses are strongly encouraged on the ground floor of buildings fronting along the main streets, and other nonresidential uses (e.g., offices or services) or housing are encouraged on the upper floors and behind the retail frontage.

(b) Projects that are predominantly one single commercial use (e.g., large retail or service establishments such as a hardware store, or a motel/hotel) that are proposed for construction on eighty-five percent (85%) or more of the gross acreage of the vacant parcel are also encouraged to be accompanied by one or more significant community benefits, such as a public plaza, park, or other public use.

(c) Projects that are predominantly (sixty percent (60%) or more of the gross acreage) single or multiple family residential use are prohibited.

(d) All projects should include some public amenities such as public open areas, public art, public meeting rooms, pedestrian walkways, etc.

(e) All projects must be designed with a grid circulation pattern that connects with the existing community.

(f) The architecture and design of buildings must be coordinated throughout the site and must be harmonious with the adjacent community.

All projects shall conform with all other regulations in this Article, and should be consistent with the Design Review Guidelines of the Esparto General Plan. . (§2, Ord. 1393, eff. November 12, 2009)

(g)

8-2.1214 Residential Uses and Density

(a) The maximum residential density allowed in new buildings in the DMX zone is the maximum number of dwelling units per net acre allowed under the Residential High (RH) General Plan designation, not including density bonuses allowed under Yolo County and State laws.

(b) The minimum residential density allowed in new buildings in the DMX zone is 10 dwelling units per net acre for new residential structures, and for large projects proposed on vacant lands of more than one acre in size.

The maximum and minimum residential density standards in (a) and (b), above, shall not be applied to new, converted, or expanded residential uses proposed within existing urban buildings located in the historic downtown along Yolo Avenue and Woodland Avenue. . (§2, Ord. 1393, eff. November 12, 2009)

8-2.1215 Height and Minimum Retail Floor Space

(a) The maximum building height shall be 50 feet, or four stories, whichever is greater, for all buildings.

(b) The minimum height for new or renovated mixed-use buildings located in the historic downtown along Yolo Avenue, and Woodland Avenue shall be 22 feet.

(c) The gross floor area of individual commercial establishments in the DMX district shall not exceed 25,000 square feet, or 35,000 square feet if it is selling or serving multiple lines of merchandise.

(d) The ground floor frontage space of new or renovated mixed-use buildings located along Yolo Avenue, Woodland Avenue, and County Road 87 shall not include apartments and shall contain the following minimum retail (non-residential) space:

(1) At least 800 square feet or 25 percent of the ground floor area (whichever is greater) on lots with street frontage of less than 50 feet; or

(2) At least 20 percent of the ground floor area on lots with 50 feet of street frontage or more.

(§2, Ord. 1393, eff. November 12, 2009)

8-2.1216 Setbacks

The following setbacks are required:

(a) The entire building façade of new or renovated buildings located along Yolo Avenue, Woodland Avenue, and County Road 87 shall generally abut front and street side property lines or be located within 10 feet of such property lines. An exception may be made for the "train station" property (APN: 049-240-17), if the existing structure is retained. However, a portion of new or renovated buildings may be set back from the maximum setback line in order to provide a specific feature or to reflect the prevailing setbacks of existing buildings along the block or the street. Specific features include an articulated façade, or to accommodate a building entrance feature or an outdoor eating area.

(b) Special architectural features such as balconies, bay windows, arcades, and awnings may project into front setbacks and public street right-of-ways (but not extend past the curb line) provided they meet minimum required clearance above the sidewalk and leave a minimum five foot wide unobstructed sidewalk. Prior to new encroachment into the public right-of-way, a permit shall be obtained from the County Planning and Public Works Department, or Caltrans.

(c) The minimum rear setback is 10 feet, except when DMX zoned property abuts R-zoned property, in which case the minimum rear setback required is 20 feet.

(d) No interior side setbacks are required in the DMX district, except when DMX zoned property abuts R-zoned property, in which case the minimum side setback required is 20 feet. . (§2, Ord. 1393, eff. November 12, 2009)

8-2.1217 Other Building Regulations

(a) All permitted uses in the DMX district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, kiosks, mailboxes, farmers markets, or outdoor eating or drinking areas.

(b) Building frontage of new or renovated buildings shall be eighty percent (80%) to one hundred percent (100%) of the frontage measured from side property line to side property line at front property line.

(c) A minimum of forty percent (40%), and a maximum of seventy-five percent (75%), of the street-facing building façade of new or renovated commercial buildings along Yolo Avenue and Woodland Avenue shall be comprised of clear windows that allow views of indoor space or product display areas between two feet and eight feet in height. The bottom of any window or product display window used to satisfy this transparency standard shall not be more than three (3) feet above the adjacent sidewalk, and product display windows used to satisfy this requirement must have a minimum height of four (4) feet and be internally lighted.

(d) No more than thirty (30) feet of horizontal distance of a wall on any floor shall be provided without architectural relief, such as windows, for building walls and frontage walls facing the street.

(e) Commercial buildings shall have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses. (§2,Ord. 1393, eff. November 12, 2009)

8-2.1219 Sign Regulations

(a) Signs shall be provided for commercial uses and buildings along Yolo Avenue and Woodland Avenue that are appropriate in scale and location, and shall be architecturally integrated with the surroundings.

(b) Signs shall be clearly integrated and consistent in design and materials with the architecture of the building. Signage in the business district should support the district's character and not detract from the area.

(c) Monument signs are preferred. Pole signs are prohibited.

(d) Ground signage shall be limited in height of five (5) feet.

(e) Attached signs shall be flat against the facade, or mounted projection from the facade.

(f) Window signage shall be limited to twenty (20) percent of the total window frontage per storefront.

(g) The maximum area of any single sign mounted perpendicular to a given facade shall not exceed ten (10) square feet.

(h) Signs shall maintain a minimum clear height above sidewalks of eight (8) feet.

(i) Signs shall not extend beyond the curb line.

(j) Signs located on the interior of a structure, but visible from the exterior of the building, are permitted and are not charged against the maximum allowable signage area if such signs are not physically attached or painted to the window and do not obscure more than 10% of ground floor street side building transparency. The 10% is not to exceed total glass area calculated for both unattached and temporary window signs.

(k) Temporary signs can take the form of banners, window graphics, or as placards integrated with a window display. Temporary signs are permitted on the interior of the business establishment only and shall be no more than 5 square feet of text and shall not exceed 10 square feet in size and no more than 10% of ground floor street side building transparency. Temporary signs shall not be displayed more than thirty days in a calendar year.

(l) One menu or sandwich board shall be allowed per street address. Menu boards shall not exceed eight (8) square feet in size (sign and copy area is calculated on one side only) and shall be positioned so as to be adjacent to that restaurant or business listed on the board and information on that board shall be placed in a manner which is clearly visible to pedestrian traffic. All signs shall be removed at the end of each business day. All signs shall be securely anchored to the ground.

(m) Murals are allowed and shall be reviewed for design by the Esparto Citizens Advisory Committee.

. (§2, Ord. 1393, eff. November 12, 2009)

8-2.1220 Building Design Guidelines

(a) New and renovated buildings should be designed consistent with this section and with the Design Review Guidelines of the Esparto General Plan. Historical buildings may be exempted from some of these individual guidelines, at the discretion of the Director of Planning and Public Works or the Planning Commission, sitting as the Historic Preservation Commission.

(b) Building surface variation should be incorporated in new buildings through the placement of windows and entries, planar changes (where the building surface recedes or projects), significant color changes, material changes, or other elements that add variation along the length of a building.

(c) Structures should be designed with articulation at entries, bases, and tops. The organization used shall break up the mass into smaller elements. Buildings shall provide as much visual interest as possible without creating a chaotic image.

(d) New and renovated buildings shall utilize at least three of the following design features to provide architectural relief along all elevations of the building:

(1) divisions or breaks in materials and color (materials should be drawn from a common palette)

(2) window bays

(3) separate entrances and entry treatments

(4) variation in roof lines

(5) projecting architectural elements (porches, awnings, balconies, etc.)

(6) recessed entries (at least three (3) feet from the primary façade)

(7) protruding entries (at least three (3) feet from the primary façade)

(8) cupolas

(e) Buildings shall include a clear visual division (e.g., a cornice or awning) between the first and upper floors.

(f) Variable roof forms shall be incorporated into the building design. Long, uninterrupted horizontal lines of parapet are discouraged. Generally it is preferred to break up the parapet,

eaves, or ridge line by vertical or horizontal off-sets or changing the roof forms.

(g) Commercial and mixed-use buildings shall express a "storefront character," by including corner building entrances on corner lots, and including regularly spaced and similar-shaped windows with window hoods or trim (all building stories).

(h) All proposed motel/motel projects shall be required to meet minimum design criteria outlined in this section and in the Design Review Guidelines of the Esparto General Plan, including requirements for extensive landscaping to buffer structures and parking areas. (§2, Ord. 1393, eff. November 12, 2009)

8-2.1221 Outdoor Eating Space

(a) Outdoor dining is permitted and may occur within the public right-of-way.

(b) A minimum of five (5) feet of clear sidewalk access for pedestrians shall be maintained.(§2, Ord. 1393, eff. November 12, 2009)

8-2.1222 Live/Work Uses

(a) Live/work units are permitted in the DMX zone.

(b) Any commercial use allowed by right in the DMX zone is allowed in the live/work unit.

(c) Live/work units at street level are subject to the development and transparency standards of ground-floor retail or commercial establishments, and the living area shall not exceed one-third of the total floor area of the unit.

(d) At least one resident in each live/work unit shall maintain a valid business license and other required permits for a business on the premises.(§2, Ord. 1393, eff. November 12, 2009)

8-2.1223 Off-Street Parking

(a) For large mixed use development projects on vacant lands of more than one acre, off-street parking shall be provided for all residential and nonresidential uses, as required by Article 25.

(b) For all other projects, the following parking requirements apply:

(1) No off-street parking is required for new or expanded nonresidential uses in the DMX zone unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking shall be provided for the floor area in excess of 3,000 square feet, in accordance with Article 25, or as modified by (3), below.

(2) Off-street parking for new residential uses of four or more units in the DMX zone shall be provided, in accordance with Article 25, or as modified by (3), below.

(3) Off-street parking requirements for nonresidential and residential uses may be modified by the Director of Planning and Public Works based on a parking supply study prepared by a civil engineer or other certified professional which indicates an ample supply of on-street or other nearby public parking, or adequate nearby private parking for shared nonresidential uses. Shared parking is permitted between different categories of uses or uses with different hours of operation. An agreement providing for the shared use of private parking, executed by the parties involved, shall be filed with the Planning Director or Zoning Administrator.

(c) For live/work units of less than 2,500 square feet, one parking space is required for each unit. For live/work units greater than 2,500 square feet, required parking will be based on the applicable parking standard for the nonresidential use or the closest similar use as determined by the Planning Director or Zoning Administrator.

(d) Off-street parking requirements for both nonresidential and residential uses may be satisfied by the leasing of nearby parking spaces on adjacent parcels within 400 feet of the use.

(e) Off-street parking spaces provided on the site must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or

residential zoning districts. (§2, Ord. 1393, eff. November 12, 2009)

8-2.1224Notice for Change of Residential Use

(a) Purchasers of residential lots or homes in the DMX zone shall be notified that they are purchasing property within a mixed use zone and that adjacent residential uses could be changed to nonresidential uses over time.

(b) Residential neighbors within the DMX zone shall be notified of any proposed change of use from residential to a nonresidential use of adjacent lots or homes within 100 feet, regardless whether the new use is permitted by right or by Conditional Use Permit. (§2, Ord. 1393, eff. November 12, 2009)

Article 13. Community Commercial Zone (C-2)

Sec. 8-2.1301. Purpose (C-2).

The purpose of the Community Commercial Zone (C-2) shall be to stabilize, improve, and protect the community business districts of the County and major area-wide business centers. The C-2 designation shall only be applied in the general location of such centers as designated in the Master Plan and the standards contained therein. (§ 14.01, Ord. 488)

Sec. 8-2.1302. Principal permitted uses (C-2).

The following principal uses shall be permitted in the C-2 Zone:

(a) All uses permitted in the C-1 Zone;

(b) Automobile service stations;

(c) Repealed by §3, Ord. 1386, eff. July 2, 2009);

(d) Hotels and motor hotels;

(e) Parking lots, commercial;

(f) Restaurants and similar enterprises provided such uses are conducted within a completely enclosed building;

(g) Sales and service of new and used cars, mobile homes, and boats;

(h) Schools, business and technical, and schools and studios for photograph, art, music, and dance;

(i) (Repealed by § 7, Ord. 652, eff. May 5, 1971);

(j) Stores, shops, and offices, including regional shopping centers or major elements of such centers, supplying commodities or performing services, such as:

(1) Antique shops;

(2) Artists' supply stores;

(3) Banks and other financial institutions;

(4) Business offices;

(5) Department stores;

(6) Furniture stores;

(7) Grocery stores;

(8) Personal services; and

(9) Specialty shops;

(k) (Repealed by § 1, Ord. 655, eff. June 23, 1971);

(l) Uses, public and quasi-public, appropriate to the community business district, including communication equipment buildings; and

(m) Other commercial uses or services which the Commission finds to be consistent with the purposes of this article and which are of the same general character as the principal uses set forth in this section. (§ 14.02, Ord. 488, as amended by § 7, Ord. 652, eff. May 5, 1971, and § 1, Ord. 655, eff. June 23, 1971; as amended by §3, Ord. 1386, eff. July 2, 2009)

Sec. 8-2.1303. Accessory uses (C-2).

The following accessory uses shall be permitted in the C-2 Zone:

(a) Accessory uses and buildings customarily appurtenant to a permitted use;

(b) Living quarters when accessory to the principal permitted use; and

(c) Signs as permitted by Section 8-2.2406 of Article 24 of this chapter. (§ 14.03, Ord. 488, as amended by § 29, Ord. 652, eff. May 5, 1971)

Sec. 8-2.1304. Conditional uses (C-2).

The following conditional uses shall be permitted in the C-2 Zone:

(a) Billiard rooms;

(b) Bowling lanes;

(c) Cabinet shops;

(d) Dance halls;

(e) Drive-in food and refreshment stands where the use is not confined to the enclosed area of the buildings;

(f) Electrical, plumbing, and air-conditioning shops;

(g) Furniture upholstering shops;

(h) Garages for major and minor repairs;

(i) Laundry, cleaning, and dyeing establishments;

(j) Mortuaries;

(k) Bars;

(l) Printing and publishing shops;

(m) Skating rinks;

(n) Wholesale bakeries and creameries;

(o) Theaters and similar enterprises provided such uses are conducted in completely enclosed buildings;

(p) Nursery schools and day care centers;

(q) Golf driving ranges; and

(r) Other uses which the Commission finds to be consistent with the purposes and intent of this article and which are of the same general character as the conditional uses set forth in this section.

A request for an interpretation of whether a use should be added to the list of conditional uses pursuant to this section may be heard by the Commission concurrently with the application for the use permit for the proposed use if the application is complete and notice is given as required for hearing the application, both as an interpretation and as an application for a use permit. (§ 14.04, Ord. 488, as amended by §§ 2 and 3, Ord. 655, eff. June 23, 1971, § 11, Ord. 488.167, eff. September 4, 1974, §§ 5 and 6, Ord. 488.168, eff. February 11, 1976, and § 2, Ord. 681.92, eff. September 8, 1982, as amended by §3, Ord. 1386, eff. July 2, 2009)

(s) Small wind energy system on a parcel of two acres or more, consistent with Section 8-2.2418 (as amended by §4, Ord. 1389, eff. October 29, 2009

Sec. 8-2.1305. Height regulations (C-2).

No building or structure in the C-2 Zone shall exceed six (6) stories or seventy-five (75') feet, except as provided in Section 8-2.2605 and Section 8-2.2418 and Article 34 of this chapter. (§ 14.05, Ord. 488, as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.1306. Lot and yard requirements (C-2).

The following minimum lot and yard requirements shall be observed in the C-2 Zone except where changed for conditional uses:

(a) Lot area, 5,000 square feet;

(b) Front yard, no minimum requirement;

(c) Side yards, no minimum requirement, except where abutting an R Zone, not less than required for the abutting R Zone; and

(d) Rear yard, no minimum requirement, except where abutting an R Zone, not less than twenty (20') feet. (§ 14.06, Ord. 488)

Sec. 8-2.1307. Other required conditions (C-2).

The following additional conditions shall be required in the C-2 Zone:

(a) Except for off-street parking and loading facilities and the uses set forth in Section 8-2.1304 of this article, all uses shall be conducted primarily within a completely enclosed building.

(b) In any part of a C-2 Zone directly across a street from any R Zone, the parking and loading facilities shall be at least ten (10') feet from such street and the buildings and structures at least twenty (20') feet from such street.

(c) Not more than five (5) persons shall be engaged in the fabrication, repair, and processing of goods in any establishment, and not more than twelve (12) aggregate horsepower shall be used in the operation of all machines utilized for such purposes unless a use permit is secured prior thereto.

(d) Off-street parking and loading shall be required for all uses as provided in Article 25 of this chapter. (§ 14.07, Ord. 488)

Article 14. General Commercial Zone (C-3)

Sec. 8-2.1401. Purpose (C-3).

The purpose of the General Commercial Zone (C-3) shall be to provide a location for wholesale and heavy commercial uses and services necessary within the County, which uses and services are not suited to other commercial zones. (§ 15.01, Ord. 488)

Sec. 8-2.1402. Principal permitted uses (C-3).

The following principal uses shall be permitted in the C-3 Zone:

(a) All uses permitted in the C-2 Zone;

(b) Automobile repair garages, including major repairs;

(c) Automobile service stations and automobile laundries;

(d) Bakeries;

(e) Building material retail sales yards, not including concrete mixing;

(f) Carpenter and cabinet shops;

(g) Creameries;

(h) Electrical, plumbing, and air-conditioning shops;

(i) Furniture upholstering shops;

(j) Janitorial services;

(k) Laundry, cleaning, and dyeing establishments;

(l) Mortuaries, crematoriums, and columbariums;

(m) Printing, publishing, and lithographic shops;

(n) (Repealed by § 8, Ord. 652, eff. May 5, 1971)

(o) Soft drink bottling plants;

(p) Veterinary clinics and animal hospitals;

(q) Wholesale businesses and accessory storage; and

(r) Other commercial uses and services which the Commission finds to be consistent with the purposes of this article and which are of the same general character as the principal permitted uses set forth in this section (§15.02, Ord. 488, as amended by § 8, Ord. 652, eff. May 5, 1971)

Sec. 8-2.1403. Accessory uses (C-3).

The following accessory uses shall be permitted in the C-3 Zone:

(a) Accessory uses and buildings customarily appurtenant to a permitted use; and

(b) Signs as permitted by Section 8-2.2406 of Article 24 of this chapter. (§ 15.03, Ord. 488, as amended by § 30, Ord. 652, eff. May 5, 1971)

Sec. 8-2.1404. Conditional uses (C-3).

The following conditional uses shall be permitted in the C-3 Zone:

(a) Public utility buildings and service yards, including communication equipment buildings and electrical transmission or distribution substations;

(b) Recreation facilities, commercial, including drive-in theaters;

(c) Theaters and similar enterprises provided such uses are conducted in completely enclosed buildings; and

(d) Other uses which the Commission finds to be consistent with the purposes and intent of this article and which are of the same general character as the conditional uses set forth in this section.

A request for an interpretation of whether a use should be added to the list of conditional uses pursuant to this section may be heard by the Commission concurrently with the application for the use permit for the proposed use if the application is complete and notice is given as required for hearing the application, both as an interpretation and as an application for a use permit. (§ 15.04, Ord. 488, as amended by §§ 4 and 5, Ord. 655, eff. June 23, 1971, and § 3, Ord. 681.92, eff. September 8, 1982); and

(e) Bars and nightclubs. (as amended by §3, Ord. 1386, eff. July 2, 2009)

(f) Small wind energy system on a parcel of two acres or more, consistent with Sectin 8-2.2418. (as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.1404.5 Major Use Permit.

(a) Major electrical transmission and distribution projects. (§3, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.1405. Height regulations (C-3).

No building or structure in the C-3 Zone shall exceed six (6) stories or seventy-five (75') feet in height, except as provided in Section 8-2.2605 and Section 8-2.2418, and Article 34 of this chapter. (§ 15.05, Ord. 488, as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.1406. Lot and yard requirements (C-3).

The following minimum lot and yard requirements shall be observed in the C-3 Zone except where changed for conditional uses:

(a) Front yard, no minimum requirement;

(b) Side yard, no minimum requirement, except where abutting an R Zone, not less than that required for the abutting R Zone; and

(c) Rear yard, ten (10') feet, except where abutting an R Zone, not less than twenty (20') feet. (§ 15.06, Ord. 488)

Sec. 8-2.1407. Other required conditions (C-3).

The following additional conditions shall be required in the C-3-Zone:

(a) All uses, including the storage of vehicles, equipment, and materials, if not located entirely within a completely enclosed building, shall be entirely enclosed by a tight, uniformly painted board fence or reasonable equivalent, as approved by the Planning Director, not less than six (6') feet high; provided, however, such requirement shall not apply to nurseries or to the display on street frontage for sales purposes of new or used trailers, other than truck trailers, cars, and trucks in operative condition.

(b) Off-street parking and loading shall be required for all uses as provided in Article 25 of this chapter. (§ 15.07, Ord. 488)

Article 15. Highway Service Commercial Zone (C-H)

Sec. 8-2.1501. Purpose (C-H).

The purpose of the Highway Service Commercial Zone (C-H) shall be to provide for retail, commercial, amusement, and transient residential uses which are appropriate to highway locations and dependent upon highway travel. C-H Zones shall be established in zones of two (2) acres or larger and shall be located only in the vicinity of highways, or the service drives thereof. (§ 16.01, Ord. 488)

Sec. 8-2.1502. Principal permitted uses (C-H).

The following principal uses shall be permitted in the C-H Zone:

(a) Automobile repair garages for minor repairs only;

(b) Automobile service stations and automobile laundries;

(c) Repealed by §3, Ord. 1386, eff. July 2, 2009;

(d) Fruit and/or vegetable stands;

(e) Motels and hotels;

(f) Nurseries and greenhouses;

(g) Recreation facilities, commercial, such as swimming pools, bowling lanes, skating rinks, and dance halls;

(h) Restaurants and refreshment stands;

(i) Retail shops for the sale of souvenirs, curios, and other products primarily to serve the traveling public;

(j) Sales of new and used cars and mobile homes and sales and rentals of boats and trailers;

(k) Uses, public and quasi-public, intended primarily to meet the needs of the traveling public; and

(l) Other commercial uses and services which the Commission finds to be consistent with the purposes of this article and which are of the same general character as the principal permitted

uses set forth in this section. (§ 16.02, Ord. 488; as amended by §3, Ord. 1386, eff. July 2, 2009)

Sec. 8-2.1503. Accessory uses (C-H).

The following accessory uses shall be permitted in the C-H Zone:

(a) Accessory uses and buildings customarily appurtenant to a permitted use; and

(b) Signs as permitted by Section 8-2.2406 of Article 24 of this chapter. (§ 16.03, Ord. 488, as amended by § 25, Ord. 652, eff. May 5, 1971)

Sec. 8-2.1504. Conditional uses (C-H).

The following conditional uses shall be permitted in the C-H Zone:

(a) Animal hospitals and veterinary clinics;

(b) Drive-in theaters;

(c) Mobile home parks with a maximum density of twelve (12) units per gross acre, subject to the further requirements set forth in Section 8-2.2404 of Article 24 of this chapter; and

(d) (Repealed by § 9, Ord. 652, eff. May 5, 1971)

(e) Other uses which the Commission finds to be consistent with the purposes and intent of this article and which are of the same general character as the conditional uses set forth in this section.

A request for an interpretation of whether a use should be added to the list of conditional uses pursuant to this section may be heard by the Commission concurrently with the application for the use permit for the proposed use if the application is complete and notice is given as required for hearing the application, both as an interpretation and as an application for a use permit. (§ 16.04, Ord. 488, as amended by § 9, Ord. 652, eff. May 5, 1971, and § 4, Ord. 681.92, eff. September 8, 1982)

(f) Small wind energy system on a parcel of two acres or more, consistent with Section 8-2.2418 (as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.1504.5 Major Use Permit.

(a) Major electrical transmission and distribution projects (§3, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.1505. Height regulations (C-H).

No building or structure in the C-H Zone shall exceed forty (40') feet in height, except as provided in Section 8-2.2605, and Section 8-2.2418 and Article 34 of this chapter. (§ 16.05, Ord. 488, as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.1506. Lot and yard requirements (C-H).

The following minimum lot and yard requirements shall be observed in the C-H Zone except where changed for conditional uses:

(a) Lot area, 10,000 square feet;

(b) Front yard, fifteen (15') feet;

(c) Side yards, fifteen (15') feet where abutting an R Zone, except for motels for which the minimum shall be six (6') feet; and

(d) Rear yard, no minimum requirement, except where abutting an R Zone, not less than twenty (20') feet. (§ 16.07, Ord. 488)

Sec. 8-2.1507. Other required conditions (C-H).

The following additional conditions shall be required in the C-H Zone:

(a) Parking and loading facilities shall not be located in the required front yard area.

(b) Off-street parking and loading shall be required for all uses as provided in Article 25 of this chapter. (§ 16.07, Ord. 488)

Article 16. Limited Industrial Zone (M-L)

Sec. 8-2.1601. Purpose (M-L).

The purpose of the Limited Industrial Zone (M-L) shall be to accommodate a limited group of business, professional, research, and technical manufacturing uses which have unusual requirements for space, light, and air, and the operations of which uses are clean and quiet. (§ 17.01, Ord. 488)

Sec. 8-2.1602. Principal permitted uses (M-L).

The following principal uses shall be permitted in the M-L Zone:

(a) Business and professional offices; and

(b) The following and similar uses from which noise, smoke, dust, odors, and other such offensive features are confined to the premises of each use and all such uses are completely confined within enclosed buildings:

(1) Bookbinding, printing, and lithography;

(2) Cartography;

(3) Communication equipment buildings;

(4) Data processing and computer operations;

(5) Editorial and designing operations;

(6) Electrical products and appliance manufacturing;

(7) Electronic, precision instrument, and precision parts manufacturing;

(8) Photographic and film processing operations;

(9) Research institutes and laboratories; and

(10) Other uses determined by the Commission to be of the same general character as the principal permitted uses set forth in this subsection. (§ 17.02, Ord. 488)

Sec. 8-2.1603. Accessory uses (M-L).

The following accessory uses shall be permitted in the M-L Zone:

(a) Accessory uses and buildings customarily appurtenant to a permitted use;

(b) Signs as permitted by Section 8-2.2406 of Article 24 of this chapter; and

(c) Mobile homes for watchmen when it is found that the watchman is employed for the protection of the principal permitted use located on the site; when there is no permanent structure suitable for human habitation on the site; and when the applicant presents substantial evidence demonstrating the need for a watchman on the site. (§ 17.03, Ord. 488, as amended by § 26, Ord. 652, eff. May 1971, and § 25, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.1604. Conditional uses (M-L).

The following conditional uses shall be permitted in the M-L Zone:

(a) Electrical transmission and/or distribution substations and public utility service yards;

(b) Personal service and retail businesses for the convenience of employees of the principal permitted use only when conducted as accessory uses in buildings used primarily for the principal permitted uses set forth in Section 8-2.1602 of this article;

(c) (Repealed by § 10, Ord. 652, eff. May 5, 1971)

(d) Residences for occupancy by caretakers or watchmen employed for the protection of the principal permitted use when located on the parcel occupied by the principal permitted use;

(e) Signs, identification, other than as set forth in subsection (b) of Section 8-2.1603 of this article;

(f) Storage and necessary equipment in open areas when accessory to a permitted use; and

(g) Other uses which the Commission finds to be consistent with the purposes and intent of this article and which are of the same general character as the conditional uses set forth in this section.

A request for an interpretation of whether a use should be added to the list of conditional uses pursuant to this section may be heard by the Commission concurrently with the application for the use permit for the proposed use if the application is complete and notice is given as required for hearing the application, both as an interpretation and as an application for a use permit. (§ 17.04, Ord. 488, as amended by § 10, Ord. 652, eff. May 5, 1971, and § 5, Ord. 681.92, eff. September 8, 1982)

(h) Small wind energy system on a parcel of two acres or more, consistent with Section 8-2.2418. (as amended by §4, Ord. 1389, eff. October 29, 2009

Sec. 8-2.1604.5 Major Use Permit.

(a) Major electrical transmission and distribution projects. (§3, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.1605. Height regulations (M-L).

The maximum height of structures in the M-L Zone shall be forty-five (45') feet, except as provided in Section 8-2.2605 and Section 8-2.2418 and Article 34 of this chapter. (§ 17.05, Ord. 488, as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.1606. Lot and yard requirements (M-L).

The following minimum lot and yard requirements shall be observed in the M-L Zone, except where changed for conditional uses:

(a) Lot area, comer lots, 10,000 square feet, and interior lots, 10,000 square feet;

(b) Lot width, eighty feet;

(c) Lot depth, 120 feet;

(d) Front yards, twenty (20') feet;

(e) Side yards, twenty (20') feet; and

(f) Rear yards, twenty (20') feet. (§ 17.06, Ord. 488)

Sec. 8-2.1607. Other required conditions (M-L).

The following additional conditions shall be required in the M-L Zone:

(a) Off-street parking and loading shall be required for all uses as provided in Article 25 of this chapter. (§ 17.07, Ord. 488)

Article 17. Light Industrial Zone (M-1)

Sec. 8-2.1701. Purpose (M-1).

The purpose of the Light Industrial Zone (M-1) shall be to provide areas in which sound industrial development of non-nuisance type uses will be protected from incompatible uses. (§ 18.01, Ord. 488)

Sec. 8-2.1702. Principal permitted uses (M-1).

The following principal uses shall be permitted in the M-1 Zone:

(a) Repair and service facilities, garages, and parking for operate equipment, including agricultural implements, ambulance services, automobiles, boats, buses, motorcycles, taxicabs, tractors, trailer coaches, and trucks, and sales of tractors, trailer coaches, and trucks;

(b) Automobile and truck service stations, including public scales;

(c) Automobile, tractor, truck, truck trailer, trailer coach, airplane, and boat assembly or remodeling;

(d) Bottling works for soft drinks;

(e) Cabinet shops;

(f) Cold storage plants;

(g) Ice manufacturing and storage;

(h) Janitorial services;

(i) Light construction and special trade contractors' shops, including ornamental iron works and sheet metal shops;

(j) Lithography, printing, and reproduction establishments;

(k) Machine shops;

(l) Motion picture studios and photographic and film processing plants;

(m) Packing and crating establishments;

(n) Public utility facilities, including electrical transmission and/or distribution substations, communication equipment buildings, and public utility service yards;

(o) Railroad lines and spurs;

(p) Research laboratories, data processing, and computer operations;

(q) Sign manufacturing;

(r) Upholstering shops;

(s) Warehousing, including furniture and household goods storage, but excluding feed and grain when handled in bulk;

(t) Wholesaling of materials from completely enclosed buildings, but excluding feed and grain when handled in bulk;

(u) Woodworking and millwork shops, excluding sawmills and planing mills;

(v) The following manufacturing uses:

(1) Bedding and pillows;

(2) Book binderies;

(3) Boots and shoes;

(4) Canvas and burlap products;

(5) Carpets and rugs;

(6) Ceramic products using only previously pulverized clay and kilns fired only by electricity or gas;

(7) Chemical compounding and packaging from previously prepared materials;

(8) Clothing;

(9 Cutlery, hand tools, and general hardware;

(10) Electrical appliances, small, including housewares, such as irons, fans, toasters, toys, and similar products;

(11) Electrical lighting and wiring equipment, including lighting fixtures, wire or cable assembly, switches, lamps, wiring devices, and similar supplies;

(12) Feather, felt, and fur products from previously prepared materials;

(13) Glass products from previously manufactured glass;

(14) Hair products from previously prepared materials;

(15) Hats, caps, and millinery;

(16) Heating apparatus and plumbing fixtures;

(17) Hosiery;

(18) Jewelry, silverware, and plated ware;

(19) Leather goods from previously prepared materials;

(20) Machinery, light, and major appliances, including household and commercial cooking, refrigerating, and laundry equipment, vacuum cleaners, sewing machines, and similar products;

(21) Machines, business, including typewriters, accounting machines, calculators, electronic data processing equipment, vacuum cleaners, sewing machines, and similar products;

(22) Machine tools;

(23) Metal doors, sash, frames, molding, and trim;

(24) Metal stamping and extrusion;

(25) Musical instruments and parts;

(26) Paperboard containers, boxes, and similar products from previously prepared materials;

(27) Paper products from previously prepared materials;

(28) Pens, pencils, and other office and artists' supplies;

(29) Plastic products from previously prepared materials;

(30) Professional, scientific, and controlling instruments, photographic and optical goods, and watches and clocks;

(31) Radio, television, and communication equipment and electronic components and accessories;

(32) Rope, cordage, and twine;

(33) Rubber products from previously manufactured materials, excluding all rubber and synthetic processing;

(34) Screw machine products and bolts, nuts, screws, rivets, and washers;

(35) Soap, detergent, and washing compounds, packaging only;

(36) Textiles;

(37) Toys, amusements, novelties, and sporting and athletic goods; and

(38) Venetian blinds; and

(w) Wineries, breweries, and distilleries. (§ 18.02, Ord. 488, as amended by §§ 11 and 27, Ord. 652, eff. May 5, 1971, §§ 7 and 8, Ord. 488.168, eff. February 11, 1976, and § 2, Ord. 488.184, eff. August 15, 1985, §3, Ord. 1386, eff. July 2, 2009);

(x) Other uses which the Commission finds to be consistent with the intent of the M-1 Zone, of the same general character as the uses set forth in this section, and not objectionable by reason of adverse external effects, such as odor, dust, smoke, noise, glare, fumes, radiation, or vibration. (as amended by §3, Ord. 1386, eff. July 2, 2009)

Sec. 8-2.1703. Accessory uses (M-1).

The following accessory uses shall be permitted in the M-1 Zone:

(a) Personal service and retail businesses for the convenience of employees of the principal permitted use only when conducted as accessory uses in buildings used primarily for the principal

permitted uses set forth in Section 8-2.1702 of this article;

(b) Recreation facilities for the convenience of employees of the principal permitted use only when conducted as accessory uses on the parcel occupied by the principal permitted use;

(c) Residences for occupancy by caretakers or watchmen employed for the protection of the principal permitted use when located on the parcel occupied by the principal permitted use;

(d) Retail sales and service facilities not otherwise permitted by Section 8-2.1702 of this article where:

(1) The goods or services sold are limited to those manufactured, assembled, or distributed on the site; and

(2) The retail sales and service facilities shall not occupy more than ten (10%) percent of the gross floor area of the principal permitted use; and

(e) Signs as permitted by Section 8-2.2406 of Article 24 of this chapter. (§ 18.03, Ord. 488, as amended by § 31, Ord. 652, eff. May 5, 1971, and § 3, Ord. 488.184, eff. August 15, 1985)

Sec. 8-2.1704. Conditional uses (M-1).

The following conditional uses shall be permitted in the M-1 Zone:

(a) Commercial coaches as permitted by Section 8-2.2413 of Article 24 of this chapter;

(b) Contractors' equipment storage yards for the storage and rental of equipment commonly used by contractors;

(c) Oil and gas well drilling and operations;

(d) Personal service and retail businesses and private or commercial recreation facilities for the convenience of the employees of the district, other than as provided for in Section 8-2.1703 of this article;

(e) Retail sales and service facilities not otherwise permitted by Section 8-2.1702 of this article where:

(1) The goods or services sold are limited to those manufactured, assembled, or distributed on the site; and

(2) The retail sales and service facilities occupy more than ten (10%) percent but less than twenty-five (25%) percent of the gross floor area of the principal permitted use;

(f) Other uses which the Commission finds to be consistent with the purposes and intent of this article and which are of the same general character as the conditional uses set forth in this section; and

(g) Mobile homes for watchmen when it is found that the watchman is employed for the protection of the principal permitted use located on the site; when there is no permanent structure suitable for human habitation on the site; and when the applicant presents substantial evidence demonstrating the need for a watchman on the site.

A request for an interpretation of whether a use should be added to the list of conditional uses pursuant to this section may be heard by the Commission concurrently with the application for the use permit for the proposed use if the application is complete and notice is given as required for hearing the application, both as an interpretation and as an application for a use permit. (§ 18.04, Ord. 488, as amended by § 6, Ord. 681.92, eff. September 8, 1982, § 4, Ord. 188.184, eff. August 15, 1985, § 1, Ord. 681.116, eff. August 22, 1985, and § 26, Ord. 488.188, eff. January 2, 1986)

(h) The sale or service of beer, wine, and/or spirits, associated with the on-site processing of such alcohol products. The retail sales or service of beer, wine, and/or spirits may not exceed twenty five percent (25%) of the gross floor area of the on-site production facility. (as amended by §3, Ord. 1386, eff. July 2, 2009)

(i) Small wind energy system on a parcel of two acres or more, consistent with Section 8-2.2418. (as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.1704.5 Major Use Permit.

(a) Major electrical transmission and distribution projects. (§3, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.1705. Height regulations (M-1).

The maximum height of structures in the M-1 Zone shall be forty-five (45') feet, except as provided in Section 8-2.2605, and Section 8-2.2418, and Article 34 of this chapter. (§ 18.05, Ord. 488, as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.1706. Lot and yard requirements (M-1).

The following minimum lot and yard requirements shall be observed in the M-1 Zone, except where changed for conditional uses:

(a) Lot area, 5,000 square feet;

(b) Front yard, no minimum requirement;

(c) Side yards, no minimum requirement except, where abutting an R Zone, not less than twenty-five (25') feet; and

(d) Rear yard, no minimum requirement except, where abutting an R Zone, not less than twenty-five (25') feet. (§ 18.06, Ord. 488)

Sec. 8-2.1707. Other required conditions (M-1).

The following additional conditions shall be required in the M-1 Zone:

(a) Off-street parking and loading facilities shall be required for all uses as provided in Article 25 of this chapter.

(b) Outdoor storage shall be permitted if the area used for storage is screened by a wall, dense evergreen hedge, trees, or other screening planting or a uniformly painted board fence. No materials shall be stored in such manner as to project above the wall, planting, or fence.

(c) Where rear and/or side yards are required, parking shall be limited in such yards to passenger vehicles, and all yard areas so used shall be screened on the side facing the adjoining residential zone in accordance with the provisions of Section 8-2.2512 of Article 25 of this chapter. (§ 18.07, Ord. 488)

Article 18. Heavy Industrial Zone (M-2)

Sec. 8-2.1801. Purpose (M-2).

The purpose of the Heavy Industrial Zone (M-2) shall be to provide areas exclusively for the normal operation of almost all industries, including those which may create some objectionable conditions, subject only to the regulations needed to control congestion and to protect the surrounding area or adjoining premises. Therefore, the M-2 Zone shall appropriately be established only at certain locations which are selected so as to minimize adverse effects on adjoining areas. (§ 19.01, Ord. 488)

Sec. 8-2.1802. Principal permitted uses (M-2).

The following principal industrial and manufacturing uses shall be permitted in the M-2 Zone:

(a) All uses permitted in the M4 Zone;

(b) Agricultural equipment manufacturing, assembly, and repairs;

(c) Automobile, tractor, truck, trailer, airplane, and boat manufacturing, including parts;

(d) Bean and seed cleaning and warehousing;

(e) Building materials sales yards;

(f) Candy manufacturing;

(g) Canneries;

(h) Carpet, rug, rag, bag, and furniture cleaning;

(i) Coffee roasting;

(j) Concrete block and brick manufacturing;

(k) Concrete mixing and asphalt mixing plants;

(l) Construction, mining, and materials handling equipment manufacture, excluding explosives;

(m) Dairies, creameries, milk condensing plants, cheese factories, ice cream manufacturing, milk bottling, and central distributing stations for dairy products;

(n) Dry ice manufacturing;

(o) Dyestuff manufacturing;

(p) Electrical industrial apparatus manufacturing, sales, service, and repairs, including motors, generators, welding equipment, electrical transmission and distribution equipment, and turbines and pumps;

(q) Electroplating shops;

(r) Exterminating and fumigating shops;

(s) Food processing in wholesale quantities;

(t) Furniture and fixtures, metal, and wood manufacturing;

(u) Graineries;

(v) Hatcheries;

(w) Heating equipment, nonelectric, manufacturing, servicing, and repairs;

(x) Heavy contractors' equipment storage yards and shops and rental of equipment commonly used by contractors;

(y) Insulating materials manufacturing;

(z) Ink or inked ribbon manufacturing;

(aa) Machinery, general and special industrial, manufacturing, including pumps and compressors; ball and roller bearings; food products, textile, woodworking, papermaking, and printing machinery; ventilating and heat treating equipment; patterns; and mechanical power transmissions;

(ab) Metal fabrication plants using plate and structural shops;

(ac) Oil well and gas well service and supply;

(ad) Ordnance, heavy, manufacturing;

(ae) Parcel delivery service;

(af) Perfume, cosmetic, and other toilet preparations manufacturing;

(ag) Pharmaceutical products manufacturing;

(ah) Pottery, glazed tile, and other ceramics manufacturing;

(ai) Poultry and rabbit dressing for wholesale;

(aj) Refrigerator, furnace, water heater, and other household appliance manufacturing, service, and repairs;

(ak) (Repealed by § 1, Ord. 488.184, eff. August 15, 1985)

(al) Scrap paper and rag storage, sorting, and baling when the entire operation is contained within a completely enclosed building;

(am) Soap, detergent, and cleaning preparations manufacturing;

(an) Stone cutting and monument manufacturing;

(ao) Tire manufacturing, repairs, and recapping;

(ap) Tobacco products plants;

(aq) Trucking terminals and garages;

(ar) Woodworking shops, large operations, including manufacturing of containers, furniture, and prefabricated structural products; and

(as) Wineries, breweries, and distilleries. (§ 19.02, Ord. 488, as amended by § 1, Ord. 488.184, eff. August 15, 1985, as amended by §3, Ord. 1386, eff. July 2, 2009);

(at) Other uses which the Commission finds to be consistent with the intent of the M-2 Zone,

of the same general character as the uses set forth in this section, and not objectionable by reason of adverse external effects, such as odor, dust, smoke, noise, glare, fumes, radiation, or vibration (§3, Ord. 1386, eff. July 2009)

Sec. 8-2.1803. Accessory uses (M-2).

The following accessory uses shall be permitted in the M-2 Zone:

(a) Personal services and retail businesses for the convenience of employees of the principal permitted use only when conducted as accessory uses in buildings used primarily for the principal permitted uses set forth in Section 8-2.1802 of this article;

(b) Recreation facilities for the convenience of employees of the principal permitted use only when conducted as accessory uses on the parcel occupied by the principal permitted use;

(c) Retail sales and service facilities not otherwise permitted by Section 8-2.1802 of this article where:

(1) The goods or services sold are limited to those manufactured, assembled, or distributed on the site; and

(2) The retail sales and service facilities shall not occupy more than ten (10%) percent of the gross floor area of the principal permitted use; and

(d) Mobile homes for watchmen when it is found that the watchman is employed for the protection of the principal permitted use located on the site; when there is no permanent structure suitable for human habitation on the site; and when the applicant presents substantial evidence demonstrating the need for a watchman on the site. (§ 19.03, Ord. 488, as amended by § 5, Ord. 488.184, eff. August 15, 1985, and § 27, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.1804. Conditional uses (M-2).

The following conditional uses shall be permitted in the M-2 Zone:

(a) Acid, cement, explosives, fireworks, fertilizer, gas, glue, gypsum, lime, plaster of paris, and plastics manufacture or storage;

(b) All uses not otherwise provided for in this chapter;

(c) Animal feed, sales, and stockyards;

(d) Animal slaughtering, except poultry and rabbits;

(e) Bone distillation;

(f) Commercial coaches as permitted by Section 8-2.2413 of Article 24 of this chapter;

(g) Copper, iron, tin, zinc, and other ore smelting and slag piles;

(h) Dumping, disposal, incineration, and reduction of garbage, sewage offal, dead animals, and refuse;

(i) Fat rendering;

(j) Hog farms;

(k) Inflammable, explosive, and poisonous liquid or gas storage;

(l) Junk yards, automobile wrecking yards, building and house wrecking yards, storage and baling of scraps, paper, rags, sacks, and metal, and scrap metal yards;

(m) Oil and gas well drilling and operations;

(n) Personal service and retail businesses and private or commercial recreation facilities for the convenience of employees in the zone, other than as provided in Section 8-2.1803 of this article;

(o) Refining of petroleum and its products;

(p) Tanneries and the storage curing of raw, green, and salted hides and skins;

(q) Retail sales and service facilities not otherwise permitted by Section 8-2.1802 of this article where:

(1) The goods or services sold are limited to those manufactured, assembled, or distributed on the site; and

(2) The retail sales and service facilities occupy more than ten (10%) percent but less than twenty-five (25%) percent of the gross floor area of the principal permitted use;

(r) Other uses which the Commission finds to be consistent with the purposes and intent of this article and which are of the same general character as the conditional uses set forth in this section; and

(s) Hazardous waste facilities established in accordance with the Yolo County Hazardous Waste Plan and its Siting Restrictions For Hazardous Waste Facilities.

A request for an interpretation of whether a use should be added to the list of conditional uses pursuant to this section may be heard by the Commission concurrently with the application for the use permit for the proposed use if the application is complete and notice is given as required for hearing the application, both as an interpretation and as an application for a use permit. (§ 19.04, Ord. 488, as amended by § 7, Ord. 681.92, eff. September 8, 1982, § 6, Ord. 488.184, eff. August 15, 1985, § 2, Ord. 681.116, eff. August 22, 1985, and § 4, Ord. 681.160A, eff. August 31, 1995)

(t) The sale or service of beer, wine, and/or spirits, associated with the on-site processing of such alcohol products. The retail sales or service of beer, wine, and/or spirits may not exceed twenty five percent (25%) of the gross floor area of the on-site production facility. (§3, Ord. 1386, eff. July 2, 2009)

(u) Small wind energy system on a parcel of two acres or more, consistent with Section 8-2.2418. (as amended by §4, Ord. 1389, eff. October 29, 2009

Sec. 8-2.1804.5 Major Use Permit.

(a) Major electrical transmission and distribution projects. (§3, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.1805. Height regulations (M-2).

The maximum height of structures in the M-2 Zone shall be sixty-five (65') feet, except as provided in Section 8-2.2605 and Section 8-2.2418, and Article 34 of this chapter. (§ 19.05, Ord. 488, as amended by §4, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.1806. Lot and yard requirements (M-2).

The following minimum lot and yard requirements shall be observed in the M-2 Zone, except where changed for conditional uses:

(a) Lot area, no minimum requirement, except in all instances there shall be provided on the site adequate space to accommodate all required off-street parking and loading necessitated by the use proposed;

(b) Front yard, no minimum requirement;

(c) Side yards, no minimum requirement except, where abutting an R Zone, not less than fifty (50') feet. If a yard is provided on a side, other than one adjoining a public right-of-way, such yard shall be at least six (6') feet wide; and

(d) Rear yard, no minimum requirement except, where abutting an R Zone, not less than fifty (50') feet. If a rear yard is provided, other than one adjoining a public right-of-way, such yard shall be at least six (6') feet deep. (§ 19.06, Ord. 488)

Sec. 8-2.1807. Other required conditions (M-2).

The following additional conditions shall be required in the M-2 Zone:

(a) Off-street parking and loading facilities shall be required for all uses as provided in Article 25 of this chapter.

(b) Where rear yards are required, parking and/or outdoor storage shall be screened on the side facing an adjoining residential zone in accordance with the provisions of Section 8-2.2512 of Article 25 of this chapter. (§ 19.07, Ord. 488)

Article 19. Park and Recreation Zone (PR)

Sec. 8-2.1901. Purpose (PR).

The purpose of the Park and Recreation Zone (PR) shall be to preserve lands of natural beauty or lands containing natural or potential park and recreation features or park and recreation development, which protection for such uses is in the public interests. (§ 20.01, Ord. 488)

Sec. 8-2.1902. Principal permitted uses (PR).

The following principal uses shall be permitted in the PR Zone:

(a) Boat docking, fueling, and minor service;

(b) Parks and recreation facilities, publicly owned;

(c) Commercial stables, golf courses, and country clubs;

(d) Schools and buildings, public, when located in conformance with the Master Plan; and

(e) Swimming, riding, hiking, and fishing facilities. (§ 20.02, Ord. 488, as amended by § 7, Ord. 1212, eff. October 23, 1997)

Sec. 8-2.1903. Accessory uses (PR).

The following accessory uses shall be permitted in the PR Zone:

(a) Agriculture;

(b) Dwellings, ranch and farm, appurtenant to a principal agricultural use, but not including labor camps and dwellings for transient laborers;

(c) Garages, private, parking areas, private, and stables, private;

(d) Signs as permitted in Section 8-2.2406 of Article 24 of this chapter;

(e) Offices incidental and necessary to the conduct of a permitted use;

(f) Roadside stands, not exceeding 400 square feet in floor area, for the sale of agricultural products grown on the premises; and

(g) Other accessory uses and buildings customarily appurtenant to a permitted use. (§ 20.03, Ord. 488, as amended by § 28, Ord. 652, eff. May 5, 1971)

Sec. 8-2.1904. Conditional uses (PR).

The following conditional uses shall be permitted in the PR Zone;

(a) Airports and landing strips, private;

(b) Buildings and structures, public and quasi-public, and uses of an administrative, educational, religious, cultural, or public service type, including communication equipment buildings;

(c) Recreation facilities, privately owned, including parks, resorts, gun clubs, boat sales, service, and repair, sporting goods shops, refreshment stands, and restaurants; and

(d) Other uses which, in the judgment of the Commission, will be consistent with the purposes of this article and will not impair the present or potential use of adjacent properties. (§ 20.04, Ord. 488)

Sec. 8-2.1905. Height regulations (PR).

No structure in the PR Zone shall exceed thirty (30') feet in height, except as provided in Section 8-2.2605 of Article 26 of this chapter. (§ 20.05, Ord. 488)

Sec. 8-2.1906. Lot and yard requirements (PR).

The following minimum lot and yard requirements shall be observed in the PR Zone except where changed for conditional uses:

(a) Lot area, five (5) acres;

(b) Lot width, 300 feet;

(c) Front yard, fifty (50') feet;

(d) Side yards, fifty (50') feet; and

(e) Rear yard, fifty (50') feet. (§ 20.06, Ord. 488)

Sec. 8-2.1907. Other required conditions (PR).

The following additional conditions shall be required in the PR Zone:

(a) Any building or enclosure in which animals or fowl, except domestic pets, are contained shall be distant at least 300 feet from any lot in any R or C Zone or from any school or institution for human care.

(b) Off-street parking shall be required for all uses as provided in Article 25 of this chapter. (§ 20.07, Ord. 488)

Article 19.1. Public Open Space Zone (POS)

Sec. 8-2.1911. Purpose (POS).

The purpose of the Public Open Space Zone (POS) shall be to preserve public lands designated for public use for open space, drainage, and public right-of-way uses where such uses are in the public interest and consistent with the General Plan. (§ 4, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.1912. Principal permitted uses (POS).

The following principal uses shall be permitted, with the permission of the responsible public agencies, on public lands in the POS Zone:

(a) All public open space uses;

(b) Parks, trails, bikeways, and landscaped areas in conjunction with other public uses;

(c) Roads, streets, highways, transits, and freeways on public rights-of-way;

(d) Public sewer, water, drainage, and other open or closed conduit systems; and

(e) All Open Space Zone (OS) uses. (See Article 19.2 of this chapter.) (§ 4, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.1913. Accessory uses (POS).

The following accessory uses shall be permitted in the POS Zone:

(a) Agriculture;

(b) Watchmen or guards' dwellings;

(c) Structures normally associated with the public use of rights-of-way or conduit routes;

(d) All road, highway, freeway, or transit facilities and structures on public rights-of-way; and

(e) Offices and control centers, stations, stops, pumps, dams, and other control and management facilities normally associated with the principal public use. (§ 4, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.1914. Conditional uses (POS).

The following conditional uses shall be permitted in the POS Zone:

(a) Corporation or equipment yards or other facilities having the characteristics or functions of outdoor and indoor storage, maintenance, and repair of vehicles and heavy equipment. (§ 4, Ord. 488.177, eff. March 7,1985)

Sec. 8-2.1914.5 Major Use Permit.

(a) Major electrical transmission and distribution projects. (§3, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.1915. Height regulations (POS).

Structures in the POS Zone shall be limited to heights not greater than those allowed for similar uses in other zones. (§ 4, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.1916. Lot and yard requirements (POS).

The lot and yard dimension requirements in the POS Zone shall not be less than those required for similar uses in other zones; however, the lot area requirements are hereby waived. (§ 4, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.1917. Establishment: Designation on the zoning maps (POS).

When land has been classified POS, it shall be designated on the official zoning maps by the symbol "POS". (§ 4, Ord. 488.177, eff. March 7, 1985)

Article 19.2. Open Space Zone (OS)

Sec. 8-2.1921. Purpose (OS).

The purpose of the Open Space Zone (OS) shall be to preserve appropriate lands in open space uses as defined and required in the General Plan. (§ 5, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.1922. Principal permitted uses (OS).

The following principal uses shall be permitted in the OS Zone:

(a) Areas used for managed resource production, including:

(1) Agricultural land;

(2) Range land;

(3) Managed food and fiber production areas;

(4) Groundwater recharge areas;

(5) Marshes, rivers, lakes, and streams; and

(6) Areas of major mineral deposits, including sand and gravel, clays, ores, metals, and oil and gas;

(b) Fish, wildlife, and plant habitat;

(c) Natural areas;

(d) Riparian areas;

(e) Outdoor recreation areas; and

(f) Flood control bypasses and other drain channels. (§ 5, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.1922.5 Major Use Permit

(a) Major electrical transmission and distribution projects. (§3, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.1923. Height regulations (OS).

All uses in the OS Zone shall conform to the height regulations normally required for such uses, except that the Commission may require lower heights as mitigation. (§ 5, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.1924. Lot, yard, and area requirements (OS).

All uses in the OS Zone shall conform to the lot, yard, and area regulations normally required for such uses, except that the Commission may require larger minimum dimensions as mitigation. (§ 5, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.1925. Other required conditions (OS).

The Commission may apply additional conditions in the OS Zone to the granting of required land division or use permits to insure compliance with the intent and purposes of this article and the General Plan. (§ 5, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.1926. Establishment (OS).

The classification of land in the OS Zone shall be consistent with the General Plan. (§ 5, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.1927. Establishment: Designation on the zoning maps (OS).

When land has been classified OS, it shall be designated on the official zoning maps by the symbol "OS". (§ 5, Ord. 488.177, eff. March 7, 1985)

Article 20. Planned Development Combining Zone (-PD)*

- The title of Article 20, formerly entitled "Planned Development Zone (PD)", amended by Ordinance No. 488.177, effective March 7, 1985.

Sec. 8-2.2001. Purpose (-PD).

The Planned Development Combining Zone (-PD) classification is a combining zone intended to be applied on parcels which, in the opinion of the Commission, are suitable for the proposed development and for which detailed development plans have been submitted and approved and/or for which detailed written development plans and/or regulations are approved pursuant to this article. (§ 21.01, Ord. 488, as amended by § 1, Ord. 681.64, eff. September 11, 1980, and § 9, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2002. Principal permitted uses (-PD).

The following principal uses shall be permitted in the PD Zone:

(a) Any uses or combination of uses which are so arranged and/or designed as to result in an overall development which is found to be in conformity with the standards, regulations, intent, and purposes of the General Plan. (§ 21.04, Ord. 488, as amended by § 10, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2003. Height regulations (-PD).

All uses in the -PD Zone shall conform to the height regulations normally required for such uses, except where the total development will be improved by a deviation from such regulations. In any event, each structure shall conform to the precise development plan which is a part of the approved use permit. (§ 21.05, Ord. 488)

Sec. 8-2.2004. Lot, yard, and area requirements (-PD).

All uses in the -PD Zone shall conform to the lot, yard, and area regulations normally required for such uses, except where the total development will be improved by a deviation from such regulations. In any event, each structure shall conform to the precise development plan which is a part of the approved use permit. (§ 21.05, Ord. 488)

Sec. 8-2.2005. Other required conditions (-PD).

The Commission may apply additional conditions in the -PD Zone to the granting of the required use permit to insure compliance with the intent and purposes of this article. (§ 21.06, Ord. 488)

Sec. 8-2.2006. Establishment: Applications (-PD).

Applications for rezoning to the -PD Zone shall be made by the owners of all property to be contained therein and shall include an application for a zone change and such additional information as required by subsection (a) or subsection (b) of this section. If the application proposes the concurrent issuance of a use permit for the development proposed by the application, the requirements of subsection (a) of this section shall be followed. If the application proposes the concurrent approval of detailed development

standards in lieu of a use permit, the requirements of subsection (b) of this section shall be followed. An application may propose both the concurrent issuance of a use permit and the approval of detailed development standards, in which case the requirements of both subsection (a) and subsection (b) of this section shall be followed.

(a) *Applications* for *the concurrent approval of a use permit.* If the application proposes the concurrent approval of a use permit for all proposed developments within the zone, the use permit application shall be considered concurrently with the zoning request and shall be approved concurrently with the establishment of the zone. In such event, the Commission shall not finally approve the use permit, but shall recommend approval, approval with conditions, or denial to the Board of Supervisors. The Board shall have original jurisdiction to approve, approve with conditions, or deny such use permit concurrently with the Board's action on the proposed zone change. No use permit fee shall be required.

Minor revisions in any such use permit may be approved by the Commission; provided, however, changes proposed in the -PD Zone plans which are determined by the Commission to be substantial changes shall be processed as new rezoning applications.

Such application for a -PD Zone reclassification and use permit shall include the following:

(1) The topography of the land and contour intervals as required by the Commission;

(2) The proposed access, traffic and pedestrian ways, easements, and lot design;

(3) The areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings, and other such uses;

(4) The areas proposed for commercial uses, off-street parking, multiple-family and single-family dwellings, and all other uses proposed to be established within the zone;

(5) The proposed locations of buildings on the land, including all dimensions necessary to indicate the size of structures, setbacks, and yard areas;

(6) The proposed landscaping, fencing, and screening; and

(7) The Commission may require detailed elevations; construction, improvement, utility, and drainage plans; and any other information it deems necessary to adequately consider the proposed development.

(b) *Applications proposing detailed development standards.* In lieu of the information required by subsection (a) of this section, initial applications for a -PD Zone reclassification may include a detailed set of development standards which govern development within the zone, and shall include the requirement of the approval of detailed plot plans by the Director of Community Development and/or Commission prior to the commencement of construction. Such standards may list permitted uses and uses allowed by use permit and may regulate the density, placement, setbacks, height, advertising signs, parking, and similar aspects of development within the zone. Such standards may be submitted by the applicant or by the Director of Community Development. All development in the zone shall be consistent with, and governed by, such standards, once approved.

A use permit application shall not be required if the rezoning application proposes detailed development standards which comply with this subsection. (§§ 21.02 and 21.03, Ord. 488, as amended by § 2, Ord. 681.64, eff. September 11, 1980, and § 1, Ord. 488.179, eff. March 21, 1985)

Sec. 8-2.2007. Establishment: Designation on the zoning maps (-PD).

When land has been classified -PD, it shall be designated on the official zoning maps by the symbol "-PD" immediately following the basic land use zoning symbol with which it has been combined. When approval of detailed development plans and detailed written development standards and/or regulations has been made, an identifying serial number shall be designated on the official zoning maps immediately following the symbol "-PD". Such identifying serial numbers shall refer to the precise plans and detailed written development standards or regulations which apply to the numbered Planned Development Combining Zone. (§ 21.02, Ord. 488, as amended by § 11, Ord. 488.177, eff. March 7, 1985)

Article 20.1. Waterfront Zone (WF)

Sec. 8-2.2011. Purpose (WF).

The purpose of the Waterfront Zone (WF) shall be to provide for specifically planned, integrated commercial and residential land uses related to the waterfront and to historical restoration where appropriate with public and private recreation facilities and integrated public and private open space. A Specific Plan shall be required, and all private uses shall be regulated as conditional uses. (§ 18, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2012. Principal permitted uses (WF).

The following uses shall be permitted in the WF Zone with a conditional use permit, including approved design, construction, and operation plans;

(a) Mixed commercial uses, including:

(1) Food services, bars, restaurants and nightclubs;

(2) Retail sales;

(3) Museums;

(4) One boat yard;

(5) One marina;

(6) Living history restoration or replica exhibits, demonstrations, structures, and activities;

(7) Government and professional offices;

(8) Necessary public utilities, including wells; and

(9) Flood control facilities;

(b) Medium-density residential dwellings in structures of approved historical theme design; and

(c) The following uses shall be specifically prohibited:

(1) Service stations; and

(2) Manufacturing and storage, except boat storage, and except as provided in subsections (4) and (6) of subsection (a) of this section. (§ 18, Ord. 488.177, eff. March 7, 1985, as amended by §3, Ord. 1386, eff. July 2, 2009)

Sec. 8-2.2013. Minimum lot size (WF).

Parcels created within the WF Zone shall be a minimum of 10,000 square feet; however, certain public and quasi-public uses may be developed on smaller parcels. (§ 18, Ord. 488.177, eff. March 7, 1985).

Article 21. Airport Zone (AV)

Sec. 8-2.2101. Purpose (AV).

The Airport Zone (AV) classification is intended to be applied on properties used, or planned to be used, as airports and where special regulations are necessary for the protection of life and property. (§ 22.01, Ord. 488)

Sec. 8-2.2102. Principal permitted uses (AV).

The following principal uses shall be permitted in the AV Zone, subject to conformity with Federal Aviation Agency safety standards applicable to the particular airport property:

(a) Accessory structures and facilities, including aircraft and aviation accessory sales;

(b) Aircraft fueling facilities;

(c) Aircraft storage, service, and repair hangars;

(d) Lighting, radio, and radar facilities;

(e) Runways, taxiways, landing strips, and aprons, grassed or paved; and

(f) Terminal facilities for passengers and freight. (§ 22.02, Ord. 488)

Sec. 8-2.2103. Conditional uses (AV).

The following conditional uses shall be permitted in the AV Zone:

(a) Agricultural uses;

(b) Dwellings which are incidental or accessory to other permitted uses;

(c) Industrial, manufacturing, and processing uses;

(d) Recreational uses;

(e) Sales and service, commercial; and

(f) Public and quasi-public uses subject to a finding the proposed use is consistent with the Yolo County Airport Master Plan and/or grant deed from the United States government, if applicable. (§ 22.03, Ord. 488, as amended by § 1, Ord. 681.104, eff. October 6, 1983)

Sec. 8-2.2104. Height regulations (AV).

Federal Aviation Agency height safety standards shall apply in the AV Zone; provided, however, heights in excess of thirty (30') feet may be permitted only upon the securing of a use permit. (§ 22.04, Ord. 488)

Article 22. Special Height Combining Zone (-H)

Sec. 8-2.2201. Purpose (-H).

The Special Height Combining Zone (-H) classification is intended to be applied to land areas where existing or proposed development indicates a need for different height limitations than otherwise provided in the zone with which the H Zone is combined. (§ 23.01, Ord. 488, as amended by § 1, Ord. 488.32)

Sec. 8-2.2202. Height regulations (-H).

(a) *Applicability.* In any zone with which the H Zone classification is combined, the special height regulations set forth in this section shall apply.

(b) *Height* of *structures.* A maximum height in feet of any structure may be adopted and shall be indicated by the number following the "-H" symbol.

(c) *Height* of *structures and vegetation in areas adjacent to airports.* A maximum height in feet of any structure or vegetation in areas adjacent to airports may be adopted and shall be indicated by the number following the "H" symbol. Federal Aviation Agency safety standards shall constitute the basis for height regulations on land areas adjacent to airports. (§ 23.02, Ord. 488, as amended by § 2, Ord. 488.32)

Article 22.5. Special Review Combining Zoning (-R)

Sec. 8-2.2251. Purpose (-R).

The purpose of the Special Review Combining Zone (-R) classification is to provide applicants with early notification of the site plan approval requirements of Article 27, and that special design policies and standards may be specified in the General Plan which may be different from those specified for the basic land

use zoning symbol. (§ 3, Ord. 681.142, eff. June 18, 1992)

Sec. 8-2.2252. Establishment (-R).

The classification of land in the (-R) Combining Zone shall be consistent with the policies, standards and other provisions of the General Plan. (§ 3, Ord. 681.142, eff. June 18, 1992)

Sec. 8-2.2253. Establishment: Designation on the zoning maps (-R).

