

**ARTICLE 3 – SITE PLANNING AND PROJECT DESIGN STANDARDS**

**CHAPTER 130.30 – GENERAL DEVELOPMENT STANDARDS**

- 130.30.010 Applicability
- 130.30.020 Minimum Area and Width of Lots
- 130.30.030 Setback Requirements and Exceptions
- 130.30.040 Height Limits and Exceptions
- 130.30.050 Fences, Walls, and Retaining Walls
- 130.30.060 Hillside Development Standards; 30 Percent Slope Restriction
- 130.30.070 Gates
- 130.30.080 *Reserved*

**CHAPTER 130.31 – AFFORDABLE HOUSING REQUIREMENTS AND INCENTIVES**

- 130.31.010 Content
- 130.31.020 Definitions
- 130.31.030 Eligibility for Bonus, Incentives, and/or Concessions
- 130.31.040 Bonuses, Incentives, and Concessions Allowed
- 130.31.050 Processing of Requests
- 130.31.060 Continued Availability of Affordability
- 130.31.070 Location of Bonus Units
- 130.31.080 Time of Construction and Occupancy
- 130.31.090 Design

**CHAPTER 130.32 – FLOOD DAMAGE PREVENTION**

- 130.32.010 Statutory Authorization, Findings of Fact Content and Methods
- 130.32.020 Definitions
- 130.32.030 General Provisions
- 130.32.040 Administration
- 130.32.050 Provisions for Flood Hazard Reduction
- 130.32.060 Variance Procedures

**CHAPTER 130.33 – LANDSCAPING STANDARDS**

- 130.33.010 Content
- 130.33.020 Applicability
- 130.33.030 Exemption

**CHAPTER 130.34 – OUTDOOR LIGHTING**

- 130.34.010 Content
- 130.34.020 Outdoor Lighting Standards
- 130.34.030 Exemptions
- 130.34.040 Effect on Existing Outdoor Lighting

**CHAPTER 130.35 – PARKING AND LOADING**

- 130.35.010 Content
- 130.35.020 Definitions
- 130.35.030 Off-street Parking and Loading Requirements

**CHAPTER 130.36 – SIGNS *RESERVED***

**SEE EXISTING TITLE 130, CHAPTER 130.16 FOR UPDATED SIGN CODE ADOPTED 7/28/2015.**

**CHAPTER 130.37 – NOISE STANDARDS**

- 130.37.010 Content
- 130.37.020 Exemptions
- 130.37.030 Applicability
- 130.37.040 Definitions
- 130.37.050 Acoustic Analysis Requirements
- 130.37.060 Noise Standards
- 130.37.070 Noise Reduction Measures
- 130.37.080 Noise Level Measurements

**CHAPTER 130.38 –AIRPORT SAFETY (-AA) DISTRICT**

**SEE EXISTING TITLE 130, CHAPTER 130.38 FOR UPDATED AIRPORT SAFETY (-AA) DISTRICT CODE ADOPTED 12/16/2014.**

**CHAPTER 130.30 – GENERAL DEVELOPMENT STANDARDS****Sections:**

130.30.010	Applicability
130.30.020	Minimum Size and Width of Lots
130.30.030	Setback Requirements and Exceptions
130.30.040	Height Limits and Exceptions
130.30.050	Fences, Walls, and Retaining Walls
130.30.060	Hillside Development Standards; 30 Percent Slope Restriction
130.30.070	Gates
130.30.080	<i>Reserved</i>

**130.30.010 Applicability**

This Chapter identifies development standards that apply to all zones in order to provide consistent application of development standards throughout the county. Standards pertaining to the creation of new lots, new projects or the modification of existing lots are found in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document as applicable.

**130.30.020 Minimum Area and Width of Lots**

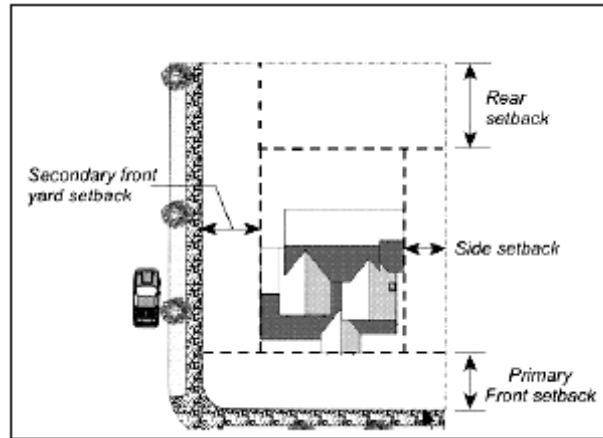
- A. The minimum area and width of lots shall be as defined in the Development Standards for each zone as set forth in Chapters 130.21 (Agricultural, Rural Lands, and Resources Zones) through 130.26 (Meyers Community Plan (MCP) Zone), inclusive, and Title 120 (Subdivisions) of the County Code of Ordinances.
- B. **Measurement of Lot Width.** Lot width shall be measured in accordance with the following:
1. The lot width shall be measured at the front lot line or the edge of the right-of-way or road easement. Where a lot is located at the end of a cul-de-sac or on the outside curve of a road, the lot width shall be measured at the minimum front setback line as established by the development standards of the zone.
  2. For a flag lot, the measurement requirements under Subsection B.1 above in this Section shall be taken across that portion of the lot not containing the access strip.

**130.30.030 Setback Requirements and Exceptions**

All structures and buildings (see Article 8 - Glossary: "Structure") shall be located on a lot so as to conform to the setback requirements established for the zone in which the lot is located, as set forth in Chapters 130.21 (Agricultural, Rural Lands, and Resources Zones) through 130.26 (Meyers Community Plan (MCP) Zone) inclusive, except as provided in this Chapter unless and until a Variance is granted in compliance with Section 130.52.070 (Variance) or standards are modified pursuant to a Development Plan permit in compliance with 130.52.040 (Development Plan Permit).

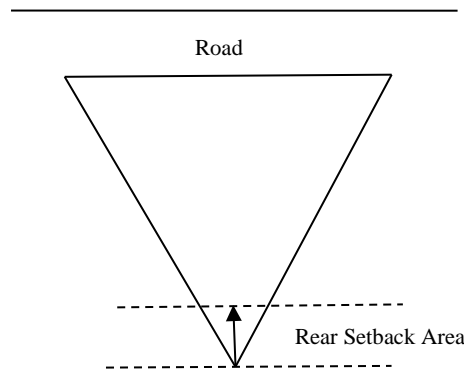
- A. Measurement of Setbacks.** Setbacks shall be measured from the closest of either a property line, the edge of a road easement, or the edge of a right-of-way line to the nearest point of the foundation or support of a building or structure, on a line perpendicular to the property line, road easement, or right-of-way line.
1. Setbacks adjacent to existing private roads without defined right-of-way or road easements shall be measured from the edge of the maintained area of the road. Setbacks adjacent to county maintained roadways shall be measured from a distance of 30 feet from the centerline of the road.
  2. Where the Board has adopted a future roadway alignment, the minimum setback shall be measured from the edge of the future right-of-way line.
  3. Expanded setbacks from major roads identified in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document shall be applied to protect future right of way for the planned widening of those roads. Proposed development adjacent to these roads shall be increased by the distance shown in the (DISM/LDM, or successor document).
  4. Corner Lots. A corner lot with frontage on two or more streets shall have front yard (see Article 8 – Glossary: "Yards") setback requirements, as identified in the Development Standards Tables in Article 2, along each property line adjacent to a street, subject to the following exceptions:
    - a. Double Frontage Corner Lots. On a corner lot with frontage on two streets, the building permit application shall specify the primary front yard; the remaining street frontage shall be considered the secondary front yard, as shown in Figure 130.30.30.A (Example: Corner Lot Setbacks) below. The yard opposite the primary front yard shall be considered the rear yard. The primary front yard setback shall comply with the front yard setbacks of the zone; the secondary front yard setback shall comply with the secondary front setback applicable to the zone.

**Figure 130.30.030.A Example: Corner Lot Setbacks**



- b. **Triple Frontage Corner Lots.** On a corner lot with frontage on three streets, the building permit application shall specify the primary front yard. The frontage opposite the primary front yard shall be considered a rear yard for setback purposes, providing vehicular access is restricted.
- c. **Rear Setback on Triangular Lot.** Where a triangular lot has no rear lot line because its side lot lines converge to a point, an assumed line placed at the point, or vertex, of the angle and running perpendicular to a line bisecting the angle shall be considered the rear lot line for the purpose of measuring the required rear setback, as shown in Figure 130.30.030.B (Example: Rear Setbacks, Triangular Lots) below:

**Figure 130.30.030.B Example: Rear Setbacks, Triangular Lots**



- 5. **Through Lots.** Through lots, or double frontage non-corner lots, shall maintain front yard setbacks for the primary frontage containing the driveway encroachment, and rear yard setbacks for the opposite frontage, providing vehicular access is restricted. Where vehicular access is allowed, front yard setbacks shall apply.