When land has been classified -R, it shall be designated on the official zoning maps by the symbol "-R" immediately following the basic land use zoning symbol with which it has been combined. (§ 3, Ord. 681.142, eff. June 18, 1992)

Article 23. Special Building Site Combining Zone (-B)

Sec. 8-2.2301. Purpose (-B).

The Special Building Site Combining Zone (B) classification is intended to be applied to land areas where existing or proposed development, topography, soil conditions, and/or availability of public facilities, utilities, and services indicates a need for building sites of greater areas than otherwise permitted in the zone with which the B Zone classification is combined. (§ 24.01, Ord. 488)

Sec. 8-2.2302. Lot regulations (-B).

(a) *Applicability.* In any zone with which the B Zone is combined, the special site area, width, and depth regulations set forth in this section shall apply.

(b) *Lot area.* A minimum lot area may be adopted and shall be indicated by the number following the B Zone symbol, which number shall specify the minimum required site area in thousands of square feet.

(c) *Lot width.* A minimum lot width may be adopted and shall be indicated by the number following the B Zone symbol, which number shall specify the additional width in feet required to be added to the width required for the zone with which the B Zone classification is combined.

(d) *Lot depth.* In no event may a lot in any B Zone have a depth greater than twice its width. (§ 24.02, Ord. 488, as amended by § 3, Ord. 488.32)

Article 23.1 Special Sand and Gravel Combining Zone (SG)

Sec. 8-2.2311. Purpose (SG).

The Special Sand and Gravel Combining Zone (SG) classification is intended to be combined with the A-1 Zone and with the A-P Zone within the boundaries of the Off-Channel Mining Plan, as defined by Chapter 4 of Title 10 of this Code, so as to indicate land areas in which surface mining operations may be conducted. (§ 1, Ord. 488.170, eff. February 22, 1979, as amended by § 6, Ord. 681.164, eff. September 5, 1996)

Sec. 8-2.2312. Land use regulations (SG).

The Special Sand and Gravel Combining Zone (SG) may be combined with any A-1 Zone or A-P Zone located within the boundaries of the Off-Channel Mining Plan as defined by Chapter 4 of Title 10 of this Code pursuant to the following regulations:

(a) No use permit for commercial surface mining operations shall be issued for any land which is not zoned A-1/SG or A-P/SG pursuant to this section. All mining permits for lands zoned SG shall be issued in accordance with the requirements of Chapters 4 and 5 of Title 10 of this Code.

(b) This article is not intended and shall not be construed as allowing any use inconsistent with the General Plan and all its elements; any specific plan applicable to the site, or the zoning of the site, nor shall this article limit the existing discretion of the Commission or the Board to impose conditions on the granting of a use permit for off-channel surface mining. (§ 1, Ord. 488.170, eff. February 22, 1979, as amended by § 7, Ord. 681.164, eff. September 5, 1996)

Article 23.2 Mobile Home Combining Zone (MHF)

Sec. 8-2.2321. Purpose (MHF).

The special Mobile Home Combining Zone (MHF) classification is intended to be combined with any other zone in which residential uses are allowed as principal permitted uses with the exception of zones with areas which are designated as "historic areas" in the General Plan. The Mobile Home Combining Zone (MHF) shall indicate zones which have been determined to be compatible with the placement of mobile homes on foundations pursuant to and in conformity with all requirements of Chapter 4 of this title. (§ 2, Ord. 681.84, eff. November 26, 1981)

Sec. 8-2.2322. Determinations of compatibility (MHF).

The Mobile Home Combining Zone (MHF) may be combined with any zone set forth in Section 8-2.2321 of this article upon affirmative findings as required for rezoning pursuit to Section 8-2.3005 of Article 30 of this chapter and upon a determination that the parcels located within the area proposed for the Mobile Home Combining Zone (MHF) are compatible with the placement of mobile homes on foundations for use as single-family residences.

In determining whether such parcels are compatible, the following factors shall be considered:

(a) That the area is not designated by the General Plan as a historical area;

(b) That a substantial portion of the individual parcels with the area proposed for rezoning are vacant;

(c) That the design, architecture, size, and construction materials of the dwellings currently located in the area are such that mobile homes on foundations will reasonably harmonize with, and not be detrimental to, the neighborhood; or, in the alternative, that the design standards incorporated within the Mobile Home Combining Zone (MHF) pursuit to Section 8-2.2323 of this article will render such mobile homes reasonably harmonious with the surrounding existing uses; and

(d) That the placement of mobile homes on foundations would not violate any known restrictive covenant of record prohibiting such placement on a significant portion of the vacant parcels proposed to be included with the Mobile Home Combining Zone (MHF). The applicant for the Mobile Home Combining Zone (MHF) shall provide evidence of the absence of any such restrictive covenants of the type and specificity as required by the Director of Community Development or, upon appeal, the Commission or the Board of Supervisors. (§ 2, Ord. 681.84, eff. November 26, 1981)

Sec. 8-2.2323. Establishing design standards (MHF).

In any area zoned Mobile Home Combining (MHF), the Board of Supervisors may establish design standards which shall be incorporated within the amendment to the zoning map setting forth the rezoning, which design standards are determined to be reasonably appropriate and necessary to enable the findings set forth in Section 8-2.2322 of this article to be made.

Thereafter, only mobile homes which meet the design standards imposed for the particular Mobile Home Combining Zone (MHF) shall be deemed compatible with said zone, and no permit shall be issued by any County officer to allow a mobile home to be placed within any such zone if such mobile home and the site are not compatible with the design standards for such zone.

The Director of Community Development hereby is delegated the authority, through the site plan approval process set forth in Article 4 of Chapter 4 of this title, to enforce such design standards and to disapprove the site plan for any mobile home which does not meet such design standards, subject to an appeal to the Commission and the Board of Supervisors as provided for appeals from site plan determinations by the Director of Community Development. (§ 2, Ord. 681.84, eff. November 26, 1981)

Article 23.3. Recreational Vehicle Park Combining Zone (RVP)

Sec. 8-2.2331. Purpose (RVP).

The Recreational Vehicle Park Combining Zone (RVP) is intended to be combined with the R-3, R-4, C-H, or PR Zone. The RVP Zone shall designate areas suitable for recreational vehicle park use and for which detailed development plans have been submitted and approved as conditional uses and/or for which detailed written development standards or regulations have been approved pursuant to this article. (§ 6, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2332. Principal permitted uses (RVP).

The following principal uses shall be permitted in the RVP Zone:

(a) Recreational vehicle park uses, but not including mobile home uses, except for one permanent dwelling or permanent or mobile home for use as an on-site dwelling for the manager of the facility; and

(b) Any other use designed and sized for use by the inhabitants only of the recreational vehicles provided for in the recreational vehicle park, including waste disposal, commissaries, laundries, showers, libraries, recreational facilities, and other features found by the Commission to be regular and common uses in recreational vehicle parks, including all uses so described by the Department of Motor Vehicles of the State, except that no use shall be included or sized to serve persons whose recreational vehicles are not present in the recreational vehicle park. (§ 6, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2333. Height regulations (RVP).

All uses in the RVP Zone shall conform to the height regulations normally required for such uses, except where the total development will be improved by a deviation from such regulations. In any event, each structure shall conform to the precise development plan which is a part of the approved use permit. (§ 6, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2334. Lot, yard, and area requirements (RVP).

All uses in the RVP Zone shall conform to the lot, yard, and area regulations normally required for such uses, except where the total development will be improved by a deviation from such regulations. In any event, each structure shall conform to the precise development plan which is a part of the approved use permit.

New RVP uses shall be limited to parcels not less than five (5) acres (gross area) in size. (§ 6, Ord. 488.177, eff. March , 1985)

Sec. 8-2.2335. Other required conditions (RVP).

The Commission shall require, at a minimum, the recreational vehicle park requirements of the State and may apply additional conditions in the RVP Zone to the granting of the required use permit to insure compliance with the intent and purposes of this article. (§ 6, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2336. Establishment: Applications (RVP).

Applications for rezoning to the RVP Zone shall be made by the owners of all property to be contained therein and shall include an application for a zone change and an application for a use permit for all proposed developments within the zone, which use permit application shall be considered concurrently with the zoning request and which shall be approved concurrently with the establishment of the zone. No use permit fee shall be required in such event.

Minor revisions in any such use permit may be approved by the Commission; provided, however, changes proposed in the RVP Zone plans which are determined by the Commission to be substantial changes shall be processed as new rezoning applications.

Such application for an RVP Zone reclassification and use permit shall include the following:

(a) The topography of the land and contour intervals as required by the Commission;

(b) The proposed access, traffic and pedestrian ways, easements, and lot design;

(c) The areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings, and other such uses;

(d) The areas proposed for commercial uses, off-street parking, multiple-family and single-family dwellings, and all uses proposed to be established within the zone;

(e) The proposed locations of buildings on the land, including all dimensions necessary to indicate the size of structures, setbacks, and yard areas;

(f) The proposed landscaping, fencing, and screening; and

(g) The Commission may require detailed elevations; construction, improvement, utility, and drainage plans; and any other information required by subsections (a) through (f), inclusive, of this section. Initial applications for an RVP Zone reclassification may include a detailed set of development standards which shall govern development within the zone, and shall include the requirements of the approval of detailed plot plans by the Director of Community Development and/or Commission prior to the commencement of construction. Such standards may list permitted uses and uses allowed by use permit and may regulate the density, placement, setbacks, height, advertising signs, parking, and similar aspects of development within the zone. Such standards may be submitted by the applicant or by the Director of Community Development. All development in the zone shall be consistent with, and governed by, such standards, once approved. (§ 6, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2337. Establishment: Designation on the zoning maps (RVP).

When land has been classified RVP, it shall be designated on the official zoning maps by the symbol RVP and, for zoning subsequent to February 5, 1985, by an identifying serial number immediately following the letters “RVP”. Such identifying serial numbers shall refer to the precise plans for the particular RVP Zone. (§ 6, Ord. 488.177, eff. March 7, 1985)

Article 23.4. Watershed Combining Zone (-W)

Sec. 8-2.2341. Purpose (-W).

The Watershed Combining Zone (-W) is a combining zone intended to be applied to lands characterized by rugged topography, high fire hazard, restricted access, and poor soil and high soil erosion capabilities where the public interest would be best served by additionally limiting uses which could contribute to both on-site and off-site environmental and economic damage and hazards. (§ 7, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2342. Principal permitted uses (-W).

The following principal uses shall be permitted in the -W Zone:

(a) All uses allowed in the AP, AE, A-1, POS, and OS Zones, except that such uses shall be limited where such uses would fail to achieve the purposes set forth in Section 8-2.2341 of this article. (§ 7, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2343. Height regulations (-W).

All uses in the -W Zone shall conform in height to the limits established by the basic zone with which the –W Zone is combined. (§ 7, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2344. Lot, yard, and area requirements (-W).

All uses in the -W Zone shall conform to the lot, yard, and area regulations required by the basic zone with which the -W Zone is combined, except that land divisions shall be limited to those which will not prevent the attainment of the purposes of this article as set forth in Section 8-

2.2341 of this article. (§ 7, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2345. Other required conditions (-W).

The Commission may apply additional conditions in the -W Zone to the granting of land division or conditional use permit requests to insure compliance with the intent and purposes of this article. (§ 7, Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2346. Establishment: Criteria (-W).

A -W Zone classification shall be applied to lands shown in the 1956-58 Master Plan of the County and in the 1975 General Plan of Rumsey, except where physical changes to the land have rendered the original criteria moot. Additional lands may be included in the -W Zone where the following criteria apply:

(a) Mountain and hill lands not irrigable by gravity-flow systems;

(b) Land of low quality soils;

(c) Lands subject to high fire hazard due to the existing or potential accumulation of chaparral or other brush;

(d) Lands with thirty (30%) percent slope or greater;

(e) Lands having required road access exceeding a twelve (12%) percent grade; and

(f) Lands subject to slumping or ground failure. (§ *7,* Ord. 488.177, eff. March 7, 1985)

Sec. 8-2.2347. Establishment: Designation on the zoning maps (-W).

When land has been classified -W, it shall be shown on the official zoning maps by the symbol "-W' immediately following the symbol for the base zone with which it has been combined. (§ 7, Ord. 488.177, eff. March 7, 1985)

Article 23.5. Adult Entertainment Uses*

- Article 23.5 entitled "Special Flood Plain Combining Zone (F)", consisting of Sections 8-2.2351 and 8-2.2352, as added by Ordinance No. 488.154, effective May 16, 1973, repealed by Ordinance No. 681.80, effective October 15, 1981.

Sec. 8-2.2351. Purpose.

The purpose of this article is to declare the zones within which adult entertainment uses, as defined in Section 8-2.2353 of this article, may be located, and specify requirements regarding the distance from other types of land uses which must be maintained by adult entertainment uses, in order to minimize the adverse impacts associated with the concentration of adult entertainment uses or their location in residential neighborhoods or near churches or places frequented by minors. (§ 2, Ord. 681.80, eff. October 15, 1981)

Sec. 8-2.2352. Declarations and authority.

(a) In the development and execution of this article, the Board recognizes and finds that adult entertainment uses, as defined in Section 8-2.2353 of this article, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas.

Special regulation of such uses is necessary to attempt to insure that such adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods.

The primary purpose of this article is to prevent the clustering of such uses in any one area, particularly near residential, park, and church uses, to mitigate their deleterious effects, and to attempt to direct such effects away from areas which are most susceptible to them.

(b) The Board finds that currently located within the East Yolo Area of the County are five (5) adult entertainment uses as defined in this article. Such uses provide an immediately accessible, voluminous, and varied supply of adult materials to the members of the public who desire to purchase such materials.

The Board further finds that within the City of Sacramento and the unincorporated territory immediately surrounding the City, within a reasonable distance from the County, there are several adult entertainment uses which vend such wares and display such materials and readily are accessible to those residents of the County who desire to obtain or view such materials.

(c) Considering the size of the County and the small number of people who seek adult materials in the County, the market demand for the materials supplied by such uses is more than satisfied by the existing establishments.

Nevertheless, the locational restrictions imposed by this article will leave many additional locations available for the establishment of new adult entertainment uses within the County; therefore, the new sellers' access to such market will be incidentally restricted in a minor way, if at all, relating only to the location of such uses, not the ability to establish them.

(d) The United States Supreme Court has sustained zoning ordinances regulating adult bookstores and adult motion picture theaters in the case of *Young v. American Mini-Theatres* (1976) 427 US 50; 96 Supreme Court 2440. Said case was relied upon in *Walnut Properties, Inc., v. City Council of the City of Long Beach* (1980) 100 CA3d 1018. The *Walnut Properties* case was approved by the Supreme Court of the State in *People v. Glaze* (1980) 27 C3d 841, 845, fn. 5. The *Young* case was also relied upon and

discussed in *Pringle v. City of Covina* (1981) 115 CA3d 151.

The Board hereby declares its intention that this article is based on the holdings in the recited cases but is not limited to such authority.

(e) The Board hereby acknowledges the limitations on the police powers to regulate such uses, as set forth in applicable cases and the Supreme Court decision recited in subsection (d) of this section, and states its purpose and intention that this article is a time, place, and manner regulation, intended to not invade First Amendment rights, and shall be construed and interpreted as narrowly as required so as to sustain its validity.

(f) In recognition of the factors recited in this section, this article is enacted pursuant to the authority in the State Planning Law to provide for appropriate zones, to the California Environmental Quality Act, and the County's police powers set forth in Section 7 of Article XI of the Constitution of the State to protect the health, safety, and welfare of the public. (§ 2, Ord. 681.80, eff. October 15, 1981)

Sec. 8-2.2353. Definitions.

For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a) *Adult entertainment use.* "Adult entertainment use" shall include all of the following types of establishments and no other:

(1) *Adult bookstore.* "Adult bookstore" shall mean a retail sales use having as a substantial or significant portion of its stock-in-trade books, magazines, and other periodicals whose dominant or predominant character and theme is the depiction or description of specified sexual activities or specified anatomical areas, as defined in this section, or a use with a segment or section devoted to the retail sale or display of such materials.

(2) *Adult motion picture theater.* "Adult motion picture theater" shall mean an enclosed building and/or a drive-in motion picture theater to which the public is invited or permitted, either of which is used for presenting filmed or video-taped materials whose dominant or predominant character and theme are the depiction of specified sexual activities or specified anatomical areas, as defined in this section, for observation by six (6) or more patrons of such use at any one time.

(3) *Adult picture arcade.* "Adult picture arcade" shall mean any place to which the public is permitted or invited wherein coin- or slug-operated, or electronically, electrically, or mechanically controlled, still or motion picture machines, projectors, television sets, or other image producing devices are used to display images to five (5) or fewer persons per machine at any one time, and which images have as a dominant or predominant character and theme the depiction of specified sexual activities or specified anatomical areas as defined in this section.

(4) *Nude dancing theater.* "Nude dancing theater" shall mean any building or structure used for the presentation of live dancing or modeling, the dominant or predominant character and theme of which are the display of specified sexual activities or specified anatomical areas, as defined in this section, and to which the public is permitted or invited.

(5) *Adult hotel.* "Adult hotel" shall mean any hotel wherein material is presented which is distinguishable or characterized by an emphasis on depicting or describing specified sexual activities, as defined in this section, and which establishment restricts admission to such building, or portion thereof, to adults only. As used in this section, "hotel" shall mean that term as defined in subsection (b) of Section 3-7.02 of Chapter 7 of Title 3 of this Code.

(6) *Adult-related establishment.* "Adult-related establishment" shall mean any such establishment as defined in Article 23.6 of this chapter.

(b) *Establishment* of *an adult entertainment use.* "Establishment of an adult entertainment use" shall mean and include the opening of such a business as a new business, the relocation of such business or the conversion of an existing business, to any adult entertainment use.

(c) *Retail sale*. "Retail sale" shall mean a sale in which the vendor collects from the purchaser the State sales tax.

(d) *Specified sexual activity.* "Specified sexual activity" shall mean and include, and shall be limited to, the following:

(1) Actual or simulated genital or anal sexual intercourse;

(2) Oral copulation;

(3) Bestiality;

(4) Direct physical stimulation of unclothed genitals;

(5) Masochism;

(6) Erotic or sexually-oriented torture, beating, or the infliction of pain; or

(7) The use of excretory functions in the context of a sexual relationship.

(e) *Specified anatomical areas.* "Specified anatomical areas" shall mean and include, and shall be limited to, the following:

(1) Less than completely and opaquely covered human genitals, mons pubis, buttocks, and female breasts below the top of the areola; and/or

(2) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

(f) *Use, used.* "Use" and/or "used" shall mean to practice customarily. (§ 2, Ord. 681.80,

eff. October 15, 1981, as amended by § 1, Ord. 488.178, eff. March 14, 1985)

Sec. 8-2.2354. Allowed zones: Spacing requirements.

(a) *Establishment: Allowed zones.* The establishment of adult entertainment uses shall be prohibited in any zone within the County with the exception only of the Community Commercial (C-2), General Commercial (C-3), and Highway Service Commercial (C-H) Zones, as specified in Articles 13, 14, and 15 of this chapter; provided, however, no adult entertainment use may be established in any such zone unless the entire parcel upon which such use is located is outside all of the specified distance requirements set forth in subsection (b) of this section and unless the adult entertainment use complies with all the other regulations imposed within the zone by this chapter.

(b) *Spacing requirements.* The spacing requirements set forth in this subsection shall all be observed in the establishment of any adult entertainment use. Distances shall be measured in a straight line, between the nearest property line of the parcel on which the adult entertainment use is located to the nearest zone line or property line of the parcel upon which the following uses are located:

(1) No adult entertainment use shall be established within 500 feet of any existing adult entertainment use or any existing adult-related establishment,

(2) No adult entertainment use shall be established within 500 feet of any public or private school, publicly-owned park or playground, or church, synagogue, or other place of worship to which the public is invited or permitted to attend.

(3) No adult entertainment use shall be established on any parcel which has any part of its boundary contiguous to any part of the boundary of any parcel which is in the Residential One-Family (R-1), Residential One-Family or Duplex (R-2), Multiple-Family Residential (R-3), or Apartment-Professional (R-4) Zone, as specified in Articles 8 through 11 of this chapter, or upon which a residential use exists as the principal permitted use. For the purposes of this subsection, “contiguous” shall mean physically touching, and “residential use” shall include mobile home parks, recreational vehicle campgrounds, and campgrounds, but shall exclude motels.

It is the intention of the Board that the distance restrictions set forth in this subsection are cumulative, not separate; therefore, adult entertainment uses may be established only on parcels which meet all of the spacing requirements set forth in this subsection. (§ 2, Ord. 681.80, eff. October 15, 1981, as amended by § 2, Ord. 488.178, eff. March 14, 1985)

Sec. 8-2.2355. Compliance with other laws.

This article shall not be construed as relieving adult entertainment uses from any applicable requirement of any Federal or State law, regulation, or this Code, specifically including building and health regulations; provided, however, this article is not intended and shall not be construed as regulating matters preempted by State or Federal laws. (§ 2, Ord 681.80, eff. October 15, 1981)

Article 23.6. Adult-Related Establishments

Sec. 8-2.2361. Findings and purpose.

(a) *Clustering.* The Board finds that certain uses of real property, specifically adult-related establishments, have serious objectionable effects, particularly when several of such uses are located in close proximity to each other; that such concentration tends to create a “skid-row” atmosphere and has a detrimental effect upon the adjacent area; that the regulation of the location of such uses is necessary to insure that such adverse effects will not contribute to the blight or downgrading of neighborhoods or deter or interfere with the operation and development of hotels, motels, and lodging houses and other businesses in the County; and that the regulations and standards set forth in this article are reasonably necessary and will tend to prevent the clustering of such establishments.

(b) *Proximity to other uses.* The Board further finds that, although the control of the concentration of clustering of such uses in any one area will tend to prevent the creation of a “skid-row” atmosphere and be otherwise beneficial to the people of the County, such control will not prevent the deleterious effect of blight and the devaluation of residential property resulting from the establishment of any of such specified uses which is in close proximity to and which impacts residentially zoned property; that the regulations set forth in this article encourage and foster concern for the orderly planning and development of neighborhoods as well as to preserve existing neighborhoods; that the regulations set forth in this article restricting the location of such uses with reference to residentially zoned property, churches, temples, or other places used exclusively for religious worship, schools, parks, playgrounds, or similar uses are reasonably necessary and will tend to prevent such deleterious effects. (§ 3, Ord. 488.178, eff. March 14, 1985)

Sec. 8-2.2362. Definitions.

For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a) *Adult entertainment use*. "Adult entertainment use" shall mean any such use as defined in Article 23.5 of this chapter.

(b) *Adult-related establishment.* "Adult-related establishment" shall mean any bathhouse, escort bureau, introductory service, massage parlor, outcall massage service, modeling studio, or sexual encounter center as defined in this section. "Adult-related establishment" shall also include any other business or establishment which has available for, or offers any patron, for pecuniary compensation, consideration, hire, or reward, services, entertainment, or activities which involve specified sexual activities or the display of specified anatomical areas. "Adult-related establishment" shall not include any adult entertainment use. Any use which is both an adult entertainment use and an adult-related establishment shall be defined as an adult entertainment use and be subject to all the requirements of Article 23.5 of this chapter.

(c) *Bathhouse.* "Bathhouse" shall mean an establishment whose primary business is to provide, for a fee or other consideration, access to any kind of bath facility, including showers, saunas, and hot tubs.

(d) *Escort.* "Escort" shall mean a person who, for hire or reward:

(1) Accompanies others to or about social affairs, entertainment, or places of amusement; or

(2) Keeps company with others about any place of public resort or within any private quarters.

(e) *Escort bureau*. "Escort bureau" shall mean a business which, for a fee or other consideration, furnishes or offers to furnish escorts.

(f) *Establishment* of *an adult-related establishment.* "Establishment of an adult-related establishment" shall mean and include the opening of such a business as a new business, the relocation of such a business, or the conversion of an existing use to any adult-related establishment.

(g) *Figure model.* "Figure model" shall mean any person who, for hire or reward, poses to be observed, sketched, painted, drawn, sculptured, photographed, or otherwise depicted.

(h) *Introductory service*. "Introductory service" shall mean a business which, for a fee or other consideration, will help persons to meet or become acquainted with others for social purposes. For the purposes of this subsection, "others" shall include personnel of the introductory service.

(i) *Modeling studio.* "Modeling studio" shall mean a business which provides, for a fee or other consideration, figure models who display specified anatomical areas to be observed, sketched, photographed, painted, sculptured, or otherwise depicted by persons paying such consideration or gratuity. "Modeling studio" shall not include schools maintained pursuant to the standards set by the Board of Education of the State.

(j) *Outcall massage service.* "Outcall massage service" shall mean a business or establishment where the primary function of such business is to engage in or carry on massage for pecuniary compensation or consideration, hire, or reward not at a fixed location but at a location designated by the customer or client.

(k) *Sexual encounter center.* "Sexual encounter center" shall mean a business which provides two (2) or more persons, for pecuniary compensation, consideration, hire, or reward, with a place to assemble for the purpose of engaging in specified sexual activities or displaying specified anatomical areas. "Sexual encounter center" shall not include hotels or motels.

(l) *Specified sexual activity.* "Specified sexual activity" shall mean an activity as defined in Article 23.5 of this chapter.

(m) *Specified anatomical areas.* "Specified anatomical areas" shall mean such areas as defined in Article 23.5 of this chapter. (§ 3, Ord. 488.178, eff. March 14, 1985)

Sec. 8-2.2363. Allowed zones: Spacing requirements.

(a) *Establishment: Allowed zones.* The establishment of adult-related establishments shall be prohibited in any zone within the County with the exception only of the Community Commercial (C-2), General Commercial (C-3), and Highway Service Commercial (C-H) Zones, as specified in Articles 13, 14, and 15 of this chapter; provided, however, no adult-related establishment may be established in any such zone unless the entire parcel upon which such use is located is outside all of the specified distance requirements set forth in subsection (b) of this section and unless the adult-related establishment complies with all the other regulations imposed within the zone by this chapter.

(b) *Spacing requirements.* The spacing requirements set forth in this subsection shall all be observed in the establishment of any adult-related establishment. Distances shall be measured in a straight line, between the nearest property line of the parcel on which the adult-related establishment is located to the nearest zone line or property line of the parcel upon which the following uses are located:

(1) No adult-related establishment shall be established within 500 feet of any existing adult entertainment use or adult-related establishment.

(2) No adult-related establishment shall be established within 500 feet of any public or private school, publicly-owned park or

playground, or church, synagogue, or other place of worship to which the public is invited or permitted to attend.

(3) No adult-related establishment shall be established on any parcel which has any part of its boundary contiguous to any part of the boundary of any parcel which is in the Residential One-Family (R-1), Residential One-Family or Duplex (R-2), Multiple-Family Residential (R-3), or Apartment-Professional (R-4) Zone, as specified in Articles 8 through 11 of this chapter, or upon which a residential use exists as the principal permitted use. For the purposes of this subsection, "contiguous" shall mean physically touching, and "residential use" shall include mobile home parks, recreational vehicle campgrounds, and campgrounds, but shall exclude motels.

It is the intention of the Board that the distance restrictions set forth in this subsection are cumulative, not separate; therefore, adult-related establishments may be established only on parcels which meet all of the spacing requirements set forth in this subsection. (§ 3, Ord. 488.178, eff. March 14, 1985)

Sec. 8-2.2364. Compliance with other laws.

This article shall not be construed as relieving adult-related establishments from any applicable requirement of any Federal or State law, regulation, or this Code, specifically including building and health regulations; provided, however, this article is not intended and shall not be construed as regulating matters preempted by State or Federal laws. (§ 3, Ord. 488.178, eff. March 14, 1985)

Article 23.7. Injection Wells

Sec. 8-2.2371. Purpose.

The purpose of this article is to develop regulations to establish a land use and zoning permit process for the operation of Class II injection wells within the County. (§ 2, Ord. 1074, eff. May 12, 1988)

Sec. 8-2.2372. Definition.

"Class II injection well" shall mean an injection well used for the disposal of Class II waste fluid brought to the surface in connection with conventional oil or natural gas production. (§ 2, Ord. 1074, eff. May 12, 1988)

Sec. 8-2.2373. Use permit required: Permitted zones: Standards.

(a) A Class II injection well shall only be established and maintained in accordance with a conditional use permit. No other type of injection well may be established or maintained within the County.

(b) The Planning Director shall forward copies of all permit applications to the County Health Officer for review, comment, and recommendation.

(c) Except as otherwise provided in this section, no permit shall be issued for such use unless the following standards are met:

(1) The applicant shall comply with all requirements of CEQA;

(2) The site shall be entirely within an A-1, A-P and/or A-E Zone;

(3) The site shall be located at least one-half (1/2) mile from:

(i) Any residential structure;

(ii) Any water supply well as defined in Section 6-8.422 (a) of this Code;

(iii) Any inactive oil or gas production well or injection well (one which has not been used the preceding year); and

(iv) Any abandoned oil or gas production well or injection well which has not been certified by the Division of Oil and Gas as having been properly abandoned;

(4) The operator and the site shall be properly authorized and permitted for an injection well operation by all appropriate regulatory agencies including, but not limited to, the Division of Oil and Gas and the County Health Department;

(5) The operator and the site shall meet all standards and requirements otherwise imposed by law including, but not limited to, all State and Federal laws and regulations, and Chapter 9 of Title 6 of this Code and all regulations adopted thereunder, shall be met;

(6) Additional standards and requirements may be imposed as are deemed necessary under the particular circumstances to protect the public health, safety, and welfare.

(d) Any preexisting nonconforming injection well shall be brought into compliance or cease operations no later than January 1, 1994; provided, however, that any preexisting nonconforming injection well for which the operator has not undertaken an environmental analysis under CEQA by January 1, 1992 shall cease operations no later than that date; provided, further, that any preexisting injection well which is abandoned or inactive for more than twelve (12) months, may not resume operations except in full compliance with the requirements of this article. The Planning Commission may grant an extension based upon a determination that an extension is required by law to avoid an unlawful taking of vested rights. In considering a request for an extension the Planning Commission shall consider the initial cost of the injection well; its current fair market value; its depreciated value and amortization for tax purposes; salvage value; remaining useful life without regard to repairs made after January 1, 1988; portability, dismantled or otherwise; the harm to the public if the use remains; the potential harm and associated costs if malfunction occurs; and such

other factors as may be required by law. (§ 2, Ord. 1074, eff. May 12, 1988)

Sec. 8-2.2374. Notification of changed circumstances.

The operator of an injection well shall immediately notify the Planning Director of any change in circumstance concerning the information set forth in the permit application or the conditions upon which the permit was granted. (§ 2, Ord. 1074, eff. May 12, 1988)

Article 23.8. Sand and Gravel Reserve Combining Zone (SGR)*

* Sections 8-2381 and 8-2382, as added by Ordinance No. 681.164, effective September 5, 1996, renumbered to Sections 8-2.2381 and 8-2.2382 by codifier to conform with the numbering system of the code.

Sec. 8-2.2381. Purpose (SGR).

The Sand and Gravel Reserve Combining Zone (SGR) classification is intended to be combined with the A-1 and A-P Zones located within the boundaries of the Off-Channel Mining Plan as defined by Chapter 4 of Title 10 of this Code so as to indicate land areas in which future surface mining operations shall be considered after 2026. (§ 8, Ord. 681.164, eff. September 5, 1996)

Sec. 8-2.2382. Land use regulations (SGR).

The Sand and Gravel Reserve Combining Zone (SGR) may be combined with any A-1 and A-P Zones located within the boundaries of the Off-Channel Mining Plan as defined by Chapter 4 of Title 10 of this Code, pursuant to the following regulations:

(a) This article is intended and shall be construed to designate land areas where future surface mining operations shall be considered after 2026. The SGR classification is an indication to surrounding property owners and lead agencies of areas that are targeted by the County for future extraction after 2026.

(b) Land uses incompatible with commercial surface mining operations shall be discouraged on properties adjoining land within the SGR Zone. Potentially incompatible land uses include high density residential development, low density residential development with high unit value, public facilities, and intensive industrial and commercial uses. Future plans and permit approvals for properties adjoining land within the SGR Zone shall assess the compatibility of the proposed use with surface mining operations and provide mitigation to reduce potential areas of conflict, if appropriate.

(c) No commercial surface mining operations shall be conducted on lands classified with the SGR Zone. Commercial surface mining operations shall only be permitted in accordance with Article 23.1 of this chapter and the requirements of Chapter 4 of Title 10 of this Code. (§ 8, Ord. 681.164, eff. September 5, 1996)

Article 24. General Provisions

Sec. 8-2.2401. Purpose: Application.

The purpose of this article is to provide for the necessary special provisions and regulations which are not otherwise set forth in this chapter. Whenever conflicts occur between the provisions of this article and other provisions of this chapter, the provisions of this article shall apply. (§ 25.01, Ord. 488)

Sec. 8-2.2402. Additional permitted uses.

In addition to the uses set forth in Articles 4 through 21 of this Chapter, the following uses shall be permitted in certain zones:

(a) Residential uses may be permitted in the Commercial and Industrial Zones located in outlying small urban communities upon the approval of use permits where combinations of land uses on a building site are found to be reasonable and acceptable in the community.

(b) Temporary commercial circus and carnival operations may be permitted in Commercial and Industrial Zones upon the approval of use permits and upon the filing of bonds as required by the Board.

(c) The excavation of soil, sand, gravel, and/or fill material, including borrow pits, for sale or use on a different parcel of land in Agricultural and Industrial Zones may be permitted upon the approval of use permits; provided, however, the excavation and transportation of material wholly incidental to and for the purpose of agricultural development in the Agricultural Zones shall not require a use permit and, provided, further, this subsection shall not allow commercial mining. (§ 25.02, Ord. 488, as amended by § 1, Ord. 488.5, § 2, Ord. 488.21, § 2, Ord. 488.111, eff. April 22, 1970, § 1, Ord. 488.129, eff. February 2, 1972, § 12, Ord. 488.167, eff. September 4, 1974, § 3, Ord. 488.170, eff. February 22, 1979; § 1, Ord. 488.204, eff. June 21, 1990, and §7, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.2403. Fences, walls, hedges, and trees.

(a) The maximum height of fences, walls, and hedges in Residential (R) Zones shall be as follows:

(1) In rear and interior side yards, seven (7') feet above the surface of the ground; provided, however, the Commission may modify the height requirements where topography conditions justify such changes;

(2) In front yards and street side yards of comer lots, three (3') feet above the surface of the ground; and

(3) Where the rear yard of a corner lot abuts the front yard of the first house to the rear thereof (key lot), the property owners of both houses shall have the right at the common property line to build a fence of no more than seven (7') feet in height above the surface of the ground to a point which will be no closer to the street than the normal side street yard requirement of the comer lot; provided, however, the height may be modified as provided in subsection (1) of this subsection.

(b) Where trees are located within twenty (20') feet of intersected street lines, the main trunks of such trees shall be trimmed free of branches to a height of seven and one-half (7 1/2') feet above the curb grade. (§ 25.03, Ord. 488)

Sec. 8-2.2404. Mobile homes and mobile home parks.

(a) *Application* of *State and County laws.* In addition to any other requirements set forth in this chapter, the use of mobile homes and the operation of mobile home parks shall be governed by the sanitary regulations and building regulations prescribed by the State and/or County, together with all amendments thereto subsequently adopted and as may otherwise be required by law.

(b) *Mobile homes on individual lots.* Mobile homes may be located on individual lots and temporarily or permanently used as substitutes for residences or business offices under the following circumstances only:

(1) *Offices for mobile sales yards.* In the zones wherein the sale of new or used mobile homes is a permitted or conditional use, one mobile home, when used in conjunction with the sales thereof, may be located on the same site and used on such site. Such use shall be considered accessory to the principal use of the site.

(2) *Temporary offices.* A mobile home or commercial coach may be used as a temporary dwelling or office in any zone, pending the construction of the permanent dwelling or office, after obtaining a building permit for the construction of the permanent dwelling or office. The mobile home or commercial coach shall not be located on the same site for more than six (6) months, except as otherwise provided in this subsection. Such six (6) months' period shall commence on the issuance of the building permit and shall automatically and immediately terminate should the building permit become void. The Chief Building Inspector is hereby authorized to issue such permits and to renew the same for one additional six (6) months' period provided he determines that substantial progress has been made in the construction and that it is reasonable and probable that the structure will be completed within one additional six (6) months' period. Such mobile home or commercial coach shall not be installed on a foundation.

(3) *Rules governing mobile homes in agricultural zones..* Mobile homes may be located in agricultural zones, as referred to in subsection (3) of the subsection, shall comply with the following rules:

(i) The mobile home shall have a floor area of sufficient size to be compatible with existing dwellings in the area.

(ii) Approved mobile home skirting shall be applied around the base of the mobile home so as to obscure the area beneath the unit. Wood skirting located nearer than six (6") inches to the earth shall be treated wood or wood of natural resistance to decay and termites as defined in the most current edition of the Uniform Building Code, or any amendment thereto. Metal skirting shall be galvanized or treated metal or metal resistant to corrosion.

(iii) The mobile home, its installation and facilities, any permanent buildings, and any mobile home accessory buildings and structures shall be governed by the standards adopted by the Department of Housing and Community Development of the State, and said provisions shall govern the maintenance, use, and occupancy of such mobile homes.

(4) *Temporary offices and living quarters in other than residential zones.* Mobile homes may be used as temporary quarters for their employees in other than residential zones, subject to the approval or conditional approval of the Planning Director.

(5) *Shelters for watchmen.* Trailers or commercial coaches may be used by watchmen employed for the protection of the principal permitted use when located in industrial zones, on, or adjacent to, the parcel occupied for the principal permitted use which has no permanent structure, subject to the approval of the Planning Commission.

(c) *Mobile home parks.* Mobile home parks, in the zones where permitted, shall meet the following requirements, in addition to any conditions which may be imposed by the use permit:

(1) *Minimum park area.* The minimum park area shall be five (5) acres. (Also see subsection (10) of this subsection.)

(2) *Minimum number of sites.* The minimum number of sites shall be fifty (50). (Also see subsection (10) of this subsection.)

(3) *Recreation space.* No recreation space shall be required.

(4) *Yard requirements.* There shall be a twenty (20') foot front yard, twenty (20') foot rear yard, six (6') foot interior side yard, and a fifteen (15') foot side yard adjacent to the street side of a comer lot. Such required yards shall be kept free of trailer parking pads and all structures, except fences developed in accordance with the

provisions of Section 8-2.2403 of this article. Such yards shall be suitably landscaped or fenced to provide effective screening of the park.

(5) *Roads.* All circulation roads within a mobile home park shall be at least twenty-five (25') feet wide from curb to curb. Ten (10') feet additional width shall be provided if parking is to be permitted on one side of such roads, and twenty (20') feet additional width shall be provided if parking is to be provided on both sides of such roads.

(6) *Automobile parking.* There shall be an equivalent of two (2) parking spaces per mobile home site. The remaining required automobile parking areas shall be conveniently located in relation to office, recreation, and service areas.

(7) *Paving.* All areas in trailer parks used for access, parking, or circulation shall be permanently paved.

(8) *Access.* Each mobile home park shall be so designed that access to public roads is provided to the satisfaction of the Department of Public Works and the fire district of jurisdiction.

(9) *Improvement of existing mobile home parks.* Upon the receipt of an application for the enlargement or extension of a mobile home park in existence on November 18, 1963, the Planning Commission may modify the requirements of this subsection provided to do so will result in an overall improvement in the design or standards of the existing park.

(10) *Development of mobile home parks in outlying small communities.* The Planning Commission may modify the provisions of subsections (1) and (2) of this subsection to develop mobile home parks with a minimum park area of one and one-half (1½) acres provided all the other standards set forth in this subsection are complied with and provided, further, that such modification may be permitted only when such park is located in or near an outlying small community. (§ 25.04, Ord. 488, as amended by § 2, Ord. 488.5, § 1, Ord. 488.111, eff. April 22, 1970, § 7, Ord. 488.122, eff. October 13, 1971, § 1, Ord. 488.145, eff. February 28, 1973, § 9, Ord. 488.168, eff. February 11, 1976, § 5, Ord. 68 1.66, eff. January 8, 1981, § 5, Ord. 681.84, eff. November 26, 1981, § 1, Ord. 488.190, eff. February 16, 1986, Ord. 1145, eff. July 23, 1992, and §8, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.2405. Public utility lines and structures.

(a) *Lines.* With the exception of lines associated with major electrical transmission and distribution projects, local public utility communication and gas and electrical power distribution and transmission lines, both overhead and underground, shall be permitted in all zones without the necessity of first obtaining a use permit or site plan approval. The routes of all proposed utility transmission lines, except communication transmission lines for local service purposes, shall be submitted to the Commission for recommendation prior to the acquisition of rights-of-way therefore.

(b) *Structures.* Communication equipment buildings and electric power distribution substations shall be permitted in all zones, subject to first obtaining a use permit, unless otherwise provided for in this chapter. As a condition of the issuance of such permit, the Commission may require screening, landscaping, and/or architectural conformity to the neighborhood. Other structures associated with major electrical transmission and distribution projects, such as poles and towers, shall be subject to subsection (c) below.

(c) *Major Electrical Transmission and Distribution Projects*. A use permit requirement applies to all major electrical transmission and distribution projects. Such projects are not allowed in any zone where they are not identified as a conditional use. Sections 8-2.2405.1 through 8-2.2405.7 of this chapter govern those projects, and set forth various standards and requirements for applications, permit review, and related matters. In some cases, state and federal laws may regulate certain types of characteristics of these projects. This section shall be construed to provide the County with the maximum control consistent with such other laws. (§ 25.05, Ord. 488, as amended by §4, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.2405.1 Major Electrical Transmission and Distribution Project Applications.

At a minimum, each application for a conditional use permit for a major electrical transmission and distribution project shall include the following:

(a) A completed application form and filing fee.

(b) A description of a reasonable range of alternatives to the proposed project, including alternatives that use or expand existing rights-of-way.

(c) All application materials (maps, site plans, etc.) necessary to illustrate the proposed location of the proposed facilities and all alternative locations, together with all other materials required for a conditional use permit application (see Yolo County Code Section 8-2.2802), as described on application forms provided by the Planning Division.

(d) A photo simulation of the proposed project and each alternative from at least six locations along its route in the County. Each location shall include simulated views of project facilities from four directions (north, south, east, and west).

(e) A narrative explanation of the route of the proposed project and each alternative, together

with a discussion of any alternative locations and project alternatives considered by the applicant but not formally included for County consideration.

(f) For the proposed project and each alternative, all of the following:

i. Estimated cost, including construction, land acquisition, and other development costs;

ii. A description of the type of vegetation and soils that would be removed or impacted by construction;

iii. A map showing the number, types, uses, and distances of buildings, public and private airports, dedicated open space, and parklands located within a 1,000 foot distance of project infrastructure;

iv. An analysis of the audible noise and lighting impacts of the proposal, together with any other studies reasonably necessary for the County to perform its duties as a lead or responsible agency in connection with the environmental review of the project;

v. An analysis of the potential adverse human health effects of the project on those present in residential areas, schools, licensed day-care facilities, playgrounds, and other developed areas in reasonably proximity to the project. The analysis shall use the best available scientific information at the time it is conducted; and

vi. An analysis of potential economic impacts on agriculture and related support industries. The Director may also require an analysis of potential economic impacts on other matters relevant to the review criteria set forth below, including potential economic impacts on other industries, on County and special district revenues, on local tourism and economic development efforts, and on other similar matters. (§5, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.2405.2 Coordination and Documentation

Within 30 days of filing an application for a major use permit in connection with a major electrical transmission and distribution project, the applicant shall provide the County with copies of all applications for state, federal, and other permits and licenses in connection with the proposed project. Promptly following the issuance of any state or federal permits or licenses, biological opinions, records of decision, memoranda of understanding, exemptions, variances, or similar authorizations or approvals related to the proposed project, the applicant shall provide copies of those documents to the County. (§5, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.2405.3 Public Outreach

For all major electrical transmission and distribution projects that traverse a significant portion of the County, and whose impacts are not likely to be isolated to a small geographic area, the Director may require the applicant to present the application to interested members of the public at one or more public meetings arranged by the applicant at a location convenient for interested members of the public. Such meetings shall be in addition to any hearings on the permit application held by the Planning Commission or the Board of Supervisors, and in addition to any meetings of local general plan advisory committees to which the application is referred. The Director and the applicant shall, if requested by the Director, develop a mutually acceptable public outreach program that includes such meeting(s) and any similar public outreach efforts to be undertaken by the applicant. If any portion of the proposed project is located within a planning area designated in a city general plan, the outreach program shall also include one or more meetings in that city. (§5, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.2405.4 Deciding Authority

The Deciding Authority for a major electrical transmission and distribution project application shall be the Board of Supervisors. The Planning Commission shall review the project application and any other relevant documents, hold at least one noticed public hearing, and make a recommendation to the Board of Supervisors thereon. Upon receiving this recommendation, the Board of Supervisors shall consider the application at a noticed public hearing, taking into account the criteria set forth in Section 8-2.2405.5 of the Yolo County Code. (§5, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.2405.5 Review Criteria

The purpose of this Section is to establish use permit criteria for major electrical power distribution and transmission projects in the unincorporated area of the County, and shall apply to all such projects that require a use permit. A use permit for such projects may only be approved if all of the following findings are made based on substantial evidence in the record:

(a) The proposed project is consistent with any applicable policies in the General Plan and any applicable specific plan(s), as well as the Yolo Natural Heritage Program (HCP/NCCP) upon its adoption;

(b) There is a demonstrated need for the proposed project;

(c) To the greatest feasible (as that term is defined in Public Utilities Code § 12808.5) extent, the project utilizes existing infrastructure and

rights-of-way or, alternatively, expands existing rights-of-way, in that order of preference;
(d) There are no feasible alternatives that are superior to the proposed project, taking into consideration and balancing the considerations set forth in this Section;
(e) The proposed project would not have adverse human health effects, particularly with respect to individuals present in residential areas, schools, licensed day-care facilities, playgrounds, and other developed areas in reasonable proximity to the project;
(f) To the greatest feasible extent, the proposed project does not have a significant adverse effect on the environment, agriculture, existing land uses and activities, areas with significant scenic qualities, or other relevant considerations of public health, safety, or welfare;
(g) To the greatest feasible extent, the proposed project avoids lands preserved by the County for public park purposes;
(h) To the greatest feasible extent, the proposed project avoids lands preserved by a conservation easement or similar deed restriction for agricultural, habitat, or other purposes. The Board of Supervisors may waive this requirement if the applicant provides documentation that the project does not conflict with the conservation easement or deed restriction, or that the conservation easement or deed restriction will be amended or extinguished prior to implementation of the project. If the conservation easement or deed restriction was provided as mitigation for the impacts of a prior development project, however, it shall only be amended or extinguished if adequate substitute mitigation is provided by the applicant;
(i) The proposed project complies with all laws, regulations, and rules regarding airport safety conditions and similar matters, and would not require a significant change in the operations of a public or private airport in the County, create an undue hazard for aircraft, or substantially hinder aerial spraying operations;
(j) To the greatest feasible extent, operation of the proposed project would not create conditions that unduly reduce or interfere with public or private television, radio, telemetry, or other electromagnetic communications signals; and
(k) The applicant has agreed to conduct all roadwork and other site development work in compliance with all laws, regulations, and rules relating to dust control, air quality, erosion, and sediment control, as well as any permits issued pursuant thereto. (§5, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.2405.6 Scope

The requirements of sections 8-2.2405.1 through 8-2.2405.5, above, shall apply to all major electrical power transmission and distribution projects that have not received all required federal, state, and local agency approvals prior to the effective date of this ordinance. (§4, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.2405.7 Costs

The project applicant shall reimburse all County costs associated with reviewing an application for a major electrical power transmission and distribution project. In addition, if the County is required to review a proposed transmission corridor zone pursuant to California Government Code Section 25334 or other provisions of law, such costs shall also be reimbursed by the project applicant. (§5, Ord. 1388, eff. September 3, 2009)

Sec. 8-2.2406. Signs.

(a) *Purpose.* The purpose of this Section is to establish standards for the uniform regulation of signs and related structures to ensure the adequate identification of businesses and other activities, while also maintaining and improving the quality of the visual environment within the unincorporated area. Accordingly, this Section is adopted to:

(1) Ensure that signs erected within the unincorporated area are compatible with their surroundings and are consistent with the General Plan and related land use ordinances;
(2) Aid in the identification of properties, land uses, and businesses;
(3) Promote commerce, traffic safety, and community identity while also promoting and enhancing the quality of the visual environment;
(4) Protect and enhance property values;
(5) Lessen the objectionable effects of competition in the placement and size of signs;
(6) Reduce hazards to motorists and pedestrians;
(7) Avoid visual clutter; and
(8) Provide clear procedures and standards to control the location, size, type, number, and all other matters pertaining to signs within the unincorporated area.

(b) *Definitions.* For the purpose of this section, the following definitions shall apply:

(1) **Abandoned.** A sign is “abandoned” where, for a period of 90 days or more, there is no sign copy appearing on the sign or where the establishment to which the sign is attached has ceased operation and it is clear that the sign has been forsaken and deserted.

(2) **Amortization Period.** The term "amortization period" refers to the period of time set forth in subsection (c), below.

(3) Effective Date. The term "effective date" refers to November 11, 2009, the date on which the Ordinance substantially revising this Section became effective.

(4) Monument. A "monument" sign is a sign which is completely freestanding and has its base on the ground.

(5) Projecting. A "projecting" sign is a type of wall sign that extends horizontally from a building.

(6) Sign. A "sign" shall mean anything whatsoever placed, erected, constructed, posted, painted, tacked, nailed, glued, stuck, carved, grown, or otherwise fastened, affixed, construction, projected, produced, or made visible, including billboards, and signboards, for out-of-door advertising purposes in any manner whatsoever.

(7) Suspended. A "suspended" sign is a type of wall sign that is attached to and located below any permanent eve, roof or canopy.

c) *Nonconforming signs*

(1) Any sign lawfully erected and maintained prior to the effective date, but which does not conform to the provisions of this Section, is a legal nonconforming sign during the amortization period. A lawfully erected and maintained sign that exceeds the area or height regulations, as set forth in the provisions of this Section, by five percent or less shall not be deemed nonconforming on the basis of area or height.

(i)Every on-site sign that becomes legally non-conforming upon the effective date shall not be required to be removed, except as provided for in California Business & Professions Code sections 5492, 5493 5495, and 5497. Such signs will be allowed within the amortization period, subject to subsections (3) and (4), below.

(ii) Every off-site sign that becomes legally non-conforming upon the effective date shall not be required to be removed, except as provided for in California Business and Professions Code sections 5412, 5412.1, 5412.2, and 5412.3. Such signs will be allowed within the amortization period, subject to subsections (3) and (4), below.

(2) Any sign that was not lawfully erected prior to the effective date is an illegal nonconforming sign. An illegal nonconforming sign must be removed in accordance with the provisions of this Section that apply to legal nonconforming signs that have exceeded the authorized amortization period.

(3) No legal nonconforming sign shall be altered, relocated, replaced, enlarged or reconstructed, except in such a manner as to cause the sign to conform fully to this section. A legal nonconforming sign may be maintained or the advertising copy changed without violating this provision.

(4) A legal nonconforming sign destroyed or damaged to the extent of fifty percent or greater of its value as of the date of such destruction or damage ceases to be nonconforming and shall be replaced, removed or repaired in full conformance with the provisions of this Section.

(5) Unless a longer period is required by California law, all legal non-conforming signs shall have a useful life and legal life of fifteen years, calculated from the effective date. Upon expiration of the amortization period, or the occurrence of any of the events set forth in subsections (3) and (4), above, the property owner shall remove the sign within thirty (30) days without compensation. If a property owner fails to remove the non-conforming sign following the expiration of the amortization period, the county may proceed with abatement procedures or other legal methods to ensure the prompt removal of the sign, and the county's removal and enforcement costs may be charged against the owner. Nothing in this section precludes a property owner from voluntarily conforming a nonconforming sign at any time before the end of the amortization period.

(d) *Sign Approval Requirements.* No sign shall be installed, constructed, or altered without prior approval by the county in accordance with this subsection (d), with the exception of those signs allowed pursuant to subsection (e), below.

(1) Unless an application for a Minor Use Permit is required, an application for a Site Plan Review shall be filed and processed with the Planning and Public Works Department and fees shall be paid. The application shall include architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted, and include illustrations of copy, colors, materials, and samples of the proposed colors and materials. The required architectural elevations shall show both the proposed signs, and any structures on which they will be placed.

(2*)* The Zoning Administrator shall be the authority for all sign Site Plan applications, and

may approve only those that comply with the conditions required in subsection (i) (*Criteria for Approval*), below. The Zoning Administrator may impose additional conditions of approval as are reasonably necessary to achieve the purposes of this Section. All applications under this Section shall be processed and decided in a time and manner consistent with applicable requirements of the Permit Streamlining Act or within 180 days after the application is complete, whichever is greater.

(3) In his or her sole discretion, the Zoning Administrator may require a public hearing, or may refer the application to the Planning Commission, if specific issues warrant an opportunity for public notice and an opportunity to comment on a proposed sign and a public hearing is not otherwise required by law.

(4) Appeals of decisions of the Zoning Administrator or Planning Commission shall be conducted according to Title 8, Article 33 of the Yolo County Code.

(e) *Signs and sign changes allowed without Site Plan Review.* The following signs and activities related thereto are allowed without a Site Plan Review in all zoning districts, provided that they comply with the general standards of subsection (h) (*General Standards*), below, and any required Building Permit is obtained:

(1) Nonstructural modifications, including modifications to sign copy and routine maintenance;

(2) Legal notices, identification, informational or directional/traffic controlling devices erected or required by governmental agencies;

(3) Flags of national, state, or local governments, or nationally recognized religious, fraternal, or public service agencies, provided that the length of the flag shall not exceed one-fourth the height of the flagpole. The maximum allowed height of a flagpole in a residential zoning district shall be twelve (12) feet; the maximum height of a flagpole in a nonresidential zoning district shall be twenty (20) feet;

(4) Street address numbers not exceeding an aggregate area of two square feet;

(5) Holiday or seasonal decorations that are intended to be displayed for a short period of time not to exceed sixty (60) days. No holiday or seasonal decorations shall be placed within the right-of-way of any street, road, or highway located within the unincorporated area of Yolo County. No holiday or seasonal decorations shall have lights that interfere in any manner with the operation of motor vehicles on any street, road, or highway; and

(6) Temporary signs of any nature that are posted for a duration of no more than 60 day. Such signs shall not be larger than thirty-two (32) square feet and be limited to one (1) per parcel, in addition to other signs allowed in this section. No such sign shall be placed within the right-of-way of any street, road, or highway located within the unincorporated area of Yolo County or have lights that interfere in any manner with the operation of motor vehicles on any street, road, or highway.

(f) *Prohibited signs.* In order to achieve the purposes of this section, the following types of signs and devices are prohibited:

(1) Abandoned signs;

(2) Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs with the exception of time and temperature displays and information provided by public agencies;

(3) Any sign illuminated by strobe, flashing light or neon light;

(4) Moving signs or signs that emit sound in order to attract attention;

(5) Roof signs;

(6) Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic;

(7) Signs on a natural feature such as rock, tree, mound, hill or mountain;

(8) Signs on inoperative vehicles and vehicles (including vehicle trailers) parked for the primary purpose of displaying a sign to passing pedestrian or vehicular traffic;

(9) Signs for home occupations.

(g) *Zoning District Sign Standards.* The following signs are allowed in various zones in the unincorporated area, subject to the limitations set forth in this Section:

(1) The following signs are allowed with Site Plan Review in all zoning districts.

(i) Signs advertising the sale, lease or exchange of real property subject to the following

requirements: (a) not more that twenty-four (24) square feet in area and eight (8) feet in height; and (b) not more than one such sign per parcel of land.

(ii) Directional and information signs necessary to direct or inform the public as to the location of publicly-owned facilities or institutions, business districts or historic locations or districts, not including commercial information such as advertising for specific businesses or products. Such signs shall not exceed forty (40) square feet in area or ten (10) feet in height and shall be limited to one (1) per parcel.

(iii) Identification signs for a community, which may include the community's name and logo, data (elevation or population), and the identification of community service organizations with meeting dates and places. Such signs shall be no more than seventy-five (75) square feet in area and twenty (20) feet in height.

(2) The following signs are allowed with Minor Conditional Use Permit in all zoning districts:
Directional and information signs exceeding the size limitations set forth in subsection (1)(ii), above, which are necessary to direct or inform the public as to the location of publicly-owned facilities or institutions, business districts or historic locations or districts, not including commercial information such as advertising for specific businesses or products. Such signs shall be no more than seventy-five (75) square feet in area and twenty (20) feet in height.

(3) The following signs are allowed with Site Plan Review within the A-P, A-1, A-E and AGI zones:

(i) Signs appurtenant to uses permitted in the zone. Such signs shall be no more than thirty-two (32) square feet in area and ten (10) feet in height, and are limited to one (1) per road frontage per parcel.

(ii) Signs appurtenant to uses permitted in the zone not located on the same parcel. Such signs shall be no more than six (6) square feet in area and ten (10) feet in height, and are limited to one (1) per road frontage per parcel.

(4) The following signs are allowed with Minor Conditional Use Permit within the A-P, A-1, A-E and AGI zones:

Signs appurtenant to uses permitted in the zone not located on the same parcel which exceed the size limitations set forth in subsection (3)(ii), above. Such signs shall be no more than thirty-two (32) square feet in area and ten (10) feet in height, and are limited to one (1) per road frontage per parcel.

(5) The following signs are allowed with Site Plan Review within the RRA, R-S, R-1, and R-2, R-3, and R-4 zones:

Signs appurtenant to uses permitted in the zone not including home occupations. One sign not exceeding twenty-four (24) square feet in area and eight (8) feet in height on the road frontage(s) of a mobile home park, group quarters, or other permitted institutional use.

(6) The following signs are allowed with Site Plan Review within the R-3 and R-4 zones:

(i) One identification sign not exceeding twenty-four (24) square feet in area and eight (8) feet in height on the road frontage(s) of a mobile home park, apartment or condominium complex, group quarters or permitted institutional use.

(ii) For non-residential uses or structures permitted or conditionally permitted in either zone:

(aa) one monument sign on the road frontage(s) of each parcel, not to exceed thirty-two (32) square feet in area and eight (8) feet in height;

(ab) One wall sign for each business or tenant, not to exceed one square foot in area for every two lineal (2) feet of building frontage.

(7) The following signs are allowed with Site Plan Review in the C-1, C-2 and WF zone districts:

(i) One monument sign on the road frontage(s) of each parcel, not to exceed forty-eight (48) square feet in area and fifteen (15) feet in height and;

(ii) One illuminated wall sign per business or tenant on each road frontage or building face having a public entrance, not to exceed one (1) square foot in area for every lineal foot of building frontage.

(8) Signs are allowed with Site Plan Review in the Downtown Mixed Use (MDX) zone district according to the provisions of Section 8-2.1219.

(9) The following signs are allowed with the Site Plan Review in the C-3 and C-H zone districts:

(i) One monument sign on the road frontage(s) of each parcel, not to exceed seventy-five (75) square feet in area and fifteen feet in height;

(ii) One pole sign on the road frontage(s) of each parcel, not to exceed two hundred (200) square feet in area and forty (40) feet in height and;

(iii) One illuminated wall sign per business or tenant on each frontage or building face having a public entrance not to exceed one square foot in area for every lineal foot of building frontage.

(10) The following signs are allowed with Minor Conditional use Permit within the C-H zone district:

One pole sign on the road frontage(s) of each parcel, greater than forty (40) feet in height but not to exceed 75 feet.

(11) The following signs are allowed with Site Plan review in the M-L, M-1 and M-2, AV, and PR zone districts as follows:

(i) One monument sign on the road frontage(s) of each parcel, not to exceed forty-eight (48) square feet in area and fifteen (15) feet in height;

(ii) One illuminated wall sign per business or tenant on each frontage or building face having a public entrance not to exceed one square foot in area for every two lineal feet of building frontage.

(h) *General standards for permitted signs.* The following standards apply to permitted signs located in all zone districts:

(1) Illuminated Signs: Illuminated signs are prohibited unless expressly allowed under this Section. A non-illuminated sign may be substituted for an illuminated sign in any location where an illuminated sign is expressly allowed. Lighting for illuminated signs shall be so arranged that it will not create a hazardous glare for pedestrians or vehicles on either a public street or on any private premises.

(2) Monument Signs: Monument signs shall be placed so as not to obstruct visibility necessary for safe vehicular and pedestrian circulation, but may be placed in required street yard and/or setback areas.

(3) Projecting and Suspended Signs: All wall signs, including but not limited to projecting and suspended signs, shall conform to the following requirements:

(i) The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight (8) feet;

(ii) The minimum horizontal setback between a sign and the curb line shall be two feet. The maximum projection over a public sidewalk shall be two-thirds the width of the sidewalk or six feet, whichever is less;

(iii) The top of a projecting sign shall not exceed the height of the face of the building by which it is supported.

(i) *Criteria for approval.* In granting a sign approval pursuant to an application for a Site Plan or Minor Use Permit under this Section, the deciding authority shall find all of the following criteria to be fulfilled or shall add such conditions as are reasonably necessary to satisfy the following criteria:

(1) The proposed sign complies with the standards of Sections (g) (*Zoning District Sign Standards*) and (h) (*General Standards*), as well as any other applicable provisions of this Section;

(2) The placement and height of the sign on the site is appropriate to the size of buildings and others features on the site, whether the sign is freestanding or projecting;

(3) A proposed suspended, projecting, or wall sign is consistent with to the architectural design of the structure. Signs that cover windows, or that spill over and/or cover architectural features are not allowed;

(4) The proposed sign does not unreasonably block the sight lines of existing signs on adjacent properties from nearby public right-of ways and paths of travel;

(5) The placement and size of the sign will not impair pedestrian or vehicular safety; and

(6) The design, height, location, and size of the sign is visually complementary and compatible with the scale and architectural style of the primary structures on the site, the natural features of the site, and structures and prominent natural features on adjacent properties on the same street.

(j) *Substitution of Non-Commercial Speech.* Any non-commercial message or speech

may be substituted for the copy of any commercial sign allowed under this Section. (§25.06, Ord. 488, as amended by § 32, Ord. 652, eff. May 5, 1971, § 1, Ord. 488.157, eff. June 20, 1973, §§ 1, 2, and 3, Ord. 681.82, eff. October 29, 1981, § 1, Ord. 681.126, eff. April 23, 1987, § 1, Ord. 681.127, eff. June 11, 1987, and § 2 and 3, Ord. 1321, eff. Aug. 7, 2004, as amended by §2, Ord. 1392, eff. November 12, 2009)

Sec. 8-2.2407. Swimming pools.

Any pool, pond, lake, or open tank not located within a completely enclosed building and containing, or normally capable of containing, water to a depth at any point greater than eighteen (18") inches, when used as a private swimming pool in any Zone, shall comply with the following requirements:

(a) Such pools shall be used solely for the enjoyment of the occupants of the premises on which they are located and their guests and not for instruction or parties when fees are paid therefor, unless a use permit is first obtained.

(b) Such pools shall be located on the rear one-half (1/2) of the lot or no closer to the front property line than any existing or proposed principal dwelling or 50 feet from the front property line, whichever is less. (§2, Ord. 1377, eff. August 28, 2008)

(c) Such pools shall maintain the side and rear yards required for accessory buildings but in no case be closer than five (5') feet from any lot line nor cover more than forty (40%) percent of any required rear yard.

(d) Lot coverage by a swimming pool shall not be considered in measuring the maximum lot coverage for buildings.

(e) Filter and heating systems for swimming pools shall not be located:

(1) Within any required yard adjacent to a public street; or

(2) Within three (3') feet of a side or rear property line; or

(3) Within ten (10') feet from the living area of any dwelling unit on an adjacent parcel, unless enclosed in a soundproof enclosure.

(f) Fencing and barrier requirements set forth in Yolo County Code Section 7-1.04(p). (§ 25.07, Ord. 488, as amended by § 1, Ord. 488.175, eff. February 14,1985, and § 2, Ord. 1178, eff. April 27, 1995)

Sec. 8-2.2408. Access from rear yards.

In all Commercial (C) and Industrial (M) Zones there shall be provided access from any rear yard to a street or alley, which access shall be satisfactory to the fire district of jurisdiction. (§ 25.08, Ord. 488)

Sec. 8-2.2409. Junk yards.