**B. Exceptions to Setback Requirements.** The following exceptions to the setback requirements shall be allowed when the qualifying conditions have been documented by a licensed civil engineer or surveyor. All reductions in front yard setbacks shall be

subject to cross visibility area (CVA) requirements under Subsection 130.30.050.B.4 (Fences, Walls, and Retaining Walls - Front Yards).

1. **Front Setback Reduction for Slope.** Where the elevation of a lot measured at the required front setback line averages six feet or more for a lot less than one acre, or eight feet or more for a lot one acre or greater, above or below the elevation at the edge of road pavement adjacent to said lot, the required front setback for a single-story structure may be reduced by 50 percent, except:
  - a. Where a lot has more than one frontage, the elevation criteria set forth under this Subsection B.1 must be satisfied for all frontages.
  - b. Any parking structure allowed by this Subsection B.1 at a reduced front setback shall provide at least 20 feet of parking area between the edge of road pavement and the structure.
2. **Administrative Relief.** Setback reductions for a multi-story structure, or where all frontages of a lot do not meet the elevation criteria set forth in Subsection B.1 (Front Setback Reduction for Slope) above may be approved under administrative relief subject to Chapter 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) provided the requirement under Subsection 1.b (Front Setback Reduction for Slope) above is met.

**C. Projections into Required Setbacks.**

1. Cornices, window canopies, eaves, bay windows, or similar architectural features, which do not qualify as habitable area under the building code; heating and air conditioning equipment; and uncovered and unenclosed decks of 30 inches in height or less, excluding handrails, may extend into any required setback by not more than 50 percent provided that no such feature shall be allowed within three feet of any side lot line.
  - a. For uncovered and unenclosed decks, setbacks shall be measured from the closest portion of the deck, such as flooring, footing, or foundation, to the property line.
2. Front yards may have the following additional encroachments:
  - a. Fences and walls, subject to Section 130.30.050 (Fences, Walls, and Retaining Walls);
  - b. Bear resistant garbage can containers, subject to Subsection 3.f (Solar Collectors) below.
  - c. Signs, subject to Chapter 130.16 (Signs).

3. The following encroachments or reduced setbacks into the required yards are allowed for the following specific uses, provided there is no encroachment into any public utility or drainage easement:
- a. **Swimming pool, heating and air conditioning equipment** may encroach into any setback by up to 50 percent but not less than 3 feet from any lot line. When located within a required setback as allowed by this Subsection, accessory mechanical equipment that generates noise (such as air conditioning or swimming pool equipment) shall be enclosed with an appropriate noise barrier when less than 10 feet from the property line.
  - b. **Swimming pools** measured to the back edge (non-water side) of the bond beam and their accessory water features, such as manmade waterfalls, if 30 inches in height or less:
    - (1) Front. Setback required by zone;
    - (2) Side and Rear. 5 feet minimum;
  - c. **Propane Tanks** shall meet the applicable standards of the fire code (See Article 8: Glossary – “Fire Code” and “Fire Safe Regulations”) subject to the following conditions:
    - (1) Front. The propane tank may be located within the front setback provided it is not less than 10 feet from the property line and the tank is less than 40 inches in height and fully screened by fencing or landscaping.
    - (2) Underground Tanks. May be located within any setback.
  - d. **Portable Sheds** (non-habitable, less than 120 square feet of floor space, containing no utilities):
    - (1) Front. Setback required by zone;
    - (2) Side and Rear. 5 feet minimum, subject to fire safe regulations under Subsection D (Fire Safe Setbacks) below.
  - e. **Chimneys** (at ground level):
    - (1) Front and Rear. 3 feet into setbacks;
    - (2) Side. 3 feet into setback, but in no instance shall the remainder of the side yard be less than 3 feet;
    - (3) Chimneys that protrude above ground level, such as cantilevered chimney chases on the second story of a residence, shall not be subject to setback requirements.
  - f. **Solar Collectors** that are ground mounted shall comply with the required side and rear setbacks for the zone, subject to the height requirements and maximum reduction in setbacks allowed under state Public Resource Code Section 25981.
  - g. **Bear Resistant Garbage Can Containers.** A bear resistant garbage can enclosure in compliance with the approved list maintained by the

Environmental Management Department shall be subject to the following minimum setbacks:

- (1) Ten feet from the road as measured from the edge of the curb-face or pavement if no curbing exists. In no event shall a container be placed within the road right-of-way or easement;
- (2) On corner lots, containers shall not be located within the CVA at the intersection, as shown in Figure 130.30.050.B (Cross Visibility Area (CVA) Example #2).

**h. Trellises and Arbors.**

- (1) A trellis shall be considered similar to a fence for setback purposes and be subject to the requirements for fences under Section 130.30.050 (Fences, Walls, and Retaining Walls);
- (2) An arbor less than 50 percent open shall be considered a structure and be subject to development standards, including setback requirements, for the zone.

**D. Fire Safe Setbacks.** Where the net acreage of a lot is one acre or larger, any new structure shall maintain a 30 foot setback from all property lines or from the edge of the road, unless the applicable fire protection agency or the county has approved an exception, conditional or otherwise, for a reduction of the side and/or rear setback requirement to either the standard setback for the zone or as allowed under a Development Plan Permit.

**E. Special Setbacks for Agricultural and Timber Resource Protection.** Notwithstanding any other provision of this Title, where incompatible uses, as defined in Article 8 (Glossary, see “Incompatible Uses: Agricultural”), adjacent to the agricultural zones of LA, PA, and AG, or the Forest Resource (FR) and Timber Production Zone (TPZ), the following setbacks shall apply on those lots containing the incompatible use:

**1. Setback Standards on Lots Adjacent to Agricultural Zones:**

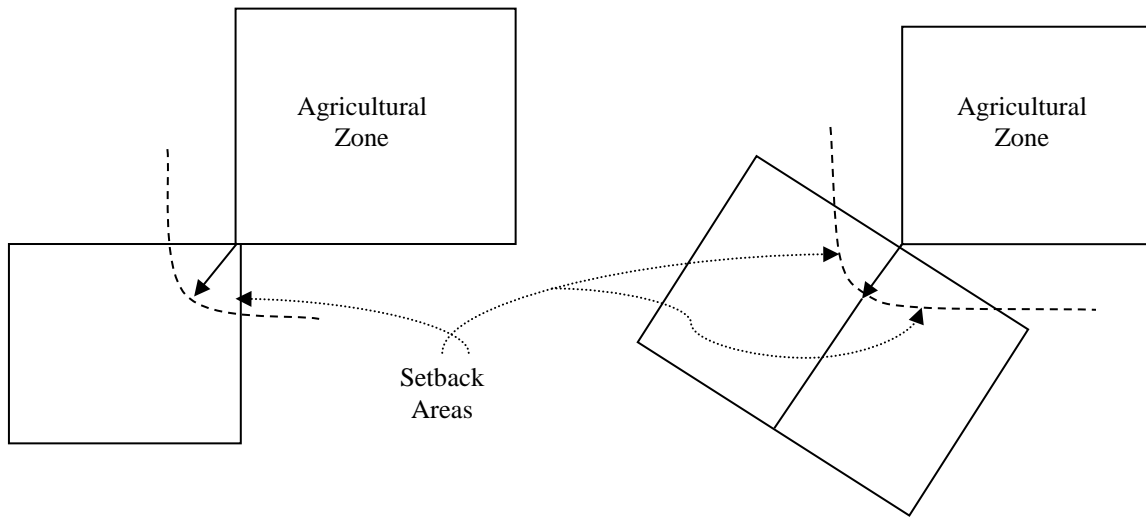
- a. When the agriculturally zoned lot is located within a General Plan designated Agricultural District: 200 feet
- b. When the agriculturally zoned lot is located outside of a General Plan designated Agricultural District, and:
  - (1) A lot with the proposed incompatible use is 10 acres or larger: 200 feet;
  - (2) A lot with the proposed incompatible use is less than 10 acres: No special agricultural setback is required.
- c. When the lot adjacent to the agriculturally zoned lot is in a General Plan designated Community Region or Rural Center: 50 feet.