Except in the approved disposal areas designated by Chapter 7 of Title 6 of this Code, no person shall kindle or maintain, or authorize to be kindled or maintained, any bonfire or rubbish fire on junk yard premises or in connection with junk yard operations, and no imported waste, discarded or salvaged materials, or junk, or portion there of, shall be disposed of by burning on junk yard premises or in connection with junk yard operations. (§ 3, Ord. 488.111, eff. April 22, 1970)

Sec. 8-2.2410. Outdoor storage in residential zones.

(a) *Outdoor storage prohibited.* No outdoor storage, as defined in this section, shall be conducted on any parcel within the Residential Suburban (R-S), Residential One-Family (R-1), Residential One-Family or Duplex (R-2), Multiple-Family Residential (R-3), or Apartment-Professional (R4) Zone, except as otherwise authorized by this section.

(b) *Outdoor storage defined.* For the purposes of this section, "outdoor storage" shall mean the physical presence of any personal property not fully enclosed within a structure. "Outdoor storage" shall mean and include, but not be limited to, the following:

(1) Inoperable motor vehicles and farm, commercial, and industrial equipment of all types;

(2) Inoperable or unlicensed recreational vehicles;

(3) Junk, imported waste, and discarded or salvaged materials;

(4) Dismantled vehicles and vehicle parts, including commercial and industrial farm machinery, or parts thereof, tires, and batteries;

(5) Scrap metal, including salvaged structural steel;

(6) Salvaged lumber and building materials;

(7) Salvaged commercial or industrial trade fixtures;

(8) Operable or inoperable industrial or commercial equipment or tools, except commercial vehicles as defined in Section 8-2.2503.5 of Article 25 of this chapter;

(9) New building materials and supplies for any project for which no building permit has been issued;

(10) New or used furniture and/or appliances;

(11) Bottles, cans, and paper;

(12) Boxes, cable spools, and packing crates; and

(13) All other miscellaneous personal property not excluded by subsection (c) of this section.

(c) *Exclusions.* Outdoor storage as defined by subsection (b) of this section shall exclude the following:

(1) The parking of operable motor vehicles, including passenger vehicles, commercial vehicles, and recreational vehicles; and

(2) The storage of residential building materials and supplies which are needed to construct a project on the parcel for which a building permit has been issued.

(d) *Regulations regarding outdoor storage.*

(1) The maximum area on any parcel within which outdoor storage shall be allowed shall not exceed 200 square feet in area.

(2) Such storage areas shall be screened from view by the public and adjoining residents by a fence which meets the height regulations of Section 8-2.2403 of this article and which in fact screens the view of the storage area.

(3) The materials stored within the storage area shall not exceed the height of the fence.

(4) Such storage areas shall not be located in a required front yard setback.

(e) *Violations: Penalties.* Any violation of this section shall constitute an infraction, punishable as provided by Section 25132 of the Government Code of the State. Four (4) or more violations by any person during the preceding twelve (12) months shall constitute a misdemeanor. (§ 10, Ord. 488.171, eff. August 23, 1984)

Sec. 8-2.2411. Keeping animals in certain zones.

The keeping of the following animals shall be forbidden in all zoning districts: Wolves, Ocelots, and Jungle Cats. Wolf hybrids that qualify for an exception from the prohibition set forth in Title 6 of this code shall be treated under this Section as dogs.

(a) *Scope.* This section shall apply to all zones with the exception of the Agricultural Preserve (A-P), Agricultural Exclusive (A-E), and Agricultural General (A-1) Zones.

With regard to the Planned Development Combining Zone (-PD), the regulations regarding the keeping of animals shall be as specified in the particular -PD Zone or, if not specified, as allowed by the zone with which the Planned Development Combining Zone is combined.

(b) *Definitions.* For the purposes of this section only, certain words and phrases used in this section are defined as follows:

(1) *Small domestic animal.* "Small domestic animal" shall mean and include all dogs, cats, domesticated rabbits, pot-bellied pigs under 22 inches in size at the shoulder and the following types of birds: macaws, eclectus, cockatoos and amazons.

(2) *Large domestic animals or fowl.* "Large domestic animals or fowl" shall mean and include domestic horses, burros, and mules (Family Equidac); domestic swine (Family Suidac); domestic cattle, sheep, and goats (Family Bovidac); and all fowl, such as chickens, ducks, and turkeys, that do not constitute wild, exotic, dangerous, or prohibited animals; and American Bison.

(3) *Wild, exotic, dangerous, or prohibited animal.* "Wild, exotic, dangerous, or prohibited animal" shall mean and include all animals, the keeping of which requires a permit from the Department of Fish and Game of the State pursuant to Section 2118 of the Fish and Game Code of the State, and shall also include roosters, peacocks, geese, stallions, bulls, and bees. "Wild, exotic, dangerous, or prohibited animal" shall not include any animal which is accessory to a circus or carnival for which a use permit has been issued pursuant to subsection (c) of Section 8- 2.2402 of this article.

(c) *Regulations regarding the keeping of animals in residential zones.* The keeping of animals in the Residential Suburban (R-S), Residential One-Family (R-1) Residential One-Family or Duplex (R-2). Multiple-Family Residential (R-3), and Apartment-Professional (R-4) zones shall comply with the following regulations:

(1) *Small domestic animals.* Small domestic animals are allowed as follows:

(i) Up to four (4) small domestic animals may be kept on any parcel smaller than or equal to 10,000 square feet in size. For parcels that exceed 10,000 square feet, up to six (6) small domestic animals may be kept. Immature animals not yet at the age of sexual maturity shall not count against the total number of animals allowed.

(ii) The fencing and enclosure requirements set forth in subsection (4) of this subsection shall apply to small domestic animals.

(2) *Large domestic animals.* Large domestic animals shall be allowed as follows:

(i) The minimum lot size for the keeping of any large domestic animal shall be no less than one acre.

(ii) Animals may be kept in numbers not exceeding the allotment of Animal Density Points. A property one acre in size shall receive 25 Animal Density Points and shall receive 5 additional points for each additional one-fifth (1/5) of an acre. Any combination of the following may be used:

(aa) Beef cows and all similar cattle shall count for 20 points each.

(bb) Horses shall county for 15 points each.

(cc) Mules or pigs shall count for 10 points each.

(dd) Donkeys and burros shall count for 7 points each.

(ee) Sheep, goats, alpacas and similar small hoofed animals shall count for 4 points each.

(ff) Fowl, including chickens, turkeys and ducks, but excluding geese and peacocks (which constitute wild, exotic,

Immature animals not yet at the age of sexual maturity shall not count against the total number of animals allowed.

(3) *Wild, dangerous, exotic, and prohibited animals.* Wild, dangerous, exotic, or prohibited animals shall not be permitted in any residential zone.

(4) *Fencing and enclosure regulations.*

(i) All animals, except household pets (domestic dogs and cats) kept outdoors, shall be kept in an area which is fenced so as to prevent such animals from roaming, and such fenced area shall be wholly located within the rear yard of the residence where the animals are kept.

(ii) Within the fenced area, an enclosure or shed shall be provided of sufficient size to provide cover for the animals kept on the parcel.

(iii) No part of the animal enclosure shall be located within twenty-five (25') feet of any neighboring dwelling, within a required side yard or front yard setback, or within 300 feet of any church, school, or institution licensed by the State for the care or treatment of humans.

(iv) Animal fecal matter in excess of that which can be safely and sanitarily utilized on the premises shall be removed and shall not be allowed to accumulate.

(5) *Increased animal density permits.* The Zoning Administrator is authorized to issue a permit allowing increased animal densities within an area pursuant to Section 8-2.3220 of Article 32 of this chapter. The maximum increase in animal densities shall not exceed two (2) times the animal densities allowed by this section.

(d) *Regulations regarding the keeping of animals in industrial and commercial zones.* The following regulations shall apply in the Neighborhood Commercial (C-1), Community Commercial (C-2), General Commercial (C-3), Highway Service Commercial (C-H), Limited Industrial (M-L), Light Industrial (M-1), and Heavy Industrial (M-2) Zones:

(1) No animal shall be kept on any parcel within said zones, except as follows:

(i) Guard dogs;

(ii) Animals accessory to a circus or a carnival for which a use permit has been issued pursuant to subsection (c) of Section 8-2.2402 of this article; and

(iii) With reference to legal nonconforming residential dwellings located in said zones, the regulations set forth in subsection (c) of this section applicable to residential zones shall apply; provided, however, no increased animal density permit shall be issued.

(2) This subsection shall be inapplicable to any lawful business which sells animals.

(e) *Exceptions.* The requirements of subsections (c)(1) and (2), above, shall not apply to any animal that, based on reasonable evidence provided by the owner thereof, was lawfully kept on the parcel(s) at issue in accordance with the requirements of this Title prior to the effective date of this ordinance.

(f) *Violations: Penalties.* Any violation of this section shall constitute an infraction, punishable as provided by Section 25132 of the Government Code of the State. Four (4) or more violations by any person during the preceding twelve (12) months shall constitute a misdemeanor. (§ 1, Ord. 488.171, eff. August 23, 1984, as amended by § 1, Ord. 681.136, eff. May 11, 1989, as amended by §3, Ord. 1365, eff. December 6, 2007)

Sec. 8-2.2412. Wineries.

(§ 4, Urgency Ord. 488.172, eff. July 24, 1984, as renumbered by § 9, Ord. 681.123, eff. January 1, 1986, repealed by § 2, Ord. 1234, eff. May 6, 1999)

Sec. 8-2.2413. Commercial coach standards.

(a) *Purpose.* The purpose of this section shall be to authorize uniform architectural standards for commercial coaches for the permanent use of permanent foundations in the following zones: Light Industrial Zone (M-1) and Heavy Industrial Zone (M-2).

(b) *Commercial coach defined.* For the purposes of this section, "commercial coach" shall mean "commercial coach" as defined in Section 18001.8 of the Health and Safety Code of the State.

(c) *Permanent uses.* This section shall apply to the use of commercial coaches where the intent is to locate the coach at the same site for more than six (6) months. Temporary uses of mobile homes and commercial coaches are governed by Section 8-2.2404 of this article.

(d) *Relationship to Article 28 (use permits).* This section shall operate in addition to the rules, procedures, and authorities governing use permits as set forth in Article 28 of this chapter.

(e) *Conditions.* The Board of Zoning Adjustment may approve a use permit for the placement of a commercial coach or modular office if all of the following findings are made:

(1) The commercial coach shall be constructed on a permanent foundation which meets the requirements of all agencies with jurisdiction.

(2) The elevation of the floor shall be the same as other commercial structures in the area.

(3) The commercial coach shall be covered with exterior siding materials and of colors which are consistent with other structures in the area.

(4) If the commercial coach is placed on an elevated foundation, the exterior siding shall extend to the ground.

(5) The roof line and overhang shall be consistent with other structures in the area.

(6) The commercial coach shall have a covered and/or recessed entrance.

(7) Handicapped ramps shall be required in accordance with the provisions of the Uniform Building Code.

(8) Landscaping shall be required around the perimeter of the commercial coach.

(9) Building components, such as windows, doors, caves, and parapets, shall be consistent with other structures in the area.

(10) Mechanical equipment on the roof, ground, or building shall be screened from the public view with materials harmonious with the structure or shall be located so as not to be viewed from public ways.

(11) Refuse and waste removal areas shall be screened from view from public ways with materials harmonious with the building.

(12) Utility services shall be underground.

(f) *Waivers of conditions.* The Board of Zoning Adjustment may waive any of the conditions set forth in subsection (e) of this section where the Board finds that compliance with such conditions is unnecessary to achieve compatibility of the commercial coach or modular office with surrounding land uses. (§ 3, Ord. 681.116, eff. August 22, 1985, as renumbered by § 10, Ord. 681.123, eff. January 1, 1986)

Sec. 8-2.2414. (Not used).

Sec. 8-2.2415. Indemnification.

As a condition of approval of a permit or entitlement issued under this title, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

Any condition imposed pursuant to this section shall include a requirement that the County promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation. (§ 6, Ord. 1178, eff. April 27, 1995)

Sec. 8-2.2416. Agricultural Conservation Easement Program.

1. Purpose.

(a) The purpose of this Section is to implement the agricultural land conservation policies contained in the Yolo County General Plan with a program designed to permanently protect agricultural land located within the unincorporated planning area.

2. Definitions.

(a) Agricultural land or farmland. Those land areas of unincorporated Yolo County, regardless of current zoning, that are either currently used for agricultural purposes or that are substantially undeveloped and capable of agricultural production.

(b) Agricultural mitigation land. Agricultural land encumbered by a farmland deed restriction, a farmland conservation easement or such other farmland conservation mechanism acceptable to the County.

(c) Agricultural use. Those primary and accessory uses and structures defined in Sections 8-2.208, 8-2.208.3, 8-2.208.4, and those specific principal, accessory, and conditional uses listed in Sections 8-2.402, 8-2.403, 8-2.404, 8-2.404.5, 8-2.502, 8-2.503, 8-2.504, 8-2.504.5, 8-2.602, 8-2.603, 8-2.604, and 8-2.604.5 of the Yolo County Code, including the restoration or conversion to habitat, so long as the restoration or conversion is incidental to or ancillary to the agricultural uses on the parcel.

(d) Farmland conservation easement. The granting of an easement over agricultural land for the purpose of restricting its use to agricultural activities.

e) Farmland deed restriction. The creation of a deed restriction, covenant or condition which precludes the use of the agricultural land subject to the restriction for any nonagricultural purposes, use, operation or activity. The deed restriction shall provide that the land subject to the restriction will permanently remain agricultural land.

(f) Predominantly non-agricultural use. Any use not defined or listed as a principal, accessory, and conditional use allowed in the agricultural zones, as defined in the Yolo County Code sections listed in subsection (c), above. Predominantly non-agricultural use specifically does not include the restoration or conversion to habitat, so long as the restoration or conversion is incidental to or ancillary to the agricultural uses on the parcel.

(g) Qualifying entity. A nonprofit public benefit 501(c)(3) corporation operating in Yolo County for the purpose of conserving and protecting land in its natural, rural or agricultural condition. The County favors the use of a local non-profit agricultural conservation entity, a statewide non-profit agricultural conservation

entity or entities, or the regional branch of a nationally recognized non-profit agricultural conservation entity as the easement holder. The County will consider the following criteria when considering the non-profit agricultural conservation entity for these purposes, and when monitoring the performance of qualifying entities over time:

(1) Whether the entity is a non-profit organization that is either based locally, is statewide, or is a regional branch of a national non-profit organization whose principal purpose is holding and administering agricultural conservation easements for the purposes of conserving and maintaining lands in agricultural production;
2) Whether the entity has a long-term proven and established record for holding and administering easements for the purposes of conserving and maintaining lands in agricultural production;
(3) Whether the entity has a history of holding and administering easements in Yolo County for the foregoing purposes;
(4) Whether the entity has adopted the Land Trust Alliance's "Standards and Practices" and is operating in compliance with those Standards and Practices; and
(5) Any other information that the County finds relevant under the circumstances.

A local public agency may be an easement co-holder if that agency was the lead agency during the environmental review process. The County also favors that applicants transfer the easement rights or in lieu fees directly to the recognized non-profit agricultural conservation entity in accordance with that entity's procedures. The County retains the discretion to determine whether the agricultural conservation entity identified by the applicant and the local lead agency has met the criteria delineated above. Qualifying entities may be approved by the Board of Supervisors from time to time.

(h) Small project. A development project that is less than 40 acres in size. A small project does not include one phase or portion of a larger project greater than 40 acres that is subject to master, specific, or overall development plan.

3. Mitigation Requirements.

(a) Agricultural mitigation shall be required for conversion or change from agricultural use to a predominantly non-agricultural use prior to, or concurrent with, approval of a zone change from agricultural to non-agricultural zoning permit, or other discretionary or ministerial by the County. A minimum of one (1) acre of agricultural land shall be preserved for each acre of agricultural land changed to a non-agricultural use or zoning classification (1:1 ratio). Application for a zone change, permit, or other discretionary or ministerial approval shall include provisions for agricultural mitigation land. The following uses shall be exempt from this requirement: affordable housing projects, where a majority of the units are affordable to very low or low income households, as defined in Title 8, Chapter 9 of the Yolo County Code (Inclusionary Housing Requirements); public uses such as parks, schools, and cultural institutions; and habitat restoration and or conversion to habitat, so long as the restoration or conversion is incidental to or ancillary to the agricultural uses on the parcel. Finally, also exempt are projects involving the conversion of land to non-agricultural use to the extent that agricultural mitigation was provided in accordance with then-existing County requirements prior to the effective date of this ordinance on at least a 1:1 basis.

(b) Agricultural mitigation requirements shall be satisfied as follows:

(1) If the area to be converted is five (5) acres or more in size, subject to the exception in (2), below, by granting, in perpetuity, a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the County and/or other qualifying entity approved by the County; and, the payment of fees sufficient to compensate for all administrative costs incurred by the County or easement holder inclusive of funds for the establishment of an endowment to provide for monitoring, enforcement, and all other services necessary to ensure that the conservation purposes of the easement or other restriction are maintained in perpetuity;

(2) If the area to be converted is a small project less than five (5) acres in size, or if a complete application for the project requiring mitigation (regardless of size) was filed prior to May 6, 2008,by granting, a farmland conservation easement as described in (1), above, or payment of the in-lieu fee established by the County to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism consistent with the provisions of this section; and the payment of fees in an amount established by the County to compensate for all administrative

costs incurred by the County inclusive of endowment funds for the purposes set forth in subsection (b)(1), above. The in-lieu fee, paid to the County, shall be used for agricultural mitigation purposes only (i.e. purchases of conservation easements and related transaction and administrative costs). If Yolo County or a qualifying entity establishes a farmland mitigation bank, farmland mitigation may be satisfied by the purchase of credits from the mitigation bank equivalent to the amount of the required in-lieu fees. The farmland mitigation bank must be approved by the Board of Supervisors to satisfy farmland mitigation requirements.

(c) Agricultural mitigation (payment of an in-lieu fee or purchase of a conservation easement) shall be completed as a condition of approval prior to the acceptance of a final parcel or subdivision map, or prior to the issuance of any building permit or other final approval for development projects that do not involve a map.

4. Eligible Lands.

Land shall meet all of the following criteria in sections (a) through (g), below, to qualify as agricultural mitigation:

(a) Agricultural conservation easements resulting from this program shall be acquired from willing sellers only;

(b) The property is of adequate size, configuration and location to be viable for continued agricultural use;

(c) The Yolo County Land Evaluation and Site Assessment (LESA) model rating and equivalent class of soil for the agricultural mitigation land shall be comparable to, or better than, the land which is converted to a urban land or use;

(d) The land shall have an adequate water supply to maintain the purposes of the easement, i.e., to irrigate farmland if the converted farmland is irrigated or capable of irrigation. The water supply shall be sufficient to support ongoing agricultural uses;

(e) The mitigation land shall be located within the County of Yolo, within a two (2) mile radius of the land that is the subject of a conversion from agricultural to non-agricultural use or zoning classification. If the land within a two (2) mile radius is demonstrated to be unavailable to the reasonable satisfaction of the Director of the Planning and Public Works Department or his or her designee, lands outside the two (2) mile radius area but within a four (4) mile radius, may be used for the purpose of the agricultural mitigation provided that the land is of equal or better conservation easement market value to the land inside the two (2) mile radius area (i.e., the total cost or market value of purchasing the required conservation easement within the 4 mile radius is equal or greater than the total cost or market value of purchasing the easement within the 2 mile radius);

(f) It is the intent of this program to work in a coordinated fashion with the habitat conservation objectives of the Yolo County Joint Powers Authority (JPA) habitat management program. The mitigation land may not overlap with existing habitat conservation easement areas; the intent is to not allow “stacking” of easements, except for riparian corridors which may be subject to agricultural and habitat easements that do not generally exceed 5% of the total area on any particular easement of agricultural mitigation land.

5. Ineligible Lands

A property is ineligible to serve as agricultural mitigation land if any the circumstances below apply:

(a) The property is currently encumbered by a conservation, flood, or other type of easement or deed restriction that legally or practicably prevents converting the property to a nonagricultural use; or

(b) The property is currently under public ownership and will remain so in the future, except to the extent it is included within a mitigation bank that may subsequently be established by the County or other public agency; or

(a) The property is subject to physical conditions that legally or practicably prevent converting the property to a nonagricultural use.

6. Minimum Conservation Requirements.

The following minimum requirements shall be incorporated into all conservation easements or other instruments recorded to satisfy the requirements of this mitigation program. Nothing in this Section 6 is intended to prevent the inclusion of requirements that require a higher level of performance from the parties to a

conservation easement or other instrument to ensure that the goals of this mitigation program are achieved.

(a) It is the intent of the County to transfer most, if not all, of the easements that are received from this program to a qualifying entity, as defined above, for the purpose of monitoring compliance with easement terms and taking any necessary enforcement and related actions.

(b) All farmland conservation easements, or other farmland conservation mechanisms shall be implemented through a legal instrument acceptable to County Counsel and the qualifying entity that will receive the easement, and signed by all owners with an interest in the mitigation land.

(c) The instrument shall prohibit any uses or activities which substantially impair or diminish the agricultural productivity of the mitigation land, except for the restoration or conversion to habitat uses of up to 5% of the total easement land, or that are otherwise inconsistent with the conservation purposes of this mitigation program. The instrument shall protect the existing water rights and retain them with the agricultural mitigation land, however the instrument shall not preclude the limited transfer of water rights on a temporary basis (i.e., not to exceed two years in any ten-year period) to other agricultural uses within the County, so long as sufficient water remains available to continue agricultural use of the mitigation land.

(d) The instrument shall prohibit the presence of a home, except an existing home that has been present on the proposed easement for at least twenty-five (25) years, or construction of a comparable replacement for such a home.

(e) Instruments that convey an interest in the mitigation land to a qualifying entity, shall name the County as a third party beneficiary with full enforcement rights.

(f) Interests in agricultural mitigation land shall be held in trust by a qualifying entity and/or the County in perpetuity. Except as provided in subsection (g) of this section, the qualifying entity or the County shall not sell, lease, or convey any interest in agricultural mitigation land which it shall acquire.

(g) The conservation easement, or other conservation mechanism recorded pursuant to this program, can only be terminated by judicial proceedings. Termination shall not be effective until the proceeds from the sale of the public's interest in the agricultural mitigation land is received and used or otherwise dedicated to acquire interests in other agricultural mitigation land in Yolo County, as approved by the County and provided in this chapter.

(h) If any qualifying entity owning an interest in agricultural mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall pass to the County or other qualifying entity as acceptable and approved by the County. (§9, Ord. 1244, eff. February 3, 2000, as amended by §4, Ord. 1372, eff. July 5, 2008)

Sec. 8-2.2417. Wireless Communication Facility Conditional Use Permit Review Criteria.

The purpose of this Section is to establish Conditional Use Permit criteria for wireless communication facilities (as defined in Section 8-2.299.27.8) in the unincorporated area of Yolo County and shall apply to all wireless communication facilities that require a Conditional Use Permit. The following review criteria shall be satisfied prior to the approval of a Conditional Use Permit for a wireless communications facility:

(a) The site is adequate for the development of the proposed wireless communication facility.

(b) Opportunities to co-locate the subject facility on an existing facility have either been exhausted or are not available in the area.

(c) The facility as proposed is necessary for the provision of an efficient wireless communication system.

(d) The development of the proposed wireless communication facility will not significantly affect the existing onsite topography and vegetation; or any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resource.

(e) The proposed wireless communication facility will not create a hazard for aircraft in flight and will not hinder aerial spraying operations.

(f) The applicant agrees to accept proposals from future applicants to co-locate at the approved site.(§4, Ord. 681.196, eff. March 6, 2003)

Sec. 8-2.2417.1 Applications.

At a minimum, each application for a wireless communication facilities Conditional Use Permit shall include the following:

a) All application materials (site plan, maps) sufficient to illustrate the proposed project and other submittal requirements for a Conditional Use Permit application.

b) A graphic depiction of the search ring used in determining facility location.

c) A photo simulation of the proposed developed site from four directions (north, south, east and west(. §4, Ord. 681.196, eff. March 6, 2003)

Sec. 8-2.2418.1 Purpose.

The purposes of this section are as follows:

(a) To provide for the placement of small, accessory wind energy systems to enable generation of electricity from the wind, primarily for on-site use, thereby reducing the consumption of electricity supplied by utility companies.

(b) To provide regulations to process applications for utility-scale large wind energy systems that generate electricity from the wind primarily for off-site customers.

(c) To minimize potential adverse impacts associated with wind energy systems on area residents, historic sites, aesthetic quality and wildlife through careful siting, design and screening, consistent with state law.

(d) To avoid or minimize public safety risks associated with wind energy systems by providing standards for the placement, design, construction, modification and removal of such systems, consistent with federal, state and local regulations. (§3, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.2418.2 Applicability.

The provisions of this section apply to small wind energy systems that generate more than one (1) kilowatt of electricity, or are greater than thirty-five (35) feet in height, or have rotors one (1) meter or more in diameter. These small wind energy systems require the issuance of a Site Plan Review, Minor Use Permit, or Major Use Permit approval, as set forth below. In addition, the installation of any wind energy system below these size criteria is allowed in any zone district and requires issuance of a building permit only. The provisions of this section also apply to large wind energy systems that generate more than one hundred fifty (150) kilowatts of electricity. Any wind systems installed prior to the effective date of this section shall be treated as a prior nonconforming use pursuant to Article 26 of this Chapter unless, through the issuance of a permit pursuant to this section, they are subsequently made conforming. (§3, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.2418.3 Locations, Minimum Parcel Size, Number of Systems Allowed, and Approvals Required

(a) Permitted Locations. Small wind energy systems used to reduce onsite consumption of electricity may be installed and operated in the following districts: agricultural districts (the Agricultural Preserve (A-P) Zone, the Agricultural General (A-1) Zone, and the Agricultural Industry (AGI) Zone); rural residential districts (the Rural Residential (RRA) Zone and the Residential Suburban (R-S) Zone); commercial districts (the Neighborhood Commercial (C-1) Zone, the Community Commercial (C-2) Zone, the General Commercial (C-3) Zone, and the Highway Commercial (C-H) Zone); and industrial districts (the Limited Industrial (M-L) Zone, the Light Industrial (M-1) Zone, and the Heavy Industrial (M-2) Zone). Large utility scale wind energy systems used to produce electricity for off-site customers may be installed and operated in the following districts: agricultural districts (the Agricultural Preserve (A-P) Zone, the Agricultural General (A-1) Zone, and the Agricultural Industry (AGI) Zone).

(b) Prohibited Locations. Small and large wind energy systems may not be allowed or permitted in locations other than those identified in subsection (a), above, or where otherwise prohibited by any of the following:

(1) Sites listed in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

(2) A comprehensive land use plan and any implementing regulations adopted by an airport land use commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1, as well as height limits established in any provision of federal, state, or local laws or regulations for structures located in the vicinity of an airport.

(3) The terms of an open-space easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.

(4) The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.

(5) The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.

(6) The terms of any easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.

(c) Minimum Parcel Size. All small wind energy systems shall be located on parcels of at least one (1) acre in size. All large wind energy systems shall be located on parcels of at least twenty (20) acres in size, subject to a Major Use Permit being issued, as required below.

(d) Number of Systems Allowed. On parcels containing large agricultural operations, up to a maximum of one small wind energy system for every ten (10) acres may be allowed, provided that each of the systems meet the definition of small wind energy systems contained in Section 8-2.299.6.5. For large wind energy systems, up to a maximum of one wind energy system for every ten (10) acres may be allowed, subject to a Major Use Permit being issued, as required below.

(e) Approvals Required. The following types of approvals are required:

(1) Construction of small wind energy systems on rural lands zoned for agricultural uses (including the Agricultural Preserve (A-P) zone, the Agricultural General (A-1) zone, and the Agricultural Industry (AGI) zone) may be approved through the issuance of a Site Plan Review approval by staff. This approval is a ministerial, "over the counter" approval like a building permit, and does not require a public hearing, unless the application fails to meet the specific Design Standards set forth in Section 8-2.2418.4(e), below, in which case the application may be referred by staff to the Zoning Administrator or the Planning Commission for a hearing and decision to issue a Minor or Major Use Permit, consistent with Sections 8-2.3203 or 8-2.2804.

(2) Construction of small wind energy systems located on properties within non-agricultural or urban areas that are zoned for rural residential, commercial, and industrial uses are also allowed through the issuance of a Minor or Major Use Permit, depending on the application's consistency with all of the Design Standards set forth in Section 8-2.2418.5, below. Specifically, wind systems are permitted with approval of a Minor Use Permit, issued by the Zoning Administrator after a public hearing, consistent with Section 8-2.3203, on lots of two acres or more, and which meet all of the Design Standards set forth in Section 8-2.2418.5, below, in areas zoned for Residential Suburban (R-S) uses, Rural Residential (RRA) uses, commercial uses (in the C-1, C-2, C-3, and C-H zones), and industrial uses (in the M-L, M-1 and M-2 zones). If the application for a small wind energy system is proposed on a small lot of less than two acres, or if the application fails to meet any of the Design Standards, the application may be referred by staff to the Planning Commission for a public hearing and issuance of a Major Use Permit, consistent with Section 8-2.2804.

(3) Construction of large wind energy systems on rural lands zoned for agricultural uses (including the Agricultural Preserve (A-P) zone, the Agricultural General (A-1) zone, and the Agricultural Industry (AGI) zone) shall be approved in all cases through the issuance of a Major Use Permit. (§3, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.2418.4 Design Standards, Small Wind Energy Systems

Design Standards. Applications for small wind energy systems shall meet all of the following standards and any permit issued for such a system shall be conditioned to meet the standards, unless findings of fact to justify a waiver of any of the standards are adopted by the Zoning Administrator or the Planning Commission. Such a waiver shall be appropriate only where the findings demonstrate that a waiver is consistent with the overall purposes described in Yolo County Code Section 8-2.2418.1 and all relevant considerations of public health, safety, and welfare:

(a) Maximum tower and system height. Any system application shall include evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system. In no case shall the system height exceed any limits established by applicable Federal Aviation Administration requirements.

(1) On agricultural (A-P, A-1, AGI) zoned parcels of one acre to five acres, the height of small wind energy systems shall not exceed a maximum height of sixty (60) feet for the tower and eighty (80) feet for the system.

(2) On agricultural (A-P, A-1, AGI) zoned parcels of more than five acres, the height of small wind energy systems shall not exceed a maximum height of one hundred (100) feet for the tower and one hundred sixty (160) feet for the system unless the applicant can demonstrate that such height is not in the free air zone. In no case shall the system height exceed any limits established by applicable Federal Aviation Administration requirements.

(3) Small wind energy systems proposed on agricultural (A-P, A-1, AGI) zoned parcels with heights greater than those specified in (1) and (2), above, may be permitted through the issuance of either a Minor Use Permit or a Major Use Permit, to be determined by county staff.

(4) On parcels of two (2) acres or more within the Residential Suburban (R-S) and Rural Residential (RRA) zones, the commercial (C-1, C-2, C-3, and C-H) zones, and the industrial (M-L, M-1 and M-2) zones, the height of small wind energy systems shall not exceed a maximum height of fifty (50) feet for the tower and one hundred (100) feet for the system, and the systems may be permitted through the issuance of a Minor Use Permit. Wind energy systems on parcels between one (1) and two (2) acres within the Residential Suburban (R-S) and Rural Residential (RRA) zones, the commercial (C-1, C-2, C-3, and C-H) zones, and the industrial (M-L, M-1 and M-2) zones, and wind energy systems between fifty (50) and one hundred (100) feet in height for the tower, and between one hundred (100) feet and one hundred sixty (160) feet in height for the system, may be permitted through the issuance of a Major Use Permit;

(5) Notwithstanding the height limits in (1), (2), (3), and (4), above, all allowed and permitted wind energy towers located on properties adjacent to an Airport (AV) Zone that are within a designated aviation safety zone and/or which are regulated by an applicable airport master or land use plan, shall comply with applicable Federal Aviation Administration (FAA) safety height requirements and/or the applicable adopted airport master or land use plans.

(b) Setbacks. The minimum setback from any property line to the base of wind energy system shall be equal to the system's height. The setbacks required by this subsection shall be measured from the base of the tower to the property line of the parcel on which it is located; provided that where guy wire supports are used, setbacks shall be measured from where the guy wire is anchored to the ground, rather than the base of the tower. The Zoning Administrator or Planning Commission may allow reduced setbacks if s/he determines it would result in better screening of the system, i.e., closer spacing would allow greater screening from trees, structures, or topography or otherwise reduce the systems' visual impact, provided that the owner of the neighboring property agrees in writing.

(c) Lattice and/or guyed towers shall not be allowed within five hundred (500) feet of a residential district (R-1, R-2, R-3, or R-4 districts), excluding Residential Suburban (R-S) and Rural Residential (RRA) districts.

(d) Measures to minimize aesthetic impacts.

(1) Use of existing site features for screening. Wind energy systems should be located to take advantage of the screening afforded by any existing trees, topography and structures to minimize the system's visibility from dwellings on adjacent property and public roads, but without significantly compromising viable system performance. Screening should not significantly block or reduce the wind reaching the turbine and should not increase the turbulence (gustiness) of the wind to the turbine. Priority for appropriate screening shall be given (in descending order) to minimizing visibility from existing dwellings on adjacent properties and across the roadway from the wind energy system, public rights-of-way, and public parks and open spaces. At the discretion of staff, applicants proposing wind energy systems in locations that are not at least partially screened by any existing trees, topography or structures must submit documentation as to why locations which would provide screening are not available or technically feasible due to wind speeds or other characteristics.

(2) Colors and finish. Wind energy system components shall have a nonglare/non-reflective finish (e.g., galvanized metal) or appropriate color of neutral white or light gray. On smaller turbines, darker neutral colors (dark gray, black, unfinished metal) are usually also acceptable. Logos and advertising are explicitly prohibited.

(3) Signals, Lights and Signs. No signals, lights or signs shall be permitted on a small wind energy system unless required by the Federal Aviation Administration (FAA). If lighting is required, the County shall review the available lighting alternatives acceptable to the FAA and approve a design that it determines would cause the least impact on surrounding views. Such permitted wind systems shall be of a height that does not require installation of a flashing light or signal in compliance with FAA regulations, unless the lights/signals are screened from view of motorists, pedestrians, and occupants of adjacent structures, consistent with FAA requirements; or the applicant demonstrates that the alternative locations for the system would also require a light/signal and would be no less visible from the surrounding area than the proposed location. However, in documented migratory bird flyways, preference shall be given to white strobe lights operating at the longest interval allowed per FAA requirements.

(e) Crop Dusting. In the event a wind energy system is proposed to be sited in an agricultural area that may have pest control aircraft operating at low altitudes, the applicant and County shall take reasonable steps to notify and solicit comments from pest control aircraft pilots registered to operate in the county. Wind energy systems shall not be allowed where the Zoning Administrator or Planning Commission

determines they would pose a risk for pilots spraying fields.

(f) Biological Impacts. Wind energy systems shall not be allowed in locations that would significantly affect habitat for special status protected bird and bat species. To minimize the potential for special status birds and bats to collide with towers/turbines, wind energy systems shall not be located in the following general locations, as mapped or determined by the Natural Diversity Data Base, the Yolo County Natural Heritage Program, or similar programs, unless findings are adopted by the Zoning Administrator or Planning Commission, as described in (4), below:

(1) Within five hundred (500) feet of wetlands, staging areas, wintering areas, bat roosts, or rookeries documented as supporting birds or bats listed as endangered or threatened species under the federal or California Endangered Species Acts; or
(2) Within migratory flyways documented by state or federal agencies; or
(3) Within one thousand (1,000) feet of publicly owned wildlife refuges.
(4) Small wind energy systems may be located in such areas described above in (1), (2), or (3), if discretionary Use Permit review is provided and the Zoning Administrator or Planning Commission adopts findings of fact, after consultation with the California Department of Fish and Game and U.S. Fish and Wildlife Service, as appropriate, and consistent with The California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development, (October 2007, as amended), that determine installation of a small wind energy system in the proposed location will not have a significant impact on any protected birds and bats. In determining potential impacts, the design of the proposed tower shall be considered, and the use of monopoles, as opposed to lattice or guyed-lattice towers, shall be encouraged.

(g) Views and scenic corridors. Wind energy systems shall not be located where they would substantially obstruct views of adjacent property owners and shall be placed or constructed below any major ridgeline visible from any designated scenic corridor listed by the state or in the Open Space Element of the County General Plan, unless they are designed to blend in with the surrounding environment in such a manner that they would not have a significant visual impact, as determined by the Zoning Administrator or Planning Commission.

(h) Slopes. Construction of a wind energy system on any slopes steeper than four to one (4:1) is prohibited.

(i) Noise. The proposed system shall not generate noise levels exceeding 60 decibels or any existing maximum noise levels applied pursuant to the Noise Element of the General Plan, or noise ordinance, for the applicable zoning district, as measured at the nearest property line, except during short-term events such as utility outages and severe wind storms.

(j) Climbing apparatus. Climbing apparatus shall be located at least twelve (12) feet above the ground, and the tower shall be designed to prevent climbing within twelve (12) feet of the ground.

(k) Site access and on-site roads. Construction of on-site roads to install and maintain wind energy systems shall be minimized. Temporary access roads used for initial installation shall be regraded and revegetated to a natural/preconstruction condition after completion of installation.

(l) Turbine certification. Wind energy system turbines shall be approved by the California Energy Commission or certified by a national program (i.e., National Electrical Code (NEC), American National Standards Institute (ANSI) and Underwriters Laboratories (UL)).

(m) Building, engineering, and electrical codes. The system shall comply with the California Building Code and be certified by a professional mechanical, structural, or civil engineer licensed by the state. However, a wet stamp shall not be required, provided that the applicant demonstrates that the system is designed to meet the:
(1) UBC requirements for wind exposure D;
(2) UBC requirements for Seismic Zone 4;
(3) Requirements for soil strength of not more than 1,000 pounds per square foot; or
(4) Other relevant conditions required by the county to protect public safety.
(5) Electrical components of the system shall conform to the National Electric Code. (§3, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.2418.5 Design Standards, Large Wind Energy Systems

Design Standards. Applications for large wind energy systems shall meet all of the following standards and any Major Use Permit issued for such systems shall be conditioned to meet the standards, unless findings of fact to justify a waiver of any of the standards are adopted by the Planning Commission:

(a) Large wind energy systems shall comply with subsections (e) through (l) of Section 8-2.2418.4, above.

(b) Maximum tower and system height. Any system application shall include evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

(c) Setbacks. The following setbacks shall be required for large wind energy systems:
(1) The minimum setback from the base of any large wind energy system to any adjacent property line where the adjacent parcels contain less than forty (40) acres shall be equal to two (2) times the overall system's height, or five hundred (500) feet, whichever is less;
(2) The minimum setback from the base of any large wind energy system to any adjacent property line where the adjacent parcels contains more than forty (40) acres shall be equal to one and one-half (1.5) times the overall system's height, or five hundred (500) feet, whichever is less;
(3) The minimum setback from the base of any large wind energy system to any off-site residence(s) on adjacent parcels shall be three (3) times the overall system's height, or seven hundred fifty (750) feet, whichever is less;
(4) The Planning Commission may allow a reduction in the setbacks in (1), (2) or (3), above, not to exceed a minimum setback of one (1) times the overall wind system's height, if a letter of consent from the owner(s) of record of adjacent parcels is filed with the county. The Planning Commission may also allow a reduction or waiver of the setbacks in (1) or (2), above, if the project exterior boundary is a common property line between two (2) or more approved wind energy projects and the property owner of each affected property has filed a letter of consent to the proposed setback reduction with the county.
(5) The minimum setback from the base of any large wind energy system to any on-site residence(s) and accessory structures designed for human occupancy shall be equal to one and one-half (1.5) times the overall system's height, or five hundred (500) feet, whichever is less;
(6) The minimum setback from the base of any large wind energy system to any publicly maintained public highway or street, any public access easement, including any public trail, pedestrian easement, or equestrian easement, or railroad right-of-way, shall be equal to one and one-half (1.5) times the overall system's height, or five hundred (500) feet, whichever is less.

(d) Wind generator setbacks (spacing) within the project boundary shall be in accordance with accepted industry practices pertaining to the subject machine.

(e) Fencing shall be erected for each wind machine or on the perimeter of the total project. Wind project facilities shall be enclosed with a minimum four- (4-) foot-high security fence constructed of four (4) strand barbed wire or materials of a higher quality. Fencing erected on the perimeter of the total project shall include minimum eighteen- (18-) inch by eighteen- (18-) inch signs warning of wind turbine dangers. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress. Where perimeter fencing is utilized, the Planning Commission may waive this requirement for any portion of the site where unauthorized access is precluded due to topographic conditions.

(f) All on-site electrical power lines associated with wind machines shall be installed underground within one hundred fifty (150) feet of a wind turbine and elsewhere when practicable, excepting therefrom "tie-ins" to utility type transmission poles, towers, and lines. However, if project terrain or other factors are found to be unsuitable to accomplish the intent and purpose of this provision, engineered aboveground electrical power lines shall be allowed.

(g) Colors and finish. Wind energy system components shall have a nonglare/non-reflective finish (e.g., galvanized metal) or color appropriate to the background against which they would be primarily viewed, as determined by the Planning Commission, unless it is not technically possible to do so.

(h) Signals, Lights and Signs. No signals, lights or signs shall be permitted on a wind energy system unless required by the Federal Aviation Administration (FAA). If lighting is required, the County shall review the available lighting alternatives acceptable to the FAA and approve a design that it determines would cause the least impact on surrounding views. However, in documented migratory bird flyways, preference shall be given to white strobe lights operating at the longest interval allowed per FAA requirements.

(i) Noise. Where a sensitive receptor such as a residence, school, church, public library, or other sensitive or highly sensitive land use, as identified in the Noise Element of the County General Plan, is located within one-half (1/2) mile in any direction of a project's exterior boundary, a noise or acoustical analysis shall be prepared by a qualified acoustical consultant prior to the issuance of any Major Use Permit. The report shall address any potential noise impacts on sensitive or highly sensitive land uses, and shall demonstrate that the proposed wind energy

development shall comply with the following noise criteria:
(1) Audible noise due to wind turbine operations shall not be created which causes the exterior noise level to exceed forty-five (45) dBA for more than five (5) minutes out of any one- (1-) hour time period, or to exceed fifty (50) dBA for any period of time, when measured within fifty (50) feet of any existing residence, school, hospital, church, or public library.
(2) In the event that noise levels, resulting from a proposed development, exceed the criteria listed above, a waiver to said levels may be granted by the Planning Commission provided that: written consent from the affected property owners has been obtained stating that they are aware of the proposed development and the noise limitations imposed by this code, and that consent is granted to allow noise levels to exceed the maximum limits allowed; and a permanent noise impact easement has been recorded on the affected property.

(j) A toll-free telephone number shall be maintained for each wind energy project and shall be distributed to surrounding property owners to facilitate the reporting of noise irregularities and equipment malfunctions.

(k) Fire Protection. Any Major Use Permit issued for a large wind energy system project shall include fire control and prevention measures stated in the Conditions of Approval which may include, but are not limited to, the following:
(1) Areas to be cleared of vegetation and maintained as a fire/fuel break as long as the wind system is in operation, such as thirty (30) feet around the periphery of the system base and around all buildings (access driveways and roads that completely surround the project may satisfy this requirement); and ten (10) radius feet around all transformers.
(2) All buildings or equipment enclosures of substantial size containing control panels, switching equipment, or transmission equipment, without regular human occupancy, shall be equipped with an automatic fire extinguishing system of a Halon or dry chemical type, as approved by the applicable Fire Department.
(3) Service vehicles assigned to regular maintenance or construction at the wind energy system shall be equipped with a portable fire extinguisher of a 4A40 BC rating.
(4) All motor driven equipment shall be equipped with approved spark arrestors.

(l) Erosion and Sediment Control. Any Major Use Permit issued for a large wind energy system project shall include erosion and sediment control measures stated in the Conditions of Approval which may include, but are not limited to, necessary re-soiling, proposed plant species, proposed plant density and percentage of ground coverage, the methods and rates of application, sediment collection facilities. The soil erosion and sedimentation control plan shall be consistent with the applicable requirements of the California Regional Water Quality Control Board pertaining to the preparation and approval of Storm Water Pollution Prevention Plans.

(m) Monitoring. Upon reasonable notice, county officials or their designated representatives may enter a lot on which a large wind energy system permit has been granted for the purpose of monitoring noise environmental impacts, and other impacts which may arise. Twenty-four hours advance notice shall be deemed reasonable notice.

(n) Building, engineering, and electrical codes. The system shall comply with the California Building Code and be certified by a professional mechanical, structural, or civil engineer licensed by the state. A wet stamp shall be required. (§3, Ord. 1389, eff. October 29, 2009)

8-2.2418.6 Application Materials, Large Wind Energy Systems
An application for a large wind energy system shall include all of the application requirements for a Major Use Permit, in addition to these detailed site plan materials:

(a) Existing topography and drainage channels.
(b) Direction and velocity of prevailing winds across the project site, at various elevations.
(c) Location, height, and dimensions of all existing structures.
(d) Distance to all residences or other sensitive receptors located within two (2) miles of the exterior project boundary.
(e)Manufacturer and model designation, rated KW capacity, overall machine height (grade level to highest tip extension), total blade diameter, hub height, rated maximum rotor RPM, location of proposed structures and buildings and, upon request of the Planning Director, manufacturer's production record.
(f) Location, grades, and dimensions of all roads and parking areas, both existing and proposed**.**
(g) Location and extent of known archaeological resources.
(h) Location and type of project security fencing.
(i) Location of site by longitude and latitude coordinates within ten (10) feet and elevation of site above mean sea level within ten (10) feet.
(j) A plan of proposed project phasing.
(k) Any and all technical reports which may be required to prove consistency with applicable policies and design standards listed in this section, and which may be used as the basis for

implementing mitigation measures incorporated into the environmental document adopted for the project, such as noise, biological resources, scenic resources, geotechnical and other studies.
(l) A certificate signed by a registered civil engineer or licensed land surveyor stating that area encompassed by the project has been surveyed under his supervision or that a previous survey was performed by a registered civil engineer or licensed land surveyor and that sufficient monuments have been placed to accurately establish the exterior project boundaries.
(m) A certificate signed by a registered civil engineer or licensed land surveyor stating that the proposed development is in full compliance with the requirements of this chapter. The Director of the Planning and Public Works Department may require the submittal of additional documentation of compliance when deemed necessary.
(n) A soil erosion and sedimentation control plan, including revegetation plan.
(o) If the application includes any wind energy system tower with a total height over 200 feet or any system which is located within 20,000 feet of the runway of any airport, the application shall be accompanied by a copy of written notification to the Federal Aviation Administration.
(p) An application including any wind energy system located within two miles of any microwave communications link shall be accompanied by a copy of a written notification to the operator of the link.
(q) An application including any wind energy system located within a 100-year flood plain area, as such flood hazard areas are shown on the maps designated by the county or the Federal Emergency Management Agency, shall be accompanied by a detailed report which shall address the potential for wind erosion, water erosion, sedimentation and flooding, and which shall propose mitigation measures for such impacts.
(r) Photo simulations showing how the proposed project would appear visually from several viewing points.
(s) Such additional information as shall be required by the Planning Director. (§3, Ord. 1389, eff. October 29, 2009)

Sec.8-2.2418.7 Abandonment, Financial Surety, and Other Violations.

(a) A small wind energy system that ceases to produce electricity on a continuous basis for eighteen 18 months shall be considered abandoned. A large wind energy system that ceases to produce electricity on a continuous basis for twelve months shall be considered abandoned. Facilities deemed by the county to be unsafe and facilities erected in violation of this section shall also be subject to this Section 8-2.2418.7. The code enforcement officer or any other employee of the Planning and Public Works Department shall have the right to request documentation and/or affidavits from the system owner/operator regarding the system's usage, shall make a determination as to the date of abandonment or the date on which other violation(s) occurred.
(b) Upon a determination of abandonment or other violation(s), the county shall send a notice hereof to the owner/operator, indicating that the responsible party shall remove the wind energy system and all associated facilities, and remediate the site to its approximate original condition within ninety (90) days of notice by the county, unless the county determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the wind energy system and restoring of the site, the county may advise the owner/operator of such alternative means of resolving the violation(s).
(c) In the event that the responsible parties have failed to remove the wind energy system and/or restore the facility site or otherwise resolve the violation(s) within the specified time period, the county may remove the wind energy system and restore the site and may thereafter initiate judicial proceedings or take any other steps authorized by law against the responsible parties to recover costs associated with the removal of structures deemed a public hazard.
(d) Financial Surety. Prior to the issuance of a building permit authorizing installation of a large wind energy system, the applicant shall provide a demolition surety in a form and amount deemed by the county to be sufficient to remove and dispose of the wind energy system and restore the site to its approximate preconstruction condition. The county shall draw upon this surety in the event the responsible party fails to act in accordance with the provisions of this section within ninety (90) days of termination of operations, or upon determination by the county that the wind energy system is unsafe, has been abandoned, or is in violation of this chapter. The surety shall remain in effect until the wind energy system is removed. (§3, Ord. 1389, eff. October 29, 2009)

Sec.8-2.2419 Clustered Agricultural Housing

(a) Purpose.

The General Plan includes policies to preserve agriculturally zoned lands in Yolo County and to maintain and enhance the farm economy. This Section implements those policies by allowing the voluntary concentration of existing agricultural home sites into compact areas, while merging the

remainder farmland into large tracts that can be permanently protected for future agricultural use. This reduces the potential for small and medium sized parcels, an associated rural residential development that tend to interrupt more efficient and economically feasible patterns of farming.

This Section establishes a set of regulations that allows for and encourages clustering of home sites for agricultural family members and for farm workers on smaller parcels than allowed by the current zoning, while ensuring the long-term preservation of adjoining agricultural resources in larger parcels that benefit from economies of scale. This clustering regulation provides an alternative to existing patterns of legal parcels, many of which were created prior to modern zoning and planning standards, that can lead to the development of fragmented farming. (Ord. 1403, §3, eff. Dec. 9, 2010)

(b) Definitions.

"Clustered agricultural housing project" shall mean an application involving two or more agricultural parcels that are proposed to be reconfigured to create legal parcels including a remainder agricultural parcel and adjoining small lot home sites.

"Remainder agricultural parcel." Concurrent with the subdivision of qualifying agricultural lands to create one or more clustered housing parcels not to exceed four (4) acres each, the remaining large agricultural parcel(s) are the "remainder agricultural parcel." The "remainder agricultural production parcel" shall be no less than 85 percent in size of the total acreage included in the application, prior to subdivision and shall meet the minimum lot size requirements for a new parcel in the applicable agricultural zone. (Ord. 1403, §3, eff. Dec. 9, 2010)

(c) Lands eligible for clustering.

1. This Section applies to lands located in the current Agricultural Preserve (A-P) or Agricultural General (A-1) zones, and all future agricultural zones that may supersede the A-P and A-1 zones, which meet the criteria listed in (2) and (3), below.

2. Subject to subsection (3), below, contiguous parcels are eligible for clustering if the following criteria are met:

i. One or more legal parcels included in the application is between five (5) and twenty (2) acres and is in active cultivation; and

ii. One or more legal parcels included in the application is at least 40 acres in size and consists of a majority of prime agricultural soils

3. Parcels are not eligible for clustering if any of the following criteria apply:

i. The legal parcel(s) are located within an adopted city Sphere of Influence, Urban Limit Line, or Growth Boundary, unless the City or other affected agency does not object to the proposal; or

ii. The legal parcel(s) are subject to an existing agricultural, habitat, or other type of conservation easement that restricts use of the land; or

iii. The legal parcel(s) are less than five (5) acres in size and are occupied with an existing home. (Ord. 1403, §3, eff. Dec. 9, 2010)

(d) Permits required.

1. All clustered agricultural housing applications shall be accompanied by a rezoning application for the proposed housing parcels; and a Tentative Parcel or Subdivision Map. The rezoning application shall include a request to rezone the newly created small lots from A-1 or A-P (or successor zoning districts) to a new Agricultural-Clustered Residential (A-CR) zone or other appropriate zone that is determined compatible with the new use by the County. The Tentative Parcel or Subdivision Map shall include the remainder agricultural production parcel as a designated parcel of the Map, not as a "remainder parcel" as the term is used in section 66424.6 of the State Subdivision Map Act.

2. If the parcel(s) to be subdivided for clustering are within the A-P zone and are under an active Williamson Act contract, the following applications must be filed concurrently with the applications for clustering: a Williamson Act Contract Cancellation for the portion of the land to be subdivided into smaller lots; and a Successor Agreement to place the remainder agricultural production parcel under a new Williamson Act contract. (Ord. 1403, §3, eff. Dec. 9, 2010)

(e) Application content.

The application for a clustered agricultural housing project shall include, but not be limited to, the following:

1. A written explanation by the applicant, accompanied by technical studies, as needed, to prove compliance with all the development standards specified in subsection (f) below;

2. All required application materials for a Tentative Parcel or Subdivision Map,

Rezoning, and Williamson Act cancellation (where appropriate);

3. Verifiable demonstration of ongoing agricultural use of the property including the remainder production agricultural parcel over the ten years preceding the application;

4. Detailed description of, or a draft, conservation easement for the remainder agricultural production parcel, that complies with section 8-2.2416;

5. Submittal of a hydrogeologic report that demonstrates there are adequate water resources to support the home sites and continued agricultural production, unless the Planning or Environmental Health Director has determined that evidence has shown that no water resource limitations exist in the vicinity of the project site; and

6. A draft copy or description of any Covenants, Conditions, and Restrictions that may be proposed to establish a Homeowner's Association for the cluster project. (Ord. 1403, §3, eff. Dec. 9, 2010)

(f) Development standards for clustered agricultural housing.

The design and development of a clustered agricultural housing project shall be consistent with the following standards:

1. Type of housing. The following types of housing are allowed in a clustered agricultural housing project: single family homes subject to any size limitations set by other Sections of this Chapter; duplexes; and farm worker housing projects consistent with State laws and other Sections of this Chapter.

2. Minimum size of the remainder agricultural production parcel. Following subdivision and creation of the clustered agricultural housing project, the resulting remainder agricultural production parcel(s) shall be no less than 85 percent in size of the total lands prior to subdivision.

3. Merger of remaining substandard parcels. The subdivision approved to create the home site(s) or parcel(s) shall include the mandatory merger of any existing and remaining adjacent parcels under common ownership that are substandard in size, as defined by the underlying zoning district.

4. Number of home site units or parcels created. The maximum number of home site parcels allowed in a clustered agricultural housing project application shall be no more than the existing number of legally established parcels within the area of the proposed subdivision plus one additional parcel, one of which will be the designated remainder agricultural parcel, except as follows:

    i. Where there are no existing home(s) located on the remainder parcel, the applicant may either apply for two additional parcels or may preserve the right to build one home on the remainder parcel, through a term included in the agricultural conservation easement.

5. Home site or parcel size. A clustered agricultural housing site or parcel shall be a maximum of 2.5 acres, to accommodate a single family home, duplex, or small to medium-sized farm worker housing project. Larger parcels sizes may be required to accommodate agricultural buffers or farm worker housing project, with a maximum housing site or parcel size of four (4) acres.

6. Site design and avoidance of best prime land. Clustered agricultural housing shall be located and clustered to provide the maximum protection of the best prime productive agricultural land located both on- and off-site. Clustered agricultural housing should be located on land with the lowest agricultural viability, as documented by a Storie or LESA rating, to the maximum feasible extent.

7. Parcel layout. The clustered agricultural housing parcels shall be configured so that property lines are immediately adjacent and physically contiguous to each other and located within a single cluster development area. A maximum of two clustered development areas may be approved if such a design reduces environmental impacts.

8. Housing development confined. Clustered agricultural housing development shall be confined to the newly created parcel(s) boundaries. Housing development components include, but are not limited to, housing units, accessory structures, roadways and access drives, water and wastewater systems, agricultural buffers, drainage basins, and any other areas of the project site that may be removed from agricultural production to accommodate the proposed clustered housing project. Shared use of existing access roads or driveways, common or community water and wastewater treatment systems, storm water

drainage, and other common infrastructure shall be encouraged and provided to the greatest feasible extent.

9. Second or Ancillary Units Allowed. Second or ancillary housing units may be allowed through issuance of a Use Permit on any small lots created through subdivision by this ordinance, if the second units meet environmental health and other standards set forth in the Yolo County Code and other applicable laws and regulations and are no more than 1,200 square feet in size, not counting the garage.

10. Access. Clustered developments in compliance with this Section shall be allowed only on properties with access to an existing paved, county or state maintained road. Home site parcels shall be located as close as possible to existing access roads, and significant new road or driveway development that takes farmland out of production shall be avoided to the extent feasible.

11. Interior Road and Utilities. Unless otherwise required by the County, all interior roads and utilities shall be privately-owned and maintained and the applicant shall demonstrate through draft Conditions, Covenants and Restrictions or other means that the project residents shall maintain all private roads and utilities for the life of the project at their own expense, without any financial support of the County.

12. Agricultural buffers. Residential building sites and access drives shall maintain a sufficient buffer separation from adjacent and on-site agricultural operations and exterior property lines, to reduce any significant land use compatibility impacts affecting on-site or off-site agricultural operations, including but not limited to trespass by persons or domestic animals, vandalism, and complaints about agricultural practices. The width of buffers shall be consistent with the agricultural buffer policies adopted in the General Plan. For larger residential lots, housing shall be set back a minimum of 300 feet from adjoining agricultural land, to the extent feasible. Where smaller lots are proposed, that rely upon common well and/or septic systems, residential setbacks may be reduced to a minimum of 100 feet where buffering measures are incorporated, such as solid fencing, berms, dense landscaping, and/or other design features.

13. Visual resources. Roads and building sites shall be located to minimize site disturbance and visibility from public roads and viewing areas, to the extent feasible considering agricultural and environmental factors.

14. Habitat protection. Clustered agricultural housing development shall be located and designed to ensure maximum protection of sensitive habitats such as Swainson's hawk habitat and wetlands. (Ord. 1403, §3, eff. Dec. 9, 2010)

(g) Conservation of remainder agricultural production parcel.

No clustered agricultural housing development shall be approved without an easement that assures the permanent conservation for agricultural use of the remainder agricultural production parcel that is created as part of the project. The required conservation easement shall be maintained in perpetuity, and the terms and minimum requirements for the conservation easement recorded to satisfy the requirements of this provision shall be at least as stringent as those set forth in Section 8-2.2416 of this Chapter. The conservation easement shall be recorded concurrently with the Parcel or Final Map that creates the subdivision. (Ord. 1403, §3, eff. Dec. 9, 2010)

(h) Homeowners association.

A homeowners association, or other suitable organization as approved by the County Counsel, shall be formed and membership shall be mandatory for each buyer and successive buyer of each of the clustered agricultural housing units where required to monitor and maintain infrastructure owned in common (e.g., private roads, community water systems, community wastewater treatment, stormwater basins, etc.). (Ord. 1403, §3, eff. Dec. 9, 2010)

(i) Sunset.

This ordinance shall expire three years after its effective date unless it is extended by further action of the Board of Supervisors following a noticed public hearing. Any applications pending at the time of its expiration shall remain valid, and shall be processed and considered for approval pursuant to the terms of this ordinance. Prior to its expiration, staff shall return to the Board of Supervisors with a report on the ordinance, including its overall effectiveness at addressing the issues that led to its adoption, and a recommendation for any

extension of its term. (Ord. 1403, §3, eff. Dec. 9, 2010)

Article 25. Off-Street Parking and Loading

Sec. 8-2.2501. Purpose.
The purpose of this Article shall be to provide safe and convenient vehicular access to all land uses, to minimize traffic congestion and hazards to motorists and pedestrians, and to provide accessible, attractive, secure, and well-maintained off-street parking and loading facilities without precluding the feasible redevelopment and adaptive reuse of existing structures and blocks.

Sec. 8-2.2502. Applicability.
Unless otherwise specifically provided by this Article or a separately-adopted ordinance, the provisions of this Article shall apply to all uses and development in county zoning districts referenced below, when any main building or structure is erected, enlarged, or increased in capacity. The general standards for parking, loading, and accessible spaces in this Article shall be considered a minimum level of design, and more extensive parking design and circulation provisions may be required by the deciding authority in connection with the approval of a discretionary permit or entitlement. However, the number of parking spaces specified in Table 8-2.2506 shall be considered the maximum number of required spaces unless a greater amount of parking for a specific use is required by the Planning Director or the Planning Commission.

Section 8-2.2503. Definitions.
For the purposes of this Article, unless otherwise apparent from the context, certain words and phrases used in this Article are defined as follows:

(a) **"Downtown Mixed Use zones (DMX)"** shall mean the zoning designation to be applied to unincorporated areas of the county that are planned for development or redevelopment of a mixture of primarily commercial, retail, office, residential, and other uses.

(b) **"Electric vehicle"** shall mean any motor vehicle that receives motive power from a battery or other storage device that receives electricity from an external source, such as a charger.

(c) **"Gross floor area (GFA)"** shall mean the area within the inside perimeter of the exterior walls of a structure used, or intended to be used, by owners and tenants for all purposes, exclusive of vent shafts and courts. Usable area under a horizontal projection of a roof or floor above, not provided with surrounding exterior walls shall be included within the total gross floor area.

(d) **"Live/work unit" or "Live/work space"** shall mean a building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. "Live/work unit" is further defined as a structure or portion of a structure:

(1)That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; and

(2) Where the resident owner, occupant, or employee of the business is responsible for the commercial or manufacturing activity performed; and

(3) Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

(e) **"Parking lot"** shall mean a designated area, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a fee, free, or as an accommodation for clients, employees, or customers, excluding one-family and two-family dwellings.

(f) **"Vacant land"** shall mean land that is currently undeveloped with urban structures, but may be occupied by a rural residence or structure, and is designated for future urban growth.

Sec. 8-2.2504. General Parking Provisions.

(a) Location of parking—nonresidential use. Required parking spaces shall be located on the same parcel with the primary use or structure, or on an immediately adjacent and contiguous parcel. If it is not feasible to provide the required amount of parking on the same or adjacent parcel, as determined by the Planning Director, parking spaces located within 250 feet of the premises to which the parking requirements pertain, may be leased or purchased. An agreement providing for the shared use of private parking indicating the hours of the expected use

by type of activity, executed by the parties involved, shall be filed with the Planning Director. Property within the existing or anticipated future right-of-way of a street or highway shall not be used to provide required parking or loading facilities.

(b) Location of parking—residential use. Required parking spaces shall not be located within a required front yard except in a residential multi-family complex. Side and rear yards may be used for vehicle parking except on the street side of a corner lot.

(c) Change in nonresidential use. When the occupancy or use of a property is changed to a different use, or the lessee, tenant, or owner of a specific use occupying more than 500 square feet of leasable commercial floor area, or 1,000 square feet of leasable industrial floor area is changed, parking to meet the requirements of this Section shall be provided for the new use or occupancy.

(d) Increase in nonresidential use. When an existing occupancy or use of more than 500 square feet of leasable commercial floor area, or 1,000 square feet of leasable industrial floor area is altered, enlarged, expanded, or intensified, additional parking to meet the requirements of this Section shall be provided for the altered, enlarged, expanded, or intensified portion only.

(e)Two or more uses. Where two or more uses are located in a single structure or on a single parcel, required parking shall be provided for each specific use (i.e., the total parking required for an establishment that has both industrial and office uses shall be determined by computing the parking for the industrial use and the office use and then adding the two requirements together). A reduction of the required parking spaces may be approved, as allowed in Section 8-2.2510(a) and Section 8-2.2510(b).

(f) Parking and loading spaces to be permanent. Parking and loading spaces shall be permanently available, marked, and maintained for parking or loading purposes, for the use they are intended to serve. The Planning Director may approve the temporary reduction of parking or loading spaces in conjunction with a seasonal or intermittent use.

(g) Parking and loading to be unrestricted. Owners, lessees, tenants, caretaker or persons having control of the operation of the premises for which parking or loading spaces are required by this Section shall not prevent, prohibit or restrict authorized persons from using these spaces without prior approval of the Planning Director.

(h) **Use of parking lot for activities other than parking.** Required off-street parking, circulation, and access areas shall be used exclusively for the temporary parking and maneuvering of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the provisions of this Code. The temporary use of parking lots for display and sales may be permitted in advance through the issuance of a Minor Use Permit by the Zoning Administrator, with a finding that an adequate amount of parking will still be available for customers.

Sec. 8-2.2505. Off-Street Parking in Downtown Mixed Use (DMX) zones

(a) For development projects on vacant or under-developed lands of more than one acre within Downtown Mixed Use (DMX) Zones, off-street parking shall be provided for all residential and nonresidential uses, as required by Article 25, excluding subsections (b) through (e), below.

(b) For all other development projects within Downtown Mixed Use (DMX) Zones, the following parking requirements apply except as may otherwise be provided by the ordinance creating a DMX zone:

(1) No off-street parking is required for new or expanded nonresidential uses in the DMX zone unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking shall be provided for the floor area in excess of 3,000 square feet, in accordance with all provisions of Article 25, or as modified by (3) below.

(2) Off-street parking for new residential uses of four or more units in the DMX zone shall be provided, in accordance with all provisions of Article 25, or as modified by (3) below.

(3) Off-street parking requirements for nonresidential and residential uses may be modified by the Planning Director based on a parking supply study prepared by a civil engineer or other certified professional which indicates an ample supply of on-street or other nearby public parking, or adequate nearby available private parking for shared nonresidential uses.

(c) For live/work units of less than 2,500 square feet, one (1) parking space is required for each unit. For live/work

(d) Off-street parking requirements for both nonresidential and residential uses may be satisfied by the leasing or purchasing of nearby parking spaces on adjacent parcels within 400 feet of the use.

(e) Off-street parking spaces provided on the site must be located to the rear of the principal building or otherwise screened so as to not be visible from the public right-of-way or residential zoning districts.

Sec. 8-2.2506. Number of Parking Spaces Required.

(a) Number of parking spaces required. Each land use shall provide the number of off-street parking spaces, as listed in Table 8-2.2506, except where a parking reduction has been granted in compliance with Section 8-2.2510. Accessible parking spaces shall be required in addition to required spaces as listed in Section 8-2.2507(a). The parking space requirements by land use, specified in Table 8-2.2506, shall be considered the maximum number of spaces that are to be provided for each use, unless a greater amount of parking for a specific use is required by the Planning Director.

(b) Land uses not identified. The required number of parking spaces for a land use not identified in Table 8-2.2506 shall be determined by the Planning Director.

Table 8-2.2506 Parking Requirements by Land Use	
Uses	**Number of Spaces Required**
Industry, Manufacturing & Processing, Wholesaling	
Industrial uses of all types (over 1,000 SF), including warehouses, manufacturing, and storage	▪ 1 for each 2,000 SF of the first 40,000 SF of GFA; and ▪ 1 for each 4,000 SF of GFA for the portion over 40,000 SF
Retail and sales services accessory to the industrial use (over 1,000 SF)	▪ 1 for each 250 SF of GFA
Storage: Mini storage facilities	▪ 1 for each 250 SF of office area with 4 minimum
Recreation, Education & Public Assembly Uses	
Amusement enterprises	▪ 1 for each 4 persons of the facility's allowed maximum attendance
Bowling alleys and billiard halls	▪ 3 for each bowling lane; and ▪ 2 for each billiard table
Churches, synagogues, temples, mosques and other places of worship [(1)], mortuaries, and funeral homes	▪ 1 for each 4 fixed seats[(1)] in the main chapel or assembly room; and ▪ 1 for every 25 SF of seating area where there are no fixed seats[(1)]
Commercial recreation and similar uses (e.g., shooting ranges, race tracks, miniature golf course, pitch and putt courses, and zoos)	▪ 1 for each 4 persons of the facility's allowed maximum attendance
Commercial swimming pools and swimming schools	▪ 1 for each 500 SF of water surface area ▪ 10 minimum
Dance halls, skating rinks (ice or roller)	▪ 1 for each 100 SF of dance floor or skating area; and ▪ 1 for each 3 fixed seats and 1 for each 20 SF of seating area where there are no fixed seats[(1)]
Golf courses and driving ranges, but not to include miniature golf courses	▪ 4 for each hole on all golf courses; and ▪ 1 for each tee for driving ranges
Organizational camps	▪ 1 bus parking space per 20 campers ▪ 1 for each resident staff; and ▪ 1 for each nonresident staff on the largest shift
Meeting facilities - Theaters, auditoriums, conference centers, stadiums, sport arenas, gymnasiums and similar places of public assembly	▪ 1 for each 4 fixed seats[(1)] or for every 25 SF of seating area within the main auditorium where there are no fixed seats[(1)]
Schools : general curriculum elementary and middle school	▪ 1 for each staff member, faculty member, and employee (full-time, part-time)
Schools: general curriculum High school, colleges and universities, business and professional schools	▪ 1 for each 4 students; and ▪ 1 for each staff member, faculty member and employee (full-time, part-time)

Table 8-2.2506 Parking Requirements by Land Use	
Uses	**Number of Spaces Required**
Schools: special schools or trade schools	▪ 1 for each 3 students; and ▪ 1 for each staff member, faculty member, and employee (full-time, part-time)
Residential Uses	
One-family and two-family dwellings, ancillary dwelling units, second dwelling units	▪ 1 for each dwelling unit containing not more than 2 bedrooms, and 2 parking spaces for each dwelling unit containing 3 or more bedrooms
Guest house, accessory structure conversion to habitable accessory housing structure	▪ 1 space
Multi-family dwelling	▪ 1 for each dwelling unit containing not more than 1 bedroom or one and one-half (1 ½) for each dwelling unit containing 2 or more bedrooms, one shall be covered per dwelling unit
Caretaker/night watchman housing	▪ 1 per unit
Clubs, conference centers, fraternity and sorority houses, rooming and boarding houses, and similar structures having guest rooms	▪ 1 for each guest room
Residential care facility	▪ 1 for each 3 persons cared for
Mobile home parks	▪ 1 for each mobile home parcel ▪ 1 guest space for each 5 spaces, or fraction thereof
Motels, hotels	▪ 1 for each unit/room; and ▪ 1 for each employee on duty
Retail Trade	
Automobile repair and service stations	▪ 1 for each 400 SF of GFA
Automobile sales, boat sales, mobile home sales, retail nurseries, and other open uses not in a structure	▪ 1 for each 2,000 SF for open area devoted to display or sales for the first 10,000 SF; and ▪ 1 for each 5,000 SF, or portion thereof, over 10,000 SF
Retail stores (over 500 SF)	▪ 1 for each 250 SF of GFA
Supermarkets and shopping centers	▪ 1 for each 250 SF of GFA up to 100,000 SF; and ▪ 1 for each 300 SF of GFA above 100,000 SF
Restaurants, including drive-ins, cafes, night clubs, taverns, and other similar places where food or refreshments are dispensed	The greater of the following: ▪ 1 for each 100 SF of GFA; or ▪ 1 for each 3 fixed seats[(1)] and/or 1 for every 50 SF of floor area where seats may be placed
Wholesale commercial nurseries	▪ 1 for each 500 SF of display area
Services General	
Child care centers	▪ 1 for each 5 children that the facility is designed to accommodate
Hospital	▪ 1 for each 4 patient beds
Medical offices, clinics, veterinary hospital	▪ 1 for each 250 SF of GFA
Offices, general, financial, business and professional uses (over 500 SF)	▪ 1 for each 250 SF of GFA
Personal services, including barber shops, nail and beauty salons, dry cleaning facilities, banks, and other similar uses (over 500 SF)	▪ 1 for each 250 SF of GFA
Social care facilities including convalescent and nursing homes, senior living facilities, sanitariums,	▪ 1 for each 3 residents of the maximum licensed resident capacity

Table 8-2.2506 Parking Requirements by Land Use	
Uses	**Number of Spaces Required**
etc.	
Agricultural Uses	
Farm Offices (over 500 SF)	▪ 1 for each 300 SF of GFA
Agricultural Processing (over 1,000 SF)	▪ 1 for each 2,000 SF of the first 40,000 SF of GFA; and ▪ 1 for each 4,000 SF of GFA for the portion over 40,000 SF
Agricultural Research facilities (office, laboratory, or similar use) (over 1,000 SF)	▪ 1 for each 500 SF of GFA
Winery facilities (over 1,000 SF)	For Tasting Rooms: ▪ 1 for each 300 SF of GFA For Production Facilities: ▪ 1 for each 2,000 SF of the first 40,000 SF of GFA; and ▪ 1 for each 4,000 SF of GFA for the portion over 40,000 SF
Private and commercial horse stables	▪ 1 for each 5 horse stalls (when boarding) ▪ Daily and event parking to be determined by Use Permit review process
Yolo Stores (over 500 SF)	▪ 1 for each 250 SF of GFA
Other Uses	
Bed and breakfast	▪ 1 for each guest room; and ▪ 1 for each employee on duty
Model home/sales office	▪ 2 per office; and ▪ 2 for visitors
(1) Twenty-four (24") linear inches of bench or pew shall be considered a fixed seat. GFA: Gross floor area SF: Square feet	

Section 8-2.2507. Special Parking Space Requirements.
In addition to the parking spaces required by Section 8-2.2506, a new use, expanded use, or change in use shall also provide, when applicable, the type and number of spaces required as follows:

(a) Accessible parking required. For multi-family residential, commercial, industrial, institutional, and public uses, California law establishes the required number of accessible parking spaces. The requirements in effect at the time of adoption of this Article are reflected in Table 8-2.2507 (Required Number of Accessible Parking Spaces), and shall apply unless the California Building Code is amended to establish stricter requirements. In all respects, accessible parking spaces shall be designed, located and provided with identification signing as set forth in the California Building Code, as may be amended from time to time. One in every eight (8) accessible spaces, but not less than one (1), shall be van accessible.

(b) Bicycle parking. For retail and service commercial, office, and industrial uses within the established unincorporated communities of Yolo County, the following standards shall be met:

(1)The minimum number of bicycle parking spaces provided shall be ten percent (10%) of the vehicular parking spaces required for such use, up to a maximum of 10 bicycle spaces.

(2) The bicycle spaces shall allow users to lock the bicycle frame to the rack, not just a wheel

(3) Bicycle spaces shall be conveniently located and generally within proximity to the main entrance of a structure, and shall not interfere with pedestrian access.

(a) Carpool parking. For office and industrial uses with twenty (20) or more required parking spaces, the following standards shall be met:

(1) Five (5) spaces or five percent (5%) of the required parking spaces on site, whichever is less, shall be reserved for carpool use before 9:00 AM on weekdays.

(2) The spaces shall be located near the building entrance, but not closer than the spaces for accessible parking.

(3) Signs shall be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.

(d) Electric vehicles. For retail commercial uses with twenty (20) or more required parking spaces, the following standards shall be met:

(1) Five (5) spaces or five percent (5%) of the required parking spaces on site, whichever is less, shall be reserved for electric vehicles.

(2) The spaces shall be located near the building entrance, but not closer than the spaces for accessible parking.

(3) Signs shall be posted indicating these spaces are reserved for electric vehicles.

(e) Company vehicles. Commercial or industrial uses shall provide one (1) parking space for each company vehicle which is parked on the site during normal business hours. Such space may be located within a building.

Table 8-2.2507
Required Number of Accessible Parking Spaces

Total Number of Parking Spaces in Lot or Garage	Minimum Required Number of Accessible Parking Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and over	20 plus 1 for each 100, or fraction over 1,001

Section 8-2.2508. Loading Space Requirements.

(a) **General requirements.** In any zone, in connection with every building or part thereof hereafter erected, having a gross floor area of 5,000 square feet or more, which building is to be occupied for manufacturing, storage, warehousing, goods display, or retail sales, or as a hotel, hospital, mortuary, laundry, dry cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained, on the same lot with such building at least one (1) off-street loading space, plus one (1) additional such loading space for each additional 20,000 square feet of gross floor area in the building.

(b) **Location.** Loading spaces shall be situated to ensure that the loading facility is screened from adjacent streets and neighboring residential properties.

Section 8-2.2509. Determination of Fractional Spaces.

When units or measurements determining the number of required off-street parking and off-street loading spaces result in a requirement of a fractional space, any fraction up to one-half (1/2) shall be disregarded, and any fraction of one-half (1/2) or more shall require one (1) off-street parking or off-street loading space.

Section 8-2.2510. Adjustments to Parking Requirements.

The adjustments to the parking requirements, below, may be used in combination with each other; however, the total reduction of parking spaces may be no greater than twenty-five percent (25%) of the total spaces. The adjustments shall apply to all nonresidential uses.

(a) Shared peak-hour parking. Where two or more adjacent uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required

total number of required spaces may be granted by the Planning Director.

(b) Shared on-site parking adjustment. Where two or more nonresidential uses are on a single site, the number of parking spaces may be reduced through adjustment up to a maximum of twenty-five percent (25%); as long as the total of spaces is not less than required for the use requiring the largest number of spaces. An agreement providing for the shared use of private parking, executed by the parties involved, shall be filed with the Planning Director.

(c) Compact car spaces. Lots with twenty (20) or more required spaces may substitute compact car spaces for up to twenty-five percent (25%) of the total number of required spaces.

(d) Motorcycle parking. Lots with twenty (20) or more required spaces may substitute motorcycle spaces for up to five percent (5%) of the total number of required spaces.

(e) Incentive for porous or permeable paving. Where porous or permeable paving materials are used to satisfy parking lot paving requirements as set forth in Sec. 8-2.2513(b), a twenty percent (20%) reduction of the

Section 8-2.2511. Development Standards.

(a) Minimum parking space sizes and lot dimensions. All off-street parking areas shall be designed and improved as follows:

(1) Size of required parking spaces. Each required parking space shall be at least nine feet in width and eighteen feet in length (9’ x 18’), with adequate provisions for ingress and egress by a standard full size passenger vehicle. This standard shall apply to all uses, including single-family residential, except where noted in Subsections 2, 3, 4, and 5, below. Parking spaces in parking lots shall comply with the minimum dimension requirements in Table 8-2.2511 (Minimum Off-Street Parking Dimensions) and as illustrated in Figure 8-2.2511 (Off-Street Parking Dimensions).

(2) Enclosed parking spaces. Enclosed parking spaces (i.e. residential garages) shall be at least ten feet in width and twenty feet in length (10’ x 20’) for a single vehicle. The width shall increase by ten (10’) feet for

each additional vehicle.

(3) Compact car spaces. Compact car spaces shall be a minimum of eight feet in width and fourteen feet in length (8’ x 14’) and shall be identified with pavement markings designating it as a “compact space.”

(4) Motorcycle parking spaces. Motorcycle spaces shall be a minimum size of four feet in width and eight feet in length (4’ x 8’).

(5) Loading spaces. Loading spaces shall be a minimum of ten feet in width, twenty-five feet in length, and fourteen feet of vertical clearance (10’ x 25’ x 14’).

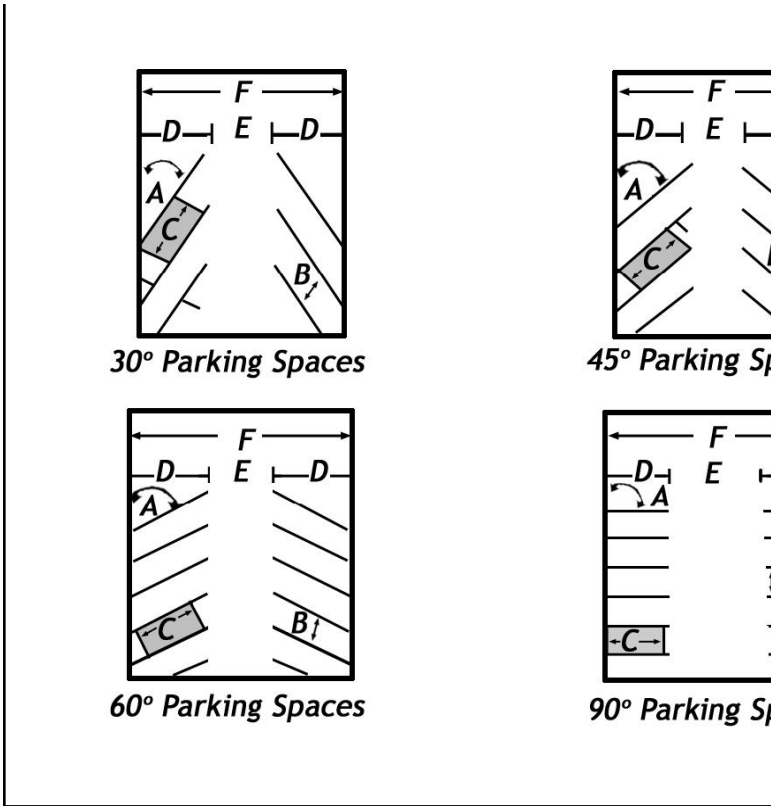

Figure 8-2.2511
Off-Street Parking Dimensions

Table 8-2.2511 Minimum Off-Street Parking Dimensions

Angle of Parking (in degrees) **(A)**	**Space Width** (in feet) **(B)**	**Space Length** (per vehicle) **(C)**	**Space Depth** (from curb) **(D)**	**Aisle Width** (in feet) **(E)**
Parallel (0°)	9 ft	18 ft	9 ft	12 ft (one-way)
30°	9 ft	18 ft	15 ft	11 ft (one-way)
45°	9 ft	18 ft	17 ft	13 ft (one-way)
60°	9 ft	18 ft	18 ft	18 ft (one-way)
90°	9 ft	18 ft	18 ft	24 ft (two-way)

(b) Minimum aisle widths. All nonresidential off-street parking lots shall be designed and improved as follows:

(1) Aisle width for parallel and angled parking. Aisles within a parking lot shall be as listed in Table 8-2.2511.

(e) **Fire access aisles.** The aisles adjacent to nonresidential structures shall be a minimum width of 26 feet to accommodate fire emergency vehicles and shall be located so that the vehicles can park within 150 feet of all sides of the structures. Aisles adjacent to

maneuvering areas shall be arranged so that vehicles entering a vehicular right-of-way can do so traveling in a forward direction only.

(3) Truck aisles. Access aisles for multiple-axle trucks in commercial and industrial projects shall be a minimum of 40 feet. Truck movement templates (i.e., turning radii elements including wheel paths, which define the needed width of pavement, and the front overhang, which is the zone beyond the pavement edge that must be clear of obstructions above curb height) shall be included on the site plan design to indicate turning conditions.

(3) Driveway access. Off-street parking facilities shall be designed to limit access to private property from streets and highways to a minimum number of standard driveways in compliance with the County of Yolo Improvement Standards on file in the Planning and Public Works Department.

(4) Directional signage. Signs shall be painted on the pavement or permanently installed on poles indicating the location of "Entrance" and "Exit" areas.

(5) Pedestrian pathways. Pedestrian pathways shall be defined by use of paint or distinctive paving colors, patterns, or textures that are different from vehicle drive aisles.

(c) Access to areas and spaces.

(1) Circulation within parking lot. The parking lot shall be designed so that a car entering the parking lot shall not be required to enter a public street to move from one location to any other location within the parking lot or premises.

(2) Forward entry into right-of-way. With the exception of parking spaces for dwelling units in residential zones, parking and

(d) Lighting. Parking lots shall provide on-site lighting necessary to protect the public safety.

(1) Parking lots shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-

efficient and in scale with the height and use of the on-premises structure(s). All illumination, including security lighting, shall be directed downward, away from adjacent properties and public right-of-way.

(2) The maximum height of any parking lot light shall not exceed the height requirements of the zoning district in which it is located.

(e) Striping and identification. Individual parking stalls shall be clearly striped and permanently maintained on pavement surface. Arrows shall be painted on pavement surface to indicate direction of traffic flows.

Section 8-2.2512. Landscaping and Screening.

(a) Landscaping. Landscaping shall be provided on all parking lots, excluding those in agricultural zones, unless as required by a discretionary approval.

(1) Landscape plan required. A landscape and irrigation plan in conformance with state and local ordinance shall be submitted to the Planning Director for approval.

(2) Shading requirement. Parking lots shall include tree plantings that will result in fifty percent (50%) shading of the parking lot surface area within 10 years of securing building permit.

(3) Landscaping materials. Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs, and vegetative ground cover. Water conservation and use of native landscape plant materials shall be emphasized.

(4) Location of landscaping. Parking lot landscaping shall be located so that pedestrians are not required to cross through landscaped areas to reach building entrances from parked cars.

(5) Curbing. Areas containing plant materials shall be bordered by a concrete curb or other barrier design as approved by the Planning Director.

(b) Screening.

(1) Adjacent to residential uses. Parking lots that abut a residential use or zone shall be separated from the property line by a landscaping strip. The landscaping strip shall have a minimum width of five feet (5'). A minimum six foot (6') high solid fence shall be installed on

the residential side of the landscaping strip, except that the fence shall be a minimum of three feet (3') high where located adjacent to a required front yard setback on an adjoining lot.

(2) Adjacent to streets. Parking lots adjoining a public street shall be designed to provide a landscaped planting strip or landscape berm between the edge of the street right-of-way and parking lot. The landscaped planting strip or berm shall not encroach on the street right-of-way. (Refer to the County of Yolo Improvement Standards, on file in the Planning and Public Works Department, for visibility requirements at intersections and driveways)

(3) Modification of screening requirements. The Planning Director may modify any or all of such screening requirements when, due to special conditions of the size or shape of the lot, differences in elevations between lots, intervening features, such as waterways and other man-made geographical features, or the distance of the parking lot from the adjoining lot, the modification meets the overall objectives of this Section.

Section 8-2.2513. Paving.

(a) Agricultural zones. Required parking spaces, loading areas, and roads required in agricultural zones shall be all-weather and usable for the purpose for which they are provided, but are not required to be paved, unless as required as part of a discretionary approval, or when stricter fire access requirements prevail. In conformance with Section 8-2.2507(a), accessible parking shall be required for applicable uses. The required parking spaces shall be clearly marked and maintained, as described in Section 8-2.2504(f), when the land use is in operation. Connections of the access driveway(s) to the public road, and parking lot surface design shall be per County of Yolo Improvement Standards on file in the Planning and Public Works Department.

(b) In all other zones. Except as otherwise provided in this section, all off-street parking and loading areas shall be paved, graded, and drained so as to dispose of all surface water accumulated within the area. The use of swales and pervious surfaces to capture storm water runoff for maximum groundwater recharge are encouraged. Surfacing materials required to satisfy the paving regulations must be durable and dustless and must be maintained to provide for orderly and safe loading, unloading, parking, and storage of vehicles and equipment. Porous or permeable materials, such as pervious asphalt or pavers and plantable pavers are encouraged. An adjustment to

Section 8-2.2514. Recreational and Commercial Vehicle Parking in Residential Zones.

(a) Scope. This section specifies the requirements for the parking of recreational vehicles and commercial vehicles, and the provision of parking spaces for such vehicles, on residential properties located in any residential ("R") zone within the unincorporated county.

(b) Definitions. For the purposes of this section, certain words and phrases used in this section are defined as follows:

(1) "Recreational vehicle" shall mean and include the following:

(i) All operable towed vehicles and self-propelled vehicles, including trailers as defined in Section 8-2.299.16 of Article 2 of this chapter, tent trailers, tractor trailers, fifth-wheel trailers, trailers for towing recreational vehicles and equipment, boats, aircraft, self-propelled motor homes, all-terrain vehicles, dune buggies, racing vehicles, and any other self-propelled or towed vehicle over 10,000 pounds gross vehicle weight but not used by the residents of the site on which the vehicle is parked for a commercial purpose; and

(ii) Campers and camper shells which are detached from a vehicle.

(2) "Passenger vehicle" shall mean and include:

(i) All automobiles; and

(ii) All passenger vehicles and pickup trucks of 10,000 pounds gross vehicle weight or less and which have no more than two (2) axles.

(3) "Commercial vehicle" shall mean and include:

(i) Any self-propelled vehicle over 10,000 pounds gross vehicle weight, and/or having more than two (2) axles, and which is used by the owner thereof for commercial purposes;

(ii) Any towed vehicle used by the owner thereof for commercial purposes; and

(iii) All other self-propelled equipment, including tractors, which are used by the owners thereof for commercial purposes and which are stored outdoors, excluding passenger vehicles.

(c) Prohibitions.

(1) No recreational vehicle, as defined in this section, shall be parked within any required front, side, or rear yard adjacent to a public street.

(2) No recreational vehicle, as defined in this section, shall be utilized or occupied as a residential dwelling, either temporarily or permanently, unless an application is approved by the Planning Director for a temporary dwelling during the construction of a home.

(3) No commercial vehicle, as defined in this section, shall be parked in any area within any residential zone, except for the immediate loading or unloading of goods or people.

(d) Designated recreational vehicle parking areas in residential zones.

(1) The parking of recreational vehicles on any parcel in a residential zone shall be allowed only as follows:

(i) Recreational vehicles may be located on any area on the parcel, other than a required yard adjacent to a public street. The parking area shall be paved in accordance with Section 8-2.2513 of this Article and fenced in accordance with Section

8-2.2403 of Article 24 of this chapter.

(ii) Recreational vehicles may be parked within a garage so long as the parking space requirements for the applicable residential use, as set forth in Table 8-2.2506, can still be met.

(iii) The Zoning Administrator is authorized to issue a permit allowing a recreational vehicle to be parked within a required yard adjacent to a public street in accordance with Section 8-2.3210 of Article 32 of this chapter.

(e) Violations: Penalties. Any violation of this section shall constitute an infraction, punishable as provided by Section 25132 of the Government Code of the State. Four (4) or more violations by any person during the preceding twelve (12) months shall constitute a misdemeanor.

Article 26. Exceptions and Modifications

Sec. 8-2.2601. Purpose.

The purpose of this article shall be to provide exceptions and modifications to the provisions of this chapter where such are necessary for the practical and uniform application of the regulations of this chapter. (§ 27.01, Ord. 488)

Sec. 8-2.2602. Accessory buildings.

Repealed*. (§ 27.02, Ord. 488, as amended by §§ 1 and 2, Ord. 488.37, § 1, Ord. 488.173, eff. September 6, 1984, § 1, Ord. 681.131, eff. August 25, 1988, and §10, Ord. 1244, eff. February 3, 2000, *§2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.2603. Nonconforming buildings and uses.

(a) *Purpose. The* purpose of this section shall be to permit the continued operation of existing uses and buildings which do not otherwise conform to the provisions of this Chapter, while guarding against such uses becoming a threat to more appropriate development, and to provide for the eventual elimination of uses likely to be most objectionable to the neighbors of such uses.

(b) *Continuing existing buildings and* uses. Except as otherwise provided in this Chapter, any use of land, buildings, or structures which is legally nonconforming due to the adoption of the zoning regulations on November 18, 1963, or a subsequent amendment to the zoning regulations contained in this Chapter, may be continued. Except as provided for in subsection (p) of this section, no use of land, buildings, or structures shall be enlarged, expanded, or intensified in any manner.

(c) *Continuing conditional* uses. Any use lawfully existing at the time of the adoption of the zoning regulations on November 18, 1963, or a subsequent amendment to this Chapter, which use is listed as a conditional use in the zone in which it is located, shall be and remain a nonconforming use, and in no case shall such use be enlarged, expanded, or intensified in any manner until a use permit has been obtained pursuant to the provisions of this Chapter.

(d) *Repair of unsafe or unsanitary buildings.* The provisions of this Chapter shall not prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Planning and Public Works Department or declared unsanitary by the Health Department.

(e) *Replacement of damaged or destroyed nonconforming buildings.* Any nonconforming building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God may be restored or

reconstructed; provided, however, such repair or reconstruction shall conform to the applicable Building Codes in effect at the date of such restoration or reconstruction and without change to a nonconforming use, should such exist.

(f) *Reconstruction and enlargement of certain nonconforming dwellings.* The provisions of this chapter shall not prevent the reconstruction or enlargement of any single-family dwelling located in an Agricultural (A) Zone on any lot or parcel containing an area or dimension smaller than that required by the provisions of this Chapter, which area or dimension existed or exists at the time of the imposition of such area or dimension regulation; provided, however, any such reconstruction or enlargement shall comply with all the other regulations of the zone in which it is situated.

(g) *Extension of nonconforming uses and buildings.* Upon an application for a use permit, the Planning Commission may permit the extension of a nonconforming use throughout those parts of a building, which parts were manifestly designed or arranged for such use prior to the date such use of the building became nonconforming, if no structural alterations, except those required by law, are made therein.

(h) *Changes to other nonconforming uses.* Upon an application for a use permit, the Planning Commission may permit the substitution of one nonconforming use for another nonconforming use which is determined by the Planning Commission to be of the same or more restrictive nature. Whenever a nonconforming use has been changed to a more restrictive use or conforming use, such more restrictive use or conforming use shall not thereafter be changed back to a less restrictive use or to a nonconforming use.

(i) *Cessation of uses.* For the purposes of this section, a use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether with the intent to abandon such use or not, for a continuous time period as set forth in this section.

(j) *Cessation of uses of buildings designed for nonconforming uses.* A building or structure which was designed for a use which does not conform with the provisions of this chapter and which is occupied by a nonconforming use shall not again be used for nonconforming purposes when such use has ceased for a period of twenty-four (24) months or more.

(k) *Cessation of uses of buildings designed for conforming uses.* A building or structure which was designed for a use which conforms with the provisions of this Chapter but which is occupied by a nonconforming use shall not again be used for nonconforming purposes when such use has ceased for a period of twelve (12) months or more.

(l) *Cessation of nonconforming uses of land.* Land on which there is a nonconforming use not involving any building or structure, except minor structures, including buildings containing less than 300 square feet of gross floor area, fences, and signs, where such use has ceased for one month or more shall not again be used for non-conforming purposes, and such nonconforming use of land shall be discontinued, and the nonconforming buildings or structures shall be removed from the premises within six (6) months after the first date of nonconformity.

(m) *Cessation of nonconforming junk yards.* Regardless of any other provision of this Chapter, no junk yard which exists as a nonconforming use in any zone shall continue as provided in this section for nonconforming uses unless such junk yard, within one year after the junk yard has become a nonconforming use, shall be completely enclosed within an existing building or otherwise within a continuous solid fence not less than eight (8') feet nor more than twelve (12') feet in height or equivalent continuous hedgerow screening. The operation shall be conducted in such a manner as to be substantially screened at all times by the building, fence, or hedgerow. Plans for the required fence or hedgerow shall meet the approval of the Planning Director. All other provisions of this section shall apply to any nonconforming junk yard.

(n) *Construction approved prior to November 18, 1963.* The provisions of this Chapter shall not require any change in the overall layout, plans, construction, size, or designated use of any development, buildings, or structure, or part thereof, where official and valid approvals and required building permits have been granted prior to November 18, 1963, the construction of which development, building, or structure, conforming with such plans, shall have been started prior to December 18, 1963, and carried on in the normal manner to completion within the subsequent one-year period.

(o) *Expansion of legal nonconforming residential buildings.* Where an existing single-family dwelling unit in the Residential One Family Zone (R-1) is legally nonconforming by reason of off-street parking and/or substandard yard setbacks, it may be enlarged or expanded so long as the improvement does not result in a further encroachment into a required parking area or yard.

(p) *Expansion of legal nonconforming single-family dwellings and duplexes.* Where an existing single-family dwelling or duplex in any of the residential zones is nonconforming by reason of off-street parking and/or substandard yard setbacks, it may be enlarged or expanded so long as the improvement does not result in a greater encroachment into an existing required parking area or yard.

(q) *Densities greater than one per lot.* Dwellings constructed prior to March 18, 1986, in densities greater than one per lot may be expanded or repaired provided the improvement does not result in an encroachment into a required parking area or yard. (§ 27.03, Ord. 488, as amended by § 1, Ord. 488.47, § 11-A, Ord. 652, eff. May 5, 1971, §§ 3 and 4, Ord. 488.155, eff. May 14, 1973, §§ 1 and 2, Ord. 488.174, eff. February 14, 1985, § 1, Ord. 488.185, eff. September 19,1985, § 3, Ord. 488.191, eff. April 17, 1986, and §10, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.2604. Official plan lines.

Whenever an official plan line has been established for any street, required yards shall be measured from such line, and in no event shall the provisions of this chapter be construed as permitting any encroachment; provided, however, ordinary front yard fences, lawns, gardens, trees, bushes, sprinkling systems, and, on farms, farm fences, irrigation systems, and field crops may extend beyond any official plan line or future width line. (§ 27.04, Ord. 488)

Sec. 8-2.2605. Height regulations.

The maximum height limitation regulations set forth in this Chapter for each particular zone shall be modified as follows:

(a) In any zone, other than the Agricultural Preserve zone (A-P), the Agricultural General Zone (A-1), the Agricultural Exclusive Zone (AE), the Agricultural Industry Zone (AGI), the Airport Zone (AV) and Special Height Combining Zone (H), and other than properties adjacent to an AV Zone within a designated aviation safety zone and/or which are regulated by an applicable airport master or land use plan, the following structures may extend not more than thirty (30') feet above the height limits set forth in such zone; provided, however, applicable State and Federal regulations shall govern wherever conflicts occur: chimneys, church spires, flagpoles, monuments, water towers, fire and hose towers, observation towers, distribution lines and poles, communication equipment buildings, smokestacks, television towers, radar towers, masts, aerials, television antennas, outdoor theater screens (provided such screens contain no advertising matter other than the name of the theater), equipment penthouses and cooling towers, grain elevators, farm equipment and storage barns, silos, and gas holders. (as amended by §5, Ord. 1389, eff. October 29, 2009)

(b) In the Agricultural Preserve Zone (A-P), the Agricultural General Zone (A-1), the Agricultural Exclusive Zone (AE), and the Agricultural Industry Zone (AGI), there shall be no height limits, except for small wind energy systems, as specified in Section 8-2.2418. Upon the approval of the Planning Commission, the structures set forth in subsection (a) of this section and all structures normally permitted in such zones may be permitted to further exceed the height limits for the particular zone when the Planning Commission finds that such additional height is necessary for the normal operation of a permitted use and will not be injurious to neighboring properties or detrimental to the public health, safety, and welfare. (as amended by §5, Ord. 1389, eff. October 29, 2009)

(c) In the Airport Zone (AV), and the Special Height Combining Zone (H), and for those properties adjacent to an AV Zone that are within a designated aviation safety zone and/or which are regulated by an applicable airport master or land use plan, height limits shall be as set forth by the applicable Federal Aviation Agency height safety standards and/or by the applicable airport master or land use plan. (as amended by §5, Ord. 1389, eff. October 29, 2009

(d) Upon the approval of the Planning Commission, the structures set forth in subsection (a) of this section and all structures normally permitted in such zones may be permitted to further exceed the height limits for the particular zone when the Planning Commission finds that such additional height is necessary for the normal operation of a permitted use and will not be injurious to neighboring properties or detrimental to the public health, safety, and welfare. (as amended by §5, Ord. 1389, eff. October 29, 2009)

(e) Churches, schools, and other permitted public and semi-public buildings may exceed the height limits of the zone in which they are located in accordance with the terms and conditions of an approved use permit. (as amended by §5, Ord. 1389, eff. October 29, 2009)

(f) In any zone, other than the Airport Zone (AV) and Special Height Combining Zone (H), public utility transmission lines may exceed the height limits of the zone in which they are located. (§ 27.05, Ord. 488, as amended by §10, Ord. 1244, eff. February 3, 2000; as amended by §5, Ord. 1389, eff. October 29, 2009)

Sec. 8-2.2606. Area of lots.

The minimum lot size and building site size regulations set forth in this Chapter for each particular zone shall be modified as follows:

(a) Where a public water supply and/or public sanitary sewer is not accessible, the County Sanitarian may establish lot area and frontage requirements in excess of those otherwise set forth in this chapter, which requirements shall be based upon the area he determines to be necessary for the adequate provision of water and sewerage in the location and for the use requested.

(b) Any lot or parcel of land in a residential (R) zone containing an area or dimension smaller

than that required by the provisions of this Chapter, which lot or parcel was of record in the office of the Clerk-Recorder on December 18, 1963, and the owner thereof on such date, or his successor in interest, owned no adjoining land, may be used as follows:

(1) One single-family dwelling may be constructed on a parcel containing less than 5,000 square feet of lot area provided such structure complies with all the other regulations of the zone in which it is situated.

(2) One or more dwelling units may be constructed on a parcel containing more than 5,000 square feet of lot area provided any such structure complies with all the other regulations of the zone in which it is situated.

(c) Upon the approval of a use permit, one single-family dwelling which complies with all the other regulations of the zone in which it is situated may be constructed on any lot or parcel of land in the Agricultural General Zone (A-1), which lot or parcel contains an area or dimension smaller than that required by the provisions of this Chapter and which was of record in the office of the Clerk-Recorder on December 18, 1963, where the owner thereof on such date, or his successor in interest, owned no adjoining land.

(d) Except for a dwelling, any lot or parcel in an agricultural (A) zone containing an area or dimension smaller than that required by the provisions of this Chapter may be used for any principal or accessory use permitted in the zone or, upon the issuance of a use permit, for a conditional use permitted in the zone. (§ 27.06, Ord. 488, as amended by § 2, Ord. 488.54)

Sec. 8-2.2607. Front yards.

The following modifications shall apply to the front yard regulations set forth in this chapter for each particular zone:

(a) On a lot in any residential (R) zone, which lot adjoins a developed lot on which the front yard is less than that required for the particular zone, the required front yard may be reduced to the average of the established front yard on the adjoining lot and the front yard otherwise required in such zone.

(b) On a lot in any residential (R) zone, which lot has frontage on the turnaround portion of a cul-de-sac street, the front yard need not exceed twenty (20') feet on the portion of such frontage which is radial to the center point of the turnaround. (§ 27.07, Ord. 488)

Sec. 8-2.2608. Projections into yards and courts.

Certain architectural features may extend from a main building into required yards or courts as follows:

(a) Cornices, canopies, and eaves may extend beyond the front wall and/or rear wall a distance not exceeding three (3') feet.

(b) Open, unenclosed outside stairways may extend beyond the front wall and/or rear wall a distance not exceeding four (4') feet six (6") inches.

(c) Uncovered landings and necessary steps may extend beyond the front wall and/or rear wall a distance not exceeding six (6') feet; provided, however, such landing and steps shall not extend above the entrance floor of the building except for a railing which does not exceed three (3') feet in height.

(d) Bay windows and chimneys may extend beyond the front wall and/or rear wall a distance not exceeding three (3') feet.

(e) Such architectural features may also extend into any side yard a distance of not more than three (3') feet.

(f) Repealed. (§ 27.08, Ord. 488, as amended by § 3, Ord. 488.37, §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.2609. Reduction of lots, yards, and other areas.

No lot, yard, court, parking area, or other space shall be reduced in area or dimension less than the minimum area or dimension required by the provisions of this Chapter, and, if already less than such minimum, such area or dimension shall not be further reduced. (§ 27.09, Ord. 488)

Sec. 8-2.2610. Oil or gas drilling operations within one-half mile of urban residential areas.

(§ 4, Ord. 681.91, eff. August 26, 1982; repealed by §10, Ord. 1244, eff. February 3, 2000)

Article 27. Site Plan Approval

Sec. 8-2.2701. Purpose.

The purpose of site plan approval shall be to determine compliance with the provisions of this Code and the Yolo County General Plan. (§ 28.01 a, Ord. 488, as amended by § 4, Ord. 681.142, eff. June 18, 1992, and as amended by § 29, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.2702. Required for certain buildings and uses.

Approval of the proposed plot plan or use shall be obtained in the following instances:

(a) For the establishment or change of use of any land, building, or structure, including all uses of agriculturally-zoned land requiring a use permit; and

(b) For the construction, erection, enlargement, alteration, or moving of any building or structure, including farm residences; provided, however, no such approval shall be required for growing field, garden, or tree crops or for general farming operations. (§ 28.01 b, Ord. 488)

Sec. 802.2703. Applications.

Applications for site plan approval shall consist of a statement of the proposed use and a plot plan showing the following:

(a) The lot lines;

(b) The adjoining or nearest roads;

(c) The locations and dimensions of pertinent existing improvements;

(d) The locations and dimensions of proposed improvements;

(e) Any other dimensions and data necessary to show that yard requirements, parking requirements, loading requirements, use requirements, and all other provisions of this chapter are fulfilled. (§ 28.01 c, Ord. 488)

Sec. 8-2.2703.5. Review Criteria: Single Family and Ancillary Dwellings.

When considering an application for a Single-Family Dwelling(s) or Ancillary Dwelling as provided for by Sections 8-2.402, 8-2.403, and 8-2.404, and 8-2.602, 8-2.603 and 8-2.604, of this chapter , the following review criteria shall be satisfied:

(a) That an environmental review, in accordance with the California Environmental Quality Act (CEQA), was conducted for the proposal;

(b) That the proposal is consistent with the Yolo County General Plan;

(c) That the proposed dwelling is consistent with the requirements of Yolo County Code Title 8, Chapter 2, including the Review Criteria contained therein;

(d) That any proposed Ancillary Dwelling site is within 250 feet of, and clustered with, an existing home site, and that disturbance of actively farmed areas has been minimized;

(e) That an adequate all weather access drive or road will be provided to and from the proposed dwelling from a County Road, and that any necessary access easements to achieve such have been evidenced;

(f) That adequate water supply and sanitary septic and/or sewer systems will be provided; and

(g) That all Uniform Building and Fire Codes will be complied with as required by the County;

(h) That adequate site drainage is provided and any necessary grading and drainage improvements will be completed. (§ 29, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.2704. Departmental action.

The Building Division shall refer the site plan application to the Planning Division, which shall approve, conditionally approve, or disapprove, such application or set the application on the agenda of the Planning Commission for interpretation and determination. The application shall be denied unless it is found to satisfy the requirements of this Code and the policies and standards of the General Plan. (§ 28.01 d, Ord. 488, as amended by § 5, Ord. 681.142 eff. June 18, 1992, and as amended by §29, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.2705. Expiration.

Whenever the proposed use and/or site plan has been approved, and no such use has been initiated within one year after the date of such approval, the approval shall thereupon become null and void. (§ 28.01 f. Ord. 488)

Sec. 8-2.2706. Appeals.

The decision of the Planning Director, Planning Division, Building Division or any other County department or official shall take effect, and appeals thereof made and considered, in the manner provided in Article 33 of Chapter 2 of this title. (§ 28.01 e, Ord. 488, as amended by § 1, Ord. 945, eff. February 24, 1983; and § 10, Ord. 1178, eff. April 27, 1995 , and as amended by §29, Ord. 1303, eff. July 24, 2003)

Article 28. Use Permits

Sec. 8-2.2801. Purpose.

The purpose of a use permit shall be to allow the proper integration into the community of uses which may be suitable only in specific locations in a zone or only if such uses are designed or laid out on the site in a particular manner. (§ 28.02 a, Ord. 488)

Sec. 8-2.2802. Applications: Filing: Fees.

(a) Applications for use permits shall be filed by the owner or his authorized agent in the office of the Planning Department, on forms provided by the Planning Department, at least forty-five (45) days prior to the meeting date on which action may be desired. Such application shall be accompanied by a fee established by the Board by resolution, a plot plan, and any other drawings or information as may be required to fully describe the request.

(b) No application may be filed which proposes any use which is not consistent with the General Plan of the County, as amended. The rejection of applications on the basis of inconsistency may be appealed as provided in Section 8-2.2706 of Article 27 of this chapter.

(c) Applications involving projects for which Negative Declarations or Environmental Impact Reports are required shall not be heard until the environmental assessment procedures set forth in Chapter 1 of Title 10 of this Code are satisfied. Applications continued to an unspecified time awaiting the submission of additional

environmental information by the applicant pursuant to said provisions of Title 10 shall be deemed denied if the required information is not submitted within one year after the date of filing the application. (§ 28.02b, Ord. 488, as amended by § 1, Ord. 488.160, eff. August 29, 1973, § 10, Ord. 488.168, eff. February 11, 1976, and § 1, Ord. 945, eff. February 24, 1983)

Sec. 8-2.2803. Applications: Hearings.

After the date of filing an application for a use permit, the Board of zoning Adjustment or the zoning Administrator shall hold a public hearing on the requested use permit, notice of which shall be given by mail as provided in Sections 65900 through 65905 of Article 3 of Chapter 4 of Title 7 of the government Code of the State. (§ 28.02 c, Ord. 488, as amended by § 2, Ord. 488.160, eff. August 29, 1973, and §11 Ord. 1244, eff. February 3, 2000)

Sec. 8-2.2804. Planning Commission or Zoning Administrator.

The Planning Commission or Zoning Administrator may approve, conditionally approve, or disapprove an application for a use permit. The Planning Commission shall act on Major Use Permit applications, and the Zoning Administrator shall have the discretion to act on Minor Use Permit application, or send them to the Planning Commission. If the Board approves such permit, it may attach such conditions, including time limitations, guarantees, amortization schedules, assurances, and requirements, as may be necessary to accomplish the objectives set forth in this Chapter and the requirements of the General Plan as amended.

In granting a use permit, the Planning Commission or Zoning Administrator, with due regard to the nature and condition of all adjacent structures and uses, the zone within which the structures and uses are located, and the General Plan, shall find the following general conditions to be fulfilled:

(a) The requested use is listed as a conditional use in the zone regulations or elsewhere in this chapter;

(b) The requested use is essential or desirable to the public comfort and convenience;

(c) The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;

(d) The requested use will be in conformity with the General Plan;

(e) In the case of Agricultural Research, facilities shall utilize, but be not limited to, on-site or appurtenant agricultural crops for the purpose of research;

(f) Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided; and

(g) The requested use will serve and support production of agriculture, the agricultural industry, animal husbandry or medicine; or is agriculturally related, and not appropriate for location within a city or town; and the requested use, if proposed on prime soils, cannot be reasonably located on lands containing non-prime soils.

The Planning Commission and Zoning Administrator may impose such conditions as are necessary to allow the findings set forth in this subsection to be made and may require the applicant to execute and record documents which insure that such conditions run with the land. (§ 28.02 d and e, Ord. 488, as amended by § 4, Ord. 681.99, eff. March 17, 1983, § 14, Ord. 488.177, eff. March 7, 1985, and §12, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.2805. Issuance.

(§ 28.02 g, Ord. 488; repealed by § 11, Ord. 1178, eff. April 27, 1995)

Sec. 8-2.2806. Revocation: Expiration.

(a) *Revocation.* In the event the conditions of a use permit have not been, or are not being, complied with, the Planning Department shall give the permittee notice of intention to revoke such use permit at least ten (10) days prior to a Board of Zoning Adjustment review thereon. After the conclusion of the review, the Board of Zoning Adjustment may revoke such use permit.

(b) *Expiration.* In the event the project or use for which the use permit was granted has not commenced within the time limit set by the Board of Zoning Adjustment, or within one year after the date of the hearing if no specific time has been set, the use permit shall be deemed to be null and void without further action. (§ 28.02 h and i, Ord. 488, as amended by § 11, Ord. 488.168, eff. February 11, 1976)

Sec. 8-2.2807. Appeals: Fees: Hearings.

The decision of the Board of Zoning Adjustment shall take effect, and appeals thereof made and considered, in the manner provided in Article 33 of Chapter 2 of this title. (§ 28.02 f, Ord. 488, as amended by § 1, Ord. 945, eff. February 24, 1983, and § 12, Ord. 1178, eff. April 27, 1995)

Article 29. Variances

Sec. 8-2.2901. Purpose.

The purpose of a variance is to allow variation from the strict application of the provisions of this chapter where special circumstances pertaining to the physical characteristics and location of the site are such that the literal enforcement of the requirements of

this chapter would involve practical difficulties or would cause hardship and would not carry out the spirit and purposes of this chapter and the provisions of the General Plan. (§ 28.03 a, Ord. 488, as amended by § 6, Ord. 681.142, eff. June 18, 1992)

Sec. 8-2.2902. Applications: Filing: Fees.

(a) Applications for variances shall be filed by the owner or his authorized agent in the office of the Planning Department, on forms provided by the Planning Department, at least forty-five (45) days prior to the meeting date on which action may be desired. Such applications shall be accompanied by a fee in the amount established by the Board by resolution, a plot plan, and any other drawings or information as may be required to fully describe the request.

(b) No application may filed which proposes any use which is not consistent with the General Plan of the County, as amended. The rejection of applications on the basis of inconsistency may be appealed as provided in Section 8-2.2706 of Article 27 of this chapter.

(c) Applications involving projects for which Negative Declarations or Environmental Impact Reports are required shall not be heard until the environmental assessment procedures set forth in Chapter 1 of Title 10 of this Code are satisfied. Applications continued to an unspecified time awaiting the submission of additional environmental information by the applicant pursuant to said provisions of Title 10 shall be deemed denied if the required information is not submitted within one year after the date of filing the application. (§ 28.03 b, Ord. 488, as amended by § 3, Ord. 488.160, eff. August 29, 1973, § 2, Ord. 488.169, eff. May 20, 1976, and § 1, Ord. 945, eff. February 24, 1983)

Sec. 8-2.2903. Applications: Hearings.

After the date of filing an application for a variance, the Board of Zoning Adjustment shall hold a public hearing on the requested variance, notice of which shall be given by mail as provided in Sections 65900 through 65905 of Article 3 of Chapter 4 of Title 7 of the Government Code of the State. (§ 28.03 c, Ord. 488, as amended by § 4, Ord. 488.160, eff. August 29, 1973, and §14, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.2904. Board of Zoning Adjustment action: Granting: Conditions.

The Board of Zoning Adjustment may approve, conditionally approve, or disapprove an application for a variance. If it approves such variance, it may attach such conditions, including time limitations and guarantees, as may be necessary to accomplish the objectives set forth in this chapter.

The Board of Zoning Adjustment shall grant a variance only when, in accordance with the provisions of Sections 65900 through 65905 of Article 3 of Chapter 4 of Title 7 of the Government Code of the State, all of the following circumstances are found to apply:

(a) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;

(b) That, because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and

(c) That the granting of such variance will be in harmony with the general purpose and intent of this chapter and will be in conformity with the Master Plan. (§ 28.03 d and e, Ord. 488)

Sec. 8-2.2905. Validity.

No variance which has been approved by the Board of Zoning Adjustment shall become valid prior to the expiration of the appeal period, as set forth in Section 8-2.2907 of this article, or the final action on an appeal to the Board of Supervisors. (§ 28.03 g, Ord. 488)

Sec. 8-2.2906. Revocation: Expiration.

(a) *Revocation.* In the event the conditions of a variance have not been, or are not being, complied with, the Planning Department shall give the permittee notice of intention to revoke such variance at least ten (10) days prior to a Board of Zoning Adjustment review thereon. After the conclusion of the review, the Board of Zoning Adjustment may declare such variance to be null and void.

(b) *Expiration.* In the event the project or use for which the variance was granted has not commenced within the time limit set by the Board of Zoning Adjustment, or within one year after the date of the hearing if no specific time has been set, the variance shall be deemed to be null and void without further action. (§ 28.03 h and i, Ord. 488, as amended by § 12, Ord. 488.168, eff. February 11, 1976)

Sec. 8-2.2907. Appeals: Fees: Hearings.

The decision of the Board of Zoning Adjustment shall take effect, and appeals thereof made and considered, in the manner provided in Article 33 of Chapter 2 of this title. (§ 28.03 f, Ord. 488, as amended by § 1, Ord. 945, eff. February 24, 1983, and § 13, Ord. 1178, eff. April 27, 1995)

Article 30. Amendments

Sec. 8-2.3001. Authority.

The provisions of this chapter may be amended by changing the boundaries of zones or by changing any provision of this chapter whenever the public necessity, convenience, and general welfare require such amendments. (§ 28.04, Ord. 488)

Sec. 8-2.3002. Initiation.

An amendment may be initiated by:

(a) One or more owners of property affected by the proposed amendment or by the authorized agent of any such owner;

(b) The Board of Supervisors; or

(c) The Commission. (§ 28.04 a, Ord. 488)

Sec. 8-2.3003. Applications: Filing: Fees.

(a) Applications of one or more property owners, or the authorized agent thereof, for amendments shall be filed in the office of the Planning Department, on forms provided by the Planning Department, at least forty-five (45) days prior to the meeting date on which action may be desired. Such applications shall be accompanied by a fee in the amount established by the Board by resolution and by such other information as may be required to fully describe the request.

(b) No application may be filed which proposes any use which is not consistent with the General Plan of the County, as amended. The rejection of applications on the basis of inconsistency may be appealed as provided in Section 8-2.2706 of Article 27 of this chapter.

(c) Applications involving projects for which Negative Declarations or Environmental Impact Reports are required shall not be heard until the environmental assessment procedures set forth in Chapter 1 of Title 10 of this Code are satisfied. Applications continued to an unspecified time awaiting the submission of additional environmental information by the applicant pursuant to said provisions of Title 10 shall be deemed denied if the required information is not submitted within one year after the date of filing the application. (§ 28.04 b, Ord. 488, as amended by § 5, Ord. 488.160, eff. August 29, 1973, § 13, Ord. 488.168, eff. February 11, 1976, and § 1, Ord. 945, eff. February 24, 1983)

Sec. 8-2.3004. Planning Commission Hearings: Notices.

Pursuant to the provisions of Chapter 4 of Title 7 of the Government Code of the State, the Planning Commission shall hold a public hearing on the application for an amendment. Notice of the time, place, and purpose of such hearing shall be given at least ten (10) days before the hearing in the following manner:

(a) By at least one publication in a newspaper of general circulation in the County;

(b) Wherever practical, by mailing a notice, postage prepaid, to the owners of all property within 300 feet of the exterior boundaries of the property involved, using for such purpose the last known name and address of such owners as shown upon the last assessment roll of the County; and

(c) When deemed appropriate, the Planning Commission may also give notice by posting notices not more than 500 feet apart along each and every street upon which the property abuts for a distance of not less than 300 feet in each direction from the exterior limits of such property. (§ 28.04 c, Ord. 488, as amended by § 6, Ord. 488.160, eff. August 29, 1973, and by §15, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.3005. Commission action.

Pursuant to the provisions of Chapter 4 of Title 7 of the Government Code of the State, if, from the facts presented at the public hearing provided for in Section 8-2.3004 of this article and by investigation, the Commission finds that the public health, safety, and general welfare warrant the change of zones or regulations, and such change is in conformity with the Master Plan, the Commission may recommend such change to the Board of Supervisors. If the facts do not justify such change, the Commission shall recommend that the application be denied.

A Commission recommendation for approval shall be submitted to the Board of Supervisors for its consideration. A recommendation for denial shall terminate consideration of the matter unless the applicant or other interested party appeals to the Board in the manner provided in Article 33 of Chapter 2 of this title. The Commission's recommendation to the Board shall be accompanied by a written report of findings and a summary of the hearing. (§ 28.04 d, Ord. 488, as amended by § 14, Ord. 1178, eff. April 27, 1995)

Sec. 8-2.3006. Board hearings: Notices.

Pursuant to the provisions of Chapter 4 of Title 7 of the Government Code of the State, at its next regular meeting after the receipt of the Commission recommendation concerning an amendment, the Board of Supervisors shall set a date for a hearing thereon. The giving of notice shall be as set forth in Section 8-2.3004 of this article for hearings by the Commission. (§ 28.04 e, Ord. 488)

Sec. 8-2.3007. Board action.

Pursuant to the provisions of Chapter 4 of Title 7 of the Government Code of the State, the Board of Supervisors shall act on zoning amendments as follows:

(a) The Board may approve, modify or disapprove the recommendation of the Planning Commission; provided that any modification not previously considered by the Commission during

its hearing shall first be referred to the Commission in the manner and subject to the time limitations specified in Section 65857 of the Government Code.

(b) Prior to approving any such amendment, the Board shall find that the proposed amendment is in conformance with the General Plan and that the public health, safety and general welfare warrant the change of zones or regulations. (§ 28.04 f, Ord. 488, as amended by 9 15, Ord. 1178, eff. April 27, 1995)

Article 31. Enforcement: Penalties

Sec. 8-2.3101. Enforcement duties of officials.

(a) *Planning Director.* It shall be the duty of the Planning Director to enforce the provisions of this chapter pertaining to the use of any land or structure.

(b) *Chief Building Inspector.* It shall be the duty of the Chief Building Inspector to enforce the provisions of this chapter pertaining to bulk, height, and land coverage of structures, open spaces about structures, and the dimensions and area of sites upon which structures are located.

(c) *Other officials.* Requirements pertaining to health and sanitation, fire protection, and Building Code regulations shall be enforced by the respective agencies which have jurisdiction in such matters. Whenever there is a conflict between the provisions of this chapter and other County, State, and Federal regulations, the more restrictive regulations shall apply. (§ 29.01, Ord. 488)

Sec. 8-2.3102. Validity of permits, certificates, and licenses.

All departments, officials, and public employees of the County vested with the duty or authority to issue permits, certificates, or licenses shall conform to the provisions of this chapter and shall issue no permit, certificate, or license for uses, buildings, or purposes in conflict with the provisions of this chapter, and any such permit, certificate, or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be null and void. (§ 29.02, Ord. 488)

Sec. 8-2.3103. Violations.

(a) *Penalties.* Any person, whether as principal, agent, employee, or otherwise, violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in Chapter 2 of Title 1 of this Code. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which any such violation is committed, continued, or permitted by such person and shall be punishable as set forth in said Chapter 2 of Title 1 of this Code.

(b) *Notices to appear.* If any person is arrested for any such violation and such person is not immediately taken before a magistrate, the arresting officer, pursuant to the provisions of Section 853.6 of the Penal Code of the State, shall prepare, in duplicate, a written notice to appear in court. Such written notice shall contain the name and address of such person and the offense charged and shall set forth the time when and the place where such person shall appear in court. The time set forth in the notice to appear shall be at least five (5) days after such arrest. The place set forth in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(c) *Promises to appear: Bail.* The arresting officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, shall give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release the person arrested from custody. The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon, the magistrate shall fix the amount of bail which, in his judgment, in accordance with the applicable provisions of the Penal Code of the State, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by the magistrate in the form set forth in the applicable section of said Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before a magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited and may, in his discretion, order that no further proceedings shall be had in such case. Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the County Treasury for disposition pursuant to the applicable provisions of said Penal Code. No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial, or judgment, or to comply with the terms and provisions of the judgment as required by law.

(d) *Promises to appear: Violations: Warrants for arrest.* Any person willfully violating his written promise to appear in court shall be deemed guilty

of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested. Whenever a person signs a written promise to appear at the time and place set forth therein and has not posted bail as provided in said Penal Code, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense. When such person violates his promise to appear before the officer authorized to receive bail, other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer. (§ 31.01, Ord. 488)

Sec. 8-2.3104. Violations public nuisances: Abatement.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this chapter, or any use of any property conducted, operated, or maintained contrary to the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the District Attorney, upon an order of the Board, shall immediately commence an action or proceedings for the abatement, removal, and enjoinment thereof in a manner provided by law and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person from setting up, erecting, constructing, altering, enlarging, converting, moving, maintaining, or using any such building or structure, or using any property contrary to the provisions of this chapter. (§ 31.02, Ord. 488)

Article 32. Zoning Administrator

Sec. 8-2.3201. Office of the Zoning Administrator created.

There is hereby created in the County the office of the Zoning Administrator. Said office is established pursuant to Section 65900 of the Government Code of the State. (§ 1, Ord. 888, eff. September 11, 1980)

Sec. 8-2.3202. Staff.

The Director of the Planning and Public Works Department or designee is hereby appointed as the Zoning Administrator to perform such duties and exercise such authority as set forth in this Article.

The Zoning Administrator is hereby authorized to delegate to such appropriate members of the staff of the Planning and Public Works Department the powers and duties of the Zoning Administrator as set forth in this Article.

The office of the Zoning Administrator shall be located in the offices of the Planning and Public Works Department.

The Planning and Public Works Department shall provide such professional and clerical staff to the office of the Zoning Administrator as are required for the performance of the duties of such office as specified in this article. The budget for the office of the Zoning Administrator shall be prepared by the Planning Director and shall be included within the Planning and Public Works Department's budget. (§ 1, Ord. 888, eff. September 11, 1980, as amended by §16, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.3203. General authority and duties of the Zoning Administrator.

Pursuant to Section 65901 of the Government Code of the State, the powers and duties of the Zoning Administrator shall be as follows:

(a) To approve such permits, including Minor Use Permits, and authorize such modifications as are set forth in this Article;

(b) To provide such public notice as is required by the State Planning Law or this chapter prior to issuing any such permit or granting such modification;

(c) To provide such additional notice as is appropriate, in the discretion of the Zoning Administrator;

(d) To conduct public hearings and convene and preside over meetings which are authorized or required by the State Planning Law, this chapter, or Federal, State, or County laws or regulations, or when public hearings are appropriate, in the discretion of the Zoning Administrator, due to public interest in a project. When, in the discretion of the Zoning Administrator, there is significant public interest in a project, or the decision on a project involves policy considerations which should be reviewed by the Commission, the Zoning Administrator may elect to refer the case, with or without a recommendation, to the Commission for decision. The Commission shall apply the standards set forth in this article, as well as other applicable statutes, ordinances, rules, and regulations, in making any such decision;

(e) To do all things and exercise such authority as necessarily implied as a consequence of the duties and powers specifically set forth in this article or as required to comply with any provision of the United States, State, or County laws;

(f) To make such environmental assessments pursuant to the California Environmental Quality Act as are necessary for the consideration of projects, as defined therein, when the exercise of authority vested by this

article in the Zoning Administrator results in the consideration of a project as defined by the California Environmental Quality Act;

(g) To adopt and publish the rules and procedures necessary or convenient for the conduct of the business of the Zoning Administrator and consistent with this chapter and applicable Federal, State, and County laws and regulations. Such rules shall provide that the effective date of all decisions of the Zoning Administrator shall be no sooner than the next regularly scheduled meeting of the Commission, but in no event less than fifteen (15) days after the date of the decision;

(h) To issue no permit nor authorize any modification or other entitlement authorized by this article unless it is found that the permit or modification is consistent with all the applicable provisions of the Yolo County General Plan and the overall purpose and intent of this chapter; and

(i) To report all projects considered and decisions made, on a regular basis, to the Commission.

If the Commission determines to review any such decision pursuant to Section 8-2.3232 of this article, the Zoning Administrator shall inform all interested parties that the decision is to be renewed de novo, the date and time set for such review, that the Commission has jurisdiction to sustain, modify, or overrule the subject decision, and that the Zoning Administrator's decision shall vest no rights in any person. (§ 1, Ord. 888, eff. September 11, 1980, as amended by §17, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.3204. Off-street parking.

(a) *Modifications authorized.* The Zoning Administrator may approve modifications of the off-street parking requirements set forth in Article 25 of this chapter; provided, however, the total variance shall not reduce the off-street parking to less than seventy-five (75%) percent of that otherwise required off-street parking.

(b) *Findings.* Such modifications shall be authorized only if it is found that the off-street parking, as modified, provides, either on the same site or on some reasonably and conveniently located site, adequate parking, loading, turning, and maneuvering space to accommodate substantially such needs as are generated by the use and will not result in a safety hazard to the users of the site or surrounding areas. (§ 1, Ord. 888, eff. September 11, 1980, as amended by § 14, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.3205 Extension of time for permits and variances.

(a) *Approval authorized.* The Zoning Administrator may approve extensions of time for use permits and variances, including those approved by the Commission.

(b) *Findings.*

(1) Such extensions shall be approved only when it is found that circumstances under which the permit was granted have not changed.

(2) Such extensions shall be approved for no more than two (2) years. (§ 1, Ord. 888, eff. September 11, 1980, as amended by § 1, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.3206. Minor modifications to existing use permits.

(a) *Modifications authorized.* The Zoning Administrator may approve minor modifications to existing use permits, including those approved by the Commission pursuant to Article 28 of this chapter.

(b) *Findings.* Such minor modifications shall be approved only if it is found that such modifications substantially conform with the plans or standards approved by the Commission or Zoning Administrator and that the appearance and function of the total development and the surrounding development will not be significantly adversely affected as a result of such modification. (§ 1, Ord. 888, eff. September 11, 1980, as amended by § 2, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.3207. Landscaping: Height regulations: Residential zones.

(a) *Modifications authorized.* The Zoning Administrator may modify the maximum heights of fences, walls, and hedges in Residential (R) Zones as set forth in Section 8-2.2403 of Article 24 of this chapter. Such modifications may be either to enlarge or to diminish such maximum heights.

(b) *Findings.* Such modifications shall be approved only if it is found that the size, shape, topography, location of the site, or orientation or structures on adjacent properties justifies such modification, and the property where the landscaping is modified will not cause detriment to the surrounding neighborhood nor a safety hazard for the use of adjacent properties or roadways. (§ 1, Ord. 888, eff. September 11, 1980, as amended by § 15, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.3208. Sureties.

(a) *Approval authorized.* The Zoning Administrator may accept surety deposits to the County (except those requiring future Commission action) to assure that an applicant complies with the requirements of this chapter and/or the permit approved.

(b) *Findings.* Such surety deposits shall amount to the estimated cost to assure compliance with the requirements of this chapter or a permit approval. The deposits shall be in the form of cash deposits, certificates of deposit, or

other sureties acceptable to the Zoning Administrator, whose determination thereon shall be final. (§ 1, Ord. 888, eff. September 11, 1980, as amended by § 3, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.3209. Minor use permits.

(a) *Approvals authorized.* The Zoning Administrator, after holding a public hearing, may approve minor use permits.