**2. Setback Standards on Lots Adjacent to the Forest Resource or Timber Production Zone, when:**



- a. When the lot adjacent to the Forest Resource or Timber Production Zone is within the General Plan designated Rural Region: 200 feet.
  - b. When the lot adjacent to the Forest Resource or Timber Production zone is within a General Plan designated Community Region or Rural Center: 50 feet.
3. **Setbacks and Buffers for Adjacent Tangent Lots.** Where an agricultural or timber production zoned lot abuts a lot at a tangent or single point and where an agricultural or timber production zone setback will apply to the adjacent lot, the setback will be measured as a radius the length of the required setback, from the point of tangent into the adjacent lot, as shown in Figure 130.30.030.C (Examples: Tangential Setbacks) below:

**Figure 130.30.030.C Examples: Tangential Setbacks**



4. **Administrative Relief.** Administrative relief from the setback requirements established in Subsections E.1 through E.3 above in this Section may be granted by the Ag Commission or the Director under an Administrative Permit (Section 130.52.010, Administrative Permit, Relief, or Waiver) in compliance with criteria set forth by resolution of the Board, as amended from time to time.

**F. Special Setbacks for Mineral Resource Protection.**

- 1. Notwithstanding any other provision of this Title, where incompatible uses, as defined in Article 8 (Glossary, see “Incompatible Uses: Mining”), adjacent to lands located in the -MR Combining Zone, the following setbacks shall apply on those lots containing the incompatible use:
  - a. 250 feet on lots 10 acres or greater.
  - b. 150 feet on lots less than 10 acres in size.

2. The required setbacks in Subsection G.1 (Protection of Wetlands and Sensitive Riparian Habitat, Content) below, may be administratively reduced under an Administrative Permit (Section 130.52.010, Administrative Permit, Relief, or Waiver) by not more than 50 percent when the property owner affected by the setback has demonstrated to the Director that the mineral resource is at least 250 feet from the property line and mining activities are not likely to be carried on within 250 feet of the property line.

**G. Protection of Wetlands and Sensitive Riparian Habitat.**

1. **Content.** This subsection establishes standards for avoidance and minimization of impacts to wetlands and sensitive riparian habitat as provided in General Plan Policies 7.3.3.4 (Wetlands) and 7.4.2.5 (Identify and Protect Resources).
2. **Applicability.** The standards in this subsection apply to all ministerial or discretionary development proposed adjacent to any perennial streams, rivers or lakes, any intermittent streams and wetlands, as shown on the latest 7.5 minute, 1:24,000 scale United States Geological Survey (USGS) Quadrangle maps, and any sensitive riparian habitat within the county. Activities regulated under this subsection include those activities also regulated under the federal Clean Water Act (33 U.S.C. §1251 et seq.) and California Fish and Game Code (Section 1600-1607). These standards do not apply to culverted creeks and engineered systems developed or approved by the County or other public agency for collection of storm or flood waters, or systems other than natural creeks designed to deliver irrigation or water supplies. Additional standards applicable to the design of new developments or subdivisions are found in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document.
3. **Use Regulations.**
  - a. New ministerial and discretionary development shall avoid or minimize impacts to perennial streams, rivers or lakes, intermittent streams and wetlands, and any sensitive riparian habitat to the maximum extent practicable. Where avoidance and minimization are not feasible, the county shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.
  - b. Any new development which does not avoid impacts to wetlands and sensitive riparian habitat shall prepare and submit a Biological Resource Evaluation identifying the location of all features regulated under this section.
  - c. An applicant shall obtain all required permits from state or federal agencies having jurisdiction, and shall fully implement any mitigation program required as a condition of such permit. Where the area impacted is not within federal or state jurisdiction, the county shall

- require appropriate mitigation as recommended in a biological resource evaluation.
- d. Ministerial development, including single family dwellings and accessory structures, shall be set back a distance of 25 feet from any intermittent stream, wetland or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river or stream. This standardized setback may be reduced, or grading within the setback may be allowed, if a biological resource evaluation is prepared which indicates that a reduced setback would be sufficient to protect the resources.
  - e. All discretionary development which has the potential to impact wetlands or sensitive riparian habitat shall require a biological resource evaluation to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less than significant level. Where all impacts are not reasonably avoided, the biological resource evaluation shall identify mitigation measures that may be employed to reduce the significant effects. These mitigation measures may include the requirement for compliance with the mitigation requirements of a state or federal permit, if required for the proposed development activity.
  - f. Any setback or buffer required by this subsection shall be measured from the ordinary high water mark of a river, perennial or intermittent stream, and the ordinary high water mark or spillway elevation of a lake or reservoir.
  - g. Except where otherwise provided in this section, filling, grading, excavating or obstructing streambeds is prohibited except where necessary for placement of storm drain and irrigation outflow structures approved by the county; placement of public and private utility lines; construction of bridges and connecting roadways; maintenance activities necessary to protect public health and safety; and creek restoration and improvement projects.
  - h. All new septic system construction shall comply with standards established by the Environmental Management Department, or applicable state and federal regulations for setbacks from lakes, rivers and streams.
  - i. Projects within the joint jurisdiction of the County and the Tahoe Regional Planning Agency (TRPA) shall be subject to setbacks established by TRPA.
4. Exceptions; Uses allowed. The following uses are allowed:
- a. Native landscaping;

- b. Fencing, consistent with the provisions of Subsection 130.30.050.B (Fences, Walls, and Retaining Walls - Front Yards), that does not interfere with the flow of waters or identified wildlife migration corridors;
  - c. Roads or driveways used primarily for access or for the maintenance of a property;
  - d. Utilities;
  - e. Storm drains into riparian areas and creeks;
  - f. Trails and passive recreational activities not involving the establishment of any structures;
  - g. Boat ramps, docks, piers, and related features used for private purposes, subject to applicable local, state, or Federal regulations.
  - h. Construction and maintenance of bridges, culverts, rip-rap, and other drainage facilities.
  - i. Agricultural activities that utilize best management practices (BMPs), as recommended by the Ag Commission and adopted by the Board.
5. Exceptions; Conditionally Permitted Uses.
- a. The uses, and structures allowed in applicable zones are allowed within riparian areas with an approved Minor Use Permit.
  - b. In addition to the findings required for approval of a Minor Use Permit, the Zoning Administrator shall make all of the following findings for a Minor Use Permit for riparian area development:
    - (1) The proposed use, structure, or encroachment cannot be feasibly located outside the riparian area or such location would have a more adverse effect on the stream environment.
    - (2) Measures are included that provide adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management.
6. Performance Standards.
- a. Construction is prohibited in riparian buffers unless the necessary permits have been obtained from other responsible governmental agencies, and plans have been approved by the County.
  - b. Grading, alteration of the natural contours of the land, or cutting or alteration of natural vegetation that protects sensitive riparian habitat is prohibited within riparian areas except when such action is required for

the construction of an approved development or structure, associated with an agricultural use utilizing approved BMP's, or a creek restoration and enhancement project, or necessary to protect public health and safety.

7. Specific setbacks for major lakes, rivers and streams. The setbacks identified in Table 130.30.030.H.1 (Specific Riparian Setbacks) shall be provided, unless a discretionary approval by the county provides a larger or smaller setback.

**Table 130.30.030.H.1 – Specific Riparian Setbacks**

<b>Specific Riparian Setbacks</b>	
<b>Lakes and Reservoirs</b>	
Bass Lake	200 Feet
Folsom Lake	200 Feet
Jenkinson Lake (Sly Park)	200 Feet
Slab Creek Reservoir	200 Feet
Stumpy Meadows Reservoir	200 Feet
<b>Rivers</b>	
American River (Middle and South Forks)	100 Feet
Cosumnes River (North, Middle and South Forks)	100 Feet
Rubicon River	100 Feet
<b>Streams and Creeks</b>	
Big Canyon Creek	50 Feet
Deer Creek (South of US Highway 50 only)	50 Feet
Camp Creek	50 Feet
Clear Creek	50 Feet
Martinez Creek	50 Feet
Pilot Creek	50 Feet
Weber Creek	50 Feet

8. Coordination with Other Regulatory Agencies

All required permits from the California Department of Fish and Game, the U.S. Army Corps of Engineers, regional water quality control board(s), California State Water Resources Control Board, or other applicable agencies, shall be obtained prior to commencement of construction. Evidence of approval or pending approval of any such permit shall be provided to the county, including all appropriate supporting materials, environmental documentation, and studies.