(b) *Findings.* Such use permits shall be approved only when:

(1) The Commission determines by resolution which use permits are minor; and

(2) The proposed use complies with Article 28 of this chapter.

(c) *Resolutions authorized.* The Commission hereby is authorized to adopt resolutions declaring use permits to be minor for the purposes of this section. (§ 1, Ord. 888, eff. September 11, 1980, as amended by § 4, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.3210. Recreational vehicle parking permits.

(a) *Recreational vehicle parking: Permits authorized.* The Zoning Administrator may issue a permit to allow a designated recreational vehicle parking area within a required yard adjacent to a street on any parcel which was of record prior to August 23, 1984, if the findings required by this section are made.

(b) *Applications: Contents.* The application for such permit shall include the following:

(1) A plot plan showing the area proposed for the recreational vehicle parking area, including the proposed paving and fencing, and showing the existing structures and sidewalks;

(2) The Assessor's parcel number and the street address for the subject parcel and all parcels within 300 feet of the subject parcel and which front on the same street as the proposed parcel;

(3) The names of all property owners and tenants required by subsection (2) of this subsection;

(4) The current State registration for the recreational vehicle which would be parked in the designated area;

(5) The required fees; and

(6) The applicant may, but shall not be required to, submit consents to the issuance of the permit and waivers of further notice from all property owners and tenants who receive notice of the application.

(c) *Applications: Notices: Hearings.* Upon receiving an application for a recreational vehicle parking permit, the Zoning Administrator shall provide notice to all property owners within 300 feet of the property proposed for the issuance of the permit, addressed as shown on the latest equalized assessment roll. The Zoning Administrator shall conduct a public hearing on the application.

(d) *Permits: Issuance: Required findings.* The Zoning Administrator may issue a permit allowing a designated recreational vehicle parking area only if all the following findings are made:

(1) That the application is complete;

(2) That the parcel was of record on August 23, 1984;

(3) That no more than ten (10%) percent of the property owners and/or tenants of properties within 300 feet and fronting the same street as the subject property have objected to the issuance of the permit;

(4) That the area proposed for the recreational vehicle parking space does not exceed ten (10') feet by thirty-five (35') feet in size, will be paved, and has direct public access to a public street;

(5) That the use of the area as proposed will not obscure the field of view from the public road;

(6) That the area proposed is no closer than five (5') feet from the sidewalk or, if no sidewalk exists, no closer than ten (10') feet from the curb or the edge of the pavement;

(7) That no part of the area proposed encroaches upon a public right-of-way or utility easement; and

(8) That the recreational vehicle to be parked on the proposed parking area currently is registered with the Department of Motor Vehicles of the State.

(e) *Permits: Conditions.* The Zoning Administrator may impose conditions on the issuance of any such permit necessary to enable the findings to be made to grant such permit, or to conform the permit to the requirements of this section, or to mitigate the grounds for objections received during the public hearing on the permit.

(f) *Permits: Revocation.* A designated recreational vehicle permit shall be subject to revocation if:

(1) The recreational vehicle is not currently registered with the Department of Motor Vehicles of the State to operate on public roads within the State;

(2) The parking of the recreational vehicle violates any condition imposed on the permit; or

(3) The recreational vehicle is being used as a residential dwelling unit.

(g) *Revocation: Procedure.* The Zoning Administrator may revoke such permit, subject to appeal to the Commission and the Board of Supervisors. The permit shall be revoked if the Zoning Administrator finds that the grounds for revocation set forth in subsection (f) of this section exist or that any condition of the permit or requirement of this section has been violated.

The decision of the Zoning Administrator shall be subject to appeal as provided in Section 8-2.3232 of this article. (§ 8, Ord. 488.171, eff.

August 23, 1984, as renumbered by § 12, Ord. 488.188, eff. January 2, 1986, as amended by § 13, said Ord. 488.188)

Sec. 8-2.3211. Variances to specified design criteria.

(a) *Variances authorized.* The Zoning Administrator may approve variances to the otherwise applicable design criteria set forth in this subsection, and to the extent set forth, after making the findings set forth in subsection (b) of this section:

(1) In any zone, modifications of the front, side, or rear yard setback requirements; provided, however, the total modification shall not reduce the applicable setbacks to less than seventy-five (75%) percent of those otherwise required in the zone;

(2) In any zone, other than a Special Height Combining (H) Zone, modifications of building heights; provided, however, such building heights shall not exceed 125 percent of the otherwise applicable maximum height in the zone;

(3) In any zone, modifications of the minimum lot area, width, and depth; provided, however, such modifications shall not reduce the total lot area to less than eighty (80%) percent of that otherwise required in the zone; and

(4) In any zone, modifications of the maximum area or height of signs otherwise applicable in the zone; provided, however, such modifications shall not result in a sign exceeding 110 percent of either the maximum height or maximum size otherwise applicable in the zone.

(b) *Findings.* Any variance authorized by subsection (a) of this section shall be approved only if it is found:

(1) That any modification granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;

(2) That, because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of the applicable zone is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classifications; and

(3) That the granting of such modification will be in harmony with the general purpose and intent of this chapter and in conformity with the Yolo County General Plan. (§ 1, Ord. 888, eff. September I 1, 1980, as amended by § 16, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.3212. Minor modifications of planned developments.

(a) *Modifications authorized.* The Zoning Administrator may approve minor modifications of the detailed development plans or detailed development standards in Planned Development (PD) Zones approved by the Commission pursuant to Article 20 of this chapter.

(b) *Findings.* Such minor modifications may be approved only if it is found that such modifications are in substantial conformity with the plans or standards approved by the Commission, and that the appearance and function of the total development will not be significantly adversely affected as a result of such modification.(§ 1, Ord. 888, eff. September 11, 1980)

Sec. 8-2.3213. Minor co-generation facilities.

(a) *Approval authorized.* The Zoning Administrator, after holding a public hearing, may approve minor co-generation facilities in the Agricultural (A) Zones.

(b) *Findings.* Such minor co-generation facilities shall be approved only if they are located so as to preserve land in agricultural production and comply with Article 28 of this chapter. (§ 1, Ord. 888, eff. September 11, 1980, as amended by § 8, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.3214. Animal density permits.

(a) *Increased animal density areas: Permits authorized.* The Zoning Administrator may issue a permit authorizing an increase in the animal densities allowed within an area no smaller than that set forth in subsection (b) of this section. Such permits may be issued only for areas in the Residential Suburban (R-S), Residential One-Family (R-1), Residential One-Family or Duplex (R-2), Multiple-Family Residential (R-3), and Apartment-Professional (R-4) Zones. The maximum increase in animal densities allowed pursuant to such permits shall not exceed two (2) times the animal densities allowed by Section 8-2.2411 of Article 24 of this chapter.

(b) *Regulations regarding areas proposed for permits.* An area proposed for the issuance of a permit pursuant to this section shall meet the following regulations:

(1) The area may be one which is bounded on all sides by a public road or public lands of no less than 110 feet in width, devoted to an open space use, and upon which no building may occur due to easements or fee interests owned by public agencies; or

(2) No more than one side of the area proposed may be adjacent to other privately-owned properties, in which case such contiguous adjoining properties shall have a minimum lot depth of no less than 100 feet, and no less than ninety (90%) percent of the property owners and

tenants residing on such property shall have consented to the issuance of the permit.

(c) *Applications: Contents.* An application for an increased animal density permit shall be accompanied by the following information:

(1) A map showing the area proposed for the issuance of the permit and the public roads, public open space easements, and/or parcels contiguous to the area proposed for the permit;

(2) The Assessor's parcel numbers for all properties shown on the map;

(3) A list of all property owners and all tenants of all property shown on the map;

(4) Plot plans for each property within the area proposed for the issuance of the permit which plans show compliance with the animal fencing and enclosure requirements set forth in Section 8-2.2411 of Article 24 of this chapter;

(5) Any conditions which the applicant would propose be applied to the permit;

(6) Payment of the fees set forth in subsection (g) of this section;

(7) If the area proposed is not bounded on all sides by a public road or public open space, the applicant may provide written consents to the issuance of the permit from contiguous property owners and tenants; and

(8) An explanation by the applicant of all animals proposed to be kept within the area, the methods of keeping and/or enclosing such animals, and the methods to control noise, odors, vectors, or other potential nuisance conditions resulting from the increased animal densities proposed.

(d) *Applications: Notices: Hearings.*

(1) Upon receiving an application for an animal density permit, the Zoning Administrator shall provide notice to all property owners within 300 feet of the property proposed for the issuance of the permit, addressed as shown on the latest equalized assessment roll.

(2) The Zoning Administrator shall conduct a public hearing on the application.

(3) The Zoning Administrator shall refer all applications for permits to the Environmental Health Department, the Animal Control Department, and any other agency of jurisdiction.

(e) *Permits: Issuance: Findings: Conditions.* The Zoning Administrator may issue an animal density permit only if all of the following findings are made:

(1) That the application is complete and includes consents from all persons within the area proposed for the issuance of the permit;

(2) That the issuance of the permit would not be detrimental to surrounding properties due to odors, noises, vectors, or other potential nuisance conditions resulting from the number, type, location, and/or methods of keeping the animals proposed by the applicant;

(3) That the area proposed for the issuance of the permit is either:

(i) Bounded on all sides by a public road or a publicly-owned open space no less than 110 feet upon which no building may occur due to easements or fee interests owned by public agencies; or

(ii) Bounded on no more than one side by contiguous parcels of a minimum lot depth of 100 feet, and at least ninety (90%) percent of the property owners and tenants of such contiguous properties have consented to the issuance of the permit;

(4) That the methods of keeping the animals and controlling potential nuisance conditions resulting therefrom comply with the requirements of all agencies of jurisdiction, including the Animal Control Department and the Environmental Health Department; and

(5) That all properties for which the permit is to be issued have demonstrated compliance with the fencing and enclosure requirements of Section 8-2.2411 of Article 24 of this chapter.

(f) *Permits: Conditions.* The Zoning Administrator may impose such conditions on the issuance of any such permit as are required to enable the findings to be made authorizing the issuance of the permit; to conform the area and the method of keeping animals within the area to the requirements of this section and all other agencies of jurisdiction; and/or to mitigate the grounds for objection received during the hearing on the permit.

(g) *Applications: Fees.* An application for an increased animal density permit shall be accompanied by a fee in an amount not less than $____ for each property proposed to be included within the area. (§ 2, Ord. 488.171, eff. August 23, 1984, as renumbered by § 9, Ord. 488.188, eff. January 2, 1986, as amended by §§ 10 and 11, said Ord. 488.188, and § 2, Ord. 681.136, eff. May 11, 1989)

Sec. 8-2.3215. Interpretations of uses as permitted, accessory, or conditional uses.

(a) *Interpretations authorized.* Upon the request of any interested party, the Zoning Administrator may make an interpretation, binding upon the County, as to whether a particular use is either a principal permitted use, accessory use, or conditional use in a particular zone or not allowed in such zone.

(b) *Findings.* Such uses shall be interpreted to be permitted, accessory, or conditional only if they are found either to be listed as such in the applicable provision of this chapter, or are substantially similar to those expressly listed, and are consistent with the purpose of the particular zone. (§ 1, Ord. 888, eff. September 11, 1980)

Sec. 8-2.3216. Additions to permitted, accessory, and conditional uses.

(a) *Additions authorized.* Upon the request of any interested party, the Zoning Administrator may determine that a particular use is consistent with the general purposes of the zone and is of the same general character as those uses expressly listed as either permitted, accessory, and conditional uses in the zone, and therefore determine that the use is allowed in the zone as either a permitted, accessory, or conditional use.

(b) *Findings.* No such use shall be determined to be permitted, accessory, or conditional unless the applicable provisions of the relevant article of this chapter dealing with the subject zone allow the Commission to make such determination, and the Zoning Administrator makes such findings as are required by said provisions.

(c) *Limitations.* If the use is determined to be a conditional use, and the Zoning Administrator is not authorized by this article to grant such use permit, the Zoning Administrator shall not grant a use permit but shall be limited to determining that a use permit is required to be issued by the Commission for such use. (§ 1, Ord. 888, eff. September 11, 1980)

Sec. 8-2.3217. Roadside stands.
(§ 1, Ord. 888, eff. September 11, 1980, as amended by § 8, Ord. 488.182, eff. June 6, 1985, and § 8, Ord. 1010, eff. August 8, 1985, repealed by §18, Ord. 1244, eff. February 3, 2000

Sec. 8-2.3218. Mergers of parcels and lot line adjustments.
The Zoning Administrator shall process applications for mergers of parcels and/or lot line adjustments pursuant to Article 4.5 of Chapter I of this title. (§ 2, Ord. 939, eff. November 18, 1982)

Sec. 8-2.3219. Additional home sites in agricultural zones.
(§ 5, Ord. 681.99, eff. March 17, 1983, repealed by §19, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.3220. Retail sales in the Industrial (I) zones.
(a) *Approval authorized.* The Zoning Administrator may approve retail sales and service facilities as an accessory use in the Light Industrial (M-1) and Heavy Industrial (M-2) zones.

(b) *Findings.* Such uses shall be approved only if the goods or services sold are limited to those manufactured, assembled, or distributed on the site, and the retail sales and service facilities shall not occupy more than twenty-five (25%) percent of the gross floor area of the principal permitted use. (§ 7, Ord. 488.184, eff. August 15, 1985)

Sec. 8-2.3221. Modifications of paving.
Surfacing materials required to satisfy the paving requirements for off-street parking and loading may be modified by the Zoning Administrator when the Zoning Administrator finds that the location of the parking or storage area or the nature or weight of the vehicles or equipment is such as to make the normally required surfacing materials unnecessary. (§ 17, Ord. 488.188, eff. January 2, 1986)

Sec. 8-2.3222. Commercial stables.
(§8, Ord. 1212, eff. October 23, 1997, repealed by §20, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.3223. (Not used).

Sec. 8-2.3224. (Not used).

Sec. 8-2.3225. (Not used).

Sec. 8-2.3226. (Not used).

Sec. 8-2.3227. (Not used).

Sec. 8-2.3228. (Not used).

Sec. 8-2.3229. (Not used).

Sec. 8-2.3230. Public notices and hearings.
The Zoning Administrator shall give such notices and conduct such public hearings as are required by the State Planning Law or other State or Federal laws or regulations in consideration of the action proposed. This section is intended to confer upon the Zoning Administrator the authority to provide whatever type of notice and conduct whatever type of meeting is required by the applicable law and shall not be deemed to limit the authority of the Zoning Administrator to give public notice or conduct public hearings.

All such notices shall indicate the time, date, and place of the hearing in which the Zoning Administrator intends to make a determination and shall be served in the manner required by applicable State law and which is appropriate, in the discretion of the Zoning Administrator, no later than ten (10) days prior to the date of the hearing.

Such notices shall state that all persons are invited to attend such hearings and present evidence regarding the proposed action. (§ 1, Ord. 888, eff. September 11, 1980)

Sec. 8-2.3231. Conditions of approval.
The Zoning Administrator may impose reasonable conditions on the approval of any permit or entitlement granted pursuant to this article in order to find or insure compliance of the use with the applicable requirements of this chapter or Federal, State, or County laws or regulations or to provide the mitigation of environmental impacts caused by the use. Such

conditions shall be in writing. (§ 1, Ord. 888, eff. September 11, 1980)

Sec. 8-2.3232. Appeals.

Decisions of the Zoning Administrator under this Article shall take effect, and appeals thereof made and considered, in the manner provided in Article 33 of Chapter 2 of this Title. (§ 1, Ord. 888, eff. September 11, 1980, as amended by § 16, Ord. 1178, eff. April 27, 1995)

Sec. 8-2.3233. Fee schedule authorized.

The Board is hereby authorized to promulgate by resolution a schedule of fees to be charged for the issuance by the Zoning Administrator of any permit or entitlement authorized by this article, such fees to be reasonably related to the actual costs to the County of processing such applications and issuing and policing such permits or entitlements. (§ 1, Ord. 888, eff. September 11, 1980)

Sec. 8-2.3234. Violations constitute violations of chapter provisions.

Any violation of the terms or conditions of any permit or entitlement issued by the Zoning Administrator pursuant to this article shall constitute a violation of this chapter, shall be a misdemeanor, and shall be punished as set forth in Section 8-2.3103 of Article 31 of this chapter.

The enforcement of this article shall be by the procedure set forth in Article 31 of this chapter, and all remedies set forth therein for violations of this chapter shall be available against violations of this article. (§ 1, Ord. 888, eff. September 11, 1980)

Article 33. Appeals

Sec. 8-2.3301. Effective date of decisions: Appeals.

(a) *General*. Except to the extent expressly provided otherwise in this Title, actions and decisions of the Planning Director, Zoning Administrator, Board of Permit Appeals, Board of Zoning Adjustment and Planning Commission shall be effective and shall be appealed in the manner provided in this section. A decision of an appeal by a subordinate body may be appealed to the Board of Supervisors in the same manner. As used in this section, "Deciding Authority" shall refer to the Planning Director, Zoning Administrator, Board of Permit Appeals, Board of Zoning Adjustment or Planning Commission as the circumstances require.

(b) *Appeals*.

(1) Actions or decisions of the Deciding Authority shall take effect on the sixteenth (16th) day following the action or decision, unless a notice of appeal is filed prior to the sixteenth (16th) day with the clerk of the Planning Commission in the case of Planning Director, Zoning Administrator or other County official's decisions or the Clerk of the Board of Supervisors in the case of Board of Permit Appeals, Board of Zoning Adjustment or Planning Commission decisions. A timely filing of a notice of appeal shall nullify the decision of the Deciding Authority appealed from, whose decision shall serve as a recommendation to the body appealed to. An appeal shall not be considered as timely filed until it is accompanied by the fee, if any, established by the Board of Supervisors for such appeal.

(2) Within the time otherwise provided for filing appeals, and where there is a potential for an impact of Countywide importance, any member of the Board of Supervisors may file an appeal. When an appeal is filed by a member of the Board of Supervisors, the clerk with whom it is filed, shall cause the matter to be placed on the agenda of the next regular meeting of the Board of Supervisors for a determination by the Board of Supervisors. If the Board determines that there is a potential for an impact of Countywide importance resulting from an action or decision, it may order the appeal to go forward. In the absence of an affirmative determination at that meeting or at a subsequent meeting to which the matter is ordered continued, the appeal shall be deemed withdrawn. No fee shall be required of any appeal taken pursuant to a notice of appeal filed by a member of the Board. A timely filing shall nullify the decision of the Deciding Authority appealed from, whose decision shall serve as a recommendation to the body appealed to.

(c) *Withdrawal of appeal.* No appeal, once filed, may be withdrawn without the approval of the body appealed to. The body appealed to shall give such approval after conducting a noticed hearing at which other interested persons shall be given the opportunity to indicate their intention to file appeals in lieu of the appeal to be withdrawn. Upon the expiration of five (5) days after the approval of withdrawal of the appeal, if no other appeals are then pending and no further appeals have been filed, the decision appealed from shall take immediate effect without further order or action. If other appeals are pending or filed, the matter shall continue to be reviewed in the appeal process.

(d) *Board of Supervisors failure to act on an appeal.* In the event the Board of Supervisors fails to take action on or continue to a latter time a matter appealed to it under this title, the failure to take action shall be considered a denial without prejudice of the permit or action which is the subject of the appeal. The matter may be reconsidered upon the giving of proper notice of a new hearing.

(e) *Notice.* The body deciding the appeal shall conduct a public hearing on the matter, notice of which shall be given in the manner

required by State planning law. The hearing may be continued from time to time provided that a decision is rendered within the time limits, if any, established by State planning law.

(f) *Appeal treated as of whole matter.* Any appeal of a decision or action shall also serve as an appeal of all related matters decided together with the action appealed from, regardless of the grounds and issues described in the notice of appeal. The body deciding the appeal may reverse, modify or affirm the decision appealed from. In considering the body shall consider the evidence presented below and any additional evidence that may be presented at the hearing before it. (§ 17, Ord. 1178, eff. April 27, 1995, as amended by § 1, Ord. 1255, eff. September 28, 2000)

Article 34. Accessory Structures

Sec. 8-2.3401. Purpose.
The purpose of this Article is to provide a clarified and uniform set of procedures and standards for the review and permitting of accessory structures proposed on lands zoned for agricultural or residential use in the unincorporated area. This Article implements the policies of the Yolo County General Plan as well as updates the County Code to reflect recent changes in State law. (§3, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.3402. Scope
This Article shall apply to all of the following accessory structures:
(a) Accessory agricultural support structures, as defined in Section 8-2.2404.1 of this Code;
(b) Accessory housing structures, as defined in Section 8-2.204.3 of this Code;
(c) Accessory non-dwelling buildings, as defined in Section 8-2.204.5 of this Code;
(d) Miscellaneous accessory structures, as defined in Section 8-2.270.10 of this Code;
(e) Temporary accessory buildings, as defined in Section 8-2.299.14 of this Code;
(f) Accessory structure conversions, as defined in Section 8-2.204.8 of this Code. (§3, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.3403. Permitting procedures.
(a) Zone districts. The structures listed in Section 8-2.3402 of this Chapter shall constitute an allowed accessory use or a permitted conditional accessory use in the Agricultural and Residential zone districts as set forth in Table 8-2.3403 below.
(b) Allowed accessory structures. Prior to the issuance of any Building Permit required pursuant to the California Building Code, structures identified as an allowed use in Table 8-2.3403 shall be subject to over-the-counter Site Plan Review and approval by the Planning Division of setbacks, facilities, infrastructure, and health and safety issues. The over-the-counter Site Plan Review and approval by the Planning Division shall be accomplished at the same time that a Building Permit is issued. The application requirements for an over-the-counter Site Plan Review for an allowed accessory structure shall include a simple plot plan as described in Section 8-2.2703.
(c) Conditionally permitted accessory structures. Prior to the issuance of any Building Permit required pursuant to the California Building Code, structures identified as a permitted conditional use in Table 8-2.3403 shall require the granting of a Minor Conditional Use Permit by the Zoning Administrator in accordance with the procedures set forth in Articles 28 and 32 of Title 8 of the County Code. (§3, Ord. 1377, eff. August 28, 2008)

(Table 8-2.3403 follows on next page)

Table 8-2.3403

Accessory Structures: Allowed Zone Districts

Accessory Structure	ZONE DISTRICTS								
	A-P	AGI	A-1	RRA	R-S	R-1	R-2	R-3	R-4
Accessory agricultural support structures:									

- Farm office	X	X	X						
- Barn	X	X	X	X	X				
- Roadside stand	X	X	X						
- Greenhouse, agricultural	X	X	X						
- Reservoirs, private	X[1]		X[1]						
- Solar panel, freestanding household	X	X	X	X	X	X	X	X	X
Accessory housing structure:									
- Farm labor camp	C	C	C						
- Ancillary dwelling	X		X	X[2]					
- Second Unit, detached					X/C[3]	X/C[3]	X/C[3]	X/C[3]	X/C[3]
- Second Unit, attached					X/C[3]	X/C[3]	X/C[3]	X/C[3]	X/C[3]
- Guesthouse				X/C[3]	X/C[3]	X/C[3]	X/C[3]	X/C[3]	X/C[3]
- Accessory structure conversion	X		X	X/C[3]	X/C[3]	X/C[3]	X/C[3]	X/C[3]	X/C[3]
Non-dwelling accessory structure[4]:									
- Detached garage	X	X	X	X	X	X	X	X	X
- Detached workshop	X	X	X	X	X	X	X	X	X
- Poolhouse (cabana)	X		X	X	X	X	X	X	X
- Game/exercise room, play house	X		X	X	X	X	X	X	X
- Storage building	X	X	X	X	X	X	X	X	X
- Storage or shipping container	X/C[5]	X/C[5]	X/C[5]	X/C[5]	X/C[5]				
- Artist studio	X		X	X	X	X	X	X	X
Miscellaneous accessory structure[4]:									
- Pools and Spas	X	X	X	X	X	X	X	X	X
- Attached/unattached patio covers, sunshades, breezeways	X	X	X	X	X	X	X	X	X
- Gazebo	X	X	X	X	X	X	X	X	
- Trellis/arbor	X	X	X	X	X	C	C		
- Animal enclosures	X	X	X	X	X	X	X	X	X
- Vehicle covers/carports	X	X	X	X	X	X[6]	X[6]		
- Greenhouse, household	X	X	X	X	X	X	X	X	X
- Solar panel, freestanding household	X	X	X	X	X	X	X	X	X
Temporary accessory buildings:									
- Temporary sales office				X	X	X	X	X	X

Legend: X = Allowed use; C = Permitted conditional use (Minor Use Permit)

Notes:

1. Private reservoirs and/or water detention basins are an allowed accessory use in the A-P and A-1 zones subject to the requirements of Section 8-2.403(e) and Section 8-2.603(e).
2. Ancillary dwellings are allowed in the RRA zone if Environmental Health standards are met regarding water and septic systems.
3. Accessory housing structures, and accessory structure conversions to an accessory housing structure, in residential zones are an allowed use if standard zone setbacks for rear and side yards, parking standards, and Environmental Health standards regarding water and septic systems, are met. If the structure or required parking intrudes into the required standard zone setback for rear and side yards, a Minor Use Permit is required.
4. Non-dwelling and miscellaneous accessory structures require issuance of a Building Permit if over 120 square feet in size. All accessory structures must conform with setback requirements in Section 8-2.3404.
5. No more than two storage or shipping containers are allowed unless a Minor Use Permit has been issued.

6. Vehicle covers and carports are allowed in the R-1 and R-2 zones if they are located at least ten (10) feet from the nearest side window located on the adjacent lot. (§3, Ord. 1377, eff. August 28, 2008)

8-2.3404. Development standards for accessory structures.

(a) General requirements:

(1) *Sequence of construction*. Accessory structures subject to a Building Permit shall not be erected on a lot until construction of the principal structure has started, and an accessory structure shall not be used unless the principal structure has begun, with the following exceptions: accessory agricultural support structures in agricultural zone districts (not including farm offices); farm labor camps; storage buildings and storage containers; household greenhouses; and temporary sales offices.

(2) *Height restrictions*. Height restrictions shall be as specified in Section 8-2.3404(b) of this Chapter. If a specific type of accessory use is not listed, then the maximum height shall be fifteen (15) feet.

(3) Building separation. Detached accessory structures subject to a Building Permit shall be separated from principal structures by a minimum of ten (10) feet and from other detached accessory structures subject to a Building Permit by a minimum of six (6) feet, except as specified in Section 8-2.3404(b) of this chapter.

(4) Setback requirements for non-dwelling or miscellaneous accessory structures in residential zone districts shall be as follows:

(i) Front and Side: Except as provided in Section 8-2.3404(b) of this chapter, an accessory structure subject to a Building Permit shall comply with the front yard and side yard setback regulations for principal uses as set forth in the applicable regulations for each zone district. Provided, however, that the Planning Director may approve the location of any standard accessory structure, other than an accessory housing structure, within the required side yard but at least five (5) feet from the side property lines if a standard structure cannot be located within standard setbacks. Those accessory structures not requiring a Building Permit, such as a storage shed of less than 120 square feet, may be allowed to locate in the side yard setback area.

(ii) *Rear:* Except as provided in Section 8-2.3404(a)(4)(iii), below, an accessory structure subject to a Building Permit, other than an accessory housing structure, may be located in the rear setback area provided that it meets the minimum building separation standards listed above, would be a minimum of five (5) feet from the rear property boundary, and its construction would not result in coverage of more than 40 percent of the required rear yard area. Provided, however, that the Planning Director may approve the location of any standard accessory structure, other than an accessory housing structure, within the required rear yard but at least three (3) feet from the rear property lines if a standard structure cannot be located within standard setbacks and Building Code standards are met. Those accessory structures not requiring a Building Permit, such as a storage shed of less than 120 square feet, may be allowed to locate in the rear yard setback area.

(iii) *Corner lot setbacks:* Accessory structures on a corner lot shall be located no closer to the street right-of-way than the principal structure on the lot. Where a corner lot backs onto the side yard of an adjoining lot, the minimum rear yard setback for accessory structures shall be equivalent to the side yard setback of the adjoining lot.

(5) Setback requirements for agricultural support, non-dwelling, and miscellaneous accessory structures in agricultural zones shall be as follows: Except as specified in Section 8-2.3404.B of this chapter, agricultural accessory structures subject to a Building Permit shall comply with all setback regulations for principal uses as set forth in the applicable regulations for each zone district, provided, however, that the Planning Director may approve the location of any standard accessory structure such as a garage within the required side or rear yards but at least five (5) feet from the side and rear property lines if a standard structure cannot be located within standard setbacks. Those accessory structures not requiring a Building Permit, such as a storage shed of less than 120 square feet, may be allowed to locate in the side and rear yard setback area.

(6) Setback, plumbing, and parking requirements for accessory housing structures or conversion of accessory structure in residential and agricultural zone districts shall be as follows:

(i)Setback: Accessory housing structures shall be located in the rear one half of a parcel in the residential zone. An accessory housing structure is an allowed use, subject to issuance of a Building Permit and other ministerial approvals, if the structure complies with the side and rear yards setbacks for the zone district. A one-story accessory housing structure may intrude into the required zone setback for rear and side yards provided it is at least five (5) feet from the side and/or rear property lines, upon issuance of a Minor Use Permit. A two-story accessory housing structure may intrude into the required zone setback for rear and side yards provided it is at least ten (10) feet from the side and/or rear property lines, upon issuance of a Minor Use Permit.

(ii) Plumbing devices: Full bathing and shower facilities shall be allowed in an accessory housing structure.

(iii) Parking: Off-street parking shall be provided for the accessory housing structure in

addition to that required for the principal dwelling. One space shall be provided for units with up to two bedrooms and two spaces shall be provided for units with three or more bedrooms. On-site parking may be included within the required rear or side yard areas, upon issuance of a Minor Use Permit. Only one new on-site parking space is required for a larger than two-bedroom second unit if there is clear evidence presented that off-site street parking is adequate, upon issuance of a Minor Use Permit. The parking spaces shall be otherwise consistent with the design standards provided in Article 25 of Title 8 of this Code.

(7) Kitchen or cooking facilities. An accessory structure shall not contain a kitchen or any other cooking facilities unless specifically permitted as a residential unit (i.e. an ancillary dwelling, or second unit, or farm labor camp).

(8) Conversion of an accessory structure. Conversion of an existing accessory structure from a non-habitable use that was permitted through a Building Permit, such as a garage, to a habitable or work use such as a second unit or artist studio, is allowed, as set forth in Section 8-2.3404(b), below.

(b) Standards for specific types of accessory structures. In addition to the general requirements for accessory structures set forth in Section 8-2.3404(a), the following standards also apply to specific types of accessory structures:

(1) Roadside stands; setbacks. A roadside stand may be located within the front yard area of agriculturally-zoned parcels provided that they are placed a minimum of 30 feet from the edge of road right-of-way and adequate ingress, egress and a parking area sufficient to accommodate five (5) vehicles is provided.

(2) Farm office or barn; plumbing devices. Agricultural support structures that serve as a primary place of employment, such as a farm office, may include full bathing and shower facilities, and a wet bar area for employee or public use, but shall not include kitchens. The wet bar may be comprised of a counter area and associated overhead cabinets that encompass no more than twenty (20) square feet, a bar sink, and an under-counter refrigerator. The wet bar shall not include cooking facilities nor be configured in a manner that facilitates conversion into a kitchen. The Planning Director shall determine if a proposed wet bar meets these requirements. Agricultural support structures that do not serve as a primary place of employment, such as a barn without a farm office, shall be limited to toilets and washbasins. No bathing facilities shall be allowed.

(3) *Greenhouse.* There is no height restriction for agricultural greenhouses. Household greenhouses shall be no more than fifteen (15) feet high.

(4) Farm labor camp:

(i) Kitchen or cooking facilities: A farm labor camp may have cooking or kitchen facilities consistent with applicable health and safety codes.

(ii)Gross floor area: The gross floor area of a farm labor camp is not limited by this Code provided that all other standards are met.

(iii)Plumbing devices: Full bathing and shower facilities shall be allowed in farm labor camps.

(5) *Ancillary dwellings:*

(i)Proximity to principal dwelling: An ancillary dwelling shall be located no more than 250 feet from the principal dwelling on the subject lot.

(ii)Gross floor area: The gross floor area of an ancillary dwelling is not limited by this Code provided that all other standards are met.

(iii)Plumbing devices: Full bathing and shower facilities shall be allowed in ancillary dwellings.

(iv)Building height: There is no height restriction.

(6) Detached second residential unit:

(i)Density/Lot size: The minimum net lot area on which a detached second unit may be located is 5,000 square feet. Only one second unit, whether detached or attached, is allowed per parcel.

(ii)Gross floor *area*: Detached second units shall encompass between 600 to 1,200 square feet of living floor area, exclusive of any attached garage space. Any portion of the proposed building readily convertible to living space shall be counted as part of the living floor area.

(iii)Maximum footprint area: The maximum footprint of a detached second unit, including garage, shall not exceed 1,700 square feet in area.

(iv)Building height: A detached residential second unit shall not exceed the height of principal dwellings allowed in the subject zone district.

(v)Design standard: A detached second unit proposed on a parcel of less than one acre in area shall reflect the exterior appearance and architectural style of the principal dwelling.

(vi)Number of structures: A second unit shall not be allowed on a parcel in addition to a guesthouse.

(7) Attached residential second unit:

(i)Density/Lot size: The minimum net lot area on which an attached second unit may be located is 5,000 square feet. Only one second unit, whether detached or attached, is allowed per parcel.

(ii)Gross floor area: Attached second units shall be limited in living area to the equivalent of

30 percent of the living area of the principal dwelling to which it is attached up to a maximum of 1,500 square feet, excluding any attached garage. Conversion of floor space in an existing principal dwelling to an attached second unit shall be subject to the same limitations. Any portion of a proposed second unit building addition that is readily convertible to living space shall be counted as part of the living floor area.

(iii)Maximum footprint area: The maximum footprint of an attached second unit, including garage, shall not exceed 2,000 square feet in area.

(iv)Building height: An attached residential second unit shall not exceed the height of principal dwellings allowed in the subject zone district.

(v)Design standard: An attached second unit shall reflect the exterior appearance and architectural style of the principal dwelling.

(vi)Number of structures: An attached second unit shall not be allowed on a parcel in addition to a guesthouse.

(8) Guest house:

(i)Density/lot size: The minimum net lot area on which a guest house may be located is 5,000 square feet. Only one guest house is allowed per parcel.

(ii)Gross floor area: The living floor area shall not exceed 600 square feet, excluding any attached garage space.

(iii)Maximum footprint area: The maximum footprint area of the guest house, including any attached garage, shall be 1,000 square feet.

(iv)Plumbing devices and kitchens: Full bathing and shower facilities shall be allowed in a guest house, but a guest house shall not include a kitchen or cooking facility.

(v)Occupancy: A guest house shall be used on a temporary basis only by the occupants of the principal dwelling or their non-paying guests or employees and is not to be rented for any form of compensation. Temporary occupancy is defined as less than 120 days in any 12-month period.

(vi)Parking: One offsite parking space shall be provided for a guest house in addition to that required for the principal dwelling. On-site parking may be included within the required rear or side yard areas, upon issuance of a Minor Use Permit. No (zero) new on-site parking spaces are required if there is clear evidence presented that off-site street parking is adequate, upon issuance of a Minor Use Permit. The parking spaces shall be otherwise consistent with the design standards provided in Section 8-2.2502 of this ordinance.

(vii)Building height: A guest house shall not exceed 30 feet in height.

(viii)Design standard: A guest house proposed on a parcel of less than one acre in area shall reflect the exterior appearance and architectural style of the principal dwelling.

(ix)Number of structures: A guest house shall not be allowed on a parcel in addition to an attached or detached second unit.

(9) Storage or shipping container:

(i)Allowed zones: Storage or shipping containers are not an allowed use in R-1, R-2, R-3, and R-4 residential zones, but are allowed in the R-S, RRA, and all agricultural zones.

(ii)Setbacks: The required front, side, and rear yard setbacks shall be as set forth in Section 8-2.3404(a)(4) and (5) above.

(iii)Building height: A storage or shipping container may not exceed 15 feet in height.

(iv)Number of structures: No more than two storage or shipping containers are allowed on a parcel, unless a Minor Use permit has been issued.

(10) Artist studio

(i)Density/lot size: The minimum net lot area on which an artist studio may be located is 4,000 square feet. Only one artist studio is allowed per parcel.

(ii)Gross floor area: The studio floor area and maximum footprint shall not exceed 600 square feet.

(iii)Location: An artist studio shall be located in the rear one half of a parcel in a residential zone.

(iv)Plumbing devices and kitchens: Shower facilities and kitchens shall not be allowed in an artist studio,

(v)Building height: An artist studio shall not exceed fifteen (15) feet in height.

(vi)Number of structures: On parcels less than one acre in area, an artist studio shall not be allowed on a parcel in addition to a second unit or a guest house. On parcels greater than one acre in area, an artist studio may be allowed in addition to a second unit or a guest house.

(vii)Parking: No new offsite parking space shall be required for an artist studio.

(11) Accessory structure conversion

(i)Density/lot size: The minimum net lot area on which an existing accessory structure may be converted from a non-habitable and non-work use, such as a garage or storage shed, to a habitable or work use such as a second unit or artist studio, is 4,000 square feet.

(ii)Gross floor area: The floor area and maximum footprint for an accessory structure that is converted into a habitable or work use shall conform with the requirements of the specific habitable or work accessory use as set forth in this section.

(iii)Setbacks: For an existing accessory structure that does not conform with the required setbacks, such as a garage located on the side or rear property line, no additional

expansion of the structure footprint shall be allowed, unless a Minor Use Permit is approved.

(iv)Plumbing devices and kitchens: The plumbing devices and kitchens allowed for an accessory structure that is converted shall conform with the requirements of the specific accessory use as set forth in this section.

(v)Building height: A converted accessory structure shall conform with the requirements of the specific accessory use as set forth in this section, except that an existing accessory structure that does not conform with the required setbacks shall be limited in the conversion to a height of one story or 15 feet unless a Major Variance application is approved.

(vi)Number of structures: An accessory structure converted to a habitable use shall not be allowed on a parcel in addition to a second ancillary dwelling, a second unit, or a guest house. On parcels greater than one acre in area, an accessory structure converted to an artist studio may be allowed in addition to an ancillary dwelling or a second unit.

(vii)Parking: One offsite parking space shall be provided for any conversion of a non-habitable accessory structure to a habitable accessory housing structure in addition to that required for the principal dwelling. On-site parking may be included within the required rear or side yard areas, upon issuance of a Minor Use Permit. No (zero) new on-site parking spaces are required if there is clear evidence presented that off-site street parking is adequate, upon issuance of a Minor Use Permit. The parking spaces shall be otherwise consistent with the design standards provided in Section 8-2.2502 of this ordinance.

(12) Pool house (cabana):

(i)Density/lot size: The minimum net lot area on which a pool house may be located is 5,000 square feet. Only one pool house is allowed per parcel, and all such structures shall be located immediately adjacent to a permitted swimming pool.

(ii)Gross floor area*:* The living floor area and maximum footprint shall not exceed 600 square feet.

(iii)Plumbing devices: Shower facilities shall be allowed in a pool house.

(iv)Kitchens: Kitchens shall not be allowed in a pool house.

(v)Building height: A pool house shall not exceed fifteen (15) feet in height.

(vi)Number of structures: A pool house shall not be allowed on a parcel in addition to a guesthouse. On parcels greater than one acre in area, a pool house may be allowed in addition to a second unit.

(13) Pools and spas; setbacks. In residential and agricultural zone districts, pools and spas may encroach into the rear yard area provided that a minimum setback of five feet from the property line is maintained. Pools and spas must be located on the rear one-half of the lot and no closer to the front property line than any existing or proposed principal dwelling or 50 feet, whichever is less. The side and rear yard setbacks for pool equipment (e.g. the filtration pump and heating equipment) shall be as set forth in Section 8-2.2407.

(14) Attached or unattached patio covers or sunshade, and breezeways:

(i)General: The structure shall be unenclosed on three (3) sides except for required vertical supports; insect screening; and kickboards not exceeding one foot in height as measured from the ground level.

(ii)S*etbacks*: Patio covers, sunshades and breezeways may be attached to, or within ten (10) feet of the principal structure, and within six (6) feet of nearby accessory structures (e.g, a detached garage or cabana), provided that the structures meet all requirements of the Building Code. In residential zone districts, the required side and rear yard setback for patio covers, sunshades and breezeways shall be 50 percent of that required for a principal structure, but not less than five (5) feet unless it meets Building Code standards to allow a closer setback (e.g., flame retardant construction materials). The front yard setback may be reduced by five (5) feet.

(iii)Building height: A patio cover, sunshade, or breezeway may not exceed 15 feet in height.

(15) Gazebo:

(i)Setbacks: The required front, side, and rear yard setbacks shall be as set forth in Section 8-2.3404(a)(4) and (5), above.

(ii)Building height: A gazebo may not exceed 15 feet in height.

(16) Arbor/trellis:

(i)General: The structure shall not have any solid obstruction such as a support which exceeds one feet in diameter.

(ii)Setbacks: An arbor/trellis may be allowed within the required front, side, and rear yard setbacks, provided that it is not closer than five feet to the side lot line, unless it meets Building Code standards to allow a closer setback (e.g., flame retardant construction materials). An arbor/trellis located in a R-1 or R-2 zone must be sited at least five (5) feet from the nearest side window located on the adjacent lot. On a corner lot in a residential zone, an arbor/trellis shall not be sited so as to obstruct the vision of vehicular traffic.

(iii)Building height: An arbor/trellis may not exceed 10 feet in height.

(17) Vehicle Covers and Carports:

(i)Allowed zones: Vehicle covers and carports are allowed in all zones provided they meet the setback requirements of (ii), below.

(ii)Setbacks: The required front, side, and rear yard setbacks for vehicle covers and carports shall be as set forth in Section 8-2.3404(a)(4) and (5) above, except that a vehicle cover or a carport is not allowed in a side driveway in the R-1 and R-2 zones unless it is located at least ten (10) feet from the nearest side window located on the adjacent lot.

(iii)Building height: A vehicle cover or carport may not exceed 15 feet in height.

(18) Solar panel, freestanding household:

(i)Building height: A freestanding household solar panel may not exceed 10 feet in height in residential zones. (§3, Ord. 1377, eff. August 28, 2008)

Article 35. Alcoholic Beverage Control Licensing Review

8.2-3501. Application for the Sale of Alcoholic Beverages.

(a) Any person whose application for an on-sale or off-sale alcohol license is required by the State of California Department of Alcoholic Beverage Control ("ABC") to be subject to a determination of public convenience or necessity ("PCN") by the County of Yolo, may apply to the County for a determination that the public convenience and/or necessity would be served by the granting of such license. Such application shall be made on forms approved by the Planning and Public Works Director or designee ("Director"), shall contain such information as required by the Director, and shall be filed with the appropriate adopted fee to the Planning and Public Works Department ("Department") for review.

(b) In addition to (a), above, regardless of whether a PCN determination is necessary, any premise/commercial business that desires to sell alcohol or alcoholic beverages on a permanent basis within Yolo County shall have an approved Business License and Conditional Use Permit (CUP), as may be appropriate, together with all other required local, state, and federal approvals and permits required for the operation of such business, unless exempted under subsection (d) below.

(c) An application for a transfer of an existing on-sale or off-sale alcohol license is not subject to a PCN determination pursuant to this ordinance; however, if the proposed transfer of an existing license creates a change in the original land use activity of the receiving property, the applicant will be required to obtain a CUP.

(d) All existing uses, buildings or structures currently in operation selling alcohol or alcoholic beverages prior to the adoption of this ordinance, and winery activities within the Agricultural Industry Zone (AGI), are exempt from the requirements of this section, pursuant to Section 8-2.2603 and 8-2.612(q) of the Yolo County Code.

(e) Temporary festivals /events, defined as lasting no more than three consecutive days, where alcoholic beverages will be served are exempt from county regulation of alcoholic beverage sales under this Article. However, under California law, any temporary festival/event that sells alcoholic beverages is required to apply for a temporary permit (221 Form) through ABC office prior to the event. In addition, if there are more than 1,000 persons in attendance, the county requires an application and fee pursuant to Title 5, Chapter 12 "Outdoor Festival," of the Yolo County Code. (§2; Ord. 1386, eff. July 2, 2009)

8.2.3502. Review of Application

Upon receipt of an application for the sale of alcohol, regardless of whether the application is for a CUP, PCN determination, or both, the Director shall refer such application to the Economic Development Division, the Sheriff's Department, Environmental Health Division, Building Division, Fire District, School District, and community planning advisory committee for review and comment. If no response is received by the Planning and Public Works Department from any reviewing agency or interested party within ten (10) working days from the date the application is forwarded, it shall be presumed that the agency or party has no objection.

If any of the following determinations are made during the review of the application for a PCN determination,

the Department shall recommend denial of the application to the deciding body unless the applicant can demonstrate that clearly overriding considerations and/or substantial community benefits resulting from the proposed application outweigh the negative determination(s):

(a) The subject premises for the ABC license does not have a CUP, or the applicant has not concurrently applied for a CUP, to allow for the sale of alcohol or alcoholic beverages, unless otherwise exempt under Section 8-2.3501(d) above.

(b) There is a pending code enforcement action, regarding the subject premises for the ABC license that has not been properly abated to the satisfaction of the appropriate agency.

(c) The subject premises for the ABC license does not have a valid business license or the business license is not currently in good standing.

(d) Substantial Protests have been lodged with the ABC in relation to the applicant's request for the license.

(e) There is a history of law enforcement actions or known criminal activity at the subject premises or in the area surrounding the subject premises, as documented by the Sheriff's Department.

(f) The subject premises do not have the appropriate General Plan land use designation or zoning and/or have not received all required entitlements to permit the sale of alcoholic beverages described in the application.

(g) The proposed application would result in negative economic impacts, as determined by the Economic Development Division. (§2; Ord. 1386, eff. July 2, 2009)

8.2.3503. Hearing Required

(a) Proceedings regarding all CUP applications for the sale of alcohol or alcoholic beverages, including public hearings, shall be scheduled before the Zoning Administrator or the Planning Commission. The Zoning Administrator or the Planning Commission may approve, conditionally approve, or disapprove a CUP application for the sale of alcohol or alcoholic beverages. The Planning Commission shall act on Major Use Permit applications. The Zoning Administrator shall have the discretion to act on Minor Use Permit applications or, at his or her sole discretion, may refer the application to the Planning Commission. Notice of the public hearing shall be given as required by the Yolo County Code.

(b) A noticed public hearing shall also be held in connection with PCN determinations by the Zoning Administrator or the Planning Commission, whichever is authorized to hear CUP applications for the sale of alcohol in the zone where the applicant's premises are located. Any such hearing shall be noticed in accordance with the requirements of California Government Code section 6061, and mailed at least 10 days in advance of the hearing to all property owners within 300 feet of the applicant's premises. During a PCN determination hearing, the applicant shall be required to demonstrate, by substantial evidence, that evidence that the public convenience will be served by the issuance of a license. The applicant shall also be required to demonstrate, by substantial evidence, that the proposed sale of alcohol or alcoholic beverages shall be accomplished in a manner to eliminate or avoid any adverse findings/determinations received pursuant to Section 8.2.3502.

(c) The public hearing may be continued from time to time. At the conclusion of the hearing, the deciding body shall determine whether the public convenience or necessity will be served by the issuance of a license for the applicant premises. Written notification signed by the Director of Planning and Public Works, mailed to the ABC and the applicant, shall serve as the determination of public convenience or necessity by the local agency.

(d) The Zoning Administrator or the Planning Commission may determine that the public convenience or necessity will be met only if certain conditions are imposed upon the

The conditions may address any issue relating to the privileges to be exercised under the conditional use permit. Specific conditions of operation may include, but are not limited to, the following: restrictions on the applicant's qualifications; the age of patron(s) allowed on the premises; hours of operation; maximum occupancy; limitations on live music and dancing; evacuation planning; security measures; persons loitering on the premises; parking lot patrols; externally visible advertising signs; and employee training for responsible beverage sales.

If conditions are imposed, any finding of public convenience or necessity shall clearly state that it is contingent upon the imposition of such conditions through the conditional use permit in conjunction with the license issued by the ABC. In addition to the conditional use permit, the County may request that conditions be imposed on the ABC license through a Letter of Protest and must be filed as follows:

- A Letter of Protest must be filed within 30 days from the "Copies Mailed Date" that appears on the Application for Alcoholic Beverages License(s) that is filed with ABC; or within 30 days of the placement of the required posted notification on the subject premises that indicates that an ABC license is pending; or within 30 days from the date the applicant provide written notification to the surrounding properties within a 500-foot radius of the subject premises, whichever is later.

- The local agency may request a 20 day extension to the Letter of Protest notification period.

(e) The decisions of the Zoning Administrator are appealable to Planning Commission, and then to the Board of Supervisors and decisions of the Planning Commission are appealable to the Board of Supervisors, in compliance with Article 33 (Appeals) of Chapter 2 of this title. (§2; Ord. 1386, eff. July 2, 2009)

8.2.3504. Enforcement

The enforcement of complaints regarding infractions or violations of the Business License or Conditional Use Permit (CUP) may result in fines, permit suspension, or revocation of the Business License or CUP, pursuant to Title 1 of the County Code and other provisions of state and local law. (§2; Ord. 1386, eff. July 2, 2009)

Article 36. Technology Cost Recovery Fee

8-2.3601. Applicability
This Article shall apply to any and all County applications which use the automated permitting system for land use activities managed by the Planning and Public Works Department. (§2, Ord. 1381, eff. Feb. 26, 2009)

8-2.3602. Amount of Fee
The amount of the technology cost recovery fee shall be a six percent (6%) fee added to each permit issued by the Planning and Public Words Department using the automated permitting system as part of the land use permitting process within Yolo County. (§2, Ord. 1381, eff. Feb. 26, 2009)

8.2.3603. Time of Payment
Payment in full of the technology cost recovery fee shall be required at the time all fees are due on any project processed through the automated permitting system or upon completion of the project, whichever occurs first. (§2, Ord. 1381, eff. Feb. 26, 2009)

8-2.3604. Deposit of Fee
The Planning and Public Works Department is hereby directed to work with the Auditor-Controller to create a special interest-bearing fund entitled "Technology Cost Recovery Fee" fund or other appropriate accounting mechanism. All amounts collected from the TCRF shall be placed in said fund and expended by the Director of Planning and Public Works Department or his/her designee solely for purchase, installation, implementation, operation and maintenance of a streamlined permitting process. The Director of Planning and Public Works Department or his/her designee shall

administer the TCRF fund. (§2, Ord. 1381, eff. Feb. 26, 2009)

8-2.3605. Annual Report

The Director of Planning and Public Works or his/her designee shall annually prepare and present a report to the Board of Supervisors indicating the amount of revenues generated by the technology cost recovery fee and the expenditures made by the Department in the preceding fiscal year. (§2, Ord. 1381, eff. Feb. 26, 2009)

Chapter 3

FLOOD DAMAGE PREVENTION*

Sections:

* Chapter 3 entitled “Flood Plain Management”, consisting of Article 1 entitled “Title, Purpose, and Authority”, consisting of Sections 8-3.101 through 8-3.103, Article 2 entitled “Definitions”, consisting of Sections 8-3.201 through 8-3.226, Article 3 entitled “Scope and Exemptions”, consisting of Sections 8-3.301 through 8-3.303, Article 4 entitled “Prohibitions”, consisting of Sections 8-3.401 through 8-3.404, Article 5 entitled “Development Standards”, consisting of Sections 8-3.501 through 8-3.512, Article 6 entitled “Administration”, consisting of Sections 8-3.601 through 8-3.604, Article 7 entitled “Duties of the Director”, consisting of Sections 8-3.701 through 8-3.706, Article 8 entitled “Variances”, consisting of Sections 8-3.801 through 8-3.804, Article 9 entitled “Appeals”, consisting of Sections 8-3.901 through 8-3.904, Article 10 entitled “Inspections: Notices of Violations”, consisting of Sections 8- 3.1001 through 8-3.1006, and Article 11 entitled “Violations: Public Nuisances: Remedies: Penalties”, codified from Ordinance No. 899, effective December 16, 1980, as amended by Ordinance No. 921, effective October 22, 1981, repealed by Section 1, Ordinance No. 1077, effective June 16, 1988. Chapter 3, consisting of Sections 8-3.101 through 8-3.602, codified from Ordinance No. 1077, amended in its entirety by Ordinance No. 1143, effective June 18, 1992. Chapter 3, amended in its entirety, by Ordinance No. 1221, effective April 2, 1998.

Article 1. Statutory Authorization, Findings of Fact, Purpose and Methods

Sec. 8-3.101. Statutory authorization.

The Legislature of the State of California has, in Government Code Sections 65302, 65560 and 65800, conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.102. Findings of fact.

(a) The special flood hazard areas of Yolo County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in area of special flood hazards which increase flood heights and velocities also contribute to the flood loss. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.103. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) protect human life and health;

(b) minimize expenditure of public money for costly flood control projects;

(c) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) minimize prolonged business interruptions;

(e) minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(f) help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

(g) ensure that potential buyers are notified that property is in an area of special flood hazard; and

(h) ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.104. Methods of reducing flood losses.

In order to accomplish its purpose, this chapter includes methods and provisions to:

(a) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(d) Control filling, grading, dredging, and other development which may increase flood damage; and

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (§ 1, Ord. 1143, eff. June 18, 1992)

Article 2. Definitions

Sec. 8-3.200. Scope.

Unless specifically defined in this article, words or phrases used in this chapter shall be

interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.201. Accessory use.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

Sec. 8-3.202. Appeal.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.203. Area of shallow flooding.

"Area of shallow flooding" means a designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.204. Area of special flood hazard.

See "Special flood hazard area." (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.205. Base flood.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.206. Basement.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.207. Building.

See "Structure". (added by §2, Ord. No. 1221, effective April 2, 1998.)

Sec. 8-3.208. Development.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. For the purposes of this chapter, the following activities shall not be considered development:

(a) Typical agricultural activities, such as plowing, seeding, cultivating, harvesting, field leveling contouring, and planting; and

(b) Residential and commercial landscape maintenance. (§ 1, Ord. 1143, eff. June 18, 1992, as amended by § 2, Ord. 1282, eff. April 25, 2002)

Sec. 8-3.209. Encroachment.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain. (§ 2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.210. Existing manufactured home park or subdivision.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities serving the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by Yolo County. (§ 2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.211. Expansion to an existing manufactured home park or subdivision.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads). (§ 2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.212. Flood, or flooding or floodwater.

"Flood, flooding or floodwater" means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.213. Flood Boundary and Floodway Map.

(§ 1, Ord. 1143, eff. June 18, 1992, repealed § 3, Ord. 1282, eff. April 25, 2002)

Sec. 8-3.214. Flood Insurance Rate Map (FIRM).

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both

the areas of special flood hazards, the floodway, and the risk premium zones applicable to the community. (§ 1, Ord. 1143, eff. June 18,1992, as amended by § 4, Ord. 1282, eff. April 25, 2002)

Sec. 8-3.215. Flood Insurance Study.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, and the water surface elevation of the base flood. (§ 1, Ord. 1143, eff. June 18, 1992, as amended by § 5, Ord. 1282, eff. April 25, 2002)

Sec. 8-3.216. Floodplain or flood-prone area.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see "flood, flooding or floodwater"). (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.217. Floodplain Administrator.

"Floodplain Administrator" is the Director of the Yolo County Planning and Public Work department or their designee. (§2, Ord. 1221, eff. April 2, 1998, as amended by § 6, Ord. 1282, eff. April 25, 2002)

Sec. 8-3.218. Floodplain management.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.219. Floodplain management regulations.

"Floodplain management regulations" means this chapter, zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinances), and other applications of police power which control development in flood-prone areas. The term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.220. Floodproofing.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.221. Floodway.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway." (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.222. Floodway fringe.

"Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted. (§2, Ord. No. 1221, eff. April 2, 1998)

Sec. 8-3.223. Fraud and victimization.

"Fraud and victimization" as related to Article 6 of this chapter, Variances, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Floodplain Administrator will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates. (§2, Ord. No. 1221, eff. April 2, 1998)

Sec. 8-3.224. Functionally dependent use.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.225. Governing Body.

"Governing body" is the Board of Supervisors and its designees, which are empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.226. Hardship.

"Hardship" as related to Article 6 of this chapter, Variances, means the exceptional hardship that would result from a failure to grant the requested variance. Yolo County requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors otherwise cannot, as a result, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.227. Highest adjacent grade.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.228. Historic Structure.

"Historic structure" means any structure that is:

(a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

(c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.229. Levee.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.230. Lowest floor.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement) (see "Basement"). An unfinished or flood resistant enclosure, below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided it conforms to applicable non-elevation design requirements including, but not limited to:

(a) the wet floodproofing standards in Section 8-3.501.(c).(4);

(b) the anchoring standards in Section 8-3.501.(a);

(c) the construction materials and methods standards in Section 8-3.501.(b); and

(d) the standards for utilities in Section 8-3.502. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.231. Manufactured home.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. For floodplain management purposes the term "manufactured home" does not include a "recreational vehicle". (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.232. Manufactured home park or subdivision.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.233 . Mean sea level.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.234. Minor Variance.

"Minor variance" means a grant of relief from the requirements of this chapter to allow the use of wet floodproofing in the construction of specific types of structures, including: structures functionally dependent on close proximity of water; historic buildings; accessory structures; and agricultural structures. Any minor variance approved under this chapter shall comply with the requirements of all other applicable provisions of this chapter. (§2, Ord. 1221, eff. April 2, 1998, as amended by § 7, Ord. 1282, eff. April 25, 2002)

Sec. 8-3.235. New construction.

"New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this County and includes any subsequent improvement to such structures. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.236. New manufactured home park or subdivision.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Yolo County. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.237. Obstruction.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting in any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.238. One hundred-year flood.

See "Base flood." (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.239. Public safety and nuisance.

"Public safety and nuisance" as related to Article 6 of this chapter, Variances, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay stream, canal, or basis. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.240. Recreational vehicle.

"Recreational vehicle" means a vehicle which is: built on a single chassis; is four hundred (400) square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters for emergency housing, recreational, camping, travel, or seasonable use. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.241. Regulatory floodway.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, as designated on the FIRMs. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.242. Remedy a violation.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the regulations or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.243. Riverine.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.244. Special flood hazard area (SFHA).

"Special Flood Hazard Area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on a FHBM or FIRM as Zone A, AO, AI-30, or AE, or A99. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.245. Start of construction.

"Start of construction" includes substantial improvement and other proposed new development, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or

foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.246. Structure.

"Structure" means a walled and roofed building that is principally above ground. This includes a liquid storage tank or a manufactured home. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.247. Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.248. Substantial improvement.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. For purposes of this section, the cost of all reconstruction, rehabilitation, addition or other development within the three year period prior to the "start of construction" shall be used to calculate whether the proposed "substantial improvement" would exceed 50 percent of the market value of the structure. "Substantial improvement" includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) any project for improvement of a structure to correct existing violations or comply with state or local health, sanitary, or safety code specifications which have been identified by Yolo County and which are the minimum necessary to assure safe living conditions; or

(b) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure.". (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.249. Variance.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.250. Violation.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.251. Water surface elevation.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1020, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.252. Watercourse.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (§2, Ord. 1221, eff. April 2, 1998)

Article 3. General Provisions

Sec. 8-3.301. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of Yolo County. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.302. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study for Yolo County, dated April 2, 2002 (and all subsequent revisions) and accompanying Flood Insurance Rate Maps (FIRMs), dated December 16, 1980, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. The flood Insurance Study and FIRMs are on filed at the Yolo County Community Development Agency, 292 West Beamer Street, Woodland, CA, 95695. This Flood Insurance Study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended by the Floodplain Administrator and adopted by the Planning

Commission. (§ 1, Ord. 1143, eff. June 18, 1992, as amended by § 8, Ord. 1282, eff. April 25, 2002)

Sec. 8-3.303. Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Board of Supervisors from taking such lawful action as is necessary to prevent or remedy any violation. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.304. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another provision of local law, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent
restrictions shall prevail. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.305. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.306. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Yolo County, any officer or employee thereof, the State of California, the Federal Insurance Administration, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.307. Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (§2, Ord. 1221, eff. April 2, 1998)

Article 4. Administration

Sec. 8-3.401. Establishment of flood hazard development permit.

(a) A Flood Hazard Development Permit shall be obtained before any construction or other development begins within any area of special flood hazards established in Section 8-3.302. Application for a Flood Hazard Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(1) proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or

(2) proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, if required in Section 8-3.501.(c).(4); and

(3) all appropriate certifications listed in Section 8-3.403(d) of this chapter; and

(4) description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(5) in the A99 zone, base flood elevation and construction specifications shall be provided by a licensed engineer.

(6) all new proposed development (including proposals for manufactured home parks and subdivisions) greater than 50 lots of 5 acres, whichever is less, and located in areas of special flood hazards where base flood elevations have not been provided, shall include base flood elevation data prepared by a registered professional engineer.

In addition to the foregoing, the Floodplain Administrator may require such other information relevant to the project as needed in order to enforce this chapter.

(b) Application for Flood Hazard Development Permits shall be submitted to the Floodplain Administrator for review and

determination as to completeness. If the application is determined to be incomplete, the Floodplain Administrator shall notify the applicant in writing within 30 days of receipt of the application, specifically describing the information necessary to complete the application. The application shall not be processed until the Floodplain Administrator has determined it to be complete and the appropriate fees have been paid.

(c) After considering the evidence submitted, the Floodplain Administrator shall approve, conditionally approve, or deny the application by a written decision setting forth the findings supporting the action. Approval may be granted subject to any relevant condition which the Floodplain Administrator may deem necessary to effectuate the purposes of this chapter. If the application is conditionally approved, the conditions shall be specified in writing.

(d) Within 10 days after the decision, the Floodplain Administrator shall mail a copy of the decision to the applicant. Copies of the decision shall also be mailed to any other person with an interest in the application, who has deposited a self-addressed, stamped envelope with the Floodplain Administrator for the purpose of receiving a copy of the decision. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.402. Designation of the Floodplain Administrator.

The Planning and Public Works Department Director, or designee, is appointed as the Floodplain Administrator and shall administer, implement and enforce this chapter by granting or denying development permits in accordance with this provisions. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.403. Duties and responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

(a) Permit review. Review all development permits to determine that:

(1) the permit requirements of this chapter have been satisfied;

(2) all other required state and federal permits have been obtained;

(3) the site is reasonably safe from flooding; and

(4) the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

(b) Review and use of any other base flood data. When base flood elevation data has not been provided in accordance with Section 8-3.302 the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Article 5 of this chapter. Any such information shall be submitted to the Planning Commission for adoption.

(c) Notification of other agencies. Whenever a watercourse if to be altered or relocated.

(1) notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency;

(2) assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

(d) *Documentation of floodplain development*. Obtain and maintain for public inspection and make available as needed for the following:

(1) The certification required in Section 8-3.501.(c).(1) (floor elevations);

(2) The certification required in Section 8-3.501.(c).(2) (elevation or floodproofing of nonresidential structures);

(3) The certification required in Section 8-3.501.(c).(b) (wet floodproofing standard);

(4) The certification required in Section 8-3.503.(b)(subdivision standards);

(5) The certification required in Section 8-3.506.(a) (floodway encroachments).

(e) *Map determinations*. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 6 of this chapter.

(f) *Remedial action*. Take action to remedy violations of this chapter as specified in Section 8-3.406. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.404 Flood hazard development permit procedures within the CCRMP area.

The provisions of this section shall only apply to construction or development within any area of special flood hazard, that occurs within the boundaries of the Cache Creek Resources

Management Plan (CCRMP). The provisions of this section shall be followed in addition to any other regulations of this chapter applied to the flood hazard development permit.

(a) *Administration.* The Resources Management Coordinator (RMC) may be the designee for the Floodplain Administrator, for consideration of Flood Hazard Development Permits within the boundaries of the CCRMP.

(b) *Permit review.* All Flood Hazard Development Permit applications shall be submitted to the RMC for review. The RMC shall solicit the recommendations of the Technical Advisory Committee (TAC) regarding the proposed Flood Hazard Development Permit for consideration by the Floodplain Administrator, or designee. Applications for Flood Hazard Development Permits shall include, but shall not be limited to, the following:

(1) A description of the potential effects of the proposed project on hydraulic conditions upstream and downstream of the proposed channel modifications; and

(2) A chemical spill prevention and emergency plan (or its equivalent) filed and approved by the appropriate lead agency for all long-term projects that involve the use of heavy equipment.

(c) *Findings.* A Flood Hazard Development Permit may be approved pursuant to this section only if all of the following findings are made:

(1) that the proposed channel modification is consistent with any County-administered general permits from agencies of jurisdiction (e.g. California Department of Fish and Game, U.S. Army Corps of Engineers, Regional Water Quality Control Board); or alternatively, that all other state and federal permits have been obtained;

(2) that any sand and gravel removed from the channel as a result of the proposed modification is necessary for one or more of the following reasons:

(i) to provide flood control,

(ii) to protect existing structures,

(iii) to minimize bank erosion, and

(iv) to implement the Test 3 boundary;

(3) that the proposed channel modification will protect sensitive biological resources;

(4) that the proposed channel modification is consistent with the requirements of both the CCRMP and the Cache Creek Improvements Plan (CCIP); and

(5) that existing flooding problems are not exacerbated by the proposed channel modification.

(d) *Permit conditions.* Documentation shall be submitted, once the project has been completed, to provide a record of as-built conditions. (§ 1, Ord. 1192A, eff. September 19, 1996)

Sec. 8-3.405. Appeals.

(a) *Floodplain Administrator Appeals*. The action of the Floodplain Administrator on any decision made pursuant to this chapter shall be final unless, within fifteen (15) days after such action, any person with appropriate legal standing files a written appeal, and pays the appropriate fee, to the Clerk of the Planning Commission. The Planning Commission of Yolo County shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. The timely filing of an appeal shall stay the Floodplain Administrator's decision, which shall serve as a recommendation to the Planning Commission. All such appeals shall reference the decision of the Floodplain Administrator and shall specifically describe the grounds for the appeal.

(b) *Planning Commission Hearing*. The hearing on an appeal of a decision by the Floodplain Administrator shall be scheduled within 60 days from when the appeal was filed. The Floodplain Administrator shall provide written notice of the time, date, and place of the appeal hearing to the applicant and the appellant not later than ten days preceding the appeal hearing. Upon hearing the appeal, the Commission shall either affirm, reverse, or modify the appealed decision, or refer the matter back to the Floodplain Administrator for further action.

(c) *Planning Commission appeals.* The action of the Commission on any decision made pursuant to this chapter shall be final unless, within 15 days after such action, any person with appropriate legal standing files a written appeal, and pays the appropriate fee, to the Clerk of the Board of Supervisors. The timely filing of an appeal shall stay the Planning Commission's decision, which shall serve as a recommendation to the Board of Supervisors. All such appeals shall reference the decision of the Planning Commission and shall specifically describe the grounds for the appeals.

(d) *Board of Supervisors hearing.* The hearing on an appeal of a decision shall be scheduled within 60 days from when the appeal was filed. The clerk of the Board shall provide written notice of the time, date and place of the appeal hearing to the applicant and the appellant not later than ten days preceding the appeal hearing. Upon hearing the appeal, the Board of Supervisors shall either affirm, reverse, or modify the appealed decision, or refer the matter back to the Planning Commission for further action.

(e) *Notices*. Any notice authorized or required by this chapter shall be deemed to have been filed, served, and effective for all purposes on the date when it is personally

delivered in writing to the party to whom it is directed or deposited in the U.S. Mail, first class postage prepaid. Whenever a provision in this chapter requires a public hearing to be conducted, notice of the time, date, place, and purpose of the hearing shall be published at least once not later than 10 calendar days in advance of the date of commencement of the hearing in a newspaper of general circulation which is published within the County. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.406. Violations.

(a) Violation of any of the provisions in this chapter shall constitute an infraction and shall be subject to fines in accordance with Section 25132 of the Government Code.

(b) Written notice of violation shall be provided to any person who fails to comply with the provisions of this chapter or an approved Flood Hazard Development Permit. The violation notice shall specifically describe both the nature of the violation and the remedial steps required for compliance. Failure to comply with the notice of violation shall be considered a public nuisance and shall constitute a misdemeanor. Violations may be remedied by injunction or other civil proceeding commenced in the name of the County pursuant to direction by the Board of Supervisors. (§2, Ord. 1221, eff. April 2, 1998)

Article 5. Provisions for Flood Hazard Reduction

Sec. 8-3.501. Standards of construction.

In all areas of special flood hazards the following standards are required:

(a) *Anchoring.*

(1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) All manufactured homes shall meet the anchoring standards of Section 8-3.504.

(b) *Construction materials and methods.* All new construction and substantial improvements shall be constructed:

(1) with materials and utility equipment resistant to flood damage;

(2) using methods and practices that minimize flood damage;

(3) with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if

(4) within Zone AO, there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(c) *Elevation and floodproofing.* (See "Basement," "Lowest floor," "New construction," "Substantial damage," and "substantial improvement."

(1) Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

(i) In an AO zone, elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified.

(ii) In an A zone, elevated at least one foot above the base flood elevation, as determined by the community.

(iii) In all other SFHA Zones, elevated at least one foot above the base flood elevation.

Prior to the framing of walls and/or floors of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor to be properly elevated. Within the AO zone, the elevation of the lowest floor may also be certified to be properly elevated by the County Building Official. Such certification or verification shall be provided to the Floodplain Administrator.

(2) Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 8-3.501.(c).(1), or together with attendant utility and sanitary facilities;

(i) be floodproofed below the elevation recommended under Section 8-3.501.(c).(1) so that the structure is watertight with walls substantially impermeable to the passage of water;

(ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(iii) be certified by a registered professional engineers that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.

(3) All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exist of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria;

(i) have a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all

openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

(ii) be certified by a registered professional engineer or architect.

(4) Manufactured homes shall also meet the standards in Section 8-3.504.

(5) In the A99 zone all new construction and substantial improvements shall have base flood evaluation and construction specifications determined by a registered professional engineer and approved by the Floodplain Administrator. (§ 1, Ord. 1143, eff. June 18, 1992, as amended by § 9, Ord. 1282, eff. April 25, 2002)

Sec. 8-3.502. Standards for utilities.

(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.503. Standards for subdivisions.

(a) All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.

(b) All final subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(c) All subdivision proposals shall be consistent with the need to minimize flood damage.

(d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.504. Standards for manufactured homes.

(a) All manufactured homes that are placed or substantially improved, within special flood hazard areas, on sites located:

(1) outside of a manufactured home park or subdivision,

(2) in a new manufactured home park or subdivision,

(3) in an expansion to an existing manufactured home park or subdivision, or

(4) in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

shall be elevated on a permanent foundation such that the lowest flood of the manufactured home is elevated to at least one foot above the base flood elevation and shall be securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement.

(b) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of Section 8-3.504(a) shall be securely fastened to an adequately anchored foundation system to resist floatation collapse, and lateral movement, and shall be elevated so that either the:

(1) lowest floor of the manufactured home is at least one foot above the base flood elevation, or

(2) manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade. (§ 1, Ord. 1143, eff. June 18, 1992)

Sec. 8-3.505. Standards for recreational vehicles.

All recreational vehicles placed on sites within special flood hazard areas will either:

(a) be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway uses – a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

(b) meet the permit requirements of Article 4 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 8-3.504.(a). (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.506. Floodways.

Located within areas of special flood hazard established in Section 8-3.302 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(a) prohibit encroachments, including fill, new construction, substantial improvements, and other new development unless certification by a registered professional engineer is

provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.

(b) in addition to the requirements of subsection (a) of this section, all new construction, substantial improvements, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this article. (§ 1, Ord. 1143, eff. June 18, 1992)

Article 6. Variances

Sec. 8-3.601. Nature of variances.

The variance criteria set forth in this article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself (e.g., size, shape, topography, location, and/or surroundings), not to the structure, its inhabitants, or the property owners. Variances shall only be granted when the strict application of this chapter deprives such property of privileges enjoyed by other property in the vicinity and located within identical flood zones. In addition, conditions shall be attached to variances as necessary to ensure that such approvals do not grant special privileges that are inconsistent with the limitations of other properties in the vicinity and flood zone in which the proposed development is located.

It is the duty of Yolo County to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. Variances may not be granted for any activity which is not expressly authorized by the provisions of this chapter. (§2, Ord. 1121, eff. April 2, 1998)

Sec. 8-3.602. Variance Procedures.

(a) In passing upon requests for variances, the Planning Commission shall consider all technical evaluations, all relevant factors, standards in other sections of this chapter, and the:

(1) danger that materials may be swept into other lands to the injury of others;

(2) danger to life and property due to flooding or erosion damage;

(3) susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

(4) importance of the services provided by the proposed facility to the community;

(5) necessity to the facility of a waterfront location, where applicable;

(6) availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) compatibility of the proposed use with existing and anticipated development;

(8) relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) safety of access to the property in time of flood for ordinary and emergency vehicles;

(10) expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,

(11) costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

(b) Any applicant to whom a variance is granted shall be given written notice over the signature of the Floodplain Administrator that:

(1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for each $100 of insurance coverage, and

(2) such construction below the base flood level increases risk to life and property.

A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Yolo County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(c) The Floodplain Administrator shall maintain the records of variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.603. Conditions for Variances.

(a) General, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Article 4 and 5 of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(b) Variances may be issued for the repair or rehabilitation or "historic structures" upon a determination that the proposed repair or rehabilitation will be preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means that the Planning Commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to the elevation which the Planning Commission believes will both provide relief and preserve the integrity of the local ordinance.

(e) Variances shall only be issued upon a:

(1) showing of good and sufficient cause;

(2) determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and

(3) determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, crease a nuisance, cause fraud or victimization of, the public, or conflict with existing local laws or ordinances.

(f) Variances may be issued for new construction and substantial improvements, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (a) through (3) f this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(g) the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (§2, Ord. 1221, eff. April 2, 1998)

Sec. 8-3.604. Minor variances.

The Floodplain Administrator may approve a minor variance to allow wet floodproofing for the following specific categories of structures:

(1) *Structures functionally dependent on close proximity to water.* A "functional dependent use," such as docking, seafood processing, and port facilities may be wet floodproofed upon approval of a minor variance.

(2) *Historic buildings*. Minor variances may be approved for the repair and rehabilitation of "historic structures," upon determination by the Floodplain Administrator that:

(i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure; and

(ii) the proposed minor variance is the minimum necessary to preserve the historic character and design of the structure.

(3) *Accessory structures*. Types of accessory structures that qualify for a minor variance shall be limited to those that are used solely for parking (two-car detached garages or smaller) and/or limited storage capacity of inexpensive contents (e.g., small, low-cost sheds). For the purposes of this section, "small, low-cost accessory structures" shall mean those structures that have a roof area not more than 400 square feet. Minor variances approved for accessory structures shall include the following requirements:

(i) the structure shall be anchored to resist flotation, collapse, and lateral movement;

(ii) portions of the structure located below the base flood elevation shall be constructed of flood-resistant materials;

(iii) the structure shall be designed to allow for the automatic entry of flood waters;

(iv) mechanical and utility equipment shall be elevated or floodproofed to or above the bas flood evaluation;

(v) use of the structure shall be restricted to parking and/or limited storage; and

(vi) the structure shall comply with all other applicable provisions of this chapter.

(4)*Agricultural structures*. Types of agricultural structures that qualify for a minor variance include: farm storage structures used exclusively for the storage of farm machinery and equipment (e.g., pole and prefabricated metal frame structures with open or closed sides); grain bins; corn cribs; and general purpose barns for the temporary feeding of livestock, provided they remain open on at least one side. minor variances approved for agricultural structures shall include the following requirements:

(i) the structure shall be anchored to resist flotation, collapse, and later movement;

(ii) portions of the structure located below the base flood elevation shall be constructed of flood-resistant materials;

(iii) the structure shall be designed to allow for the automatic entry of flood waters;

(iv) mechanical and utility equipment shall be elevated or floodproofed to or above the base flood elevation;

(v) the structure shall be used solely for agricultural purposes, including the production, harvesting, storage, drying, or raising of agricultural commodities and/or livestock;

(vi) The structure shall be designed so that damage to the structure and its contents are minimized, and no additional threats to public safety are created; and

(b) Any minor variance approved under this section shall ensure compliance with the requirements of all other applicable provisions of this chapter. (§2, Ord. 1221, eff. April 2, 1998)

Chapter 4

INSTALLATIONS OF MOBILE HOMES ON FOUNDATIONS IN CERTAIN ZONES

Sections:

Article 1. Title, Purpose, and Authority

Sec. 8-4.101. Purpose.

The purpose of this chapter is to set forth the requirements regarding the installation of mobile homes in the Mobile Home Combining Zone (MHF) or in the agricultural (A) zones within the County. (§ 3, Ord. 681.84, eff. November 26, 1981)

Sec. 8-4.102. Authority.

This chapter is enacted pursuant to the authority set forth in Section 65852.3 of the Government Code of the State; Sections 18300 and 18551 of the Health and Safety Code of the State and administrative regulations adopted pursuant thereto; the State Planning Law set forth in Title 7 of the Government Code of the State; and the County's general police power provided in Section 7 of Article XI of the Constitution of the State. (§ 3, Ord. 681.84, eff. November 26, 198 1)

Sec. 8-4.103. Scope.

This chapter shall apply only to mobile homes located outside mobile home parks, which mobile homes are placed on foundations. (§ 3, Ord. 681.84, eff. November 26, 1981)

Article 2. Definitions

Sec. 8-04.201. Director.

"Director" shall mean the Director of the Community Development Agency of the County, or his successor in duty and function, or the Director's designate. (§ 3, Ord. 681.84, eff. November 26, 1981)

Sec. 8-4.202. Foundation.

"Foundation" shall mean a foundation system for a mobile home which means the mobile home foundation system standards approved by the Department of Housing and Community Development of the State pursuant to Section 18551 of the Health and Safety Code of the State. (§3, Ord. 681.84, eff. November 26, 1981)

Sec. 8-4.203. Mobile Home Combining Zone (MHF).

"Mobile Home Combining Zone (MHF)" shall mean an area zoned as being compatible for the installation of mobile homes pursuant to Article 23.2 of Chapter 2 of this title. (§ 3, Ord. 681.84, eff. November 26, 1981)

Sec. 8-4.204. Mobile home.

"Mobile home" shall mean and be limited to those mobile homes constructed or purchased after January 1, 1974, and certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Sections 5401, et seq.), and/or which bear an insignia of approval issued by the Department of Housing and Community Development of the State, which mobile homes are designed and equipped, and are intended to be used, to contain not more than one residential dwelling unit. "Mobile home" shall not include a recreational vehicle, commercial coach, or factory-built housing, as defined in Section 19971 of the Health and Safety Code of the State. (§ 3, Ord. 681.84, eff. November 26, 1981)

Article 3. Prohibitions

Sec. 8-4.301. Installations of mobile homes on foundations without permits.

It shall be a violation of this chapter for any person to install a mobile home on a foundation unless the Director has approved the site plan for the parcel upon which such mobile home will be located pursuant to Article 4 of this chapter and all the design criteria set forth in Article 5 of this chapter, and all the conditions on the approval of such site plan have been satisfied. (§ 3, Ord. 681.84, eff. November 26, 1981)

Article 4. Site Plan Approval

Sec. 8-4.401. Site plan approval: Procedure.

No mobile home shall be approved for installation on a foundation unless a site plan for the proposed mobile home has been approved by the Director pursuant to this article.

The procedure for such site plan review shall be as set forth in Article 27 of Chapter 2 of this title, and the Director's decision shall be appealable to the Planning Commission and the Board of Supervisors as set forth in said article.

On an appeal the Planning Commission and Board of Supervisors shall apply the requirements of this chapter. (§ 3, Ord. 681.84, eff. November 26, 1981)

Sec. 8-4.402. Site plan approval: Findings.

No site plan for the installation of a mobile home on a foundation shall be approved unless all the following findings are made in the affirmative:

(a) That the mobile home owner has provided adequate written evidence that he or she owns or holds title to the real property where the mobile home is to be installed, and the installation of a mobile home on a foundation would not violate any covenant, condition, or restriction of record. Such evidence shall take the form of a preliminary title report, issued by a licensed title company for the purposes of title insurance, and a copy of any recorded restrictive covenant. "Owns or holds title to the real property" shall mean that the applicant is seized of an undivided fee interest in the subject parcel, whether or not such fee is subject to a security interest by deed of trust or mortgage;

(b) That the applicant has provided written consent from any person who holds legal title to the mobile home to install the mobile home on a foundation system, such consent of sufficient specificity to enable the Director to verify the consent;

(c) That the location of a dwelling on the proposed property is a permitted or accessory use in the zone or, if a conditional use permit is required, that such use permit has been issued and all conditions have been satisfied;

(d) That the property is zoned within a Mobile Home Combining Zone (MHF) as required by Article 23.2 of Chapter 2 of this title, or a mobile home on a foundation is a permitted or approved conditional use in the zone;

(e) If the property is zoned within a Mobile Home Combining Zone (MHF), and such zone embodies design standards for mobile homes, that the mobile home proposed to be installed complies with the design standards applicable within the particular Mobile Home Combining Zone (HF);

(f) That the parcel in question was created in conformity with, and complies with all the requirements of, the Subdivision Map Act of the State;

(g) That the proposed use is consistent with the General Plan;

(h) That the proposed use conforms to all the applicable requirements of Federal or State laws or regulations and all other applicable requirements of this Code and/or the General Plan. Such conformity shall be evidenced by the written comments of all agencies with jurisdiction regarding their requirements to insure compliance with the laws and/or regulations each enforces or by their absence of comment within the comment period;

(i) That the design of the proposed installation conforms to all the design criteria set forth in Article 5 of this chapter; and

(j) That all other approvals and/or permits required for the particular parcel and installation in question to be issued by the County, except the building permit, have been issued and/or approved. (§ 3, Ord. 681.84, eff. November 26, 1981)

Sec. 8-4.403. (Not used).

Sec. 8-4.404. Site plan approval: Conditions.

The Director may conditionally approve a site plan subject to such conditions as are required to enable the proposed use to comply with all the findings set forth in Section 8-3.402 of this article. Such conditions shall be satisfied before a building permit is issued for the subject improvements and may include a cash deposit, bonds, and/or contractual agreements satisfactory to the County to meet the required conditions at the time specified therein. (§ 3, Ord. 681.84, eff. November 26, 1981)

Sec. 8-4.405. Site plan approval: Fees.

All applicants for site plan approval pursuant to this article shall pay a fee in the amount set by the Board of Supervisors by resolution to the Community Development Agency; such applications shall not be certified as complete for acceptance until such fee is received. Such fee shall be in addition to any

other fee required by this Code or other laws or regulations for the application in question.

The fee referenced in this section shall be waived if a fee for a use permit and/or a variance processed in conjunction with the same site plan approval has been paid. Such fee shall be in addition to, and not in lieu of, fees paid for the processing of land division maps. (§ 3, Ord. 681.84, eff. November 26, 1981)

Article 5. Design Criteria

Sec. 8-4.501. Purpose.

The purpose of this article is to set forth uniform standards and criteria for the design, dimensions, facilities, and related structures and improvements of mobile homes proposed to be located on foundations, so as to insure their compatibility for such use within the area in question, and to insure compliance with any design criteria applicable in the particular Mobile Home Combining Zone (MHF) in which they are located, so as to allow such uses to locate in the areas proposed with reasonable harmony with the existing structures and reasonably minimize damage to the natural or man-made environment of the area or to the value of properties within the area.

Such design criteria are intended to be applied so as to maximize the harmony between the existing structures within the area and the proposed mobile home uses and to insure compatibility between the mobile home uses and the design criteria met by conventionally built dwellings within the area. (§ 3, Ord. 681.84, eff. November 26, 1981)

Sec. 8-4.502. Design criteria.

No mobile home shall be located on a foundation outside a mobile home park in any zone in the unincorporated portions of the County unless all the following criteria are met:

(a) The mobile home shall be occupied only as a single-family residential use.

(b) The mobile home shall be subject to and comply with all the zoning provisions of this Code applying to residential structures in the subject zone.

(c) The mobile home shall be attached to a permanent foundation system which complies with the requirements of the Department of Housing and Community Development of the State.

(d) The mobile home shall have a floor area of sufficient size to be compatible with existing dwellings in the area or as required by the Mobile Home Combining Zone (MHF).

(e) A storage building of at least eighty (80) square feet in interior floor space and enclosed with full walls shall be provided on the lot with the mobile home, unless a garage is provided pursuant to subsection (j) of this section.

(f) In all areas zoned Mobile Home Combining Zone (MHF), the mobile home shall be covered with an exterior material and color compatible with that used on conventional dwellings in the surrounding area and approved by the Director. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation but shall meet the requirements of the applicable Building Codes.

(g) The mobile home shall have a roof of not less than three (3”) inch rise for each twelve (12”) inches of horizontal run, and be constructed of a roofing material and color compatible with that used for conventional dwellings in the surrounding area, and be approved by the Director.

(h) The Director may require the construction of a porch or porches when it is necessary to render the design of the mobile home compatible with existing dwellings in the surrounding area.

(i) The mobile home shall have a roof line and eave extension compatible with those on conventional dwellings in the surrounding area.

(j) Parking shall be provided as required by the applicable provisions of this Code. The requirement for a garage and its minimum area shall be as set forth in the design standards established pursuant to Section 8-2.2323 of Article 23.2 of Chapter 2 of this title for the particular Mobile Home Combining Zone (MHF) in question. When attached, such garage shall not be supported in any fashion by the mobile home. The garage shall be constructed of the same or a similar material and color on the exterior and roof surface as the mobile home exterior and color. The construction of such garage shall be subject to applicable building permit requirements.

(k) The grading, landscaping, and irrigation required for the mobile home site shall be the same as that of other conventional dwellings in the surrounding area.

(l) The level of the floor of the mobile home shall be the same as that of other conventional dwellings in the surrounding area; provided, however, in no event shall the level of the floor be less than that required by Chapter 3 of this title relating to Flood Plain Management. (§ 3, Ord. 681.84, eff. November 26, 1981, as amended by § 1, Ord. 681.87, eff. January 7, 1982)

Sec. 8-4.503. Design criteria for attaching mobile homes to existing structures.

A mobile home may be attached to an existing conventional structure or another mobile home earlier installed on a foundation

with the approval of the Director. The Director shall not approve such use unless all the following findings are made:

(a) That the mobile home will comply in all respects with Article 4 of this chapter and all other Federal, State, and County regulations regarding the placement of mobile homes on foundations; and

(b) That the roof design, color, and material and the siding material and color shall reasonably match the structure to which the mobile home is proposed to be attached. (§ 3, Ord. 681.84, eff. November 26, 1981)

Sec. 8-4.504. Attaching conventional structures to mobile homes.

A structure of conventional construction may be added to a mobile home which has been installed in compliance with Article 4 of this chapter and shall be constructed in conformity with the Uniform Building Code and applicable State regulations. (§ 3, Ord. 681.84, eff. November 26, 1981)

Article 6. Variances

Sec. 8-4.601. Variances authorized.

The Director may authorize variances to the design criteria set forth in Article 5 of this chapter. (§ 3, Ord. 681.84, eff. November 26, 1981)

Sec. 8-4.602. Procedure for variances.

The findings required to grant a variance pursuant to this article shall be those set forth in Article 29 of Chapter 2 of this title. (§ 3, Ord. 681.84, eff. November 26, 1981)

Article 7. Violations

Sec. 8-4.701. Violations.

The installation of a mobile home on a foundation without an approved site plan or in violation of the conditions of approval shall constitute a violation of this chapter, and, in addition, shall constitute a violation of the zoning provisions set forth in Chapter 2 of this title, and shall be abated pursuant to Article 31 of said Chapter 2. (§ 3, Ord. 681.84, eff. November 26, 1981)

Chapter 5

OTHER LAND DEVELOPMENT REGULATIONS

Sections:

Article 1. Interim Classroom Facilities

Sec. 8-5.101. Title.

This article shall be known as the "School Impact Fee Law of the County of Yolo". (§ 1, Ord. 936, eff. October 28, 1982)

Sec. 8-5.102. Authority.

The authority for this article is Chapter 4.7 of Division 1 of Title 7 of the Government Code of the State (commencing with Section 65970) and particularly Section 65974. (§ 1, Ord. 936, eff. October 28, 1982)

Sec. 8-5.103. Intent.

The Board finds and declares as follows:

(a) Adequate school facilities should be available for children residing in new residential developments.

(b) Public and private residential developments may require the expansion of existing public schools or the construction of new school facilities.

(c) In many areas of the County, the funds for the construction of new classroom facilities are not available when new development occurs, resulting in the overcrowding of existing schools.

(d) New housing developments frequently cause conditions of overcrowding in existing school facilities which conditions cannot be alleviated under existing laws within a reasonable period of time.

(e) For the reasons set forth in this section, new and improvement methods of financing for interim school facilities necessitated by new development are needed in the County. (§ 1, Ord. 936, eff. October 28, 1982)

Sec. 8-5.104. Definitions.

Words used in this article which are also used in Chapter 4.7 of Division 1 of Title 7 of the Government Code of the State, relied upon as the authority for this article, shall have the same meanings as the words have in said Chapter 4.7. In addition, the following definitions shall apply:

(a) "Conditions of overcrowding" shall mean that the total enrollment of a school, including the enrollment from proposed development, exceeds the capacity of such school as determined by the governing body of the school district.

(b) "Reasonable methods for mitigating conditions of overcrowding" shall mean and include, but not be limited to, agreements between a subdivider and the affected school district whereby temporary-use buildings will be leased to the school district, or temporary-use buildings owned by the school district will be used.

(c) "Residential development" shall mean a project containing residential dwellings, including mobile homes, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units. (§ 1, Ord. 936, eff. October 28, 1982)

Sec. 8-5.105. Action by school districts.

The governing body of any school district which operates an elementary or high school which serves the unincorporated territory of the County may adopt and file with the Clerk of the Board a declaration of impact, supported by clear and convincing evidence, making the following findings:

(a) That conditions of overcrowding exist in one or more attendance areas within the school district which will impair the normal functioning of educational programs, including the reason for such conditions existing; and

(b) That all reasonable methods for mitigating conditions of overcrowding have been evaluated, and no feasible method for reducing such conditions exists. The declaration of impact shall specify the mitigation measures considered by the school district. (§ 1, Ord. 936, eff. October 28, 1982)

Sec. 8-5.106. Action by the Board of Supervisors.

If the Board concurs in such findings, it shall declare its concurrence by resolution after a public hearing. Within an attendance area where the Board has declared its concurrence that conditions of overcrowding exist, the County shall not approve an ordinance rezoning property to a residential use, grant a discretionary permit for residential use, or approve a tentative subdivision map for residential purposes within such area unless the County requires, as a condition of the approval of new development within the attendance area of an impacted school, either the dedication of land, the payment of fees in lieu thereof, or a combination of both, in accordance with the provisions of Section 65974 of the Government Code of the State, or unless the Board finds that there are specific overriding fiscal, economic, social, or environmental factors which, in the judgment of the Board, would benefit the County, thereby justifying the approval of a residential development otherwise subject to Section 65974 of the Government Code of the State. (§ 1, Ord. 936, eff. October 28, 1982)

Sec. 8-5.107. Consultations.

Before determining the amount of any fee or the decision to accept land, fees, or a combination of both, the Board shall consult with the school district in question. (§ 1, Ord. 936, eff. October 28, 1982)

Sec. 8-5.108. Fees.

The amount of any fee shall be prescribed by resolution of the Board and shall be collected at the time of the issuance of a building permit. (§ 1, Ord. 936, eff. October 28, 1982)

Sec. 8-5.109. Use of fees: Accounting.

(a) The school district shall use the fees and/or land solely to alleviate conditions of overcrowding within the affected attendance area.

(b) The school district shall provide to the Board the schedule and report required by Sections 65976 and 65978 of the Government Code of the State. (§ 1, Ord. 936, eff. October 28, 1982)

Sec. 8-5.110. Right to disapprove development.

Nothing in this article shall be read to limit the right of the County to disapprove new residential development for any lawful reason, including, but not limited to, the impact such development may have on a school or schools within a school district which cannot be alleviated by the provisions of this article. (§ 1, Ord. 936, eff. October 28, 1982)

Sec. 8-5.111. Voluntary contributions.

This article shall not preclude a school district from negotiating a voluntary contribution of land or money, or both, from concerned developers or builders in lieu of the payment of the fees provided for by this article or otherwise. (§ 1, Ord. 936, eff. October 28, 1982)

Sec. 8-5.112. Provisions nonexclusive.

The provisions of this article shall be alternative to any other procedure permitted or required by law to mitigate or eliminate overcrowded conditions in school districts. (§ 1, Ord. 936, eff. October 28, 1982)

Article 2. Vehicle Trip Reduction

Sec. 8-5.201. Purpose.

The purpose of this article is to promote alternative commute modes of transportation and a reduction in the total number of single occupancy vehicle trips during the commute period, thereby reducing traffic congestion, vehicle emissions and energy consumption. This article fulfills the requirements of the Yolo County Congestion Management Program and helps fulfill the requirements of the Yolo-Solano Air Pollution Control District Air Quality Attainment Plan. This article establishes trip reduction requirements for employers/developers located in the unincorporated area of the County of Yolo as part of a program to achieve the following objectives:

(a) Reduce peak period traffic and congestion by decreasing the number of single occupant vehicle trips associated with commuting;

(b) Reduce or delay the need for major transportation facility improvements by making the most efficient possible use of existing and future transportation facilities;

(c) Reduce traffic-related noise and fuel use from the levels that would otherwise occur within the county;

(d) Reduce present and future motor vehicle emissions as a contribution towards complying with Federal and State ambient air quality standards;

(e) Establish trip reduction goals for employers/developers so that a significant number of their employees are encouraged to arrive at the work site by means other than single occupant vehicles, thereby reducing vehicle trips and vehicle miles traveled for work trips; and

(f) Achieve by 1999 an annual average vehicle ridership (AVR) of 1.5 persons per motor vehicle at all work sites with 100 or more employees. Within the seven (7) year period, the following interim AVR goals are established:

1.05 AVR 1993
1.20 AVR 1995
1.35 AVR 1997

1.50 AVR 1999 and thereafter.
(§ 2, Ord. 1152, eff. December 17, 1992)

Sec. 8-5.202. Applicability.

(a) The provisions of this article shall apply to all existing and future work sites within the unincorporated area of the County that support or propose to support twenty-five (25) or more employees. The provisions of this article shall also apply to any work site which, after proposed structural expansion, supports twenty-five (25) or more employees, and to any existing or future residential developments for which a homeowners Association is formed.

(b) *Work sites located within adopted sphere of influence of an incorporated city.* Subject to the prior written approval of the Director of the Community Development Agency, any employer/developer or residential development whose work site is subject to the provisions of this article and is located within the adopted sphere of influence of an incorporated City, shall have the option of complying with either the trip reduction requirements of said City or the requirements of this article.

(c) *Exemptions.* Notwithstanding any other provisions of this article, the following activities shall be exempt from the requirements of this article:

(1) Temporary construction activities, including activities performed by engineers, architects, contractors, subcontractors, and construction workers when such activities are related to the construction, development or other improvements to real property;

(2) Emergency activities in which persons are employed to render aid or other services in the event of an emergency or natural disaster;

(3) Other temporary or seasonal activities which employ persons for a period of less than ninety (90) days;

(4) Transportation of students to schools, colleges and universities;

(5) Vehicular trips directly associated with the growing of field crops and orchards, or the raising of livestock. (§ 2, Ord. 1152, eff. December 17, 1992)

Sec. 8-5.203. Definitions.

For the purpose of this article, the following definitions shall apply:

(a) “Alternative commute mode” means a transportation method other than a single-occupant vehicle.

(b) “Average vehicle ridership” (AVR) means the figure derived by dividing the employee population at a work site that reports to work during the commute period, by the number of personal self-propelled vehicles (that have not dropped off employees at other work sites en route) used by those employees to commute from home to the work site during the commute period, reduced by a proportionate amount for employees using a work schedule that alters the traditional five (5) day work week including, but not limited to, compressed work weeks, staggered work hours, flex time and telecommuting.

(c) “Commute period” means 5:00 A.M. through 10:00 A.M. Monday through Friday (holidays excluded).

(d) “Developer” means an individual or entity which, after January 1, 1993, commences construction of a non-residential project consisting of a structure or series of structures in the unincorporated area of the County which are occupied or designed to be occupied by more than one discrete business or tenant. For purposes of determining the applicability of and the requirements imposed upon the developer by this article, the employees and owners who work on site of each occupant of the project shall be counted as employees of the developer. “Developer” includes any purchasers or other successors in interest to the project, who shall assume the obligations of a developer under this article upon receiving an interest in the project, but does not include any entity whose sole interest in the project is a security interest securing the satisfaction of an obligation unless such interest is foreclosed or otherwise converted into an ownership interest in the project.

(e) “Employee” means any person hired by any employer, including any part-time employee working twenty (20) hours or more weekly, but excluding any independent contractors. For purposes of survey information, an individual who owns a business and arrives at the work site during the commute peak period shall be defined
as an employee. Seasonal workers shall be included if they work more than ninety (90) days per year.

(f) “Employer” means any public or private entity, including the County of Yolo, who has or proposes to establish a permanent work site in the unincorporated area of the County. The maximum number of employees on the largest shift shall determine the size of the employer. “Employer” shall not include contractors with no permanent place of business in the County.

(g) “Major employer/developer” means any employer or developer who has or proposes to have a total of 100 or more employees at its work site(s) within the unincorporated area.

(h) “Minor employer/developer” means any employer or developer who has or proposes to have a total of twenty-five (25) to ninety-nine (99) employees at its work site(s) within the unincorporated area.

(i) “Residential development” means a grouping of single and/or multi-family residential

structures, owned individually or jointly, for which a Homeowners Association exists.

(j) "Single-occupant vehicle" means an automobile, light truck or motorcycle occupied by one employee for commute purposes.

(k) "Transportation coordinator" means an individual designated to promote and implement trip reduction strategies at the work site.

(l) "Trip reduction plan" means any reasonable method or approach for providing, supporting, subsidizing, and/or encouraging the use of alternative commute modes.

(m) "Work Site" means the primary place of employment, base of operation, or predominant location of a group of employees. In the case of a residential development, the location of the residences comprising the development shall be the work site. In the case of a developer, the work site shall include all of the structures or facilities included in the development project. (§ 2, Ord. 1152, eff. December 17, 1992)

Sec. 8-5.204. Requirements.

(a) *Minor employer/developer.* On an on-going annual basis, minor employers/developers shall implement a trip reduction program which shall include, at a minimum, the following components:

(1) Post information in a prominent location at each work site which describes the benefits of transit, ridesharing, bicycling and walking as alternative commute modes, and which describes the facilities, services, schedules, rates and other pertinent information relevant to such transportation options;

(2) Designate a transportation coordinator to coordinate with the Yolo County Community Development Agency, local transit agencies and the ridesharing agency for the distribution of alternative commute mode information including transit information and ridesharing applications, and promote employee activities which encourage alternative commute modes;

(3) Provide newly hired employees with alternative commute mode information that includes pertinent transit information and ridesharing applications;

(4) File an annual transportation survey of employee commute patterns with the Yolo County Community Development Agency. This survey will be used to determine average vehicle ridership (AVR), shall be conducted during the sixty (60) day period that precedes the annual transportation survey submittal deadline, and shall include, but not be limited to, the following.

(i) The number of employees at the work site;

(ii) The city and zip code of each employee's residence;

(iii) The number (on average) of employees that report to work during the commute period;

(iv) The method of commuting for each employee which shall be based on a survey of all employees; and

(v) The name, address and phone number of the Transportation Coordinator at the work site who shall be responsible for implementation of the requirements of this article. The Transportation Coordinator may be located at the work site or may have responsibility for more than one work site so long as the Transportation Coordinator visits each work site on a regular basis.

(b) *Residential Developments.*

(1) New residential developments shall be designed to further the goals of this article. Transit access and design features which encourage ridesharing, walking and bicycle use shall be considered in the design of all new proposals.

(2) All residential developments shall post in a prominent location such information on alternate commute modes as may be provided by the Director of the Yolo County Community Development Agency.

(3) Each Residential Development's Homeowners Association shall, on or before January 1 of each year, provide to the Director of the Yolo County Community Development Agency the name, address and phone number of a Transportation Coordinator who shall be responsible for implementation of the requirements of this article.

(c) *Major employers.* All major employers shall obtain County approval of and implement an annual trip reduction plan in accordance with the schedule of compliance provisions of this article which includes at a minimum, the following:

(1) All of the components required of a minor employer/developer under this article;

(2) An annual transportation survey of the current commute modes of employees;

(3) A description of actions taken to meet the AVR goals of this article during the reporting year.

(4) A description of trip reduction measures and a program for implementing selected measures to meet the AVR goals of this article during the coming year.

(d) *Major developers.* Major developers shall obtain County approval of and implement an annual trip reduction plan in accordance with the schedule of compliance provisions of this article which includes at a minimum, the following:

(1) A designation of facilities for posting of alternative commute mode information;

(2) Provisions for coordinating with appropriate transit agencies to provide current transit information at the time of initial occupancy and on an annual basis thereafter.

(3) Provisions for coordinating with the regional ridesharing agency for commuter information and applications at the time of initial occupancy and on an annual basis thereafter.

(4) Specific trip reduction measures selected to increase alternative commute mode use and increase the AVR in accordance with the schedule set forth in this article;

(5) A plan for implementing the trip reduction measures to meet the AVR goals;

(6) Provide an annual transportation survey containing the information specified in subsection (a)(4) above.

After the plan is approved by the County, it shall be made binding on the property owner and any successors in interest. The plan obligations shall either be recorded in the covenants, conditions and restrictions prepared for the development or separately recorded. The property owner may request modification of the plan by filing an application with the Director of the Community Development Agency. (§ 2, Ord. 1152, eff. December 17, 1992)

Sec. 8-5.205. County responsibilities.

The responsibilities of the County in implementing and administering this article include the following:

(a) *Technical assistance.* The County shall be responsible for developing procedures and forms for the submittal of annual transportation surveys, trip reduction plans, and annual reports. The County shall also be responsible for analyzing employee survey data, and preparing summary reports.

(b) *Evaluation of trip reduction plans.* The Director of the County Community Development Agency shall review and approve, conditionally approve, or disapprove a trip reduction plan within forty-five (45) days of receipt. If such action is not taken within the forty-five (45) day time period the plan shall be deemed approved.

(1) *New plan upon disapproval,* Within thirty (30) days of a final decision disapproving a trip reduction plan, an employer shall submit a new plan to the Community Development Agency.

(2) *Amendment.* An amendment to an approved trip reduction plan may be approved at any time by the Director of the Community Development Agency. (§ 2, Ord. 1152, eff. December 17, 1992)

Sec. 8-5.206. Schedule of compliance.

(a) All individuals or entities who are required to file an annual transportation survey and who are subject to this article on the date that it takes effect shall file the survey within ninety (90) days of the effective date of this article and before the end of each calendar year or earlier business license renewal thereafter. Individuals or entities, except developers, who become subject to this article on a date after the date on which it takes effect shall file the survey before the end of the calendar year in which they become subject or with an application for an initial or renewed business license, whichever is earlier and before the end of each calendar year or earlier business license renewal thereafter. Developers who become subject to this article on a date after the date on which it takes effect must file the survey prior to the grant of a certificate of occupancy for the project or any portion thereof and before the end of each calendar year thereafter.

(b) All individuals or entities who are required to obtain approval of an annual trip reduction plan and who are subject to this article on the date that it takes effect shall file the plan within ninety (90) days of the effective date of this article and before the end of each calendar year or earlier business license renewal thereafter. Individuals or entities, except developers, who become subject to this article on a date after the date on which it takes effect shall file the plan before the end of the calendar year in which they become subject or with an application for an initial or renewed business license, whichever is earlier and before the end of each calendar year or earlier business license renewal thereafter. Developers who become subject to this article on a date after the date on which it takes effect must file the survey prior to the grant of a certificate of occupancy for the project or any portion thereof and before the end of each calendar year thereafter. (§ 2, Ord. 1152, eff. December 17, 1992)

Sec. 8-5.207. Administration.

(a) *Fees.* The Board of Supervisors may by resolution prescribe fees for the review of annual transportation surveys and approval of trip reduction plans.

All fees for the approval of trip reduction plans shall be paid at the time of, and with the filing of the annual transportation survey with the director of the community development agency. No annual transportation survey or trip reduction plan shall be deemed valid or complete until all prescribed fees have been paid. Unless otherwise prescribed, fees shall not be refundable in whole or in part whether or not the trip reduction plan is approved. No fee shall be refundable in whole or in part if an employer or developer ceases operating under the trip reduction plan in advance of the expiration of the plan.

(b) *Appeals.* Any decision of the Director of the Community Development Agency pursuant to this article, may be appealed to the Planning Commission in the same manner and upon payment of the same fees as are provided by Section 8-6.1002 of this title.

(c) *Penalties.*

(1) *Major employer/developer.* If a major employer or developer subject to the provisions of this article fails to file an annual transportation survey or trip reduction plan, or fails to make a good faith effort to carry out the provisions of the plan as determined by the Director of the Community Development Agency within thirty (30) days following receipt of written notice, a penalty of One Hundred and no/100ths ($100) Dollars per day of non-compliance shall be imposed.

(2) *Minor employer/developer.* If a minor employer or developer subject to the provisions of this article fails to make a good faith effort to comply with the requirements of this article, the following penalties shall be imposed:

(i) For failure to comply within thirty (30) days
following receipt of written notice from the Director of the Community Development Agency, $250.00.

(ii) For failure to comply within thirty (30) days following receipt of second written notice from the Director of the Community Development Agency, $500.00.

(3) *Failure to achieve trip reduction goals.* If any entity or individual subject to the trip reduction requirements of this article is unable to show that substantial progress is being made to meet the objectives of this article by the time of the required second annual report, or any annual report thereafter, the Director of the Community Development Agency may require the preparation and submittal of a revised trip reduction plan. The Director of the Community Development Agency may impose such a requirement by revoking approval of the existing trip reduction plan and requiring that a revised plan be prepared and submitted within thirty (30) days of notification of plan disapproval.

(d) *Good faith effort for employers/ developers.* A good faith effort to carry out the requirements of this article shall be measured by the following criteria:

(1) Documented activities of the Transportation Coordinator;

(2) Number of employees that have made alternative commute mode choice changes from the single-occupant vehicle during the past year;

(3) A history of timely filing of previous annual transportation surveys and trip reduction plans;

(4) Such other criteria as may be established by the Director of the Community Development Agency.

(e) *Evaluation of countywide progress towards meeting trip reduction goals.* The Director of the Community Development Agency shall review County-wide compliance with the requirements of this article on an annual basis. This information shall be compiled in an annual summary report which will be presented to the Planning Commission and the Board of Supervisors on or before April 1 of each year. (§ 2, Ord. 1152, eff. December 17, 1992)

Sec. 8-5.208. Amendment.

The provisions of this Article may be amended by changing or supplementing the regulations whenever the public necessity, convenience and general welfare require such amendments. (§ 2, Ord. 1152, eff. December 17,
1992)

Chapter 6

CONDOMINIUM CONVERSIONS

Sections:

Article 1. Title, Purpose, and Authority

Sec. 8-6.101. Title.

This chapter shall be known and may be cited as the “Condominium Conversion Law of the County of Yolo”. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.102. Purpose.

On August 18, 1981, by Resolution No. 81-142, the Board amended the General Plan by the adoption of the August 11, 1981, Housing Element. The State law requires all counties to adopt Housing Elements which, among other goals, contain policies and programs which make adequate provisions for the housing needs of all the economic segments of the region.

The Housing Element analyzes the current and projected demands for both rental and owner occupied housing and concludes that there is a shortage in some areas of the County, which is pronounced in the low-to-moderate cost housing market.

To address this shortage, the Housing Element adopted a policy to discourage

condominium conversions of existing rental units if such conversions would adversely affect the supply of affordable rental units and adopted the implementation measure of the possible adoption of an ordinance regulating condominium conversions, including structural requirements, and the right of existing tenants to be assured of decent and affordable housing.

The major objectives of this chapter are to secure the public health, safety, and welfare by regulating condominium conversions so as to minimize the reduction of housing units in the low-to-moderate income rental housing market while increasing the availability of affordable owner occupied housing in a reasonable balance,
which may be accomplished by appropriate conversions; to provide assistance to rental tenants dislocated thereby and to secure for such tenants all rights provided by the laws of the State; and to protect the rights and assist in securing the reasonable expectations of the purchasers of convened condominium units.

To meet such objectives, this chapter incorporates the following goals:

(a) To provide a reasonable balance of adequate rental and ownership housing within the principal urban communities in the unincorporated areas of the County;

(b) To provide mitigation measures to alleviate problems of rental tenants impacted by condominium conversions;

(c) To provide adequate administrative measures for the protection of the property rights of prospective condominium purchasers;

(d) To insure that rental units being convened meet the reasonable development standards required by this chapter and all other applicable provisions of Federal and State laws and regulations and this Code;

(e) To promote the residential stability and diversity of the community by encouraging neighborhood maintenance, preventing major displacements of people, and facilitating inhabitant ownership of residential dwelling units;

(f) To provide standards for the conversion of rental units into condominium units;

(g) To provide information to both existing tenants and prospective buyers on the physical adequacy of the building to be converted;

(h) To assure that the “protected tenant” receives additional incentives as specified in this chapter; and

(i) To provide notice of all rights required by the Subdivision Map Act of the State and this chapter. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.103. Authority.

This chapter is enacted pursuant to the following authority:

(a) The State Planning Law which authorizes and requires counties to enact general plans and the housing element thereof and requires a program to implement the Housing Element, especially subsection (c) of Section 65302 and Section 65583 of the Government Code of the State;

(b) The Subdivision Map Act of the State which authorizes counties to regulate the design and improvement of condominiums and to provide for notice and rights to the tenants of proposed conversions, particularly Sections 66426, 66427, 66427.1, 66452.8, and 66452.9 of the Government Code of the State. The Board hereby declares that the Housing Element of the General Plan includes definite objectives and policies specifically directed to condominium conversions within the meaning of Section 66427.2 of said Government Code and that Sections 66473.5 and 66424 of said Government Code apply thereto; and

(c) The police powers vested in the County by Section 7 of Article XI of the Constitution of the State. (§ 1, Ord. 942, eff. December 30, 1982)

Article 2. Definitions

Sec. 8-6.201. Scope.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as set forth in this article. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.202. Affected community area.

“Affected community area” shall mean a geographical area which lies within a four (4) mile radius of the proposed condominium conversion project. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.203. Comparable housing.

“Comparable housing” shall mean housing found by the Planning Commission to be:

(a) Decent, safe, sanitary, and in compliance with all local and State Housing Codes;

(b) Open to persons regardless of race, creed, national origin, ancestry, age, marital status, or sex;

(c) Provided with facilities equivalent to that provided by the landlord in the dwelling unit in which the tenant then resides in regard to each of the following:

(1) The apartment size, including the number of rooms;

(2) The rent or lease range;

(3) The major kitchen and bathroom facilities;

(4) The special facilities necessary for handicapped or infirmed persons, including access; and

(5) Provisions for minor children and pets;

(d) Located in an area materially not less desirable than the area in which the tenant then resides in regard to each of the following:

(1) Accessibility to the tenant's place of employment; and

(2) Accessibility to community and commercial facilities; and

(e) Adequate in terms of numbers of units to provide for displaced tenants. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.204. Condominium conversion.

"Condominium conversion" shall mean the development of real property previously devoted to residential use by creating a "condominium", as defined by Section 783 of the Civil Code of the State, a "stock cooperative", as defined by Section 11003.2 of the Business and Professions
Code of the State, and/or a "community apartment project", as defined by Section 11004 of the Business and Professions Code of the State. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.205. Director.

"Director" shall mean the Director of the Community Development Agency or his designate. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.206. Disabled household.

"Disabled household" shall mean a household in which the head of the household is "disabled", as defined by Section 223 of the United States Social Security Act, or "handicapped", as defined by Section 50072 of the Health and Safety Code of the State. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.207. Elderly household.

"Elderly household" shall mean a household in which the head of the household is sixty-two (62) years of age or older at the time of an application for a conversion as specified in this chapter. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.208. Low and moderate income household.

"Low income household" shall mean a household which has a total income from all sources not greater than eighty (80%) percent of the median income level for the Sacramento Standard Metropolitan Statistical Area (SMSA). "Moderate income household" shall mean a household which has a total income from all sources not less than eighty (80%) percent nor greater than 120 percent of the median income level for the Sacramento SMSA. Low and moderate household income shall be adjusted based on family size and based on a median income as defined in the most recent income limits established for the Section 8 Housing Assistance Payments program by the United States Department of Housing and Urban Development. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.209. Protected tenant.

"Protected tenant" shall mean any household which is a low income, elderly, single, or disabled household as defined in this article. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.210. Single head of household.

"Single head of household" shall mean a household in which the head of the household is unmarried or separated and has one or more children under the age of eighteen (18) living within the unit. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.211. Tenant.

"Tenant" shall mean the person or persons most recently approved by the owner/manager to occupy the unit. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.212. Additional terms.

Additional terms and phrases used in this article are defined in Article 2 of Chapter 2 of this title. (§ 1, Ord. 942, eff. December 30, 1982)

Article 3. Scope and Prohibitions

Sec. 8-6.301. Scope.

This chapter shall apply only to condominium conversions as defined in Section 8-6.204 of Article 2 of this chapter.

This chapter is intended to be, and shall be construed as being, supplementary to, and not in conflict or duplication with, the requirements of Federal and State laws and regulations regarding condominium conversions. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.302. Unauthorized sales.

(a) It shall be a violation of this chapter for any person to sell any unit in a condominium conversion, as defined by Section 8-6.204 of Article 2 of this chapter, unless the Director has issued a certificate of compliance for such unit as required by this chapter.

(b) Such violation shall constitute a misdemeanor and shall be referred to the District Attorney for prosecution.

(c) The Zoning Enforcement Officer hereby is authorized to investigate violations of this chapter pursuant to regulations adopted from time to time by the Board by resolution or by the

Director by administrative action. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.303. Unjust evictions.

It shall be a violation of this chapter for any person to evict any tenant in a condominium conversion in violation of Section 8-6.504 of Article 5 of this chapter or to raise rents in violation of Section 8-6.505 of Article 5 of this chapter. (§ 1, Ord. 942, eff. December 30, 1982)

Article 4. Development Standards: Modifications

Sec. 8-6.401. Development standards.

The development standards set forth in this article shall apply to all condominium conversions. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.402. Off-street parking.

Off-street parking shall be provided according to current County standards. The number of spaces, dimensions, location, and use of such parking shall be subject to the provisions of all applicable County parking requirements which would apply if the building were being newly constructed at the time of the conversion. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.403. Number of units.

At least two (2) individual dwelling units shall be included within the proposed conversion. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.404. Utilities.

(a) *Sewers.* Each condominium unit shall have a separate sewer service connection; provided, however, the Planning Commission may permit the use of common sewer lines which are oversized by one size or more, or which are hydraulically designed with a 100 percent safety factor, where the Planning Commission, with the written concurrence and approval of the affected sewer service district, finds the common sewer lines can adequately service the condominium.

(b) *Water.* Each condominium unit shall have a separate water service connection and shutoff; provided, however, the Planning Commission may permit a single water system to service more than one condominium unit where shutoffs are provided wherever practicable and where the Planning Commission, with the written concurrence and approval of the affected water district, finds the single water system can adequately service the condominium.

(c) *Gas.* Each condominium unit shall have a separate gas service where gas is a necessary utility; provided, however, the Planning Commission may permit a single gas service where shutoffs have been provided for each unit and where the Planning Commission, with the written concurrence and approval of the gas service district or other supplier, finds that the single gas service can adequately service the condominium.

(d) *Electricity.* Each condominium unit shall have a separate electrical service, with separate meters and disconnects, and ground fault interrupters where required by applicable Building Codes. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.405. Sound attenuation.

All separating walls and floor/ceiling assemblies between condominium units shall provide an airborne and impact sound installation equal to that required to meet a sound transmission class of forty-five (45) (forty (40) if field tested) as defined in Uniform Building Code Standard No. 35-1. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.406. Fire safety.

Each condominium unit shall have a two (2) hour fire separation between floors, including attic space, and on each wall common to itself and an adjacent unit. A smoke detector and fire alarm, with an outside alarm bell, shall be required in each unit.

In lieu of the two (2) hour fire separation requirement, the Planning Commission may authorize, with the written concurrence of the local fire authority, the use of another fire protection system when the Planning Commission finds that the proposed system will protect the occupants of the condominium as effectively as a two (2) hour fire separation. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.407. Ownership organization.

All condominium conversions shall provide an ownership association responsible for the care and maintenance of all common areas and common improvements and any other interest common to the condominium owners. Complete and true copies of all covenants, conditions, and restrictions, articles of incorporation, and bylaws shall be subject to review by the County Counsel and approval by the Director prior to approval by the Planning Commission for the condominium project. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.408. Building Code requirements.

A building proposed for conversion, and each unit within the building, shall comply, after conversion, with the current provisions of the Building Code and all other applicable building standards of the County. Nothing set forth in this

section shall be construed to prevent or prohibit the applicant or the County from providing or requiring building standards greater than those set forth in the Building Code where the greater standards are found to be necessary to carry out the purposes and objectives set forth in this section for condominium conversions. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.409. Modifications of development standards: Findings.

The Planning Commission may approve a condominium project which does not comply with all of the development standards set forth in this article if the Planning Commission finds that:

(a) Because of circumstances applicable to the subject property or to the structures situated thereon, including, but not limited to, the size, shape, location, or surroundings of the subject property or the building thereon, the strict application of the development standards would create an unreasonable economic hardship; and

(b) As modified, the condominium conversion will be in substantial compliance with the development standards set forth in this article and will incorporate mitigating features into the project which will mitigate the detrimental effect of the modification. (§ 1, Ord. 942, eff. December 30, 1982)

Article 5. Tenant and Buyer Protection Provisions

Sec. 8-6.501. Required notice.

The applicant for a condominium conversion shall comply with all the requirements of the Subdivision Map Act of the State regarding notice to tenants of the intent to convert and granting to such tenants the rights specified in said Subdivision Map Act, including, but not limited to, Sections 66427.1, 66452.8, and 66452.9 of the Government Code of the State regarding continuation of tenancy for 180 days before termination due to the conversion, measured from the notice of intention to convert. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.502. Protected tenants: Duration of tenancy.

Any protected tenant, as defined in Section 8-6.209 of Article 2 of this chapter, shall be given no less than 180 days' written notice of intention to convert prior to the termination of tenancy due to the conversion, measured from the date of the approval of the tentative map of the conversion. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.503. Exclusive purchase rights.

As a condition of any condominium conversion approved pursuant to this chapter, the applicant shall comply with all the requirements of the Subdivision Map Act of the State regarding the grant to each tenant of the proposed condominium conversion project of an exclusive right to contract for the purchase of the dwelling unit occupied by the tenant upon the same or more favorable terms and conditions than those on which such unit will be initially offered to the general public, as required by subsection (d) of Section 66427.1 of the Government Code of the State. The right shall run for a period of not less than ninety (90) days after the date of the issuance of the preliminary subdivision public report pursuant to Section 11018.2 of the Business and Professions Code of the State, unless the tenant gives prior written notice to the developer of the tenant's intention not to exercise the right to purchase or request an extended lease. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.504. Unjust evictions.

No tenant shall be unjustly evicted from the date of the initial notice of intent to convert provided pursuant to subsection (a) of Section 66427.1 of the Government Code of the State through the dates specified in this article for the continuation of tenancy before termination due to the conversion. An unjust eviction shall be an eviction for other than one or more of the following reasons:

(a) The tenant has failed to pay the rent to which the landlord is entitled.

(b) The tenant has violated an obligation or covenant of the tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after receiving written notice thereof from the landlord.

(c) The tenant is committing or permitting to exist a nuisance in, or is causing damage to, the rental unit or to the appurtenances thereof or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the same or any adjacent building.

(d) The tenant is using or permitting a rental unit to be used for any illegal purpose.

(e) The tenant, who had a written lease or rental agreement which terminated on or after December 30, 1982, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration with similar provisions and in such terms as are not inconsistent with or violative of any provision of this section.

(f) The tenant has refused the landlord reasonable access to the unit for the purpose of inspection, as permitted or required by the lease or by law, or for the purpose of showing the rental unit to any prospective purchaser or mortgagee.

(g) The person in possession of the rental unit at the end of the lease or rental term is a

subtenant or assignee not approved by the landlord, where the lease or rental agreement requires approval by the landlord of any assignment or subtenancy.

(h) A developer shall not evict tenants nor force tenants to vacate their rental units for the purpose of avoiding the application of this chapter.

In no case shall any tenant be evicted because the tenant may be nonsupportive of the conversion proposal.

The intention of this section is to provide tenant protection in addition to, and not in lieu of, any and all tenant protections afforded by the laws of the State. This chapter shall not be construed to impair the rights of either landlords or tenants under preexisting leases, if such leases expressly authorized eviction due to conversion. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.505. Rent increases.

From the date of the initial notice of intent to convert provided pursuant to subsection (a) of Section 66427.1 of the Government Code of the State, through the dates specified in this article for the continuation of tenancy before termination due to the conversion, no tenant's rent shall be increased more frequently than once every twelve (12) months nor at a rate greater than the rate of increase in the current Consumer Price Index for the San Francisco Region, on an annualized basis, for the same period. This limitation shall not apply if rent increases are provided for in written leases or contracts executed prior to the date of the initial notice. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.506. Notice to prospective tenants.

After the service of the notice of intention to convert pursuant to subsection (a) of Section 66427.1 of the Government Code of the State, any prospective tenant shall be notified in writing of the intent to convert prior to leasing any unit, as required by Section 66452.8 of said Government Code. The provisions of this section concerning rent increase limitations shall not apply to any lease or rental agreement entered into after such tenant has received such notice. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.507. Relocation assistance: Comparable housing.

Each applicant shall propose and, after approval by the Planning Commission, shall implement a relocation assistance plan for each tenant who will be evicted as a result of the conversion. No such plan shall be approved unless it includes the following elements:

(a) A report to each tenant concerning the availability of housing comparable to the unit occupied by the tenant as defined in Section 8-6.203 of Article 2 of this chapter;

(b) A description of the standards the applicant will undertake to assure the successful relocation of each tenant;

(c) An unconditional offer to pay a relocation expense for each dwelling unit (to include the actual invoice amount provided by a moving company, any deposit less damages, and an amount equal to the last month's rent at the new residence) of not less than Five Hundred and no/100ths ($500.00) Dollars; and

(d) Within a four (4) mile radius of the conversion project, that alternate comparable housing, as defined in Section 8-6.203 of Article 2 of this chapter, shall actually be found for all displaced tenants before they are required to move. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.508. Additional incentives for protected tenants.

The applicant shall propose an incentive program to assist protected tenants, as defined in Section 8-6.209 of Article 2 of this chapter, in the proposed project. Such incentives shall include one or more of the following:

(a) A shared equity program between the tenant and developer or lending institution;

(b) An inclusionary program which substantially writes down the cost of the unit;

(c) The use of mortgage bond money enabling the low income household to purchase;

(d) Additional relocation assistance;

(e) An extended lease program no less than six (6) months in duration offered to the tenant;

(f) A below market interest rate financing program;

(g) A short term interest free mortgage;

(h) A donation of use for units to the County Housing Authority for rental purposes, with the first right of tenancy to the existing tenant; and

(i) Other incentives proposed by the applicant to meet the intent of this section. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.509. Buyer protection provisions.

(a) The applicant shall provide each condominium unit purchaser with a copy of the public report required by the Department of Real Estate of the State.

(b) The covenants, conditions, and restrictions (CC&R's), or equivalent document, shall contain on the first page thereof, in type as large as any type used in the CC&R's, a notification in substantially the following words:

NOTICE

The terms of this document are legally binding. Read it carefully. A real estate broker is

qualified to advise you on real estate matters. If you desire legal advice, consult an attorney.

(c) The applicant shall not discriminate in the sale or in the terms and conditions of sale of any dwelling unit against any person who is or was a tenant of any such dwelling unit because such person opposed the conversion of such building into a condominium. (§ 1, Ord. 942, eff. December 30, 1982)

Article 6. Application Process

Sec. 8-6.601. Initial studies.

Pursuant to procedures to be determined by the Director, an applicant, at his or her expense, may request an initial feasibility study of a proposed condominium conversion. The study shall include a site inspection by the County Building Inspector and may include such other items as are agreed upon by the applicant and the Director. The Director shall provide the applicant with an estimate of costs for conducting the initial study. The applicant may choose to provide all moneys connected with the initial study or cancel the request.

The Director hereby is authorized to promulgate regulations by which the Community Development Agency will conduct such studies and report the results thereof to an applicant. Such regulations shall require the applicant to pay all costs attributable to the study.

Such procedures and the associated fees shall be approved by the Board by resolution. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.602. Preliminary building inspections.

(a) Prior to any hearing on an application for a condominium conversion, the applicant shall arrange for an inspection of the building proposed for conversion by the County Building Official, Environmental Health office, and the Fire Marshal with jurisdiction. Such officials shall identify the changes, repairs, or additions necessary so that the building will meet all applicable requirements of the Building, Housing, and Fire Codes and the development standards of this chapter. The completion of all such repairs and/or changes shall be a condition of the tentative map permitting the condominium conversion. The applicant shall pay all building inspection fees to the building, health, and fire officials for the inspections required by this section.

(b) If the proposed project does not comply with the provisions of this chapter relating to utilities, sound attenuation, fire safety, and Building Code compliance, or if the Director has identified items to be corrected as provided in this section, no certificate of compliance shall be issued until all the conditions of approval have been completed. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.603. Maps required.

(a) *Five or more units.* A tentative and final subdivision map shall be required for the creation of five (5) or more units by condominium conversion, as required by Section 66426 of the Government Code of the State.

(b) *Four or fewer units.* A tentative and final parcel map shall be required for the creation of four (4) or fewer units by condominium conversion pursuant to Section 66428 of the Government Code of the State.

(c) *Site plan approval required. No* building permit shall be issued for any construction on any unit in a condominium conversion, or on any portion of the common area in such condominium, until the Director has issued a site plan approval pursuant to Article 9 of this chapter. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.604. Applications: Contents.