**130.30.040 Height Limits and Exceptions**

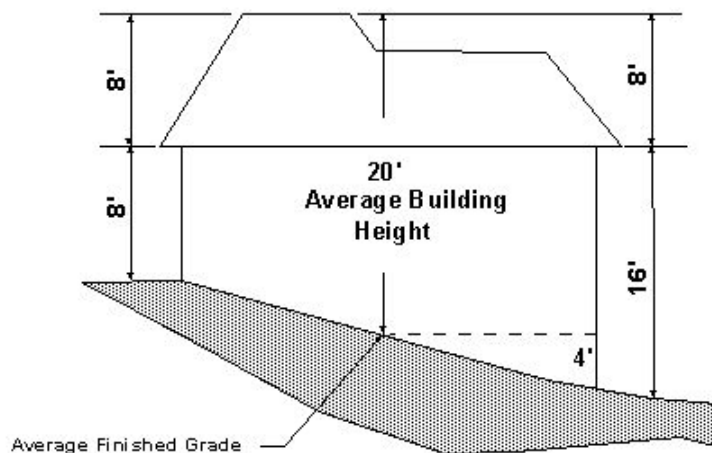
All structures and buildings shall conform to the maximum height requirements established for the zone in which the lot is located as set forth in Chapters 130.21 (Agricultural, Rural Lands, and Resources Zones) through 130.26 (Meyers Community Plan (MCP) Zone) inclusive, subject to the exceptions under Subsection C (Exceptions to Building Height Requirements)

below unless a Development Plan or Conditional Use Permit is approved allowing additional height, in compliance with Sections 130.52.060 (Temporary Use Permit) or 130.52.070 (Variance), respectively.

- A. **Measurement of Building Height.** The height of a building is determined by calculating the average finished grade of each building wall, and measuring the height between this average finished grade and the highest point of the building, as shown in Figure 130.30.040.A (Example: Building Height Calculation) below. Where a retaining wall supporting a drop in grade is within a five foot horizontal distance from the exterior wall, the height of the retaining wall shall be included in the building height. If each building wall has a different height, then the average height of all four walls is calculated to determine the actual building height, as shown in Figure 130.30.040.A (Example: Building Height Calculation) below.

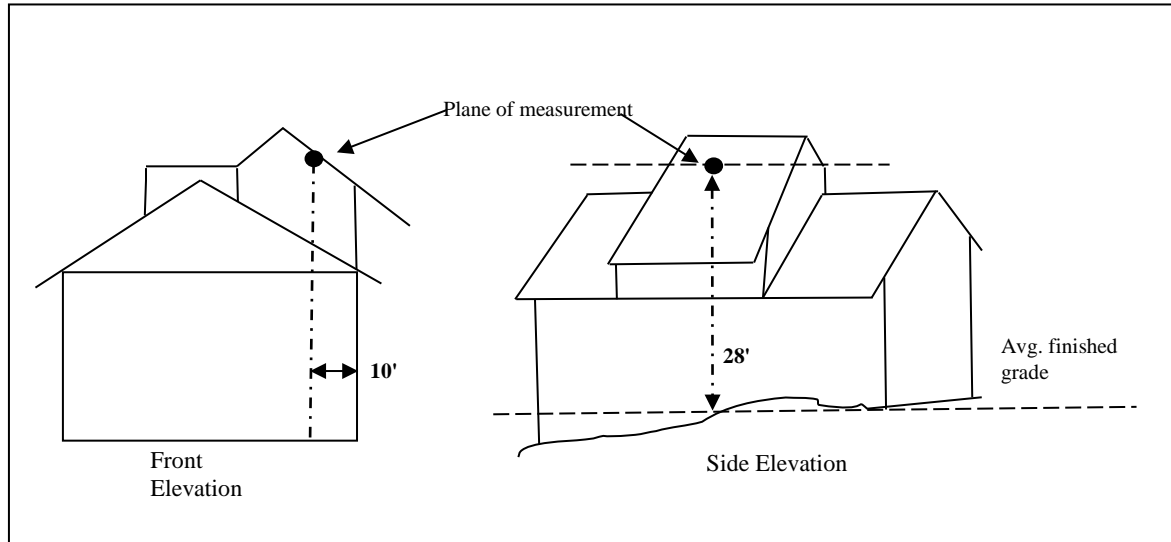
**Figure 130.30.040.A**

**EXAMPLE: BUILDING HEIGHT CALCULATION**



- B. **Building Height Calculation for Determination of Side Yard Setback in Residential Zones.** This Subsection shall apply in all zones that require setbacks of less than 30 feet. To calculate side yard setbacks based on building height, the wall facing the side yard shall be measured in compliance with Subsection A above for average grade, but in this case the highest point of the building shall be that highest point within ten feet from the surface of the wall being measured, as shown in Figure 130.30.040.B (Example: Building Height Determination for Side Yard Setbacks) below:

**Figure 130.30.040.B Example: Building Height Determination for Side Yard Setbacks**



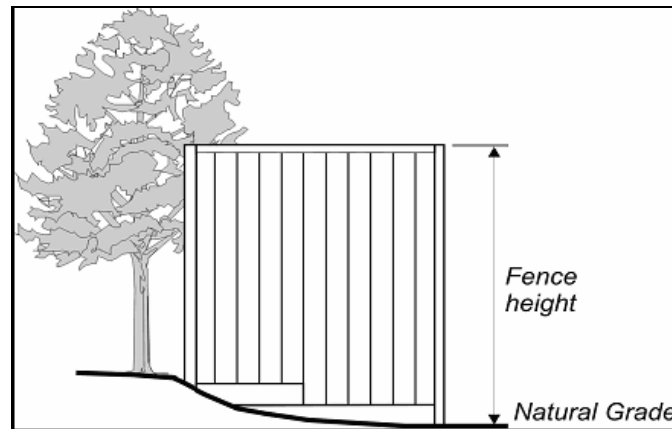
For purposes of calculating the side yard setback, every foot or fraction thereof over a 25 foot height, as measured according to this Subsection, shall increase the setback by one foot. As demonstrated in Figure 130.30.040.B (Example: Building Height Determination for Side Yard Setbacks), the highest point measured, at 28 feet, shall increase the side yard setback by three feet.

**C. Exceptions to Building Height Requirements.**

Chimneys; church spires; elevator, mechanical and stair housings; flag poles; towers; vents; and other similar structures which are not used for human activity may be up to 20 percent higher than the maximum height requirements in all zones where the excess height is not prohibited by Chapter 130.38 (Airport Safety (-AA) District). The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone, except that antennas and associated equipment may be located within such structures.

**130.30.050 Fences, Walls, and Retaining Walls**

**A. Measurement of Fence Height.** Fence height shall be measured as the vertical distance between the natural or finished grade at the base of the lowest side of the fence, and the top edge of the fence material, as shown in Figure 130.30.050.A (Example: Fence Measurement) below:

**Figure 130.30.050.A Example: Fence Measurement**

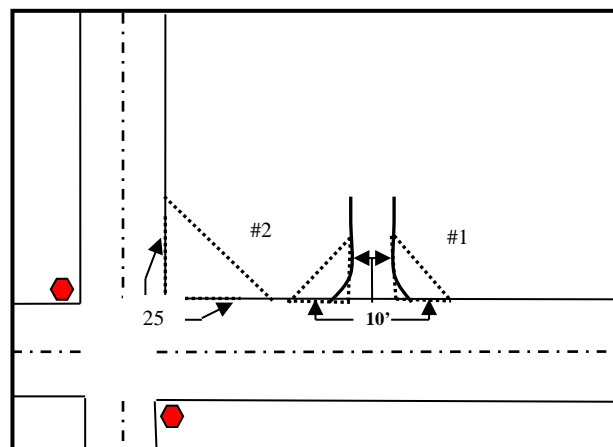
**B. Front Yards.** In all zones and for non-agricultural uses, the following fence and wall requirements shall apply within required front yard setback areas:

1. Fences or walls at least 50 percent open shall be allowed up to a height of seven feet in both primary and secondary front yard setbacks, as determined in Subsection 130.30.030.A.4.a (Double Frontage Corner Lots).
2. Fences or walls which are less than 50 percent open shall not exceed 40 inches in height in the primary front yard setback.
3. The setback for a retaining wall greater than 36 inches in height may be reduced by 50 percent where the slope gradient for the front half of the lot exceeds 25 percent, providing:
  - a. The exposed height shall not exceed seven feet.
  - b. Any fence erected on the top of a retaining wall shall meet the requirements identified in this section for height, construction, and cross-visibility area (CVA) purposes.
4. Retaining walls that exceed the standards in 3.a above shall be subject to a Minor Use Permit (Section 130.52.020, Conditional and Minor Use Permits).
5. Retaining walls necessary to provide site access or that do not exceed 36 inches in exposed height shall not be subject to setback requirements. In addition, such walls may be allowed within public utility easements but not within drainage easements.
6. Fences or walls less than 50 percent open may be allowed up to a height of seven feet in the secondary front yard setback, but not less than 10 feet from the property line, right-of-way, or road easement where the property line is the center line of the road, subject to the cross-visibility area (CVA) restrictions in Subsections B.7 and B.8 below in this Section (Front Yards).



7. At a corner formed by any encroachment onto a road, no fence or wall greater than 40 inches in height shall be placed within the CVA consisting of a triangle having two sides 10 feet long, running along the driveway/encroachment edge and the road edge-of-pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends, as shown in Figure 130.30.050.B (Cross Visibility Area (CVA)) below (See #1).
8. On corner lots, no fence or wall greater than 40 inches in height shall be placed within the CVA consisting of a triangle having two sides 25 feet long, running along each right of way or road easement, said length beginning at their intersection, and the third side formed by a line connecting the two ends, as shown in Figure 130.30.050.B (Cross Visibility Area (CVA)) below (See #2):

**Figure 130.30.050.B Cross Visibility Areas (CVA)**



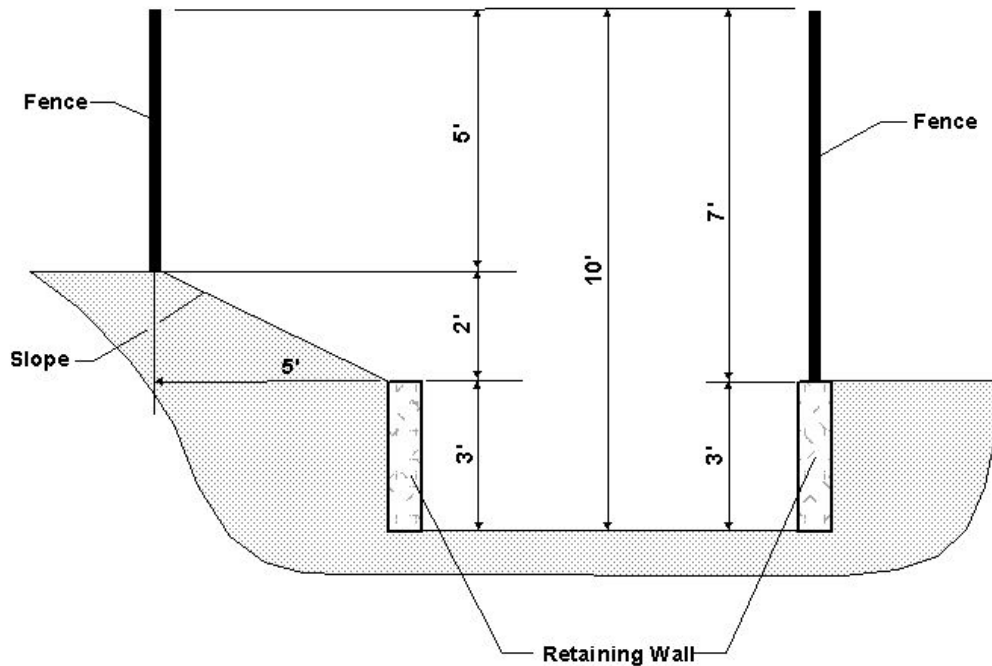
- C. **Side and Rear Yards.** In all zones, fences, walls, cut retaining walls, or fences and walls that are erected within five feet of a retaining wall shall be allowed within required side and rear yard setbacks to a maximum cumulative height of seven feet. Fences, walls, or fences and walls that are erected within five feet of a retaining wall such that the cumulative height exceeds seven feet, but does not exceed ten feet in cumulative height, may be allowed subject to the following:
  1. Where the height of the fence or fence and wall is more than seven feet above the natural or finished grade of the adjacent property, a signed and notarized statement from the adjacent property owners that the proposed fence or wall, as described or shown in an attached exhibit, will not impact their view nor will it restrict light or movement of air and, therefore, they have no objection to the construction of the fence or wall;
  2. Director review of the notarized statement(s) to determine if it adequately represents the adjacent affected property. If such determination is made by the Director, the proposed fence or wall shall be approved through the Administrative Permit process (Section 130.52.010, Administrative Permit, Relief, or Waiver). The Director may require additional notarized statements from neighboring properties if, in his/her opinion, they may be impacted by the fence or wall; and

3. Issuance of a building permit where required by the applicable Building Code (Title 110 – Building and Construction, of the County Code of Ordinances).

**D. Agricultural Uses.** On lots that are located in the R1A, R2A, R3A, RE, RL, AG, PA, LA, FR, and TPZ zones, agricultural fencing, as defined in Article 8 (Glossary: see “Agricultural Fencing”), shall be allowed in any setback area provided it does not exceed 14 feet in height.

**E. Retaining Walls.** For the purposes of calculating fence or wall height, the height of a retaining wall is included in the calculation if the fence or wall is located on top of or within five feet of the retaining wall. A sloped area, if it exists between the retaining wall and the fence or wall shall be included in the height calculations as noted in Figure 130.30.050.C (Example: Retaining Wall/Fence Measurements) below:

**Figure 130.30.050.C Example: Retaining Wall/Fence Measurements**



**F.** Fences shall not be allowed within a road easement or county maintained right-of-way except as provided below:

1. Gates and decorative entryways to a non-county maintained road system subject to the requirements under Section 130.30.070 (Gates);
2. In RE, RL, AG, PA, LA, FR, and TPZ zones, agricultural fencing as defined in Article 8 (Glossary: see “Agricultural Fencing”), may be located within a county-maintained right-of-way or non-county maintained road easement, provided that the fence is located a minimum of five feet outside of all improved areas, including roadside drainage features and cut or fill slopes. When located within a county-maintained right-of-way or non-county

maintained road easement, the property owner shall be required to remove or relocate said fence at the time any work or improvements are being made within the right-of-way or at the county's discretion when necessary to ensure the public health, safety, and welfare.

- G.** Concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury shall be prohibited. A Minor Use Permit will be required to allow these materials if it can be demonstrated that the proposed fencing is reasonably necessary to protect persons or property and will not constitute a safety hazard to members of the public conducting themselves in a lawful manner. In no event shall these fencing materials protrude into or over the public right-of-way. These regulations shall not apply to fencing required by court order, or when being used for animal husbandry and/or grazing operations.
- H.** Fences and walls not located within any of the required setback or cross-visibility areas are limited in height only by the building height limitations of the zone in which they are located.
- I.** A building permit shall be required, for any fence over six feet in height, in compliance with Chapter 110.16 (Uniform Building Code) of Title 110 (Buildings and Construction) of the County Code of Ordinances, or as otherwise required by Title 110.
- J.** Fences or walls shall not exceed the requirements of this Section unless and until a Minor Use Permit is granted in compliance with Section 130.52.020 (Conditional and Minor Use Permits).
- K.** Columns, pilasters, and support structures, and the decorative elements thereon associated with a fence or gate located on or within required setbacks may exceed the height limit provided they meet the following criteria:

  - 1. They do not exceed eight feet in height, and
  - 2. They are not located closer than 16 feet on center, and
  - 3. The fencing materials do not cumulatively exceed the see-through fence standard, where applicable, and
  - 4. They do not interfere with the cross visibility area (CVA) associated with any street or driveway.

**130.30.060 Hillside Development Standards; 30 Percent Slope Restriction****A. Content.**

This Chapter contains standards to implement General Plan policies applicable to development within hillside areas. This Chapter regulates disturbance and development on existing lots containing slope gradients thirty percent (30%) or greater in all zones, provides for exceptions to allow reasonable use of property, relieve burdens on and promote agricultural production and protect the public health and safety.

Standards applicable to the creation of new lots or modification of existing lots (through the Boundary Line Adjustment process) containing slopes greater than thirty percent (30%) are found in the *Hillside Land Use Standards of the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM)*, or successor document. The standards in this Title and the DISM/LDM, or successor document are provided to supplement other applicable regulations by providing additional planning and design tools to enable creative site planning, meeting the challenges of steep terrain, while minimizing the effects of construction on the hillside.

**B. Applicability; Slope Gradient Calculation.**

These standards in this Section shall apply to any development that will result in ground disturbance on any portion of an existing lot with a natural gradient of at least 30 percent (30 feet of vertical distance for every 100 feet of horizontal distance) and a vertical height of at least 50 feet.

The calculation of site gradient shall exclude the following:

1. Artificial slopes created under a permit issued by the county or for which a permit was not required at the time the slopes were created.
2. Slopes designated as open space or non-building areas in a Specific Plan or Planned Development, or protected through an open space designation, slope easement or other similar covenant.
3. Areas of a site outside the area proposed for development, grading or other construction activity

**C. Development Standards Applicable to Slopes 30 percent or Greater.**

Development that will result in ground disturbance on slopes 30 percent or greater with a vertical height of 50 feet or more shall be prohibited, except where reasonable use of the property would be denied, as provided in Subsection E, or the activity is exempt under Subsection D (Exemptions) below.