Recognizing that the conversion of existing structures which have been previously occupied and constructed as residential rental units presents unique problems to present tenants and future buyers, any application for a tentative map for a condominium conversion project shall include the following information where applicable:

(a) A detailed site plan, drawn to scale, showing the location of all existing easements, dwelling units, parking spaces, structures, trees, and other existing improvements on the property and proposed for the conversion as proposed;

(b) The proposed organizational documents for the condominium, including the covenants, conditions, and restrictions to be recorded pursuant to Sections 1350 et seq. of the Civil Code of the State and other applicable statutes. The organizational documents shall provide for the following:

(1) The transfer of title to each unit;

(2) The assignment of parking for each owner;

(3) A management organization for the operation and maintenance of all common areas within the project;

(4) A proposed annual operating budget, including a report disclosing the amount of deposit to be provided by the developer and the manner in which it was calculated, to defray the expenses of the association in replacing and maintaining major mechanical and electrical equipment; and

(5) The Federal Housing Administration (FHA) Regulatory Agreement, if any;

(c) A property report describing the condition and estimating the remaining useful life of each of the following elements of each

structure situated within the project proposed for conversion: roofs, foundations, exterior paint, paved surfaces, mechanical systems, electrical systems, plumbing systems, sewage systems, sprinkler systems for landscaping, utility delivery systems, central or community heating and air-conditioning systems, alarm systems, standpipe systems, and structural elements. Such report shall be prepared and executed by an appropriately licensed engineer;

(d) A structural pest control report prepared by a licensed structural pest control operator pursuant to Section 8516 of the Business and Professions Code of the State;

(e) A building history report including the following:

(1) The date of the original construction of all elements of the project;

(2) A statement of the major uses of the project since construction;

(3) The date and description of each major repair of any element since the date of construction. “Major repair” shall mean any repair requiring an expenditure of One Thousand and no/100ths ($1,000.00) Dollars or more; and

(4) The date and description of each major renovation of any element since the date of construction. “Major renovation” shall mean any renovation requiring an expenditure of One Thousand and no/100ths ($1,000.00) Dollars or more;

(f) A preliminary title report reflecting the current ownership of all improvements and underlying land;

(g) A true copy of each of the following documents submitted to the Department of Real Estate of the State:

(1) The application for the issuance of a final public report for the project proposed for conversion, including all attachments and exhibits thereto, required pursuant to Sections 11000 et seq. of the Business and Professions Code of the State;

(2) The Statement of Compliance (Form 643 as amended) submitted pursuant to 10 California Administrative Code, Section 2792.9, or its successor, relating to operating and maintenance funds during start up; and

(3) The supplemental questionnaire for apartments converted to condominium projects supplied by the Department of Real Estate of the State, including all attachments and exhibits;

(h) Unless already provided through a preliminary building inspection report, a report identifying all characteristics of the building not in compliance with this Code, applicable Building and Housing Codes, or Title 19 of the California Administrative Code;

(i) A rental history report detailing the size, in square footage, of the building or buildings, and for each dwelling unit within such buildings, the monthly rental rate for the preceding two (2) years, the monthly vacancy over the preceding two (2) years, and copies of any governmental rental agreements or contracts;

(j) A detailed report describing the relocation and moving assistance and information to be given to each tenant and the steps the developer will take to ensure the successful relocation of all affected tenants. In the event the conversion will terminate the tenancy of any protected tenant and/or other tenants who may encounter difficulty finding new living quarters, the report shall identify such tenants and discuss in detail the difficulties they will encounter and the applicant’s proposals to assist them. The report also shall discuss the applicant’s proposals for allowing hard-to-relocate tenants to stay on as tenants or providing such tenants additional time before the termination of tenancy, due to the conversion, for permanent relocation;

(k) The name and address of each present tenant residing in the building proposed for conversion, the original and current rental rates, and the length of residency of each;

(l) A statement as to whether the developer will provide any capital contribution to the association for deferred maintenance of the common areas, the sum of the contribution, the date on which the association will receive the sum, and the guarantees the applicant proposes to provide the association to assure the timely payment of such contribution;

(m) An application for the approval of a tentative parcel map or tentative subdivision map as required by the Subdivision Map Act of the State and the land division regulations of this Code, including copies and proof of delivery of the written notice of intention to convert having been delivered to each tenant at least sixty (60) days prior to the date of filing such tentative map, as required by subsection (a) of Section 66427.1 and Sections 66452.8 and 66452.9 of the Government Code of the State;

(n) Copies of all the documents delivered to all tenants in order to comply with subsections (b), (c), and (d) of Section 66427.1 of the Government Code of the State and Section 8-6.501 of Article 5 of this chapter; and

(o) In addition to the information set forth in this section, the Director and/or the Planning Commission may require additional information necessary to evaluate the conversion project in order to address the findings required to approve the application in accordance with the purposes and objectives set forth in this section and in the adopted General Plan in effect at the time of such application. The requirements of the Director may be appealed to the Planning

Commission. Such information required may include, but shall not be limited to:

(1) An economic report comparing the cost of housing in the units in the conversion project, as both rentals and ownership units, with housing available within the affected community area. As ownership units, the report shall include the projected unit costs and monthly association costs with comparable units within the affected community area;

(2) An economic report on the proposed project unit costs, monthly association costs, and comparative rates within the community area;

(3) An economic report on the availability of comparable housing (rentals) offered at similar rental rates remaining within the affected community area, including vacancy rate information;

(4) A report on the feasibility of providing all or a portion of the conversion units for sale to low and moderate income individuals or families;

(5) A report on the feasibility of retaining a portion of the total units for rental occupancy;

(6) A report on the existing tenant composition, showing the age and income of the tenants and indicating if any tenants are disabled, handicapped, elderly, have minor children, or are low or moderate income families; and

(7) Any additional information necessary to determine the housing needs, housing availability, costs, and housing impacts of the proposed conversion and the affected community area. (§ 1, Ord. 942, eff. December 30, 1982)

Article 7. Planning Commission Action

Sec. 8-6.701. Hearings: Notices.

Notice of the Planning Commission hearing on the application shall be given to all tenants no less than ten (10) days in advance thereof by certified mail, return receipt requested, and notice thereof shall be given to all others as required by the Subdivision Map Act of the State and this Code. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.702. Findings requiring denial of tentative maps.

The Planning Commission shall deny a tentative parcel map or tentative subdivision map for a condominium conversion if the Planning Commission finds any of the following:

(a) That the project does not conform to the General Plan and/or zoning provisions for the zoning district in which the property is located; provided, however, if the property is a legal nonconforming use, it shall not be held to be in violation of the zoning district for this purpose;

(b) That any of the findings specified by the Subdivision Map Act of the State authorizing the denial of a tentative subdivision map (Section 66474 of the Government Code of the State) are made with reference to the condominium conversion;

(c) That the proposed conversion does not comply with the development standards applicable thereto, as approved, as specified in Article 4 of this chapter;

(d) That the proposed relocation plan does not comply with the requirements of Article 5 of this chapter;

(e) If additional incentives for protected tenants are required by Article 5 of this chapter, that the application does not include such additional incentives;

(f) That the impact of removing the units in the proposed conversion from the rental housing stock will result in a shortage of comparable rental housing stock in the affected community area, considering all the factors by which comparable housing is defined in Section 8-6.203 of Article 2 of this chapter;

(g) If the Planning Commission makes the finding set forth in subsection (f) of this section, the Planning Commission shall then determine whether the additional incentive program for protected tenants proposed by the applicant overweighs the adverse impact on other affected tenants demonstrated in the application. In making such decision, the Planning Commission shall balance the benefits to existing protected tenants which will be achieved by the proposed conversion against the detriment to others by the removal of the converted units from the rental housing stock in the affected community area. In conducting such balancing, the Planning Commission shall consider the General Plan Housing Element and shall not approve the proposed conversion unless the Planning Commission finds that the conversion will more completely accomplish the Housing Element policies than would occur if the conversion were not approved; and

(h) That adequate comparable housing does not exist in the affected community area in sufficient number to allow the relocation of all tenants who would be evicted as a result of the conversion. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.703. Approval: Conditions.

In approving an application for a condominium conversion, the Planning Commission shall impose such conditions as are necessary to assure the following:

(a) That the converted structure will comply with all the development standards required by Article 4 of this chapter;

(b) That all impacts on affected tenants will adequately be mitigated by the performance of

relocation assistance and additional incentives for protected tenants as required by Article 5 of this chapter;

(c) That all required notices will be given to all tenants and others;

(d) That before the approval of a final subdivision map, the applicant shall propose methods to insure compliance with all the conditions of approval which may include, but shall not be limited to, a contract between the applicant and the County providing for the actions
required to comply with this chapter and/or certificates on the final map which set forth the required actions to comply with this chapter;

(e) That no building permit shall be issued for any unit or for any work on the common areas in the proposed conversion until the Director has approved a site plan authorizing the issuance of such permit; and

(f) That no unit in the proposed conversion shall be sold prior to the issuance by the Director of a certificate of compliance with this chapter. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.704. Hearings: Continuances: Notices.

The Planning Commission may continue the hearing on an application for a tentative map for a conversion. In the event of such continuance, notice shall be given to all tenants at least ten (10) days prior to the date for the continued hearing. Such notice shall be given in the form required for the original notice to tenants of the hearing on the tentative map. (§ 1, Ord. 942, eff. December 30, 1982)

Article 8. Board of Supervisors Action

Sec. 8-6.801. Approval of final maps: Findings.

The Board shall approve the final map for any conversion if the Board finds that the proposed map conforms to the requirements of the approved tentative map and that all the conditions on the tentative map have been or will be satisfied.

Pursuant to Section 66443 of the Government Code of the State, the Board may direct that the final map contain a certificate and/or acknowledgment to the effect that no building permits may be issued until site plan approval has been obtained pursuant to Article 9 of this chapter and that no unit shown thereon may be sold, leased, or financed until a certificate of compliance with this chapter has been issued pursuant to said Article 9.

In addition to, or in lieu of, such certificates and acknowledgments, the Board may approve an agreement between the applicant and the County providing for compliance by the applicant with all the conditions imposed on the tentative map. (§ 1, Ord. 942, eff. December 30, 1982)

Article 9. Site Plans and Certificates of Compliance

Sec. 8-6.901. Site plans: Approval required.

Before any building permit shall be issued for any unit or the common areas in the approved conversion, the applicant shall apply for site plan approval pursuant to this section.

The application for site plan approval shall include a plot plan showing the parcel proposed for conversion, all parking and landscaping proposed, and each unit within the proposed conversion. Each unit shall be identified as to whether it is to be reserved for sale to any particular individual or group as a condition of the approval of the tentative subdivision map.

With the site plan, the applicant shall submit additional information to show how all the conditions of the tentative map will be satisfied prior to the sale of any unit as to which such condition is operative. Such report shall describe the timing of the proposed improvements and the impacts the work will have on tenants who will be occupying the units during construction.

No site plan shall be approved for any unit or for the common area if the proposed activity does not comply with the conditions of the tentative subdivision map.

A condition of approval of any site plan pursuant to this section shall be that, before such unit is sold, a certificate of compliance with this chapter shall be issued. (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.902. Certificates of compliance.

No unit shall be sold in a conversion until the Director issues a certificate of compliance indicating that the sale of such unit would be consistent with the requirements of this chapter and the conditions imposed on the tentative subdivision map approved pursuant to this chapter.

Such certificate of compliance may be issued upon the completion of the work if the approved subdivision map allows the sale of the unit to any member of the public.

If the approved subdivision map requires the sale of the particular unit to a member of a particular class or category of buyers, the certificate of compliance shall not be issued until the Director is satisfied that the proposed sale is in conformity with the conditions of the approved map. (§ 1, Ord. 942, eff. December 30, 1982)

Article 10. Appeals

Sec. 8-6.1001. Appeals from actions of the Planning Commission.

(a) *Filing.* The action of the Planning Commission on any decision made pursuant to this chapter shall be final unless, within fifteen (15) days after such action, any person with standing to appeal shall appeal therefrom by filing a written appeal, together with an appeal fee as established by resolution of the Board. Such appeal shall specifically delineate the decision which is appealed and specifically recite the grounds for the appeal.

(b) *Hearings: Setting: Notices.* At the second regular meeting after the filing of an appeal, the Board shall set a date for a hearing upon such appeal and shall give notice thereof to all interested parties in the manner specified for the hearing of initial applications as set forth in Section 8-6.701 of Article 7 of this chapter.

(c) *Decisions.* Upon hearing the appeal, the Board shall either announce its findings and decision or announce its intention and order the preparation of formal written findings and its decision for subsequent adoption.

(d) *Procedures.* All appeals pursuant to this article shall be heard by the Board pursuant to the procedures set forth in Article 3 of Chapter 1 of Title 2 of this Code, entitled "Rules Governing Conduct of Judicial or Quasi-Judicial Proceedings." (§ 1, Ord. 942, eff. December 30, 1982)

Sec. 8-6.1002. Appeals from actions of the Director of Community Development.

All decisions of the Director may be appealed to the Planning Commission in the same manner and upon the payment of the same fees as are provided for appeals of Zoning Administrator decisions by Article 32 of Chapter 2 of this title. (§ 1, Ord. 942, eff. December 30, 1982)

Article 11. Fees

Sec. 8-6.1101. Fees.

The Board, by resolution, shall establish fees
reasonably calculated to allow the County to recover the costs of the enforcement of this article. (§ 1, Ord. 942, eff. December 30, 1982)

Article 12. Violations: Enforcement

Sec. 8-6.1201. Violations: Enforcement.

The Board hereby declares that any condominium resulting from a conversion in violation of this chapter shall constitute both a violation of the zoning provisions (Chapter 2 of this title) and a violation of the Subdivision Map Act (Sections 66410 et seq. of the Government Code of the State) and the land development provisions (Chapter 1 of this title). All remedies provided for the enforcement of said statutes and laws hereby are declared to apply to violations of this chapter. (§ 1, Ord. 942, eff. December 30, 1982)

Chapter 7

ENERGY EFFICIENCY

Sections:

Article 1. Title, Scope, Legislative Declaration, and Authority

Sec. 8-7.101. Title.

This chapter shall be known as the "Yolo County Energy Efficiency Law". (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.102. Scope.

The mandatory provisions of this chapter shall apply only to multiple-family dwellings, as defined in Section 8-7.212 of Article 2 of this chapter.

The following multi-family dwellings shall be exempt from the mandatory provisions of this chapter:

(a) Those constructed after July 1, 1978, under the provisions of, and in full compliance with, the requirements of Title 24 of the California Administrative Code, Part 6, Article 1,

the “Energy Conservation Standards for New Construction”, or successor regulations; and

(b) Those constructed prior to July 1, 1949. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.103. Legislative findings, declaration, and policy.

(a) *Declaration of nuisances.* Noncomplying multiple-family dwellings, as defined in Section 8-7.213 of Article 2 of this chapter, which do not include the basic energy efficiency measures required by this chapter hereby are declared to be a public nuisance; provided, however, the mandatory abatement of such nuisances shall be deferred as provided in this chapter. The facts constituting such public nuisances are set forth in this section.

(b) *Findings.* The Board finds and declares:

(1) Electrical and natural gas energy used to heat and cool residential structures is essential to the health, safety, and welfare of the occupants of such structures and of the community. Uncertainty in the supply and the increase in the price of natural gas and electricity result in an increasing economic burden upon the citizens of the County. Most of the existing multiple-family residential dwellings within the County and in the State were constructed during a period when energy supplies were both inexpensive and abundant. Most of such structures, therefore, use
climate control systems which consume levels of energy which exceed the energy use of buildings using energy conservation methods of construction and technology.

(2) Such increasing energy costs affect tenants in multiple-family residential dwelling units more severely chapter establishes minimum required energy efficiency than others, because rental property does not experience direct economic incentives for weatherization, as does owner-occupied property, because the capital expenditures must be made by the owner/landlord, whereas the increased energy bills due to energy inefficient methods of construction are paid by the tenants.

(3) Multiple-family residential rental properties constitute a clear and definable portion of the total housing stock of the County with less inducement for the installation of energy efficiency measures than other property.

(4) Significant opportunities exist for energy conservation through the application of cost effective energy conservation standards to existing multiple-family residential dwellings. Conservation of energy in such manner will result in decreased energy use in such residences, lower energy bills for the tenants thereof, and cost savings available for expenditure within the community and will diminish the threat to the health, safety, and welfare of the tenants of such structures posed by future energy shortages and the unforeseeable cost increases associated therewith.

(5) The basic energy conservation measures required by this chapter are cost effective, locally available, and easy to install; the maximum expenditures for such measures required by this chapter do not exceed Three Hundred and no/100ths ($300.00) Dollars per dwelling unit in a multiple-family dwelling, and if, in individual cases, that level of expenditure proves non-cost effective, opportunity exists for a case-by-case exemption of the requirements.

(6) Therefore, the County declares that the economic impacts of this chapter upon the owners of multiple-family residential dwellings are overbalanced by the benefit to and protection of the health, safety, and welfare of the tenants of such buildings and of the County at large.

(c) *Deferred abatement.* It is the intention of this chapter that all nonconforming multiple-family dwellings are public nuisances and substandard buildings, but that the mandatory abatement of such nuisances shall be deferred for six (6) months following a change in the ownership of such building, or such additional time as specified in a stay of enforcement issued pursuant to Article 8 of this chapter. The purpose of such provision is to allow voluntary compliance with this chapter by the owner of the multiple-family dwelling at the earliest feasible time, but to defer enforcement until a sales transaction occurs which will generate the funds needed to correct the substandard condition.

(d) *Additional voluntary measures encouraged.* This chapter establishes minimum required energy efficiency measures for installations in multiple-family dwellings within a specified time; however, additional voluntary measures are encouraged.

It is the policy of the County strongly to encourage all citizens to achieve energy conservation through individual initiative and all property owners to install cost-effective energy conservation measures in existing buildings at the earliest feasible time.

To further such policy, the County is committed to a policy of energy conservation in existing and new County buildings and encourages a similar commitment by other public and private institutions. Further, the County has adopted an energy policy which provides information on energy conservation, and, pursuant to Section 8-7.504 of Article 5 of this chapter, the Community Development Agency will make additional information published by State agencies, utilities, and other energy conservation data sources available upon request.

(e) *Limitations.* It is further the intention of the Board that such private nuisance actions

shall not be brought prior to the time this chapter would require the installation of the basic energy efficiency measures, nor that the private abatement of such nuisances shall result in requiring the installation of such measures of a value beyond the maximum specified by Section 8-7.403 of Article 4 of this chapter. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.104. Authority.

This chapter is enacted pursuant to the general police power granted to counties by Section 7 of Article XI of the Constitution of the State, and pursuant to Part 1.5 of Division 13 of the Health and Safety Code of the State, particularly Sections 17958 and 17958.7 thereof. (§ 1, Ord. 951, eff. June 9, 1983)

Article 2. Definitions

Sec. 8-7.201. Scope.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as set forth in this article. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.202. Abatement.

"Abatement" shall mean the procedures for the correction of a non-complying multiple-family dwelling as set forth in Article 9 of this chapter. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.203. Accessible.

"Accessible" shall mean that sufficient space exists in the building to allow the installation of a particular energy measure without structural modifications. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.204. Basic energy efficiency measure.

"Basic energy efficiency measure" shall mean a measure required by Section 8-7.402 of Article 4 of this chapter. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.205. Certificate of energy efficiency label.

"Certificate of energy efficiency label" shall mean the certificate of compliance with this chapter issued pursuant to Section 8-7.603 of Article 6 of this chapter.

The certificate of energy efficiency label shall be recorded in the chain of title of the property to which it is issued. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.206. Change in ownership, sale, and offer to sell.

"Change of ownership" shall mean a complete or partial change of ownership for the purposes of reassessment pursuant to Article XIII-A of the Constitution of the State, implementing statutes, and regulations of the State Board of Equalization. "Sale" or "offer to sell" shall mean any transaction or offer to enter into a transaction which constitutes or would constitute a change in ownership.

The following transfers shall be exempt from the provisions of this chapter and shall not constitute a "change in ownership" as defined in this section:

(a) Transfers ordered by a probate court in the administration of an estate;

(b) Transfers of a fiduciary in the course of the administration of a guardianship, conservatorship, or trust;

(c) Transfers from one co-owner to one or more co-owners;

(d) Transfers made to a spouse or to a person or persons in the lineal line of consanguinity of one or more of the transferors;

(e) Transfers between spouses resulting from a decree of dissolution of marriage or a decree of legal separation or from a property settlement agreement incidental to such decrees; and

(f) Transfers of deed interests which cumulatively, during the preceding three (3) years, do not exceed a one-third (1/3) interest in the property. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.207. Community Development Agency.

"Community Development Agency" shall mean the Community Development Agency of the County. For all purposes relevant to the enforcement of this chapter, the Community Development Agency hereby is designated as the agency charged with the enforcement of this chapter pursuant to Section 17965 of the Health and Safety and Safety Code of the State. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.208. Director.

"Director" shall mean the Director of the Community Development Agency. For all purposes relevant to this chapter, the Director shall be the officer charged with the enforcement of this chapter pursuant to Section 17964 of the Health and Safety Code of the State, unless this chapter designates some other official as the enforcing official. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.209. Energy inspection.

"Energy inspection" shall mean an on-site inspection of a dwelling unit to determine the presence or absence of the basic energy efficiency measures set forth in Section 8-7.402 of Article 4 of this chapter. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.210. Energy Inspector.

"Energy Inspector" shall mean a building inspector employed by the Building Division of the Community Development Agency. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.211. Feasible.

"Feasible" shall mean capable of being accomplished in a successful manner within a reasonable period of time, considering present economic, structural, and technologic factors and the future cost-effectiveness of the basic energy efficiency measure in question. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.212. Multiple-family dwelling.

"Multiple-family dwelling" shall mean any single building containing three (3) or more dwelling units, including apartments, flats, and condominium conversions, but excluding rooming houses, boardinghouses, lodging houses, motels, mobile homes, mobile home parks, hotels, fraternity and sorority houses, private residence clubs, and separate dwelling units on the same parcel, regardless of length or character of occupancy. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.213. Noncomplying multiple-family dwelling.

"Noncomplying multiple-family dwelling" shall mean any multiple family dwelling which has been issued a notice of energy requirements pursuant to Article 7 of this chapter, when such notice is recorded in the chain of title of such dwelling. A noncomplying multiple-family dwelling shall constitute a substandard dwelling, as defined in subsection (c) of Section 17920.3 of the Health and Safety Code of the State. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.214. Notice of energy requirements.

"Notice of energy requirements" shall mean the notice recorded pursuant to Article 7 of this chapter. (§ 1, Ord. 95 1, eff. June 9, 1983)

Sec. 8-7.215. Housing Code Advisory and Appeals Board.

The Yolo County Housing Code Advisory and Appeals Board hereby is designated as the Local Appeals Board, as defined in Section 17920.5 of the Health and Safety Code of the State, and as the Housing Appeals Board, as defined in Section 17920.6 of said Health and Safety Code, for all purposes relevant to this chapter. (§ 1, Ord. 95 1, eff. June 9, 1983)

Article 3. Prohibitions: Penalties

Sec. 8-7.301. Prohibitions.

It shall be a violation of this chapter for any owner of a multiple-family dwelling to do any of the following:

(a) To lease or offer to lease any unit within a noncomplying multiple-family dwelling from and after six (6) months following a change in ownership thereof, unless enforcement of this chapter has been stayed pursuant to Section 8-7.804 of Article 8 of this chapter;

(b) To refuse or neglect to install the basic energy efficiency measures required by this chapter in a noncomplying multiple-family dwelling after six (6) months following a change in ownership thereof, unless enforcement of this chapter has been stayed pursuant to Section 8-7.804 of Article 8 of this chapter; or

(c) To evict any tenant in retaliation for the exercise by such tenant of any rights created by this chapter. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.302. Penalties.

The violation of any provision of Section 8-7.301 of this article shall constitute an infraction punishable as set forth in Section 25132 of the Government Code of the State. (§ 1, Ord. 951, eff. June 9, 1983)

Article 4. Basic Energy Efficiency Measures: Maximum Costs

Sec. 8-7.401. Basic energy efficiency measures required.

From and after June 1, 1984, all multiple-family dwellings subject to this chapter shall be fitted with basic energy efficiency measures, as set forth in Section 8-7.402 of this article, at the time specified by this chapter. (§ 1, Ord. 951, eff. June 9, 1983, as amended by § 1, Ord. 972, eff. January 19, 1984)

Sec. 8-7.402. Basic energy efficiency measures.

(a) *Ceiling insulation.* Ceilings shall be insulated to no less than a thermal resistance value of R-19, which insulation shall be installed over the entire accessible attic space, provided the difference between the effective R-value of any existing insulation and the specified minimum

requirement is more than R-11. Before such insulation is installed, drop spaces in attic floors, such as those above stairwells, shall be sealed to effectively limit air infiltration.

(b) *Weatherstripping.* Weatherstripping shall be installed on all doors, including attic access doors and windows, which lead to unheated or uncooled areas so as to effectively and reliably limit air infiltration.

(c) *Water heater insulation blankets.* An external water heater insulation blanket with a minimum thermal resistance of R-5.2 shall be installed on any accessible water heater, unless

the thermal resistance of the existing water heater insulation jacket is R-12 or greater.

(d) *Insulation.* Insulation shall be installed on the first five (5') feet of both inlet and outlet hot water pipes in unconditioned spaces with insulation of a minimum thermal resistance of R-4.

(e) *Low-flow devices.* Low-flow devices shall be installed on all accessible shower heads. The flow devices shall have a maximum rated flow of two and 75/100ths (2.75) gallons per minute. The replacement of existing flow devices shall be required when their effective flow is three (3) gallons per minute, or greater, than the flow rate designated in this subsection.

(f) *Shading.* Shading shall be installed on all glazing with an orientation within thirty (30º) degrees of due south. Shading may be accomplished by the installation of exterior sunscreens with a shading coefficient of thirty-four hundredths (0.34) or less, of roll-up exterior shades providing equivalent shading effect, or trellises, awnings, and roof overhangs calculated to fully shade glazing between the hours of 11:00 a.m. and 1:00 p.m. on August 21.

Additionally, if glazing orientation is within fifteen (15º) degrees of due south, then the west and east facing glazing shall also be shaded.

(g) *Caulking and sealing.* Caulking and sealing shall be installed in all major cracks and joints and other openings in building exteriors to reduce the loss of conditioned air or the entry of outside air where feasible and the sealing of wall electrical outlets on all exterior walls. All major openings from the conditioned living space into the attic, including, but not limited to, openings found around plumbing vent pipes, electrical wiring, or furnace flue pipes, shall be sealed.

(h) *Uninsulated supply heating and cooling system ducts and plenums.* Uninsulated supply heating and cooling system ducts and plenums which are located in unconditioned areas, and which are accessible, shall be insulated to the equivalent of a two (2") inch thick, sixty hundredths (0.60) pounds per square foot density fibrous glass insulation, and all duct and plenum joints shall be sealed with pressure sensitive tape or mastic. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.403. Maximum costs: Priorities.

The maximum expenditure for the basic energy efficiency measures set forth in Section 8-7.402 of this article shall not exceed a sum equal to Three Hundred and no/100ths ($300.00) Dollars for each dwelling unit in the multiple-family dwelling. In the event the maximum expenditure cost is met, it shall be in the discretion of the owner of the multiple-family dwelling to determine which energy efficiency measures shall be installed and the areas within the structure where they will be installed; provided, however, each unit shall receive low-flow devices on all accessible shower heads, and the entire ceilings within the multiple-family residential dwelling shall be insulated to an R-19 value as the first and second priority expenditures. (§ 1, Ord. 951, eff. June 9, 1983)

Article 5. Implementation

Sec. 8-7.501. Time for completion.

The requirements of this chapter may be fulfilled on a voluntary basis prior to May 31, 1984, and on a mandatory basis after said date, as follows:

(a) Basic energy efficiency measures as provided in Article 4 of this chapter may be installed prior to the recordation of a notice of energy requirements on June 1, 1984. Properties which meet the requirements of this chapter before said date and which have received a certificate of energy efficiency label shall be removed from the master list.

(b) Properties for which no certificate of energy efficiency label has been issued prior to June 1, 1984, are public nuisances and substandard buildings. A notice of energy requirements reflecting such fact shall be recorded in the chain of title of all such properties on June 1, 1984. However, the mandatory abatement of such nuisance condition by the County pursuant to Article 9 of this chapter shall be deferred until six (6) months after a change in ownership of such property or until such other time as specified in a stay of enforcement issued pursuant to Article 8 of this chapter to allow the voluntary correction of the substandard condition. (§ 1, Ord. 951, eff. June 9, 1983, as amended by § 2, Ord. 972, eff. January 19, 1984)

Sec. 8-7.502. Master list.

The County shall develop and maintain a master list of all multiple-family dwelling units subject to the mandatory requirements of this chapter in the unincorporated areas of the County.

The master list shall contain the following information for each such dwelling:

(a) The parcel number;

(b) The property owners;

(c) The address of the property;

(d) The address of the property owners; and

(e) Whether such property has received the certificate of energy efficiency label and whether a notice of energy requirements is of record.

Such master list shall be regularly updated to reflect the issuance of certificates of energy efficiency labels and changes in ownership. The Assessor shall keep such list, utilizing information from the latest equalized

assessment roll, and shall periodically forward it to the Community Development Agency.

Upon issuance of a certificate of energy efficiency label, the property shall be deleted from the master list. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.503. Notification to owners.

On or before January 1, 1984, the Community Development Agency shall provide all owners of properties listed on the master list with the following information:

(a) A copy of this chapter;

(b) A notice of the requirements of this chapter;

(c) A statement explaining that although this chapter has been enacted, the energy efficiency measures are not required to be installed until six (6) months following a change of ownership occurring after June 1, 1984;

(d) An explanation of how owners of property on the master list can demonstrate compliance with the requirements of this chapter and obtain a County certificate of energy efficiency label;

(e) An explanation of the process to apply for the certificate of energy efficiency label and of contractors who can perform the work;

(f) An explanation that a notice of energy requirements will be recorded in the chain of title for the property if the certificate of energy efficiency label has not been issued on or before June 1, 1984;

(g) An explanation of the significance of the notice of energy requirements; and

(h) An explanation of the mandatory abatement procedures set forth in Article 9 of this chapter. (§ 1, Ord. 951, eff. June 9, 1983, as amended by § 3, Ord. 972, eff. January 19, 1984)

Sec. 8-7.504. Information with notices.

With such notices to owners as set forth in Section 8-7.503 of this article, and in order to encourage voluntary compliance with the provisions of this chapter, the Community Development Agency shall provide information regarding basic energy efficiency measures, including, but not limited to, the following:

(a) Financing programs for such measures sponsored by utilities or others, including a listing of participating contractors;

(b) Information from the State regarding conservation tax credits; and

(c) A list of informational workshops regarding basic energy efficiency measures and their sponsors. (§ 1, Ord. 951, eff. June 9, 1983)

Article 6. Application Process

Sec. 8-7.601. Issuance.

A certificate of energy efficiency label may be issued by the Building Division of the Community Development Agency. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.602. Applications for energy efficiency labels: Contents.

(a) An application for a certificate of energy efficiency label shall be filed by the owner of the property or by an authorized representative of the owner of the property.

(b) The application shall list the property for which the certificate is sought by address.

(c) The application shall indicate which energy efficiency measures already are in place, which will be installed, the timing of the installation, the contractor who will do the work (if any), and the inspector who will be asked to certify the work.

(d) The application shall not be filed until the required application fees are paid.

(e) Upon the completion of the installation, the applicant shall present an energy inspection report verifying compliance with this chapter. Such report shall be an inspection by a County energy inspector. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.603. Issuance of certificates of energy efficiency labels: Findings.

The Building Division of the Community Development Agency shall issue a certificate of energy efficiency label if either one of the following findings is made:

(a) The basic energy efficiency measures have been installed as required by this chapter; or

(b) The maximum expenditure requirement for each unit as set forth in Section 8-7.403 of Article 4 of this chapter has been reached. The applicant shall provide receipts to verify the facts justifying such finding and demonstrate the installation of the low-flow showers and ceiling insulation as required by said Section 8-7.403. (§
1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.604. Referral to the Planning Division of the Community Development Agency.

In the event the applicant appeals the requirements of this chapter, applies for an exemption, or applies for a stay of enforcement, the Building Division of the Community Development Agency shall refer the application to the Director for further processing. (§ 1, Ord. 951, eff. June 9, 1983)

Article 7. Notices of Energy Requirements

Sec. 8-7.701. Recordation of notices of energy requirements.

On June 1, 1984, the County shall cause to be recorded a notice of energy requirements in the chain of title of all properties on the master list for which no certificate of energy efficiency label has been issued. (§ 1, Ord. 951, eff. June 9, 1983, as amended by § 4, Ord. 972, eff. January 19, 1984)

Sec. 8-7.702. Contents of notices.

Such notices shall be in substantially the following form:

Notice of Energy Requirements
Yolo County Energy Efficiency Law

Subject Property:
Name of Property Owner:

Address of Property Owner:

Assessor's Parcel No.:

Deed Reference to Most Recent Grant Deed:

To All Persons

Notice is given hereby that the above-described real property has not been issued a certificate of energy efficiency label pursuant to Chapter 7 of Title 8 of the Yolo County Code, the Yolo County Energy Efficiency Law.

Such certificate may be issued by the Yolo County Building Division upon proof of the installation of the required basic energy efficiency measures or the expenditure of specified maximum sums for such purpose.

Notice further is given that from and after six (6) months following a change in ownership of the subject property, it is a violation of the energy efficiency law and an infraction to refuse or fail to install such measures and/or to lease or offer to lease dwelling units in a nonconforming multiple-family dwelling.

Notice further is given that the above-described property constitutes a public nuisance and a substandard building subject to abatement as provided in Article 9 of Chapter 7 of Title 8 of the Yolo County Code which authorizes the County, after notice and a hearing, to enter upon the subject property, perform the work needed to abate the public nuisance and eliminate the substandard condition, and to levy the costs of such abatement to the subject property as an assessment which, upon approval by the Board of Supervisors, shall become a lien against the subject property.

Application forms and further information are available from the Yolo County Community Development Agency, 292 West Beamer Street, Woodland, California.

This notice shall remain in full force and effect until the recordation of a certificate of energy efficiency label. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.703. Notices of intent to record.

Prior to the recordation of such notice, the Community Development Agency shall provide written notice of the intent to record a notice of energy requirements to the owner of such property as shown on the master list. Such notice shall include the following information:

(a) The requirements of this chapter;

(b) An application for a County certificate of energy efficiency label with instructions;

(c) An explanation of the process by which such certificate may be issued;

(d) An explanation of the method by which an applicant may request a hearing by the Housing Code Advisory and Appeals Board;

(e) The date the notice of energy requirements shall be recorded; and

(f) An explanation of the consequences of the failure to install the basic energy efficiency measures at the time required by this chapter.

If, prior to the date set for the recordation of a notice of energy requirements, the applicant submits a completed application for a certificate of energy efficiency label, which application specifies a time no later than six (6) months after the date of the application for the completion of such installation and is accompanied by an agreement to perform such work, the notice of energy requirements shall not be recorded, and the recordation thereof shall be continued to the time specified in the application. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.704. Hearings on notices of energy requirements.

If the owner of the subject property so requests, prior to the recordation of a notice of energy requirements, the Director shall conduct a hearing thereon. The owner of the property shall be afforded the opportunity to appear and be heard on the question of why such notice should not be recorded, or for a request for an exemption from the strict application of this chapter, or for a stay of enforcement thereof.

The procedure to conduct such hearing shall be as set forth in Article 8 of this chapter. (§ 1, Ord. 951, eff. June 9, 1983)

Article 8. Exemptions, Appeals, and Stays of Enforcement

Sec. 8-7.801. Exemptions authorized.

The Director may grant an exemption from the strict application of this chapter upon the following finding: that the basic energy efficiency measure is not feasible, as defined in Section 8-7.211 of Article 2 of this chapter. A measure

shall not be found to be non-feasible unless so indicated by a program audit performed by a qualified energy auditor. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.802. Applications for exemptions: Contents.

The application for an exemption shall state clearly which basic energy efficiency measure is sought to be eliminated and/or modified and all grounds advanced by the applicant to support a finding of non-feasibility.

If the applicant challenges the cost-effectiveness of the particular measure, the application shall include data from Title 24 of the California Administrative Code, "Energy Conservation Standards for New Residential and Nonresidential Buildings" (effective July 1, 1978), or successor regulations regarding the cost of the measure amortized over its useful life.(§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.803. Appeals.

The requirements of this chapter or the application thereof may be appealed to the Director, then to the Housing Code Advisory and Appeals Board, and then to the Board of Supervisors. Each level of appellate review shall conduct a hearing de novo on the issues presented by the appellant at the next lower level of review. The findings regarding such appeal shall be as specified in this chapter for the particular action sought by the appellant. The Director, Housing Code Advisory and Appeals Board, or Board of Supervisors, as the case may be, may sustain, modify, reject, or overrule the decision at the lower level, with or without conditions.

The procedure for such appeals shall be as set forth in Article 3 of Chapter 1 of Title 2 of this Code, "Rules Governing Conduct of Judicial or Quasi-Judicial Proceedings", unless otherwise specified by this chapter. The Housing Code Advisory and Appeals Board may adopt supplementary regulations regarding its conduct of such appeals. Such regulations shall be consistent with Article 3 of Chapter 1 of Title 2 of this Code. The Community Development Agency shall provide staff support and reports to the Housing Code Advisory and Appeals Board in such appeals.

In addition to such other notice as required by law or deemed appropriate by the Director, written notice of the appeal, specifying the grounds and specifying the decision sought, shall be delivered by the appellant to the occupant of each dwelling unit in the multiple-family residential dwelling which is the subject of the appeal. The appellant shall confirm such delivery by providing acknowledgments of the receipt of such notice from each tenant and a list of all tenants in the multiple-family dwelling. Such tenants shall have standing to participate in the hearing on the appeal at all levels. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.804. Stays of enforcement authorized: Procedure.

The Director, Housing Code Advisory and Appeals Board, and Board of Supervisors may grant a stay of the required date for the installation of any basic energy efficiency measure required by this chapter upon a demonstration by the applicant of grounds for such stay and assurances by the applicant that the basic energy efficiency measure will be installed within a reasonable time, not to exceed six (6) months, of the otherwise required date for installation. Such assurances may include, but shall not be limited to, the execution of a contract between the County and the applicant by which the applicant undertakes to install such measures within the time specified, secured by a performance bond or other acceptable surety naming the County as obligee.

If the applicant fails to install the agreed-upon measures within the specified time, the bond shall be forfeited, the County shall use the proceeds to perform the work by the methods specified in the contract, and the case shall be referred to the District Attorney for prosecution as a violation of this chapter. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.805. Stays of enforcement: Grounds.

No stay of enforcement shall be granted unless the applicant demonstrates good cause therefor. Good cause shall include, but not be limited to:

(a) That the physical characteristics of the subject property render compliance with this chapter significantly more difficult than for other properties;

(b) That special circumstances pertain with respect to the subject property by which a stay of enforcement will more effectively achieve the purposes of this chapter than would result otherwise; and

(c) That the applicant will suffer an economic hardship demonstrably more severe than others similarly situated by the immediate installation of the energy efficiency measures required by this chapter. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.806. Significance of stays of enforcement.

If the stay of enforcement is approved, no proceedings shall be brought by the County or by any person to abate the nuisance and/or correct the substandard conditions present within the nonconforming multiple-family

dwelling until after the date specified in the approved stay of enforcement. (§ 1, Ord. 951, eff. June 9, 1983)

Article 9. Enforcement

Sec. 8-7.901. Adoption of portions of the Uniform Housing Code.

The following chapters of the 1976 Edition of the Uniform Housing Code, as amended by Chapter 6 of Title 6 of this Code, hereby are adopted by reference thereto and incorporated in this chapter by this reference. Said Housing Code is published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California. The portions of the Uniform Housing Code incorporated in this chapter are as follows:

(a) Chapter 11, Notices and Order of Building Official, as amended by Section 6-6.13 of Chapter 6 of Title 6 of this Code;

(b) Chapter 12, Appeal;

(c) Chapter 13, Procedures for Conduct of Hearing Appeals, as amended by Sections 6-6.14 and 6-6.15 of said Chapter 6;

(d) Chapter 14, Enforcement of the Order of the Building Official or the Board of Appeals;

(e) Chapter 15, Performance of Work of Repair; and

(f) Chapter 16, Recovery of Cost of Repair. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.902. Amendment of terms of the Uniform Housing Code.

For the purposes of enforcement pursuant to this article, the following terms of the Uniform Housing Code incorporated in this chapter shall be defined as follows:

(a) *Building Official.* Wherever the term "Building Official" appears, it shall mean the Director of the Yolo County Community Development Agency.

(b) *Board.* Wherever the term "Board" appears, it shall mean the Yolo County Housing Code Advisory and Appeals Board.

(c) *City Council.* Wherever the term "City Council" appears, it shall mean the Yolo County Board of Supervisors.

(d) *City.* Wherever the term "City" is used, it shall mean the County of Yolo.

(e) *City Attorney.* Wherever the term "City Attorney" is used, it shall mean the County Counsel of the County of Yolo.

(f) *Enforcement Agency.* Wherever the term "Enforcement Agency" is used, it shall mean the Community Development Agency. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.903. Demolition authority deleted from the Uniform Housing Code.

Wherever in the Uniform Housing Code incorporated in this chapter authority is granted to the County to require the vacation and/or demolition of a substandard building, such authority shall be deemed, and hereby is, deleted.

The purpose of this section is to provide for the abatement of the nuisance and substandard conditions present in a nonconforming multiple-family dwelling by requiring the repair and/or rehabilitation of such dwelling, not by requiring the vacation and/or demolition of such building. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.904. Purpose of incorporating the Uniform Housing Code.

The purpose of incorporating the referenced portions of the Uniform Housing Code as amended in this chapter is to provide a method by which the County may enforce the basic energy efficiency measures required by this chapter for the protection of the public health, safety, and welfare of the tenants of such dwellings and the County at large. The further purpose is to designate the officers of the County charged with the responsibility for the enforcement of this chapter and to establish the Housing Code Advisory and Appeals Board as the Appeals Board for all purposes relevant to this chapter. (§ 1, Ord. 951, eff. June 9, 1983)

Sec. 8-7.905. Reference to the Uniform Housing Code.

Three (3) copies of said Uniform Housing Code, as amended by this Code, including this chapter, are on file in the office of the County Clerk, and additional copies are available to the public through the Community Development Agency, at cost, along with copies of this chapter.
(§ 1, Ord. 951, eff. June 9, 1983)

Article 10. Fees

Sec. 8-7.1001. Fees.

(a) Categories of fees and their amounts shall be set by the Board by resolution. Such fees shall not exceed the reasonable cost to implement and enforce this chapter.

(b) Fees may include:

(1) Plan-check fees;

(2) Inspection fees; and

(3) Application processing fees. (§ 1, Ord. 951, eff. June 9, 1983)

Article 11. Recordation

Sec. 8-7.1101. Recordation authorized.

The County Clerk-Recorder shall record the notice of energy requirements, certificate of energy efficiency label, and all other notices

authorized by this chapter, without charge, in the manner provided by law. (§ 1, Ord. 951, eff. June 9, 1983)

Chapter 8

HISTORIC LANDMARKS AND HISTORIC DISTRICTS

Sections:

Article 1. General Provisions

Sec. 8-8.101. Purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation and use of improvements, buildings, structures, signs, objects, features, sites, places and areas within the County that reflect elements of its cultural, agricultural, social economic, political, aesthetic, military, maritime, engineering, archaeological, religious, ethnic, natural, architectural and other heritage for the following reasons:

(a) To safeguard the County's heritage as embodied and reflected in such resources;

(b) To encourage public knowledge, understanding, and appreciation of the County's past;

(c) To promote their use for the education and welfare of other residents of the County;

(d) To strengthen the economy of the County by protecting and enhancing the County's attraction to tourists, visitors and residents;

(e) To stabilize and improve property values in historic areas of structures and objects for the ultimate aesthetic and economic benefit of the County;

(f) To provide increased availability to building owners of construction code, financing aids and tax benefits permitted under State and Federal laws when buildings have been designated a historic landmark status or lie within a designated historic district; and

(g) To enhance the visual character of the County by encouraging new design and construction that complement the County's historic buildings. (§ 2, Ord. 1080, eff. August 18, 1988)

Article 2. Designation of Historic Landmarks and Historic Districts

Sec. 8-8.201. Standards for designation of historic landmarks and historic districts.

(a) A building, structure, object, particular place, vegetation or geology, may be designated for preservation as a historic landmark if it meets one or more of the following criteria:

(1) It exemplifies or reflects valued elements of the County's cultural, agricultural, social, economic, political, aesthetic, military, religious, ethnic, natural vegetation, architectural, maritime, engineering, archaeological or geological history; or

(2) It is identified with persons or events important in local, state or national history; or

(3) It reflects significant geographical patterns, including those associated with different eras of settlement and growth and particular transportation modes; or

(4) It embodies distinguishing characteristics or an architectural style, type, period, or method of construction or is a

valuable example of the use of indigenous materials or craftsmanship; or

(5) It is representative of the notable work of a builder, designer or architect; or

(6) It represents an important natural feature or design element that provides a visual point of reference to members of the community.

(b) An area may be designated as a historic district when it includes at least two designated historic landmarks in such proximity that they create a setting historically or culturally significant to the local community, the state, or the nation, sufficiently distinguishable from other areas of the County to warrant preservation by such means. Such district may include structures and sites that
individually do not meet criteria for landmark status but which geographically and visually are located so as to be part of the setting in which the other structures are viewed. (§ 2, Ord. 1080, eff. August 18, 1988)

Sec. 8-8.202. Procedure for designation of historic landmarks and historic districts.

(a) The Historic Preservation Commission, upon its own initiative or upon request of the Historical Advisory Committee or any affected property owner or County agency, by resolution may recommend to the Board of Supervisors designation of a Historic Landmark or Historic District upon compliance with the following procedure:

(1) Information concerning the proposal shall be filed with the Community Development Agency and shall include:

(i) The assessor's parcel number for the site;

(ii) A description detailing the special aesthetic, cultural, architectural, or engineering interest or value of a historic nature;

(iii) A detailed site plan;

(iv) Sketches, drawings, photographs or other descriptive material showing what is to be designated;

(v) A statement of condition of the structure, object, or particular place;

(vi) Such other information as reasonably may be requested by the Commission.

(2) The proposal shall be considered at a public hearing. Notice of the time, place, and purpose of such hearing shall be given by the secretary of the Commission in a newspaper of the general circulation in the county and by mail to each owner of property subject to the proposed designation as a historic landmark or inclusion in the historic district, and adjacent property owners not less than fifteen (15) calendar days prior to the date of hearing. A copy of the ordinance codified in this chapter shall be mailed to the property owners only. The Historical Advisory Committee shall be given thirty (30) days in which to review and recommend on a proposal.

(3) Recommendation of designation of all or part of the proposal shall be based on enumerated facts which show that the standards contained in this article for designation as a historic landmark or a historic district have been met.

(b) Upon receipt of the recommendation from the Historic Preservation Commission, the Board of Supervisors shall approve, modify or disapprove the recommendation upon compliance with the following procedure:

(1) A public hearing on the matter shall be scheduled for the next regular meeting consistent with demands of the agenda. Notice of the lime, place, and purpose of such hearing shall be given by the Clerk of the Board of Supervisors in a newspaper of general circulation in the County and by mail to each owner of property subject to the proposed designation not less than fifteen (15) calendar days prior to the date of hearing.

(2) Final approval of the recommendation for designation shall be by resolution of the Board of Supervisors. The Clerk of the Board of Supervisors shall give written notice of such designation to each owner of property subject to the designation and other persons or agencies requesting notice thereof. (§ 2, Ord. 1080, eff. August 18, 1988)

Article 3. Permit System*

* Sections 8-8.301 through 8-8.309, codified from Ordinance No. 1080, repealed by Ordinance No. 1104, effective May 17, 1990.

Sec. 8-8.301. When permit required.

No person shall demolish, remove, move, or make alterations which affect the exterior appearance of, or cause excavations which affect a designated historic landmark or undertake the same with respect to any structure located in a designated historic district without first obtaining written approval from the Historic Preservation Commission; excepting therefrom those items specified in the design review guidelines or work authorized by the Building Official upon written approval of the Community Development Agency for protection of public safety. (§ 1, Ord. 1104, eff. May 17, 1990)

Sec. 8-8.301.5. Design review guidelines.

The intent of this article is to safeguard the County's heritage as embodied and reflected in the historic resources. The County recognizes the need for a balance between the historic value of a landmark and a property owner's

rights. Future construction or exterior alterations to historic landmarks will require design review by either the Community Development Agency staff or the Historic Preservation Commission. The criteria for the method of review of repair or alteration plans is as follows:

(a) The following items are exempt from this article. Prior to issuance of a building permit for any of these items, the Community Development Agency shall confirm conformity of the project with these exclusions:

House painting;

Routine maintenance or repair;

Landscaping including sprinkler system work;

Flat concrete work;

All interior alterations;

Screens and awnings.

(b) The following items do not require review by the Historic Preservation Commission. Approval by Community Development Agency will be issued upon approval of a building permit. The Agency may refer applications to the Historic Preservation Commission as deemed reasonably necessary in the discretion of the Agency Director:

Roofing;

Front, back and side yard fences or walls;

Retaining wall;

Chimney and foundation work;

Alterations or replacement of windows and exterior doors;

Solar collectors on roof;

Mechanical systems including air-conditioning and heating.

(c) The following projects which affect the exterior appearance of the structure shall be reviewed by the Historic Preservation Commission, if the estimate and construction cost is in excess of Five Hundred and no/100ths ($500.00) Dollars:

Repairs to replace or replicate original architecture;

Surfacing or re-surfacing exterior walls;

Additions or alterations to porches;

(Building permit fees are exempted for such projects).

(d) The following item requires review by the Historic Preservation Commission and will require a building permit:

Room additions to historic structures. (§ 1, Ord. 1104, eff. May 17, 1990)

Sec. 8-8.302. Application for permit.

(a) A property owner who desires to construct, move, remove or demolish a designated historic landmark or any structure within a designated historic district shall file an application with the Community Development Agency upon a form prescribed by the County. The application shall include all necessary information required by the rules of the Historic Preservation Commission. When the application is filed it shall be referred to the Historic Preservation Commission.

(b) *Alterations.* A property owner who desires to alter a designated historic landmark or any structure within a designated historic district is subject to design review guidelines criteria specified in Section 8-8.301.5 of this article.

(c) *Application Contents.* The owner shall file an application with the Community Development Agency upon a form prescribed by the County. The application shall include all necessary information required by the rules of the Historic Preservation Commission.

(d) *Process.* If the proposed alteration does not require review by the Historic Preservation Commission, the application shall be referred to the Community Development Agency for review.

If the proposed alteration requires review by the Historic Preservation Commission, the application shall be referred to the Historic Preservation Commission. (§ 1, Ord. 1104, eff. May 17, 1990)

Sec. 8-8.303. Procedure upon applications requiring Commission review.

(a) Upon the filing of an application requiring review by the Historic Advisory Commission, the Secretary of the Historic Preservation Commission shall refer the matter to the Historic Advisory Committee, set the matter for hearing and shall give written notice to the applicant. The secretary shall cause publication of notice in a newspaper of general circulation in the County of the date, time, and place of the hearing. The Historical Advisory Committee shall have thirty (30) days in which to review and make a recommendation. The Commission shall hold a public hearing and shall make its decision within ninety (90) days from the date the application is filed with the Community Development Agency. The Commission may approve an application for demolition or stay the application for a period up to ninety (90) days in order to seek an alternative to demolition. If the Commission fails to act within ninety (90) days, the application shall be considered approved unless the applicant and the Commission agree to an extension of time.

(b) At the conclusion of the hearing the Commission shall make its decision and shall file a letter of approval with the Building Official or deny the application. No person may do any work upon a designated historic landmark or any structure within a designated historic district which requires Commission approval, and the Building Official shall not issue a building permit, until the Commission files a letter of approval.

(c) Approved work shall begin within one year from the date of approval. (§ 1, Ord. 1104, eff. May 17, 1990)

Sec. 8-8.304. Criteria for evaluating application.

In reviewing and acting upon each application, the Commission shall consider:

(a) The recommendations of the Historical Advisory Committee;

(b) The historical value and significance, or the architectural value and significance, or both, of the designated historic landmark or of the structure within a designated historic district and its relation to the historical value of the surrounding area;

(c) The relationship of the exterior architectural features of the structure to the rest of the structure itself and to the surrounding area;

(d) The general compatibility of the exterior design, arrangement, texture and material which is proposed by the applicant;

(e) Plans for structures which have little or no historic value or plans for new construction for their compatibility with surrounding structures;

(f) Conformance with the design review guidelines specified in Section 8-8.301.5 of this article;

(g) Conformance with the Yolo County General Plan or applicable area general plan. (§ 1, Ord. 1104, eff. May 17, 1990)

Sec. 8-8.305. Commission restricted to exterior features only.

The Commission shall consider and pass upon only the exterior features of a designated historical landmark, or new structures upon sites located within a designated historic district unless the applicant voluntarily requests that interior features be included. (§ 1, Ord. 1104, eff. May 17, 1990)

Sec. 8-8.306. Special considerations.

(a) If an application proposes to move, remove, or demolish a structure which the Commission considers will be a great loss to the County, the Commission shall not approve the project unless it finds that the project proponent has been unable to develop any reasonably economically feasible alternative plan for the preservation of the structure. The owner shall be required to show documented evidence to the Commission of a good faith attempt (i.e. seeking funding and advertising the structure for purchase) to save the property.

(b) If the Commission finds that the proposed construction or alteration will not materially impair the historical and architectural value of the structure, it shall approve the application.

(c) If the Commission finds that the retention of the structure constitutes a hazard to public safety and the hazard cannot be eliminated by economic means available to the owner, the Commission shall approve the application for demolition.

(d) The Commission may approve the moving of a structure of historical or architectural value as a last alternative to demolition if the Commission finds that all other options for maintaining the structure on the site have been exhausted. (§ 1, Ord. 1104, eff. May 17,1990)

Sec. 8-8.307. Limit on application within one year.

No application for the same or substantially similar work may be filed within one year after the Commission has disapproved it. (§ 1, Ord. 1104, eff. May 17, 1990)

Sec. 8-8.308. Exemptions from regulations.

The regulations contained herein which require approval by the Historic Preservation Commission do not apply to work exempted from such review by Section 8-8.301.5 of this article, design review guidelines. (§ 1, Ord. 1104, eff. May 17, 1990)

Sec. 8-8.309. Pre-existing building permits.

The provisions of this chapter do not apply to construction, alteration, moving, removing, or demolition of a designated historic landmark or a structure within a designated historic district started under a building permit issued before the effective date of the ordinance codified in this article. (§ 1, Ord. 1104, eff. May 17, 1990)

Article 4. Appeals

Sec. 8-8.401. Appeals from actions of the Historic Preservation Commission.

(a) *Filing.* The action of the Historic Preservation Commission on any decision made pursuant to this chapter shall be final unless, within fifteen (15) days after such action, any person with standing to appeal shall appeal therefrom by filing a written appeal with the Board of Supervisors together with an appeal fee as established by resolution of the Board of Supervisors. Such appeal shall specifically delineate the decision which is appealed and specifically recite the grounds for the appeal.

(b) *Hearings: Setting: Notices.* At the second regular meeting after the filing of an appeal, the Board of Supervisors shall set a date for a hearing upon such appeal and shall give notice thereof to all interested parties in the manner specified for the hearing of initial

applications as set forth in subsections (a)(2) and (b)(1) of Section 8-8.202 of this chapter.

(c) *Decisions.* Upon hearing the appeal, the Board of Supervisors shall either announce its findings and decision or announce its intention and order the preparation of formal written findings and its decision for subsequent adoption.

(d) *Procedures.* All appeals pursuant to this article shall be heard by the Board of Supervisors pursuant to the procedures set forth in Article 3 of Chapter 1 of Title 2 of this Code, entitled "Rules Governing Conduct of Judicial or Quasi-Judicial Proceedings." No official action such as the issuance of a building permit, license or other type of permit shall be taken while an appeal or proceedings for designation are pending. (§ 2, Ord. 1080, eff. August 18, 1988)

Sec. 8-8.402. Appeals from actions of the Director of Community Development.

All decisions of the Director may be appealed to the Historic Preservation Commission in the same manner and upon the payment of the same fees as provided for appeals of Zoning Administrator decisions by Article 32 of Chapter 2 of this title. No official action such as the issuance of a building permit, license or other type of permit shall be taken while an appeal or proceedings for designation are pending. (§ 2, Ord. 1080, eff. August 18, 1988)

Article 5. Fees

Sec. 8-8.501. Fees.

The Board of Supervisors, by resolution, shall establish fees reasonably calculated to allow the County to recover the costs of the administering of this chapter. (§ 2, Ord. 1080, eff. August 18, 1988)

Article 6. Enforcement

Sec. 8-8.601. Regulations enforced by Building Official.

The provisions of this Chapter shall be enforced by the Building Official of the County with the aid of persons from such other County departments as may be requested by the Building Official. The Building Official shall make applicable the State Historic Building Code (California Administration Code, Title 24, Part 8) in reviewing all plans, in permitting repairs, alterations and additions necessary for the preservation, restoration, moving or continued use of a historic building or structure made under the provision embodied in this Chapter. (§ 2, Ord.
1080, eff. August 18, 1988)

Article 7. Penalties

Sec. 8-8.701. Violation is a nuisance and may be abated.

A person who violates the provisions of this chapter is guilty of maintaining a public nuisance. An authorized employee of the Building Department may mail written notice to the owner that a violation exists. The owner then shall have thirty (30) days to remedy the violation. The notice shall state that if the violation is not corrected within the time specified, legal proceedings to abate the violation shall be instituted. The County may follow the procedure conferred by Government Code Sections 38773, 38773.5, Civil Code Section 3494, Code of Civil Procedure Section 731, or other lawful authority. (§ 2, Ord. 1080, eff. August 18, 1988)

Sec. 8-8.702. Criminal penalty for violation.

A person who violates a provision of this Chapter is guilty of a misdemeanor and shall be punished by a fine of up to Five Hundred and no/100ths ($500.00) Dollars, imprisonment for up to six (6) months in the County Jail, or both. (§ 2, Ord. 1080, eff. August 18, 1988)

Sec. 8-8.703. Remedies are cumulative.

The remedies for violation of the provisions of this chapter are alternative and cumulative rather than exclusive in nature. (§ 2, Ord. 1080, eff. August 18, 1988)

Chapter 9

Inclusionary Housing Requirements

Sections:

Article 1. Authority, Purpose, Findings and Provision of Affordable Housing

Section 8-9.101. Authority

This Ordinance is enacted pursuant to the general police powers granted to the County by Article 11, Section 7 of the California State Constitution to protect the public health, safety and welfare.(Ord. 1339, eff. Nov. 3, 2005)

Section 8-9.102. Purpose

This Ordinance requires that residential projects within unincorporated Yolo County contain a defined percentage of housing affordable to very low, low and moderate income households as defined herein. To help achieve this goal, this Ordinance also establishes a program of incentives to assist in the production of affordable units. Altogether, this Ordinance is intended to satisfy the Inclusionary Housing Requirement (Program Two: Affordable Housing Requirements for New Residential Development) of the adopted Yolo County Housing Element. (Ord. 1339, eff. Nov. 3, 2005)

Section 8-9.103. Findings

The Board of Supervisors, having reviewed and considered Yolo County's Inclusionary Housing Ordinance, finds and determines as follows:

A. The State of California requires local governments to plan to meet the housing needs of all income groups. Specifically, "local governments have the responsibility to use their powers to facilitate the improvement and development of housing to meet the housing needs of all economic segments of the community (Government Code Section 65580) and to assist in the development of adequate housing to meet the needs of low and moderate income households (Government Code Section 65583(c)(2))."
B. It is a public purpose of the County, as expressed in the Housing Element of the County's General Plan, "to provide for the county's regional share of new housing for all income groups (Yolo County General Plan, Goal One)."
C. As documented in the Housing Element of the County's General Plan, there is a housing shortage for very low and low income households in the County and a shortage of ownership housing for moderate income households. Increasingly, very low, low and moderate income persons who work or live within the County are unable to locate suitable housing at prices they can afford and are increasingly excluded from living within the County. Federal and State housing subsidy programs are not sufficient by themselves to satisfy the housing needs of very low, low-income and moderate-income households.
D. The County finds that newly constructed housing does not, to any appreciable extent, provide housing affordable to very low, low and moderate income households. New development, which does not include or otherwise provide for affordable housing will further aggravate the current housing shortage for very low and low income households and the shortage of ownership housing for moderate income households, as it will reduce the supply of developable land and increase land costs, thus making affordable housing prohibitively difficult and expensive to develop.
E. This Ordinance implements the adopted Housing Element of the County General Plan and carries out the mandates of State Housing Element law, meeting the regional fair share housing requirements by ensuring that the benefits of economic diversity are available to the residents of the County. It is essential that new residential development contain housing opportunities for all income levels, and that the County provide a regulatory and incentive framework, which ensures development of an adequate supply and mix of new housing to meet the future housing needs of all income segments of the unincorporated Yolo County population.
F. The County further finds that the housing shortage for very low and low-income households, and the shortage of ownership housing for moderate income households, is detrimental to the public health, safety and general welfare of the County. (Ord. 1339, eff. Nov. 3, 2005)

Section 8-9.104. Provision of Affordable Housing

No Final Subdivision Map, Parcel Map, or Building Permit shall be issued for any new residential project unless such construction has been approved in accordance with the standards and procedures provided for by this Ordinance. The location and type of proposed affordable housing in a development shall be disclosed in writing by each seller to each subsequent purchaser of lots or units in the development, until all the affordable housing unit requirements are constructed. (Ord. 1339, eff. Nov. 3, 2005, amended by Ord. 1383, §2, eff. Apr. 23, 2009)

Article 2. Definitions

Section 8-9.201. Definitions

The definitions in this section shall govern the provisions of this ordinance. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.202. "Affordable Housing"

"Affordable Housing" means affordable for-sale housing or affordable rental housing. Affordable for-sale housing is housing affordable to very low, low, and moderate income households as defined herein. Affordable for-sale housing payments are thirty percent (30%) of gross monthly Household target income as defined in Title 25, Sections 6920 and 6924 of the California Code of Regulations, including maintenance, homeowners association dues, utilities, insurance and property taxes. Affordable rental housing is housing affordable, based upon monthly rent, to very low, low, and moderate income households. Affordable rental housing payments are thirty percent (30%) of gross monthly Household income, including utilities. Affordable rent shall be based on presumed occupancy levels of one person in a studio unit, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.203. "Affordability Gap"

"Affordability Gap" means the difference between the cost of constructing a housing unit based on fair market value versus the cost a low-income person can afford for a housing unit, using accepted housing cost calculations as provided in this ordinance. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.204. "Affordable Housing Cost"

"Affordable Housing Cost" for a purchaser means the monthly amount that is affordable to a low or moderate-income household. The method for calculating affordable housing costs is as provided in this ordinance. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.205 "Affordable Purchase Price"

"Affordable Purchase Price" means the maximum sale price a qualified purchaser may be required to pay for the affordable unit, as described in accordance with the provisions of this ordinance. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.206. "Annual household income"

"Annual household income" means the combined gross income for all adult persons living in a dwelling unit as calculated pursuant to Title 25, Section 6932 of the California Code of Regulations, as amended, or its successor. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.207. "Board"

"Board" means the Yolo County Board of Supervisors. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.208. "Building permit"

"Building permit," means a permit issued in accordance with the Yolo County Code. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.209. "Construction costs"

"Construction costs" means the estimated cost per square foot of construction, as established by the Uniform Building Code, or its successor, for use in the setting of regulatory fees, multiplied by the total square footage to be constructed. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.210. "Density Bonuses"

"Density Bonuses" entitles a developer to build additional residential units above the maximum number of units permitted by the General Plan, Community Plan, Specific Plan and Zoning designations in accordance with Government Code Section 65915 et. seq. Density bonus units shall be constructed in the same development where affordable housing units are located(Ord. 1339, eff. Nov. 3, 2005).

Sec. 8-9.211. "Developer"

"Developer" means any person, firm, partnership, association, joint venture, corporation, or other entity or combination of entities, which seeks County approval(s) for all or part of a residential development. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.212. "Development"

"Development" means one or more projects or groups of projects of residential units constructed in a contiguous area. A

development need not be limited to an area within an individual parcel or subdivision map. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.213. "Discretionary permit"

"Discretionary permit" shall include Variances, Conditional Use Permits, and Site Plan Reviews issued in accordance with the Yolo County Code, and the approval of Tentative Subdivision or Parcel maps pursuant to the Yolo County Code. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.214. "Dwelling unit"

"Dwelling unit" shall mean any building, or portion thereof, containing one or more dwelling units designed or used exclusively as a residence or sleeping place for one or more families, but not including a tent, cabin, boat, trailer, mobile home, dormitory, labor camp, hotel, or motel. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.215. Extremely Low-Income

"Extremely Low-Income" are those households with incomes of less than thirty percent (30%) of County median income as defined by the U.S. Department of Housing and Urban Development. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.216. "Family"

"Family" means persons living together as a single, independent and separate housekeeping unit in one dwelling unit and for the purposes of this paragraph, the word "family" includes and shall be deemed to include gratuitous guests and bonafide servants employed as such on the premises containing said dwelling unit. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.217. "Feasible"

"Feasible" means that even after complying with the requirements of this ordinance, the residential project as a whole remains reasonably capable of being financed, built and marketed, given the economic conditions prevailing at the time of approval of a residential project taking into account the incentives and alternatives that may be made available to the developer in accordance with this ordinance. In all cases, Feasibility, shall be as reviewed and recommended by the Planning Commission subject to approval by the Board of Supervisors. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.218. "For sale-units"

"For sale-units" means housing units which provide an ownership opportunity including, but not limited to, single family dwellings, condominiums, cooperatives and mutual housing associations, except in circumstances where the unit is intended for rental use. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.219. "Household"

"Household" means "Family" as defined herein.