Any development allowed on slopes 30 percent or greater shall require a grading or building permit and shall include an erosion and sediment control plan in compliance with the County Grading Design Manual.

Where required by the Grading Design Manual, technical studies from qualified professionals, such as soils or geotechnical reports to assess the erosion potential or slope stability may be required. Recommendations for erosion control or slope stabilization measures contained in the technical reports shall be implemented as a requirement of the grading or building permit. A surety bond, cash deposit or other security acceptable to the county may be required to ensure that long term erosion control measures, such as slope landscaping, are permanently established.

**D. Exemptions.**

The following types of development are exempt from the provisions of this Section:

1. Development that will avoid disturbance of slopes 30 percent or greater;
2. Development on slopes with a gradient of 30 percent or greater and a vertical height of 50 feet or less;
3. Construction of public or private streets and roads, emergency vehicle access or driveways;
4. Development approved prior to the adoption of this ordinance which has identified the extent of allowable development. These include approved variances, tentative and final subdivision and parcel maps, planned developments or other actions;
5. Disturbance of existing artificial slopes created under a permit issued by the county or for which a permit was not required at the time the slopes were created;
6. Repair of existing infrastructure, or replacement or repair of existing structures in substantially the same footprint;
7. Disturbance on slopes necessary for public safety, such as removal of poisonous or noxious plants, controlled removal or thinning of vegetation as part of a fire protection program, or other public safety purpose;
8. Development of a public trail comprising a component of the county's regional parks and trails master plans;
9. Projects located in the Tahoe Basin. Such projects are subject to the policies and regulations of the TRPA Code of Ordinances;
10. Underground utilities with accessory above ground components, utility poles and guy wires, and other similar features;
11. Agricultural activities that utilize best management practices (BMPs), as recommended by the Ag Commission and adopted by the Board.

**E. Reasonable Use of Existing Lots or Parcels.**

Where reasonable use of an existing lot or parcel would otherwise be denied, development or disturbance of steep slopes is allowed under the reasonable use criteria in this Section. Reasonable use guidelines are applied based on the type of development proposed. The reasonable use criteria in this Title are not applicable to new subdivisions, or to the modification of existing parcels under the Boundary Line Adjustment process. Standards for new subdivisions or modifications of existing parcels are found in the *Hillside Development Standards* of the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document.

1. Single Family Residential on Existing Legal Lot. Development on existing, legally created parcels comprised of slopes that have a gradient of 30 percent or greater is allowed if ground disturbance related to development of the primary structure and any accessory structures and uses meets the following criteria:
  - a. Minimize Area of Disturbance. The proposed total disturbance area on the parcel, excluding areas for septic systems, domestic water wells and driveways, shall not be greater than the thresholds contained in Table 130.30.060.A (Allowed Disturbance Area for Residential Parcels) below, based on the parcel size:

**Table 130.30.060.A – Allowed Disturbance Area for Residential Parcels**

<b>Parcel Size</b>			
<b>Less than 1 acre</b>	<b>1.0 acre to 1.5 acres</b>	<b>1.5 acres to 4.0 acres</b>	<b>Greater than 4.0 acres</b>
35 percent of parcel area	15,000 square feet, plus 14 percent of area over 1 acre	18,000 square feet, plus 12 percent of area over 1.5 acres	32,000 square feet plus 10 percent of the area over 4 acres
<i>All resulting values rounded up to the next 1,000 square feet</i>			

- b. Minimize Grading. Minimize the impact of grading to the extent feasible through measures such as stepped foundations instead of graded pads, configuration of structures and grading to minimize the impact on natural topographic contours, rounding of cut and fill slopes, and the use of retaining walls to reduce the area of disturbance of slopes 30 percent or greater.
2. Non-Residential and Multi-Family Residential Development on Existing Legal Lots. Lands designated for non-residential and multi-family residential are limited in extent and distribution to a small number of parcels, generally within Community Regions and Rural Centers. Development or disturbance of slopes 30 percent or greater will be allowed where:
  - a. The proposed use is consistent with the General Plan and Zone designation for the property;

- b. The development or disturbance will not impair the stability of slopes on the property or on surrounding properties;
  - c. The development or disturbance will conform to the requirements of the County Grading Ordinance, including best management practices for erosion and sedimentation control;
  - d. Design techniques have been utilized, where feasible, to respect natural contours, including rounding of cut and fill slopes to minimize abrupt edges;
  - e. The proposed use complies with the development standards of Subsection C (Development Standards Applicable to Slopes 30 percent or Greater) above.
3. Reasonable use determinations for ministerial projects will be made by the Director or Building Official based on the criteria above. The determination of reasonable use for discretionary projects will be made as part of the discretionary review of the proposed project. The reasonable use determination may be appealed in the manner set forth in Section 130.52.090 (Appeals) of this code.

**F. Reasonable Use Criteria for Placement of Septic Systems on Existing Legal Lots or Parcels.**

General Plan Policy 7.1.2.1 (Erosion/Sedimentation) restricts the placement of septic systems to on steep slopes. Where public or private sewer service is unavailable, septic systems are integral to the development of most structures. Thus, the placement of an effluent disposal field on slopes of 30 percent or greater is considered as part of the reasonable use determination required for the development of parcels with slopes greater than 30 percent.

Septic system components may be located in areas containing slopes greater than 30 percent where alternative locations are not feasible or where the placement would reduce the overall disturbance of slopes. Location of septic system components shall comply with Chapter 110.32 (Private Sewage Disposal Systems) of Title 110 (Buildings and Constructions) of the County Code of Ordinances, and other regulations as determined by the Environmental Management Department. The area of disturbance associated with construction of septic system components is allowed in addition to the reasonable use areas identified above.

**130.30.070 Gates**

The placement of gates across county-maintained rights-of-way shall be prohibited. The following regulations establish a supplemental review and approval procedure for placing gates across non-county maintained roads or private driveways entering residential and nonresidential development. The regulations in this section do not apply to gates serving agricultural uses.

- A. Single- and Multi-unit Residential Development.** Single- and multi-unit residential dwellings located on one lot are allowed to construct gates across driveways providing the gates are located a minimum of 20 feet from the edge of pavement, will not swing into a county right-of-way or non-county maintained road or alley, are constructed consistent with applicable fire and building codes, and are in compliance with Subsections D.2 to D.5 (Design Standards for Gated Developments), inclusive, and D.9 (“Anti-directional” devices...) below.
- B. Nonresidential Development.** An Administrative Permit (Section 130.52.010, Administrative Permit, Relief, or Waiver) is required to establish gates at nonresidential driveway entrances that will prohibit free access/egress to and from the site by either remaining closed during business hours, such as with manned or automatic toll booths, or when being used to prevent public access after close of business. In addition to requirements under Section 130.52.010 (Administrative Permit, Relief, or Waiver), the permit shall be in compliance with Subsections D.1 to D.5 (Design Standards for Gates Developments), inclusive, and D.9 (“Anti-directional” devices at gated entrances...) below.
- C. Residential Subdivisions.** An Administrative Permit shall be required to establish gates across non-county maintained road(s) within a residential subdivision consisting of two or more lots, including condominium developments. An Administrative Permit to establish gates shall not be approved unless the Director finds all of the following:
1. The gate will not impede public access to a public resource, such as a public park, or interfere with existing or planned traffic circulation patterns; and
  2. The project conforms to the standards of Subsection D (Design Standards for Gates Developments) below.
- D. Design Standards for Gated Developments.** The following standards shall be required in the design of gated developments. Deviation from these standards shall require a Conditional Use Permit in compliance with Section 130.52.020 (Conditional and Minor Use Permits), except where conditions are included in a development plan permit or other project conditions.
1. All Administrative Permits shall be subject to review by the Department of Transportation and the local fire district.
  2. Design and location of gates shall be consistent with Title 12 (Streets, Sidewalks, and Public Places) of the County Code of Ordinances.
  3. Road widths and gate openings shall conform to the minimum requirements of Title 14 Fire Safe Regulations.
  4. At least one lane in each direction shall provide a minimum of 14 feet of unobstructed vertical clearance.