Sec. 8-9.220. "Limited Equity Housing Cooperative"

"Limited Equity Housing Cooperative" means a housing cooperative organized in accordance with California Health and Safety Code Section 33007.6 and Business and Professional Code Section 11003.4. A limited equity housing cooperative is owned by a non-profit corporation or housing sponsor. Resident-owners own the cooperative as an individual whole, rather than individuals units within a development. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.221. "Low income households"

"Low income households" are those households with incomes from fifty-one percent (51%) to eighty percent (80%) of County median income as defined by the U.S. Department of Housing and Urban Development. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.222. "Market rate units"

"Market rate units" means dwelling units in a residential project, which are not affordable units for very low, low and moderate-income households. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.223. "Median income"

"Median income" means the median income, adjusted for family size, applicable to Yolo County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the U.S. Department of Housing and Urban Development**.** (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.224. "Moderate income households"

"Moderate income households" are those households with incomes from eighty-one percent (81%) and up to one hundred twenty percent (120%) of County median income as defined by the U.S. Department of Housing and Urban Development. (Ord. 1339, eff. Nov. 3, 2005) (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.225. "Monthly owner-occupied housing payment"

"Monthly owner-occupied housing payment" shall be that sum equal to the principal, interest, property taxes, utilities, homeowner's insurance and homeowner's association dues paid on an annual basis divided by twelve. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.226. "Notice of Intent to Sell"

"Notice of Intent to Sell" means the notice provided by owners of for-sale units to the County of their intent to offer their unit for sale. The covenants recorded against the property on which the unit is located shall provide that the owner shall provide a Notice of Intent to Sell in the manner prescribed in this ordinance. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.227. "Planning Commission"

"Planning Commission" shall mean the Yolo County Planning Commission. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.228. "Planning Director"

"Planning Director" means the Director of the Yolo County Planning & Public Works Department or the designee of said Director. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.229. "Qualified Purchaser"

"Qualified Purchaser," means a person or household approved for ownership of an affordable dwelling unit by the Planning and Public Works Director in accordance with the provisions of this ordinance. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.230. "Resident Controlled Nonprofit Housing Corporation"

"Resident Controlled Nonprofit Housing Corporation" means a housing corporation established to manage for-sale or rental housing projects designated for low to moderate income households in which the majority of households have formed a nonprofit housing cooperation, which need not have an equity interest in such projects. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.231. "Residential project"

"Residential Project" means a proposed residential development or subdivision of land, including condominium and timeshare projects, or the construction of any dwelling unit located within the boundaries of unincorporated Yolo County for which a tentative map, parcel map, or for a project not processing a map, a building permit or other County approval is received after the effective date of this Ordinance, unless exempt in accordance with Article 11 of this ordinance. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.232. "Section"

"Section" unless otherwise indicated, means a section of the Yolo County Code. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.233. "Self-Help Housing"

"Self-Help Housing" means mutual self-help housing constructed for very low, low, and moderate income families in which prospective homebuyers provide labor to assist in the construction of the units. The intent of this program is to trade-off hours of labor into equity ("sweat equity") to reduce the purchase price of the units. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.234. "Targeted income families"

"Targeted income families," means those households that meet the classification as very-low and low-income households as defined in this ordinance. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.235. "Very low income households"

"Very low income households" are those households with incomes of up to fifty percent (50%) of County median income as defined by the U. S. Department of Housing and Urban Development. (Ord. 1339, eff. Nov. 3, 2005)

Article 3. Standard For-Sale And Rental Affordable Housing Requirements

Section. 8-9.301. Affordable For-Sale Housing Requirement

A developer of residential for-sale developments of ten (10) or more units shall provide in each development, twenty percent (20%) of the units for low and moderate income households as follows: Fifty percent (50%) of the required affordable units shall be available at affordable sales prices to low-income households. The remaining fifty-percent (50%) of the affordable units, which are required to be constructed in connection with the construction of market rate units intended for owner-occupancy, shall be available at affordable sales prices to moderate-income households. A plan for the provision of affordable housing within a for-sale housing development shall be submitted concurrently with the application for development of a residential unit subject to this ordinance. Projects less than ten (10) units shall be subject to the in-lieu fee option provided in this ordinance.

For sale affordable housing units that are converted into rental units will meet the requirements of this ordinance, pursuant to State law, if the rents meet or do not exceed, the affordable housing standards for rental units set forth in this Ordinance and adopted by the Board of Supervisors.

Each developer shall meet the twenty percent (20%) for sale affordable housing requirement by one or a combination of the following standard for-sale affordable housing requirements contained in this ordinance.

For fractions of affordable units, the developer of the property must either construct

the next higher whole number of affordable units or perform an alternative action as specified by this ordinance. (Ord. 1339, eff. Nov. 3, 2005)

Section. 8-9.302. Multifamily Rental Development Affordable Housing Requirement.

A developer of multifamily rental developments containing twenty (20) or more units shall provide at least twenty-five percent (25%) of the units affordable to very low-income households and at least ten (10%) percent of the units affordable to low-income households. A developer of multifamily rental developments containing between seven (7) and nineteen (19) units shall provide fifteen percent (15%) of the units to very low-income households and ten percent (10%) to low-income households. Such housing shall be provided by the construction of units on-site. Projects of less than seven (7) units shall be subject to the in-lieu fee option provided by this ordinance.

For fractions of affordable units, the developer of the property must either construct the next higher whole number of affordable units or perform an alternative action as specified in this ordinance. (Ord. 1339, eff. Nov. 3, 2005)

Section. 8-9.303. Timing and Term

The affordable units shall be constructed on-site concurrently with the related market rate units, unless one alternative action pursuant to this ordinance is performed. In the event that the County approves a phased project, the inclusionary units required by this ordinance shall be constructed in proportion to the number of units within each phase of the residential development.

1. For-sale dwelling units shall include a covenant that each dwelling unit shall be affordable for twenty (20) years. This affordability requirement of at least 20 years for affordable for-sale units will be reset at each transfer of title upon re-sale to a qualified buyer for both low-income and moderate-income purchasers.

2. Multi-family rental housing shall include a covenant that each dwelling unit shall be permanently affordable. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.304. Basic Design Requirements for Owner-Occupied and Rental Affordable Units

Affordable units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same development. Subject to the approval of the Planning Director, square footage of affordable units and interior features in affordable units need not be the same as or equivalent to those in market rate units in the same residential project, so long as they are of good quality and are consistent with contemporary standards for new housing.

Affordable units shall be dispersed throughout the residential project, or, subject to the approval of the Planning Director, may be clustered within the residential project when this furthers affordable housing opportunities.

The developer shall provide both two and three bedroom affordable units, in a mix approved by the Planning and Public Works Director.

Upon application as provided herein, the County may, to the maximum extent appropriate in light of project design elements, allow builders to finish the interior of affordable units with less expensive finishes and appliances than those present in market rate units. (Ord. 1339, eff. Nov. 3, 2005)

Article 4. Equivalency Proposals Permitted

Sec. 8-9.401. Equivalency proposals permitted

Only when it is substantiated by the applicant that the standard inclusionary housing component requirement is infeasible shall equivalency proposals be considered. Projects proposing to meet the minimum requirement for affordability through equivalency shall submit an equivalency proposal to the Planning Commission for recommendation to the Yolo County Board of Supervisors. Such proposals shall show why compliance with this ordinance is not financially or otherwise feasible and how the alternative proposal will further affordable housing opportunities in the County to an equal or greater extent than compliance with the express requirements contained in this ordinance. (Ord. 1339, eff. Nov. 3, 2005)

Section. 8-9.402. Alternatives to the Standard Inclusionary Housing Component

Only when it is substantiated by the applicant that the standard inclusionary housing component requirement is unfeasible shall alternatives to the standard inclusionary housing component be considered. A proposal for an alternative equivalent action may include, but is not limited to the construction of affordable units on another site, dedication of land, payment of in-lieu fees or combination thereof. (Ord. 1339, eff. Nov. 3, 2005)

1. **Planning Commission Review.** After reviewing the proposal, the Planning and Public Works Department will make a recommendation to the Planning Commission subject Board of Supervisors approval. If the off-site proposal, dedication of land, in lieu fees, housing credits, or combination thereof is accepted or accepted as modified by the Planning Commission, the relevant elements of the inclusionary housing plan shall be included in the applicable discretionary and/or legislative approvals for both the residential development generating the requirement for the inclusionary housing component and, if applicable, off-site development project, land dedication, in lieu fees, or combination thereof where all or part of that requirement is proposed to be met. If the off-site proposal, dedication of land, in lieu fees, or rehabilitation project is rejected, the inclusionary housing component shall be applied as provided by this ordinance.

2. **Standard for Approval.** The Planning Commission may recommend a proposal submitted under this section only if it is not financially or otherwise feasible to construct the units within the development and the alternative would be superior to on-site development from the perspective of access to transportation, services, public facilities or other applicable residential planning criteria in the applicable General Plan or Specific Plan.

3. **Affordable Units Off-Site.** A developer may propose to meet its obligation under this section through new construction of an off-site proposal located within the unincorporated County. The developer may satisfy the requirements of providing inclusionary units as part of the residential development, in whole or part, by constructing a number of units equal to or greater than the required number of inclusionary units at a site different than the site of residential development. A developer may propose another option, when it is demonstrated that another option may be more effective in providing affordable housing. In pursuing another option, a developer shall submit an application to the Planning and Public Works Department for recommendation to the Planning Commission.

4. **Dedication of Land.** A developer may propose to meet its obligation through an irrevocable offer of dedication to the County or designee of sufficient land to satisfy the affordability requirement pursuant to this ordinance, only if: 1) The developer demonstrates to the Planning Commission that it is not feasible to develop the affordable units on-site as part of the residential project; or 2) In the judgment of the Planning Commission, the developer's proposed land dedication would accomplish the objectives of this ordinance.

   Dedicated sites for residential projects shall be a minimum of two (2) acres unless the County agrees to a smaller site based on a special housing need in accordance with the adopted Yolo County Housing Element. The dedicated site shall be economically feasible to develop, of sufficient size to build the required number of affordable units, and physically suitable for development of the required affordable units prior to the dedication of the land. The dedicated site shall also have the appropriate General Plan designation and zoning to accommodate the required units. The site shall be fully improved with infrastructure, frontage improvements (i.e. curb, gutter, planter strip, and walk), paved street access, utility (i.e. water, gas, sewer, and electric) service connections stubbed to the property, including paid connection fees for service connections, and other such off-site improvements as may be necessary for development of the required affordable units or as required by the County.

5. **Small Developments; In-Lieu Fee Option.** For developments of less than ten (10) units for single family developments and seven (7) units for multifamily developments, the Inclusionary Housing Provisions may be met by the payment of in-lieu fees pursuant to an adopted fee schedule, rather than compliance with the affordable housing on-site construction requirement as shown in Exhibit “1” attached hereto and incorporated herein as reference. Such fees shall be automatically adjusted on an annual basis based on changes in the building valuation data as published by the International Building Code for single-family dwellings, type V-N construction and apartment buildings, type V-1hr construction, standard quality, as locally adjusted. Such fees shall be reviewed annually by the Planning and Public Works Director.

   All in-lieu fees collected shall be earmarked for Very Low and Extremely Low-Income Households to provide supplemental funding for Affordable Housing Developers.

6. **Housing Credits.** After meeting its affordable housing obligation, a market-rate developer may request the Planning Commission to construct excess Inclusionary units to obtain affordable housing credits. Units approved as affordable housing credits shall be subject to the requirements of Section 8-9.304 and may be used by the developer or transferred through private transaction within five (5) years. Affordable housing credits shall only be accepted by the County when the development proposing to use the credit(s) is within three (3) miles of the donating development**.** (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.403. Inclusionary Housing Agreements

An Inclusionary Housing Agreement shall be executed between the applicant and the County. An applicant's proposed discretionary permit, if applicable, will be subject to the conditions of the Inclusionary Housing Agreement. The Inclusionary Housing Agreement shall be completed and signed prior to approval of the applicant's project. The Agreement shall contain all information identified in the Agreement Checklist provided in this article.

The Agreement must include an acknowledgement that the applicant has received a copy of the Affordable Housing Ordinance. The Agreement must also obligate the applicant to provide a copy of the Agreement to anyone to whom the subject residential lots or units are transferred or sold.

The Inclusionary Housing Agreement shall provide assurance satisfactory to the Planning and Public Works Director that the proposed inclusionary housing plan, meets the affordable housing obligations set forth in this Ordinance. The Inclusionary Housing Agreement shall be recorded with the Yolo County Recorder's Office prior to building permit issuance. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.404. Agreement Checklist

The Inclusionary Housing Agreement shall contain the following information:

1. Location, zoning designation and ownership of the residential project;

2. The number of affordable dwelling units that the applicant is responsible for providing at each income level;

3. The exact location of the affordable dwellings units (i.e. identify specific lots for affordable for-sale units and site/parcel for multifamily rental projects);

4. The dwelling unit mix and square footage of the affordable dwelling units as compared to dwelling unit mix and square footage of the market-rate units;

5. Term of affordability of the affordable dwelling units;

6. Scheduling and phasing of construction of affordable dwelling units;

7. Identification of applicant-funded subsidy or financial assistance, if any, for affordable for-sale units.

8. Affirmative marketing plan that ensures outreach to income-eligible households regarding the availability of affordable housing units. Such affirmative marketing shall at least include advertising in the local newspaper by sending notices to local government and nonprofit agencies that serve very low, low-income, and moderate income persons and families, depending upon the nature of the affordable housing units at issue. The County should maintain an updated list of these agencies.

9. Specify if any or all of the affordable dwelling units will be special needs housing for seniors, disabled, homeless persons or other special needs populations and, if so, the unique features or services that are appropriate for that special needs population. The County will participate in securing funding for those projects that provide special needs housing units, if available. The County's special needs housing demand will be addressed as guided by the adopted Yolo County Housing Element, and based on information regarding increased need or demand for special needs housing as it becomes available from the U.S. Census or other data sources.

10. Detailed description of for-sale affordable units, if different than market-rate units, including floor plan and list of amenities and features of the unit.

In addition, the Inclusionary Housing Agreement shall include the following terms:

11. Assurances, that the affordable dwelling units will be constructed concurrently with, or prior to, market-rate units in the residential project. In phased developments, inclusionary units may be

12. Affordable rental dwelling units shall be dispersed throughout the residential project and shall be indistinguishable from market-rate units within any project, including identical quality and amenities as the market-rate units, unless prior approval by the Planning Commission and/or Board of Supervisors has been granted.

13. Inclusionary Housing Agreements for rental projects shall include the requirement that the project will be subject to the County's Affordable Housing Monitoring Program to ensure ongoing compliance with the affordable housing obligations set forth in this ordinance and the Inclusionary Housing Agreement, including payment of monitoring fees (fee is based on an hourly rate of staff time to review Agreements). The Inclusionary Housing Agreement for a rental residential project shall include the provisions for "Monitoring and Compliance Requirements for Rental Projects."

14. Mechanisms for reservation, protection, and disclosure of affordable lots for projects. Description of language in disclosure for use by real estate agents, and visible and prominent signage at residential projects advertising the availability of affordable dwelling units. (Ord. 1339, eff. Nov. 3, 2005)

Article 5. In-Lieu Fees For Small Developments

Sec 8-9.501. In-lieu Fees

For small residential projects of less than ten (10) units for single-family developments and seven (7) units for multifamily developments, the Inclusionary Housing Provisions may be met by the payment of in-lieu fees, to be established by separate ordinance pursuant to the County Master Fee Schedule, to satisfy the developer's affordable housing obligation. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.502. Method of Calculating In-Lieu Fees

At the time of discretionary approval, if applicable, the County will provide the developer with an estimate of the in-lieu fee for the residential project. Such in-lieu fees shall be established by separate ordinance in a manner consistent with California law. This in-lieu fee calculation at the time of discretionary approval is only an estimate and is subject to revision and verification prior to the issuance of building permits. (Ord. 1383, §3, eff. Apr. 23, 2009)

Except as may otherwise be required by California law, the in-lieu fee shall equal a percentage of the estimated cost to construct all the Inclusionary units that would be otherwise required for each residential development pursuant to Section 8-9.301. (Ord. 1383, §3, eff. Apr. 23, 2009)

1. The in-lieu fees described in this Chapter have been established by separate ordinance in a manner consistent with California law. (Ord. 1383, §3, eff. Apr. 23, 2009)

2. The required percentage used to calculate the in-lieu fee shall be related to the total number of units, and the required income level of the inclusionary units (Very Low Income, Low Income, and Moderate Income), in a residential development as specified. (Ord. 1383, §3, eff. Apr. 23, 2009)

3. The estimated cost to construct Inclusionary units shall include consideration of local, regional, State, and Federal subsidy sources available for the development of affordable housing. The fee may be reduced in an amount not to exceed fifty percent (50%), depending upon the availability of subsidy funding. (Ord. 1383, §3, eff. Apr. 23, 2009)

In-lieu fees shall be paid to the County prior to the issuance of any Final Subdivision Map, Parcel Map, or Building Permits, whichever occurs first, for the construction of any development subject to this Chapter. The Planning and Public Works Department shall not issue Final Subdivision Map, Parcel Map, or any Building Permit for the construction of such development without first receiving payment of the required impact fees from the applicant. (Ord. 1339, eff. Nov. 3, 2005, as amended by Ord. 1383, §3, eff. Apr. 23, 2009)

Sec. 8-9.503. Collection and Use of In-lieu Fees

Any monies contributed to the County pursuant to the provisions of this ordinance shall be payable to the County of Yolo for the purpose of providing affordable housing. Payment of the fee shall be made in full prior to issuance of the Final Map, or issuance of the first Building Permit, which ever occurs first. (Ord. 1383, §3, eff. Apr. 23, 2009).

1. In-lieu fees collected pursuant to this Chapter shall be placed by the Planning and Public Works Department in a separate interest bearing account identified as "Affordable Housing Program". All fees collected shall be earmarked to provide supplemental funding for Affordable Housing Developers.

2. The Planning and Public Works Department shall maintain a register for the Affordable Housing Program indicating the date of payment of each fee, the amount paid, the name of the payer, and the Assessor's Parcel Number.

3. The Planning and Public Works Department shall prepare an annual accounting of all fees paid into and withdrawn from each account, showing the source and amounts collected, the amounts expended, and the projects for which such expenditures were made.

4. Any fees collected and interest accrued pursuant to this Chapter shall be expended or encumbered within five years of receipt, in accordance with Government Code Section 66006 et. seq. unless the Board of Supervisors identifies in written findings the extraordinary and compelling reasons for the County to hold the fees beyond the five-year period. Under such circumstances, the Board of Supervisors shall establish the period of time within which the impact fees shall be expended or encumbered. (Ord. 1339, eff. Nov. 3, 2005)

Article 6. Primary Residence Certification

Sec. 8-9.601. Certification

Purchasers must certify by submitting a signed affidavit (on a form provided by the Planning and Public Works Department) that the home will be used as their primary residence. (Ord. 1339, eff. Nov. 3, 2005)

Article 7. Affordable Housing Incentives

Sec. 8-9. 701. Housing Incentives

A developer may request that the County provide inclusionary incentives as set forth in this ordinance. The goal of these inclusionary incentives is to apply available incentives to qualifying projects in a manner that, to the extent feasible, offsets the cost of providing the inclusionary housing component. The Planning Director shall respond to any inclusionary housing incentive request and make a determination as to a package of inclusionary incentives under consideration, subject to the approval of the Planning Commission and/or Board of Supervisors.

1. **Fee Waivers or Deferrals**. Upon application as provided herein, the County shall make available a program of waiver, reduction, or deferral of development fees, administrative fees, and financing fees for affordable units. Such a program may include a fifty percent (50%) waiver of development-related application and processing fees for affordable units constructed in connection with such residential project, subject to approval by the Board of Supervisors. In addition, the Board of Supervisors may consider, on a case-by-case basis, the provision of additional incentives as provided by law or as stated in the adopted Housing Element of the Yolo County General Plan.

2. **Modification of Planning and Public Works Department Standards.** Upon application as provided herein the County may modify the standards for affordable units, to the extent feasible, in light of the uses, design, and infrastructure needs of the development, standards relating to road widths, curbs, and gutters, parking, lot coverage, and minimum lot sizes.

3. **Streamlining and Priority Processing**. The Planning Director shall review and modify, as appropriate, procedures for streamlining and priority processing which relieve affordable units of permit processing requirements to the maximum extent feasible consistent with the public health, safety, and welfare, subject to the final approval by the Board of Supervisors.

4. **Density Bonus**. The County shall make available to the developer a density bonus as provided in state density bonus law (Government Code 65915), however, the affordability requirements to qualify for a density bonus shall be those required by this ordinance. Units produced as part of such a density bonus do not give rise to an

Article 8. Administration Of Affordability Control

Sec. 8-9.801. Administration of Affordability Control

Prior to the approval of any discretionary permit, if applicable, regulatory agreements shall be executed between the County and developer. Prior to Issuance of a Certificate of Occupancy, if the affordable units are owner-occupied, resale restrictions, deeds of trust and/or other documents, all of which must be acceptable to the Planning and Public Works Director and consistent with the requirements of this ordinance, shall be recorded against the parcel having such affordable units and shall be effective for at least the period of time required by Government Code Section 65915(c) with respect to each affordable unit, but not less than 20 years.

The resale restrictions shall provide that in the event of the sale of an affordable unit intended for owner occupancy, the County shall have a right of first refusal to purchase such affordable unit at the market price minus the percentage of the “silent second”, subject to the provisions of this ordinance.

No persons shall be permitted to occupy an affordable unit, or purchase an affordable unit for owner-occupancy, unless the County or its designee has approved the household's eligibility, or has failed to make a determination of eligibility within the time or other limits provided by a regulatory agreement or resale restrictions. Households selected to occupy affordable units shall be selected from the list of eligible households maintained by the County to the extent provided in the regulatory agreement or resale restrictions. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.802. Procedure for Sale of Affordable Units

Prior to entering into an Inclusionary Housing Agreement, at the request of the developer of a for-sale residential project, the Planning and Public Works Director will assist developers in estimating the calculations of maximum affordable purchase prices based on the assumptions provided in this ordinance. These estimates shall only be for the purpose of projecting the feasibility of the project and shall not be binding, as prevailing conditions in the housing market and fluctuations in interest rates that may affect the final calculations of affordable purchase prices. The timing and procedures for final calculations of affordable purchase prices shall occur pursuant to the provisions of this Ordinance. (Ord. 1339, eff. Nov. 3, 2005**)**

Sec. 8-9.803. Method for Sale of Affordable Units

The method for the sale of affordable units is shown below. The Planning and Public Works Director shall review these assumptions and procedures annually and make revisions as necessary:

1. **Units Appraised at Fair Market Value.** At the time that the unit will be marketed and made available for sale, the fair market value of the unit will be determined. This determination will be made by a qualified appraiser who will be selected by the Planning and Public Works Director and paid for by the developer.

2. **Calculation of Affordable Maximum First Mortgage.** The sale of affordable units will be implemented by a "silent second" mortgage program by the County by recordation of a note and deed of trust, or other designated document in the County’s favor. After the fair market value of the unit has been determined, the developer will calculate the affordable maximum first mortgage amount for a qualified income purchaser of the unit, which shall be approved by the Planning Director. The following procedure will be used for determining the affordable maximum first mortgage amount:

    a. Determine the family size appropriate for the unit. For purposes of this calculation, "adjusted for family size appropriate to the unit" means adjusted for a household of one person in the case of a studio unit; two persons in the case of a one-bedroom unit; three persons in the case of a two-bedroom unit; four persons in the case of a three-bedroom unit; five persons in the case of a four-bedroom unit; and, six persons in the case of a five-bedroom unit.
    b. Determine the household income available for the affordable maximum first mortgage calculation for a low-income household based on the appropriate household size using the current HUD Area Median Income figures for Yolo County. The calculation of available household income should be

c. Calculate the amount of income available for housing costs by multiplying the income figure by 30 percent. For the purposes of determining the affordable purchase price, the cost of utilities, property taxes, insurance, primary mortgage, insurance, maintenance, and repair costs, and like expenses are not required to be included in the calculation. Homeowner's association dues may be included in the calculation of affordable purchase price if the Planning and Public Works Director determines that such costs would place a substantial burden on the low-income homeowners' ability to purchase a home and make monthly mortgage payments. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.804. Limitation of Down Payment Requirement

For purposes of this calculation, required down payments for low-income purchasers shall be limited to no more than five percent (5%) of the purchase price. The developer/seller may not require a buyer to make a larger down payment but a buyer may elect to make a larger down payment in order to reduce the amount of the first mortgage. This limit on the down payment requirement is intended to provide greater flexibility for low-income homebuyers who might find it difficult to provide a higher down payment amount. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.805. Calculation of "Silent Second"

The "silent second" will be the difference between 95% of the purchase price (or purchase price minus down payment amount) and the amount of the affordable maximum first mortgage. A promissory note and deed of trust, or other appropriate document, securing the silent second will be recorded and assigned to the County at the time of sale of each affordable unit. The promissory note and deed of trust, or other designated document, will remain a lien against the property, subordinate to the first mortgage. This note will have a thirty (30) year due date which can be extended at the discretion of the Planning and Public Works Director. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.806. Payoff of the Silent Second

The silent second may not be prepaid during its first twenty (20) years, as long as the low-income purchaser occupies the unit as their primary residence during this period. The silent second will be released by the County in thirty (30) years as long as the low-income purchaser occupies the unit as their primary residence for this duration. The amount due to the County at the eventual payoff of the silent second or sale of the affordable unit to a non-qualified purchaser shall be the amount which bears the equal ratio to the fair market value at the time the silent second is paid off as the initial value that the silent second had in relation to the original fair market sales price. For example, if the original sales price was $250,000 and the "affordability gap" was $50,000, the original silent second would be $50,000 (the ratio would be 20%). If the fair market value at the time of payoff was $400,000, the amount due to the County would be $80,000, or 20% of $400,000. In another case, if the property rose in value to $300,000, the 20% ratio would require the payoff amount to the County to be $60,000. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.807. Resale Upon Close of Twenty Year Occupancy Requirement

The resale restrictions for affordable units shall be removed after a qualified purchaser has occupied the unit as their primary residence for at least twenty (20) years. However, the silent second note will remain with the property secured by the deed of trust or other applicable document for an additional ten (10) years. The silent second will be released by the County in thirty (30) years as long as the low-income purchaser occupies the unit as their primary residence for this duration. (Ord. 1339, eff. Nov. 3, 2005)

Article 9. Subordination And Refinancing Policy

Sec. 8-9.901. Subordination Policy

1. Subordination requests shall meet County requirements and policies and may include the following considerations:

    a. The amount of the new loan may only include the current balance of the senior debt plus debt to pay for all or a portion of the closing costs of the refinance/2nd with no cash out.
    b. The new loan must not have a balloon or negative amortization feature.
    c. The new primary loan (fixed interest rate only) is reduced and/or monthly payment is recorded.
    d. If the purpose for the new loan to which the County is to be subordinate is for home

2. The County of Yolo shall not subordinate its deed of trust to an increase risk/less security position, except for exceptional/special circumstances to be determined by the Planning and Public Works Director. Exceptions are defined as any action that would depart from policy and procedures stated in the County's policies. Consideration of an exception/special circumstance may be initiated by the County or its agent. A report on the situation will be prepared. This report shall contain a narrative, including the staff's recommended course of action and any written or verbal information supplied by the applicant. The Planning and Public Works Director shall make a determination of the exception/special circumstances requested at a regular or special meeting of the Planning Commission.

3. If the borrower and the new loan comply with the above requirements, the following information will be provided, if applicable:

    a. Borrower's request for subordination, including a statement of the reason for the refinance and supporting documentation of income, hardship, copy of loan application, etc.
    b. Copy of the Lender's instructions for escrow purposes, that specifies proposed use of the borrowed funds, etc.
    c. Copy of the new loan documents, (i.e. Promissory Note, Deed of Trust, and Loan Disclosure to show the amount of the new loan, rate of interest and terms of the proposed financing).
    d. Copy of the current appraisal, credit report, and preliminary title report.
    e. A completed Subordination Agreement for County execution will allow the County to finish processing the request in the event the subordination is approved.
    f. A Request for Notice of Default or Sale. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.902. Refinancing Policy

The County may approve a request to subordinate an Inclusionary Housing restriction in order for the owner to refinance the property under the following conditions:

1. The lien position of the County loan will remain the same.

2. The purpose of the new primary loan (fixed rate only) is to reduce the interest rate being paid and/or reduce the homeowner's home loan payment.

3. No equity cash out is being taken. (Ord. 1339, eff. Nov. 3, 2005)

Article 10. Affordable Rent Determinations

Sec. 8-9.1001. Affordable Rent Determinations

The Planning and Public Works Department will calculate the initial affordable rents for a residential project at the time that the units will be marketed and made available for rent. The developer is to provide information on the utilities that will be included in the rent and the utilities for which the tenants will be responsible (including the specific type of service).

The following procedure will be used for determining affordable rent:

1. Calculate Income Available for Housing. Determine the family size appropriate to the unit. For purposes of this calculation, "family size appropriate to the unit" means adjusted for a household of one person in the case of a studio apartment, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, five person in the case of a four-bedroom unit and six persons in the case of a five-bedroom unit.

2. Determine the household annual income maximum to use for affordable rent calculation based on the appropriate household size using the current Area Median Income figures for Yolo County as published by HUD. For a very low-income unit, up to 50 percent of Area Median Income shall be used. For a low-income

unit, up to 80 percent of Area Median Income shall be used.

3. Calculate the amount of monthly income available for housing costs by dividing the maximum household annual income by 12 and then multiplying the maximum household monthly income figure by 30 percent. The resulting figure shall be the household monthly income available for housing costs.

4. Estimate Annual Housing Costs. The household allowance for utilities will be estimated based on the utility costs as shown on the current "Allowance for Tenant-Furnished Utilities and Other Services" table prepared by the Yolo County Housing Authority, using the applicable unit size and unit type (i.e. townhouse, garden apartment). The costs used will be based on the specifications of the particular unit and the utilities provided by the property owner, for example gas or electric for heating, gas or electric for cooking, etc. Utility tables are updated by the Yolo County Housing Authority every year, and shall be provided by the Planning and Public Works Department to developers of rental residential projects. The maximum rental rates of affordable units shall be adjusted as necessary based on changes to these utility tables.

5. Determine Affordable Rent. Affordable rent for an inclusionary unit is determined by subtracting applicable utility costs from the household monthly income available for housing costs. Current affordable rent levels are reviewed, and if necessary, updated by the Planning and Public Works Department at least every year, and shall be provided to developers of rental residential projects in accordance with the County's Affordable Housing requirements. The maximum rental rates of affordability units shall be adjusted as necessary based on changes to household utility allowances or Yolo County Area Median Income levels. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.1002. Buyer Screening

Buyer screening shall be required through a lender certification process or by the developer in a manner approved by the Planning and Public Works Director.

Resale. The maximum sales price permitted on resale of an inclusionary unit designated for owner-occupancy shall be the seller's lawful market rate price, minus the ratio in percent of the silent second at the time of initial purchase.

All housing that is subject to this ordinance shall be available to all persons regardless of race, color, ethnicity, national origin, ancestry, familial status, disability, gender, marital status, religion, age, sexual orientation, and source of income. Moreover, no rental units subject to this ordinance shall discriminate against persons who have federal, state, or local subsided rental assistance, including but not limited to the Section 8 Housing Choice Voucher program. (Ord. 1339, eff. Nov. 3, 2005)

Article 11. Exempted Residential Projects

Sec. 8-9.1101. Exempted Residential Projects

The following residential projects are exempt from this ordinance and generate no obligation to provide an inclusionary housing component:

1. Single Family Residential projects proposed to contain nine (9) or fewer residential dwellings at one location may be exempted from the inclusionary requirement provided that in-lieu fees shall be assessed on a unit percentage basis;

2. Multifamily Residential projects proposed to contain seven (7) or fewer residential dwellings at one location may be exempted from the inclusionary requirement provided that in lieu fees shall be assessed on a unit percentage basis;

3. Individual single-family dwellings for which construction costs do not exceed those meeting the low income or below requirements as defined in this ordinance.

4. Replacement of a structure with a new structure of the same gross floor area and use at the same site or lot when such replacement occurs within twelve (12) consecutive months of the demolition or destruction of the prior residence.

5. Replacement of a structure with a new structure that does not exceed five-hundred (500) square feet.

6. Housing constructed in a self-help housing program that serves owner-occupants below 80% of area median income. (Ord. 1339, eff. November 3, 2005).

Article 12. Appeals, Grandfather Provisions And Enforcement

Sec. 8-9.1201. Appeals

An applicant or any aggrieved person may appeal decisions of the hearing body as provided by Article 13 of the Yolo County Code, as amended. (Ord. 1339, eff. November 3, 2005).

Sec. 8-9.1202. Grandfather Provisions

Any Sale/Resale Restriction Agreement executed prior to the adoption of this Inclusionary Housing Ordinance shall conform to the provisions of this ordinance. (Ord. 1339, eff. Nov. 3, 2005)

Sec. 8-9.1203. Enforcement

The County may institute any appropriate legal actions or proceedings to ensure compliance with the provisions of this ordinance, including but not limited to: (a) actions to revoke, deny, or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval; (b) actions to recover from any violator appropriate civil fines, administrative penalties, restitution, and/or enforcement costs, including attorney's fees; (c) eviction or foreclosure; (d) criminal prosecution of any violator; and (e) any other appropriate action for injunctive relief or damages. The failure of the County to fulfill or enforce the requirements of this ordinance shall not excuse any person, owner, or other party from compliance with the requirements of this ordinance. (Ord. 1339, eff. November 3, 2005).

Chapter 10

DEVELOPMENT AGREEMENTS

Sections:

Article 1. Applications

Sec. 8-10.101. Authority for adoption.

These regulations are adopted pursuant to Article 11, Section 7 of the California Constitution and Government Code, Section 65864, et seq. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.102. Purpose: Limitation on applicability: Findings.

(a) The purpose of this chapter is to establish the procedures and requirements mandated by Article 2.5 of Chapter 4 of the Government Code for the consideration of development agreements.

(b) Notwithstanding anything herein to the contrary, the Planning Commission shall not consider the adoption of, nor shall the Board of Supervisors approve, any development agreement if the project to which the development agreement pertains is located within a sphere of influence established or under consideration by the Local Agency Formation Commission at the time the development agreement is to be considered by the Planning Commission pursuant to Section 8-10.301 et seq.

(c) The County takes notice that the Legislature, in passing the State Development Agreement Law, found and declared that:

(1) The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost
to the public.

(2) Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies,

rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

(3) The lack of public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, utility facilities, is a serious impediment to the development of new housing. Whenever possible, applicants and local governments may include provisions in agreements whereby applicants are reimbursed over time for financing public facilities. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.103. Forms and information.

(a) The Community Development Director shall prescribe the form for each application, notice and document provided for or required under these regulations for the preparation, review and implementation of development agreements.

(b) The Community Development Director may require an applicant to submit such information and supporting data as the Community Development Director considers necessary to process the application. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.104. Fees.

The application shall be accompanied by a deposit to be determined by the County's Master Fee Resolution. The cost of processing of the application shall be billed to the applicant on a time and materials basis. In the event this deposit proves insufficient, the Community Development Director may require that additional fees be submitted. Such additional fees shall not exceed the estimated reasonable costs of processing the application. In the event the fees collected exceed the actual costs of processing the application, the excess amount shall be refunded upon the conclusion of proceedings. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.105. Qualification as an applicant.

Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement. Applicant includes authorized agent. The Community Development Director shall require an applicant to submit proof of this interest in the real property and of the authority of the agent to act for the applicant. Such proof may include a preliminary title report issued by a title company licensed to do business in the State evidencing the requisite interest of the applicant in the real property. Before processing the application, the Community Development Director may obtain the opinion of County Counsel as to the sufficiency of the applicant's interest in the real property to enter into the development agreement, (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.106 Proposed form of agreement.

Each application shall be accompanied by the form of development agreement proposed by the applicant, if the Community Development Director has approved a standard form of development agreement, this requirement shall be met by utilizing such standard form and including specific proposals for changes in or additions to the language or the standard form. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.107. Filing of application.

(a) The application for a development agreement shall be submitted together with the applications needed for other required entitlements of the project. The application must be filed in time for the request to be considered in the environmental analysis of the project. In no event shall the application be filed later than the release of the final environmental document in order to allow staff time to analyze the merits of entering into such an agreement, prior to preparation of the staff report and staff recommendation.

(b) Notwithstanding Section 106(a) to the contrary, an application for a development agreement may be submitted on any project that has not received a final approval as of the date the ordinance codified in this chapter becomes effective provided that such application for such project has been deemed complete by the Community Development Director prior to such date. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.108. Review of application.

The Community Development Director shall endorse on the application the date of receipt, shall review the application, and may reject it if incomplete or inaccurate. If the application is complete, the Community Development Director shall accept it for filing. The Community Development Director shall determine any additional requirements necessary to complete the development agreement on the basis of the application as filed. After receiving all required information, the Community Development Director shall prepare a report and recommendation as to whether or not the development agreement as proposed, or in amended form, is consistent with the general plan, any applicable specific plan, and the provisions of these regulations. (§ 1, Ord. 1192, eff. September 5, 1996)

Article 2. Requirements

Sec. 8-10.201. Contents.

A proposed development agreement shall include the following:

(a) A legal description of the property subject to the development agreement.

(b) The duration of the development agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for
public purposes.

(c) Conditions, terms, restrictions, and requirements for subsequent County discretionary actions, provided that such conditions, terms, restrictions and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the development agreement.

(d) The estimated time when construction and/or any other approved activity on the property will be commenced and completed, including, if appropriate, a phasing plan.

(e) Public benefits in accordance with Section 8-10.202. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.202. Public benefits.

(a) In consideration for entering into a development agreement, the County shall gain public benefits beyond those already forthcoming through conditions and mitigations on project approval.

(b) Any fees required pursuant to subsection (a) shall be adjusted during the term of the development agreement to match any adjustments of such fees by the Board of Supervisors.

(c) A development agreement shall not exempt a project from any subsequently adopted regulatory provisions which may include the use of a fee, for example, air quality mitigation fee, except to the extent that such subsequently adopted fee fulfills the same purposes as the fees required pursuant to this section. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.203. Term.

(a) The maximum term of a development agreement shall be negotiated between the parties, and shall commence from the date of the approval of the project to which it pertains. A development agreement may, upon request of the property owner and at the sole discretion of the Board of Supervisors, be extended for an additional period. Any request for extension shall be noticed and processed in the same manner as an application for a development agreement.

(b) Notwithstanding subsection (a), the Board of Supervisors may extend the initial term of a development agreement upon making the findings in Section 8-10.401, in support thereof.

(c) At the end of the term of the development agreement, the development agreement shall terminate for all purposes except any enforcement action by the County for nonconformance with the terms of the agreement or condition of the permit, and the project that was the subject of the development agreement shall be subject to all laws, rules and regulations applicable to such projects and/or uses. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.204. Reservation of rights.

(a) Unless otherwise provided by the development agreement, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement shall be those rules, regulations, and official policies in force at the time of execution of the agreement.

(b) Notwithstanding Section 8-10.204(a), a development agreement shall not prevent the County, in subsequent actions applicable to the property that were not encompassed by the original permitted activities, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent the County from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.

(c) A development agreement shall not prevent the County from modifying or suspending the provisions of the development agreement if the Board of Supervisors finds that the failure of the County to do so would place residents, businesses, and/or property owners of the County in a condition dangerous to their health or safety or both.

(d) A development agreement shall apply only to a project as that project is described in an environmental analysis certified, adopted or approved by the County at or before the time the County enters into the development agreement. A development agreement shall not apply to a project or portions of a project not encompassed by the project description in the County's environmental analysis. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.205. Construction codes.

A development agreement shall contain the acknowledgement of the possibility of changes in the Uniform Building, Plumbing, Mechanical, Electrical, Fire and Grading Codes, as implemented by the County, during the term of the agreement and shall provide that any amendments to these codes, shall apply to the project subject to the development agreement. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.206. Parties.

All owners of all property included within a development agreement shall be considered a party to the agreement and shall be a signatory. (§ 1, Ord. 1192, eff. September 5, 1996)

Article 3. Notice and Hearing

Sec. 8-10.301. Duty to give notice.

The Community Development Director shall give notice of intention of the Planning Commission to consider an application for a development agreement, and the Clerk of the Board shall give notice of intention of the Board of Supervisors to consider adoption of a development agreement. (§ 1, Ord. 1192, eff. September 5,1996)

Sec. 8-10.302. Requirements for form and time of notice of intention to consider adoption of development agreement.

(a) *Form of notice.* The notice of intention to consider adoption of a development agreement shall contain:

(1) The date, time and place of the hearing;

(2) The identity of the hearing body;

(3) A general explanation of the matter to be considered including a general description of the location of the real property that is the subject of the hearing; and

(4) Such other information required by law or which the Community Development Director or Clerk considers necessary or desirable.

(b) *Time and manner of notice.* Notice shall be given at least ten (10) days prior to the public hearing in all the following ways:

(1) *Publication.* Publication once in a newspaper of general circulation, published and circulated in the County

(2) *Mailing.* Mailing of the notice to all persons shown on the latest equalized assessment roll and any update as owning real property within 300 feet of the property which is the subject of the proposed development agreement. If the number of owners to whom notice is to be mailed is greater than 1,000, the Community Development Director or Clerk may, in lieu of mailed notice, provide notice by placing a display advertisement of at least one-eighth (1/8) page in a newspaper of general circulation in the County.

(3) *Notification of application.* Mailing or delivery of the notice to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.

(4) *Notification of affected local agencies.* Mailing or delivery of the notice to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the subject property, whose ability to provide those facilities and services may be significantly affected by the proposed development agreement.

(c) *Declaration of existing law.* The notice requirements referred to in subsections (a) and (b) are declaratory of existing law at the time of drafting of this regulation (Govt. Code Section 65867, 65090, and 65091). If State law prescribes a different notice requirement, notice shall be given in that manner. The notices required by this section are in addition to any other notices required by law for other actions to be considered concurrently with the development agreement. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.303. Failure to receive notice.

The failure of any person or entity to receive notice given pursuant to these regulations shall not affect the authority of the County to enter into a development agreement. (§ 1, Ord. 1192, eff. September 5, 1996)

Article 4. Standards of Review, Findings and Decision

Sec. 8-10.401. Hearing and recommendation by Planning Commission.

All development agreements shall be considered at a public hearing before the Planning Commission. At the conclusion of the hearing the Planning Commission shall make recommendation in writing to the Board of Supervisors. This recommendation shall include the Commission's determinations as to whether the proposed project:

(a) Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;

(b) Is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is or will be located;

(c) Is in conformity with and will promote public convenience, general welfare and good land use practice;

(d) Will not be detrimental to the health, safety and general welfare;

(e) Will not adversely affect the orderly development of property or the preservation of property values;

(f) Will meet the intent of Section 8-10.202(a).

This recommendation shall also include the Commission's reasons for its recommendation. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.402. Hearing and decision by the Board of Supervisors.

Upon receipt of the recommendation of the Planning Commission, the Clerk of the Board shall set the proposed development agreement for hearing by the Board of Supervisors. After the Board of Supervisors completes its public hearing it may approve, modify or disapprove the recommendation of the Planning Commission. A development agreement shall not be approved unless the Board finds that the provisions of the agreement are consistent with the findings listed in Section 8-10.401 of these regulations. The decision of the Board shall be final. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.403. Approval of development Agreement.

Development agreements shall be approved by ordinance. The ordinance shall refer to and incorporate by reference the text of the development agreement. (§ 1, Ord. 1192, eff. September 5, 1996)

Article 5. Recordation

Sec. 8-10.501. Recordation of development agreement, amendment or cancellation.

(a) Within ten (10) days after the County executes a development agreement, the Clerk of the Board shall record with the County Clerk/Recorder a copy of the agreement, which shall describe the land subject thereto.

(b) If the parties to the development agreement or their successors in interest amend or cancel the development agreement as provided in Article 6 of these regulations and Government Code Section 65868, or if the County terminates or modifies the development agreement as provided in Article 8 of these regulations and Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the development agreement, the Clerk of the Board shall have notice of such action recorded with the
County Clerk/Recorder.

(c) From and after the time of the recordation required by this section, notice shall be imparted as provided by the recording laws of the State. The burdens of the development agreement shall be binding upon, and the benefits of the development agreement shall inure to, all successors in interest to the parties to the development agreement. (§ 1, Ord. 1192, eff. September 5, 1996)

Article 6. Amendment or Cancellation by Mutual Consent

Sec. 8-10.601. Amendment or cancellation by mutual consent.

Any party, or successor in interest, to a development agreement may propose an amendment or cancellation, in whole or in part, of the development agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided under Article 8 of this chapter and Government Code Section 65865.1. (§ 1, Ord. 1192, eff. September 5,1996)

Sec. 8-10.602. Procedure.

The procedure for proposing and adoption of an amendment or cancellation, in whole or in part, of a development agreement shall be the same as for entering into the development agreement in the first instance. However, if the County initiates a proposed amendment or cancellation of the development agreement, it shall first give written notice by mail to the property owner of its intention to initiate such proceedings not less than thirty (30) days prior to the giving of public notice of hearing to consider the amendment or cancellation. (§ 1, Ord. 1192, eff. September 5, 1996)

Article 7. Review

Sec. 8-10.701. Periodic review.

The Community Development Director shall review each development agreement annually, on or before the anniversary date of the recordation of the development agreement, in order to ascertain the good faith compliance by the property owner with the terms of the development agreement. The property owner shall submit an annual monitoring report, in a form acceptable to the Community Development Director, within thirty (30) days after written notice from the Community Development Director. The annual monitoring report shall be accompanied by an annual review and administration fee sufficient to defray the estimated costs of review and administration of the development agreement during the succeeding year. The amount of the annual review and administration fee shall be set annually by resolution of the Board of Supervisors. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.702. Special review.

The Board of Supervisors may order a special review of compliance with a development agreement at any time. The

Community Development Director shall conduct such special reviews. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.703. Procedure.

(a) During either a periodic review or a special review, the property owner shall be required to demonstrate good faith compliance with the terms of the development agreement.

(b) Upon completion of a periodic review or a special review, the Community Development Director shall submit a report to the Board of Supervisors setting forth the evidence concerning good faith compliance by the property owner with the terms of the development agreement and his recommended finding on that issue.

(c) If the staff finds on the basis of substantial evidence that the property owner has complied with the terms and conditions of the development agreement, the review shall be concluded.

(d) If the Board finds on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the development agreement, the Board may set a hearing for the purpose of modifying or terminating the development agreement as provided in Article 8 of this chapter. (§ 1, Ord. 1192, eff. September 5, 1996)

Article 8. Modifications or Termination

Sec. 8-10.801. Proceedings upon modification or termination.

If, upon a finding under Section 8-10.703(d), the County determines to proceed with modification or termination of a development agreement, the County shall give written notice to the property owner of its intention to do so. The notice shall contain:

(a) The time and place of the hearing;

(b) A statement as to whether or not the County proposes to terminate or to modify the development agreement; and,

(c) Such other information as the County considers necessary to inform the property owner of the nature of the proceeding including the grounds upon which the proceedings are based. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.802. Hearing on modification or termination.

At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The property owner shall be required to substantiate compliance with the terms and conditions of the development agreement. The burden of proof on this issue shall be on the property owner. If the Board finds, based upon substantial evidence, that the property owner has not substantially complied with the terms or conditions of the agreement, the Board may terminate or modify the development agreement and impose such conditions as it deems necessary to protect the interests of the County and the public. The decision of the Board of Supervisors is final. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.803. Enforcement.

Unless amended, canceled, modified, suspended or terminated pursuant to this chapter, or unless otherwise allowed by this chapter, a development agreement shall be enforceable by any party thereto notwithstanding any change in any applicable or specific plan, zoning, subdivision, or building regulation adopted by the County which alters or amends the rules, regulations or policies specified in effect at the time the development agreement is executed by the County. (§ 1, Ord. 1192, eff. September 5, 1996)

Sec. 8-10.804. Appeal by party other than County.

(a) Any party to a development agreement, other than the County, seeking to bring an action to enforce the development agreement pursuant to Section 8-10.803 shall first appeal all matters to be raised in the action to the Board of Supervisors. The appeal shall be commenced by the filing of a written statement of issues by the Party appealing setting out in detail the basis for the appeal. The statement shall be filed with the clerk of the Board and Community Development Director. The Board of Supervisors shall hold a hearing on the issues raised in the statement no later than forty-five (45) days after the statement has been filed with the Clerk of the Board and Community Development Director.

(b) The Board of Supervisors shall make findings on all matters raised in the appeal. The party shall not commence an action to enforce the development agreement until after the Board of Supervisors has issued its findings. The Board of Supervisors shall issue its findings no later than fifteen (15) days after the hearing. (§ 1, Ord. 1192, eff. September 5, 1996)

Article 9. State or Federal Law

Sec. 8-10.901. Modification or suspension by State or Federal law.

In the event that State or Federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the development agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or

regulations. (§ 1, Ord. 1192, eff. September 5, 1996)

Article 10. Approved Development Agreements

Sec. 8-10.1001. Approved development agreements.

A development agreement is a legislative act which shall be approved by ordinance and is subject to referendum. (§ 1, Ord. 1192, eff. September 5, 1996; as amended by §2, Ord. 1263, eff. June 21, 2001)

Chapter 11

GRAVEL MINING FEE ORDINANCE

Sections:

Section 8-11.01 Establishment of fees.

(a) There are hereby adopted and established the following five Yolo County aggregate mining fees which shall be imposed and administered in accordance with this Ordinance:

(1) The CCRMP Implementation (Creek Stabilization) Fee of $0.25 per ton of aggregate material sold.

(2) The Maintenance and Remediation Fee of $0.02 per ton of aggregate material sold.

(3) The OCMP Administration Fee of $0.08 per ton of aggregate material sold.

(4) The Cache Creek Conservancy Contribution (Habitat Restoration) Fee of $0.10 per ton of aggregate material sold.

(5) The Twenty Percent Production Exception Surcharge of $0.20 per ton of aggregate material sold in excess of the approved annual permitted production.

(b) The fees identified in items (1) through (4) above are mandatory fees totaling $0.45 per ton that apply as described herein to all aggregate materials sold after January 1, 2007 in the unincorporated areas of Yolo County along Cache Creek. These fees shall collectively be known as the Gravel Mining Fees. The fee identified in item (5) is also mandatory but only applies to mining over a specified limit as described in Section 8-11.02(e).

(c) The fees described in items (1) through (4) above shall be adjusted annually on January 1 as follows, distributed proportionally among the four fees based on the 2007 ratio. The fee described in item (5) shall remain a flat fee.

January 1, 2007 $0.450 cents per ton (beginning April 1 for 2007 only)
January 1, 2008 $0.468 cents per ton
January 1, 2009 $0.487 cents per ton
January 1, 2010 $0.506 cents per ton
January 1, 2011 $0.526 cents per ton
January 1, 2012 $0.547 cents per ton
January 1, 2013 $0.569 cents per ton
January 1, 2014 $0.592 cents per ton
January 1, 2015 $0.616 cents per ton
January 1, 2016 $0.640 cents per ton, mandatory permit review (§ 1, Ord. 1196, eff. January 1, 1997;

Sec. 8-11.02. Purpose and use of fees.

(a) The purpose of the CCRMP Implementation Fee is to fund implementation of the CCRMP and CCIP, including but not limited to:

(1) Design and construction of projects for channel stabilization and bridge protection.

(2) Design and construction/implementation of channel maintenance projects and activities.

(3) Monitoring, modeling, and flood watch as described in the CCIP.

(4) Compensation of the Technical Advisory Committee.

(b) The purpose of the Maintenance and Remediation Fee is to fund a long-term, interest-bearing account for the following future activities (as identified in Section 10-4.803 [Mining Ordinance] of the County Code):

(1) Remediation of problems related to mercury bioaccumulation in wildlife, should they occur.

(2) Remediation of hazardous materials contamination, should it occur.

(3) Environmental monitoring including data gathering and groundwater modeling beyond, or as an extension of, that required by the operators under the CCAP and permits issued or extended under the CCAP, should it be necessary.

(4) Ongoing site maintenance of publicly held reclaimed lakes including but not limited to fencing, berms, drainage, and levees.

No expenditures may be drawn from the Maintenance and Remediation fund for thirty (30) years. Starting in January 2027, the fund shall be made available for the activities identified above under 8-11.02(b). In January 2047, the County shall determine whether the fund is still merited. If it is determined that

supplemental monitoring, maintenance, and/or remediation is no longer required or merited, then the entire fund shall be made available for implementation of the goals of the CCAP, such as the creation of long-term habitat restoration, the creation of open space and passive recreation opportunities, and restoration and stabilization of Cache Creek.

Any disbursement of money from the maintenance and remediation fund shall require approval by the Board of Supervisors. Use of this fund for any purpose other than those specified herein is expressly prohibited.

(c) The purpose of the OCMP Administration Fee is to:

(1) Implement the OCMP.

(2) Administer long-term mining permits.

(3) Administer development agreements.

(4) Inspect mining and reclamation operations.

(d) The purpose of the Cache Creek Conservancy Contribution (Habitat Restoration) Fee is to fund:

(1) Habitat restoration and enhancement along Cache Creek, between Capay Dam and the Town of Yolo, consistent with and as envisioned in the CCRMP.

(2) Revegetation consistent with, and in support of, activities under the CCRMP Implementation (Creek Stabilization) Fee.

(e) The purpose of the Twenty Percent Production Exception Surcharge fee is to offset additional costs anticipated with mining allowed in excess of approved annual permitted production, pursuant to Action 2.4-12 of the OCMP and Section 10-4.405 of the Off-Channel Mining Ordinance, to meet temporary increases in market demand. The revenue is to be directed as follows:

(1) Fifty (50) percent to the CCRMP Implementation fund.

(2) Fifty (50) percent to the Maintenance and Remediation Fund.

(f) The County shall review fee revenue and expenditures no less frequently than biennially, to verify that program activities and expenditures fall within the scope of the CCAP, and to verify deposits into appropriate funds, as described herein. (§ 1, Ord. 1196, eff. January 1, 199; as amended by §2, Ord. 1357, eff. April 26, 2007)

Sec. 8-11.03. Determination of reasonable relationship.

In the course of adopting the various components that comprise the CCAP, the County has determined that there is a reasonable relationship between the fees identified herein, the use to which they are to be put, and the applicability of charging said fees of permit holders. These relationships can be generally summarized as follows:

(a) *CCRMP Implementation Fee and Cache Creek Conservancy Contribution.* The Streamway Influence Boundary (page 21 of Final OCMP; page 10 of Final CCRMP) defines the area which has historically been occupied by Cache Creek, and where land uses continue to have an effect on streamflow. Left to natural forces, the channel would attempt to reclaim the entire area shown within the Streamway Influence Boundary. The Streamway Influence Boundary, therefore, is that area adjoining the creek within which the active creek channel may have an influence, and within which land uses adjoining the creek may have an influence on the creek. There is a spatial, hydrologic, and geologic connection between these areas. The area designated for off-channel mining is located within or in relevant proximity to the Streamway Influence Boundary, thereby establishing the nexus for funding of programs by Permit Holders, to offset the potential for influence between the two.

(b) *Maintenance and remediation fee.* This "contingency" fund offsets the risk of encountering costs after reclamation, associated with remediation, monitoring, and/or maintenance of permanent lakes resulting from deep mining, thereby establishing the nexus for funding by Permit Holders mining within the groundwater table.

(c) *OCMP administration fee.* The OCMP is a mining plan prepared and adopted for the purpose of regulating off-channel aggregate resources. This fee reimburses the County for administrative costs of implementing the Plan, from which Permit Holders receive direct benefits, thereby establishing the nexus for funding by Permit Holders.

(d) *Twenty percent production exception surcharge fee.* Extraction within or adjacent to the Streamway Influence Boundary, in excess of approved annual permitted production, increases the potential for influence between off-channel mining and Cache Creek. This fund offsets that potential and therefore fifty (50%) percent would be used primarily to supplement the CCRMP Implementation fund. The increased extraction addressed by this fee also increases the potential risk of encountering costs after reclamation, associated with remediation, monitoring, and/or maintenance of

permanent lakes resulting from deep mining. This fund offsets that potential and therefore the remaining fifty (50%) percent would be used to supplement the Maintenance and Remediation Fund. (§ 1, Ord. 1196, eff. January 1, 1997; as amended by §2, Ord. 1357, eff. April 26, 2007)

Sec. 8-11.04. Applicability of Ordinance.

This Ordinance and the fees established herein shall apply to all aggregate materials sold or transferred to affiliates or subsidiaries after December 31, 1996, pursuant to any permit granted, modified, or extended by the County for the commercial extraction or processing of aggregate materials within the planning boundaries established in the CCAP. (§ 1, Ord. 1196, eff. January 1, 1997; as amended by §2, Ord. 1357, eff. April 26, 2007)

Sec. 8-11.05. Calculation and Verification of Fees.

(a) Fees shall be calculated based on sales in the previous calendar year as reported annually to the County Assessor by April 1. If an operator fails to report its sales to the County Assessor by April 1, the County may make a reasonable estimate of the sales of that company, which estimate shall be binding for the purposes of this Ordinance, unless it is later demonstrated that sales were underreported. In such case, fees shall be recalculated and the under-reported amount due and payable immediately with penalties of ten (10%) percent.

(b) The County shall audit the tonnage claims and revenue deposits no less frequently than biennially, to verify that the amount of revenue correctly reflects actual tonnages sold, and to verify deposits into appropriate funds, as described herein. (§ 1, Ord. 1196, eff. January 1, 1997; as amended by §2, Ord. 1357, eff. April 26, 2007)

Sec. 8-11.06. Payment.

(a) Fee payments are due and payable quarterly on the following dates: March 30, June 30, September 30, and December 30. The County shall send a statement of the amount owed under this agreement to each holder of a permit (Permit Holder) granted or extended by the County after November 1, 1996 for the commercial extraction of aggregate materials within the planning boundaries of the CCAP, at least thirty (30) days prior to the payment due dates.

(b) Fee payments for the CCRMP Implementation Fee, the Maintenance and Remediation Fee, the OCMP Administration Fee, and the Exception Surcharge shall be made directly to the County Administrative Office for distribution as follows:

(1) The CCRMP Implementation Fee, the OCMP Administration Fee, and fifty (50%) percent of the Exception Surcharge may be deposited into the same account for use as described in Section 8-11.02.

(2) The Maintenance and Remediation Fee and the remaining fifty (50%) percent of the Exception Surcharge shall be deposited into a separate, long-term interest-bearing account, with restrictions on access and use that are consistent with the purpose of the fund as described in Section 8-11.02(b).

(3) The Cache Creek Conservancy Fee shall be paid directly to the Conservancy. If the Conservancy is not operating, the fee shall be paid to the County for expenditure by the County for the purposes identified in Section 8-11.02(d) of this Ordinance. (§ 1, Ord. 1196, eff. January 1, 1997; as amended by §2, Ord. 1357, eff. April 26, 2007)

Sec. 8-11.07. Minimum initial payment of CCRMP implementation fee.

No later than January 30, 1997 each Permit Holder shall make a one-time initial fee payment of Ten Thousand and no/100ths ($10,000.00) Dollars to the County as a minimum program start-up amount. Each Permit Holder shall receive credit for this amount against the December 1997 fee payment, however, there shall be no carry over of unused credit into 1998. (§ 1, Ord. 1196, eff. January 1, 1997;as amended by §2, Ord. 1357, eff. April 26, 2007)

Sec. 8-11.08. Minimum annual fee payment.

Notwithstanding the actual tonnage sold in any one year by a permit holder, or any of the provisions of this chapter, a minimum annual base fee amount of Fifty Thousand and no/100ths ($50,000.00) Dollars is required by the County by June 30 of each year, in order to minimally administer the CCAP. The payment of this amount shall be allocated to each permit holder based on approved annual permitted production. Each Permit holder shall receive credit for this amount against their December payment.

Notwithstanding any other provision of this chapter, the first Fifty Thousand and no/100ths ($50,000.00) Dollars in either the OCMP Administration Fund, the CCRMP Implementation Fund, or a combination of both funds, in a given calendar year, shall be counted as meeting this minimum annual base fee amount, and shall be available to the County for administrative purposes. (§ 1, Ord. 1196, eff. January 1, 1997;as amended by §2, Ord. 1357, eff. April 26, 2007)

Sec. 8-11.09. Credits for in-lieu work.

(a) The Community Development Director is authorized to grant credits against the CCRMP Implementation Fee of up to thirty-five (35%) percent of the amount that would otherwise be due from a Permit Holder, for contributions of labor, equipment or materials used to implement the CCRMP. The contributed labor, equipment, or materials must be beyond those required by conditions of approval associated with any permit, or those required by the CCAP, of Permit Holders.

(b) Prior to any contribution of equipment, labor or materials for which credits may be taken, the Director and the permit holder must first agree on the amount of the credit, the method used to calculate it, and the period in which it may be credited.

(c) The Director's determination regarding the use and amount of credits is appealable directly to the Board of Supervisors. (§ 1, Ord. 1196, eff. January 1, 1997; as amended by §2, Ord. 1357, eff. April 26, 2007)

Sec. 8-11.10. Late charge (penalties).

(a) Fees are required to be paid in a timely manner. Fees shall be considered to be paid in a timely manner if the payment is received no later than thirty (30) days from the day on which it was due.

(b) A late charge or penalty equal to ten (10%) percent of the amount due shall be assessed and payable for any fee payments received after the thirty (30) day grace period described above. Late charges assessed hereunder are to be due and payable immediately.

(c) Notwithstanding item 8-11.10(b) above, if the payment of any fee is later than sixty (60) days from the date due, this shall be a violation of the permit and revocation proceedings shall be commenced in compliance with Sections 10-4.1105 through 10-4.1110 of the County Code (Off-Channel Surface Mining Ordinance, Violations). (§ 1, Ord. 1196, eff. January 1, 1997; as amended by §2, Ord. 1357, eff. April 26, 2007)

Sec. 8-11.11. Accounting procedures.

The County Administrative Officer shall establish procedures by which permit holders will report and account for the sale and/or transfer of all aggregate materials for which fees are payable under this Ordinance. (§ 1, Ord. 1196, eff. January 1, 1997; as amended by §2, Ord. 1357, eff. April 26, 2007)

Sec. 8-11.12. Reimbursement.

(a) Each holder of a permit issued under the CCAP, prior to January 1, 1997 shall be responsible for reimbursement to the County on a proportional basis all outstanding actual costs incurred during development, environmental review, adoption, and early implementation of the CCAP and related ordinances and regulations, through December 31, 1996. The Permit Holder shall be fully responsible for reimbursement to the County all costs incurred during processing of the permit, through December 31, 1996. The County will invoice the Permit Holder for these reimbursements no later than January 1, 1997. The reimbursements shall be paid in four (4) equal installments due February 28, March 29, April 30, and May 30 of 1997.

(b) In addition to regular application fees as may be charged by the County, subsequent applicants for new, extended, or modified mining and reclamation permits shall at the time of filing of application, pay their proportionate share of the costs of development, environmental review, and adoption of the CCAP as calculated and documented by the County, starting with the cost of the report entitled "Technical Studies and Recommendations for the Lower Cache Creek Resource Management Plan" issued October 1995 and including all related costs through December 31, 1996.

(c) The proportional share of the reimbursement costs to be paid by a subsequent applicant shall be a percentage based on the requested total annual permitted production plus an imputed interest charge of seven (7%) percent per annum from January 1997, and an administrative fee of Five Hundred and no/100ths ($500.00) Dollars to cover the costs of processing the reimbursement. The percentage owed shall be obtained by dividing the applicant's requested total annual permitted production by the total of all annual tonnage allocations in effect under the CCAP at the time.

(d) Reimbursements costs and imputed interest collected by the County under subsection (b) of this section shall be refunded to each holder of a permit issued under the CCAP prior to January 1, 1997 based on the unreimbursed costs incurred by that permit holder under the terms of the "Gravel Management and Oversight Costs Funding Agreement" dated December 6, 1994 and the "Agreement to Provide Funds for Environmental Studies, Cache Creek Resources Management Plan and Long-Term Off-Channel Ordinance Formulation" dated December 1995, as evidenced by County records. Refund payments shall be made by the County within sixty (60) days of receipt of a reimbursement from any subsequent applicant.

(e) The proportional share obligation for subsequent applicants shall terminate upon collection by the County of fifty (50%) percent, excluding imputed interest and the administrative fee, of the total costs of preparation of the CCAP as calculated pursuant to (b) of this section, or December 31, 2006,

whichever occurs first. (§ 1, Ord. 1196, eff. January 1, 1997; as amended by §2, Ord. 1357, eff. April 26, 2007)

Sec. 8-11.13. Update.

A minimum of every ten (10) years, the County shall review the fees to ensure that they appropriately cover the intended costs and are otherwise reasonably set and structured for fulfilling their purpose, as described in Section 8-11.02. Pursuant to this review, a recommendation for appropriate modification shall be promptly brought forward for public hearing before the Planning Commission and Board of Supervisors and shall be referenced for the purposes of satisfying Section 10-4.605 of the Off-Channel Surface Mining Ordinance. (§ 1, Ord. 1196, eff. January 1, 1997, as amended by §2, Ord. 1357, eff. April 26, 2007)

Sec. 8-11.14. Exemptions.

Sales of recycled materials and sales of materials removed from the channel pursuant to the implementation of the CCAP, shall not be subject to this Ordinance. Records of such sales shall be submitted to the County by permit holders, and shall be included as a component of the audit referred to in Section 8-11.05(b) of this Ordinance. (§ 1, Ord. 1196, eff. January 1, 1997, as amended by §2, Ord. 1357, eff. April 26, 2007)