5. Gates shall be equipped with an emergency access lock system (approved by the fire department) that shall consist of a padlock in series on manual gates or a key switch on automatic gates. Automatic gates shall also be equipped with a receiver to allow remote activation by emergency vehicles to the satisfaction of the Sheriff's Department and the applicable fire department. Automatic gates shall be equipped with a mechanical release and a loop system to keep the gate open as long as traffic is passing through, and shall be designed to remain in the unlocked position during a power failure.
6. Gated entrances shall be designed in compliance with the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document as to approach distance between the gate and the road in order to accommodate vehicular stacking, and between the gated entrance and the gate controller to allow vehicles to turn around within the driveway without backing onto the adjacent road.
7. Where entrance gates will create a dead-end road in excess of 150 feet in length, an area shall be provided along said road to allow fire trucks and equipment to turn around. The gradient of the road shall be level enough to allow for safe parking of the emergency vehicle when it is necessary to exit the vehicle for manual gate activation.
8. One pedestrian access shall be provided at each gated entrance to a residential or non-residential development. This requirement does not apply to a gate to a single family residence.
9. "Anti-directional" devices at gated entrances and exits, such as metal spikes that can cause tire damage, are prohibited.
10. Unless already provided for in the recorded Covenants, Conditions & Restrictions (CC&Rs) for the property or subdivision, a maintenance agreement shall be established and recorded for the gated development. The agreement shall identify, and at all times keep in effect, a legal entity responsible for maintaining the gates and associated features.

**130.30.080**    *Reserved*

## **CHAPTER 130.31 – AFFORDABLE HOUSING DENSITY BONUS**

### **Sections:**

130.31.010	Content
130.31.020	Definitions
130.31.030	Eligibility for Bonus, Incentives, and/or Concessions
130.31.040	Bonuses, Incentives, and Concessions Allowed
130.31.050	Processing of Requests
130.31.060	Continued Availability
130.31.070	Location of Bonus Units
130.31.080	Time of Construction and Occupancy
130.31.090	Design

### **130.31.010 Content**

As required by California Government Code Section 65915, this Chapter contains provisions to allow a density bonus or other incentives or concessions to developers for the production of housing units affordable to very low, lower, and moderate income households and to senior citizens and/or citizens with disabilities. In offering these incentives, this Chapter carries out the requirements of California Government Code Sections 65915, 65916, and 65917. The regulations set out in this Chapter shall apply to unincorporated areas of the county that are not within the TRPA's jurisdictional area. (Ord. 4816, 2009)

### **130.31.020 Definitions**

As used in this Chapter, the following words and terms shall have the meanings set forth below:

- A. **“Affordable housing”** means housing affordable to very low, lower, or moderate income households.
1. **“Very low income household”** means a household that earns less than 50 percent of the area median income for El Dorado County, adjusted for family size and updated annually. This term includes extremely low income households earning less than 30 percent of the area median income for the county, adjusted for family size and updated annually. (See Health and Safety Code (HSC) Section 50105).
  2. **“Lower income household”** means a household that earns between 50 and 80 percent of the area median income for the county, adjusted for family size and updated annually. (See HSC Section 50079.5).
  3. **“Moderate income household”** means a household that earns between 80 and 120 percent of area median income for the county, adjusted for family size and updated annually. (See HSC Section 50093).

- B. **“Density Bonus”** means a density increase over the otherwise allowable maximum residential density under the applicable General Plan designation and Zone District.
- C. **“Incentive”** or **“concession”** represents any of the following:
1. Reduction in site development standards **or** a modification of zoning code requirements or architectural design requirements that exceed the minimum standards of the Building Code, including, but not limited to, a reduction in the setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient and actual cost reductions;
  2. Other concessions or incentives of a regulatory nature identified in the county’s Incentive Based Affordable Housing policy (Note: policy is in development and not yet adopted by the Board), or proposed by the applicant or the county that result in identifiable, financially sufficient and actual cost reductions;
- D. **“Qualifying housing development”** means a single project for five or more residential units constructed within the unincorporated area of the county. For the purpose of calculating a density bonus, the residential units must be on contiguous sites that are the subject of one development application.
- E. **“Senior citizen”** means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development. (See Civil Code Section 51.3).

### **130.31.030 Eligibility for Bonus, Incentives, and/or Concessions**

- A. In order to be eligible for a density bonus or other incentive or concession as provided by this Chapter, a proposed qualifying housing development shall consist of five or more residential units, either for rent or for sale and where at least one unit is affordable to very low, lower, or moderate income households.
- B. A developer shall be granted a density bonus, incentives and/or concessions described in Section 130.31.040 (Bonuses, Incentives, and Concessions Allowed) when he or she agrees to provide at least any one of the following:
1. At least five percent of the total number of proposed units for very low income households;
  2. At least 10 percent of the total number of proposed units for lower income households;
  3. A senior citizen housing development; and/or
  4. At least 10 percent of the total number of proposed units in a condominium project, for persons and families of moderate income.

5. The donation of land sufficient in size to allow development of at least 40 affordable housing units consistent with California Government Code Section 65915(h) and Subsection 130.31.040.B (Density Bonus for the Dedication of Land) of this Chapter.
  6. The payment of a fee in lieu of providing affordable housing units as established in this Section and Subsection 130.31.040.D (Affordable Housing In-Lieu Fee) of this Chapter.
- C. In order to be eligible for a bonus, incentive, and/or concession, the applicant shall ensure that all provisions of this Chapter are met.
- D. All eligible developments shall comply with the Fair Housing Act that protects all citizens from discrimination on the basis of race, color, national origin, religion, sex, disability, or familial status, such as families with children under the age of 18 living with parents or legal guardians, pregnant women, and people trying to get custody of children under 18 years of age.
- E. “Total units” does not include units added by a density bonus in compliance with this Chapter or by any other local policy granting a greater density bonus. (Ord. 4816, 2009)

#### **130.31.040 Bonuses, Incentives, and Concessions Allowed**

Qualifying housing development projects that satisfy all applicable provisions of this Chapter shall be entitled to a density bonus and additional incentives or concessions as follows:

- A. Density Bonus for Reservation of Affordable Units.** The density bonus allowed by this Chapter shall consist of an increase in the number of dwelling units over the otherwise maximum allowable residential density under the applicable General Plan designation and zone. The amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentages established in Subsection 130.31.030.B (Eligibility for Bonus, Incentives, and/or Concessions). The applicant who requests a density bonus in compliance with this Subsection shall elect which bonus shall be awarded. The density bonus shall be awarded pursuant to the calculations and limitations provided in California Government Code Section 16915(g) for very low, lower, and moderate income units.
- B. Density Bonus for the Dedication of Land.** When an applicant for a subdivision, parcel map, or other residential development project donates land to the county for the development of affordable housing, the applicant shall be entitled to a density bonus consistent with and subject to the provisions of California Government Code Section 65915(h).
- C. Incentives for Provisions of Child Day Care Centers.** When an applicant proposes to construct a housing development that conforms to Subsection 130.31.030.B

(Eligibility for Bonus, Incentives, and/or Concessions) and includes a child day care center that will be located on the premises of, either as part of or adjacent to, the project, the county shall grant a density bonus or other incentive consistent with California Government Code Section 65915(i).

- D. Affordable Housing In-Lieu Fee.** If the Board adopts a fee in lieu of providing the affordable housing units established by Section 130.31.030 (Eligibility for Bonus, Incentives, and/or Concessions), an applicant may choose to pay said fee in lieu of providing affordable housing.
1. The amount and calculation of the affordable housing in lieu fee and the Affordable Housing Trust Fund Guidelines shall be established by resolution of the Board.
  2. The in lieu fee shall be calculated at the time of building permit application. The fee shall be paid at the time of issuance of the building permit, unless proof is provided that the required affordable housing units will be constructed on-site or that an alternative equivalent action was previously approved in accordance with this Chapter.
- E. Conversion of Market Rate Housing.** When an applicant for a qualifying housing development acquires existing market rate dwelling units and enforces price restrictions on the rental or sale of the existing market rate dwelling units in compliance with this Chapter, he/she shall be entitled to a 15 percent increase above the otherwise maximum allowable density under the applicable General Plan designation and zone. The project must be reviewed as to the appropriateness of the conversion from market rate to income restricted units to minimize neighborhood impacts. It may require design upgrades subject to a Design Review Permit (Section 130.52.030, Design Review Permit), for compliance with current standards and regulations.

#### **130.31.050 Processing of Requests**

- A. Requests for density bonuses, incentives, and/or concessions shall be made and evaluated through the county's existing permit processes where required, in compliance with Chapter 130.63 (Amendments and Zone Changes), and Chapter 130.52 (Permit Requirements, Procedures, Decisions, and Appeals). Where no discretionary permits are otherwise required for a project, consideration of density bonuses, incentives, and/or concessions shall be made through an Administrative Permit (Section 130.52.010, Administrative Permit, Relief, or Waiver).
- B. All requests for density bonuses, incentives, and/or concessions shall be subject to the following:
1. **Supporting Information.** If regulatory concessions are sought, the developer shall include information with the application, based on building industry standards, to substantiate that any requested waiver or modification of zoning or

subdivision standards is necessary to make housing units affordable to very low, lower, or moderate income households.

2. **Initial Review.** Bonus, incentive, and/or concession requests shall be included as part of the permit application and shall be reviewed by the Director. The Director shall notify the applicant within 30 days of the acceptance of the project permit application as complete, whether the project qualifies for the requested additional density, incentive, and/or concession.
3. **Criteria to be Considered.** The requested bonus, incentive, and/or concession shall be reviewed for consistency with the General Plan and other applicable county regulations. Particular attention shall be given to application of Housing Element policies and policies addressing the source and distribution of potable water, the type and scale of available wastewater disposal and treatment, and roadway capacity.
4. **Findings for Approval.**
  - a. In addition to the findings required for approval of the proposed project, support of a density bonus by the appropriate review authority shall also require the following special findings:
    - (1) There are sufficient provisions to guarantee that units will remain affordable in the future, consistent with the requirements of Section 130.31.060 (Continued Availability of Affordability) and the California Government Code Sections 65915(c) and 65915(h)(4).
    - (2) Adequate evidence exists to indicate that development of the subject property in compliance with a valid permit or entitlement will result in the provision of housing affordable to very low, lower, and moderate income households in a manner consistent with this Chapter.
    - (3) The number of dwelling units approved by the permit or entitlement can be accommodated by existing and/or planned infrastructure, consistent with General Plan requirements for concurrency for such services.
  - b. The county shall grant the requested bonus, concession(s), and/or incentive(s) requested by the applicant unless the county makes a written finding, based upon substantial evidence, of either of the following:
    - (1) The concession or incentive is not required in order to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in California Government Code Section 65915(c); or
    - (2) The concession or incentive would have a specific adverse impact, as defined in California Government Code Section

65589.5(d)(2), upon health, safety, the physical environment, or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development economically infeasible to very-low, lower, and moderate income households. (Ord. 4816, 2009)

**130.31.060 Continued Availability of Affordability**

A. Affordability shall be based on the following:

1. Affordable Rental Housing is a rental dwelling for which the total monthly expense of rent plus the standard County Housing Authority utility allowance, does not exceed 30 percent of the maximum monthly income limit for very low and low income households in the county as established and updated yearly by the State Department of Housing and Community Development. (California Government Code Section 65915(c)(1))
2. An Affordable Purchase Price is the sales price at which the affordable unit will be offered to prospective eligible buyers. The monthly housing cost factors required to be included in the calculation of the Affordable Housing Price shall be provided by the county based on the average total monthly housing expenses during the first calendar year of a household's occupancy, including but not limited to property taxes, homeowner's insurance, homeowner's association dues, if any, mortgage loan principal and interest, mortgage insurance, and Mello Roos or other applicable assessments, which are equal to or less than one-twelfth) of 35 percent of no greater than 120 percent of Median Family Income, adjusted for Household Size based on an occupancy standard of one-person per bedroom, plus one additional person (for example, a three-bedroom home will be priced based on the income of a four-person family).

B. The permit application for the development project shall include the procedures proposed by the developer to maintain the continued affordability of all very low, lower, and senior citizen units, as follows:

1. Maintain affordability for at least 30 years for units that were built with the assistance of county funding, including assistance in the forms of contributions to the cost of infrastructure, write-down of land costs, or construction cost subsidization.
2. Maintain affordability as required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, typically for a minimum of 30 years.

- C. Moderate income condominium or planned development units approved and/or constructed in compliance with this Chapter shall remain affordable for at least 20 years.
1. If such units are sold within the 20 year affordability time frame, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.
  2. The county shall recapture its proportionate share of appreciation, which shall then be used within three years for any of the purposes promoting home ownership, as described in Health and Safety Code Section 33334.2(e).
- D. The developer shall be required to enter into an Affordable Housing Agreement with the county. The Agreement shall delineate those concessions to be made by all parties to ensure that affordable housing can be and is constructed and remains available to the residents for a period of time consistent with Subsections B and C above in this Section. The developer or his/her successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without written approval of the County Housing Authority, confirming that the cost of the units will remain consistent with the limits established for the affected density bonus. The Agreement shall also establish specific compliance standards and remedies available to the county upon failure by the developer to make the target units available to intended households. (Ord. 4816, 2009)

#### **130.31.070 Location of Bonus Units**

Units affordable to very low, lower, or moderate income households constructed in compliance with this Chapter shall be approved under a single development application and be built within one-quarter mile of the boundary of the proposed housing development, unless the county and developer agree to an alternative site for development in the Affordable Housing Agreement. (Ord. 4816, 2009)

#### **130.31.080 Time of Construction and Occupancy**

Units affordable to very low, lower, or moderate income households must be constructed concurrently with nonrestricted units and shall be made available for occupancy not later than the time at which the first nonrestricted dwelling unit is available for occupancy, unless the county and developer agree within the Affordable Housing Agreement to an alternative schedule for development and occupancy. (Ord. 4816, 2009)

#### **130.31.090 Design**

Except as provided for in Section 130.31.040 (Bonuses, Incentives, and Concessions Allowed), units affordable to very low, lower, or moderate income households shall be built on-site and be dispersed throughout the housing development wherever feasible. In addition, the number of bedrooms of the units affordable to very low, lower, or moderate income households shall



be equivalent to the bedroom mix of the nonrestricted units of the housing development unless the county and developer agree within the Affordable Housing Agreement to an alternative mix. The developer may include a higher proportion of units affordable to very low, lower, or moderate income households with more bedrooms. The design and appearance of the units affordable to very low, lower, or moderate income households shall be compatible with the design of the total housing development. (Ord. 4816, 2009)

## **CHAPTER 130.32 – FLOOD DAMAGE PREVENTION**

### **Sections:**

130.32.010	Statutory Authorization, Findings of Fact, Content and Methods
130.32.020	Definitions
130.32.030	General Provisions
130.32.040	Administration
130.32.050	Provisions for Flood Hazard Reduction
130.32.060	Variance Procedures

### **130.32.010 Statutory Authorization, Findings of Fact, Content and Methods**

**A. Statutory Authorization.** The legislature of the state has in California Government Code, Sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public, health, safety, and general welfare of its citizenry. Therefore, the Board does hereby adopt the following floodplain management regulations.

#### **B. Findings of Fact.**

1. The flood hazard areas of the county are subject to periodic inundation, which could result 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.
2. These flood losses are caused by uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities also contribute to flood losses.

**C. Content.** This Chapter implements General Plan Policy 6.4.1.1 requiring continued participation in the National Flood Insurance Program in order to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Chapter serves to provide legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone areas. These regulations are designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood-control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future blighted areas caused by flood damage;
7. Ensure that potential buyers are notified that property is in a special flood hazard area;
8. Ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

**D. Methods of Reducing Flood Losses.** In order to accomplish its purposes, this Chapter includes regulations to:

1. 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 in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Control the filling, grading, dredging, and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

These regulations take precedence over any less restrictive or conflicting laws, ordinances or codes.

### **130.32.020 Definitions**

Unless specifically defined below, 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.

“**A zone**” – Area of 100-year flood where base flood elevations and flood hazard factors have not been determined.

“**A1-A30 zones**” – Area of 100-year flood where base flood elevations and flood hazard factors have been determined.

“**Accessory structure**” means a subordinate building or structure detached from the primary building or structure on the same lot and incidental to the primary building.

“**Accessory use**” means a use which is incidental and subordinate to the primary use of the parcel of land on which it is located.

“**Appeal**” means a request for a review of the Floodplain Administrator’s interpretation of any provision of this Chapter.

“**B zone**” means areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile.

“**Base flood**” means a flood having a one percent chance of being equaled or exceeded in any given year (also called a "100-year flood"). Base flood is the term used throughout this Chapter.

“**Base flood elevation**” (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones A1-30, that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

“**Basement**” means any area of the building having its floor subgrade (i.e., below ground level) on all sides.

“**Building**” – see “structure”.

“**Development**” means any man-made 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.

“**Encroachment**” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or other development into a floodplain that may impede or alter the flow capacity of the floodplain.

“**Existing manufactured home park or subdivision**” means a manufactured home park or subdivision for which the construction of facilities for serving the lots on which the manufactured home is 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 this Chapter.

“**Expansion to an existing manufactured home park or subdivision**” means the preparation of additional sites by the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads).

“**Flood, flooding, or floodwater**” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“**Flood boundary and floodway map (FBFM)**” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the special flood hazards areas and the floodway.

“**Flood insurance rate map (FIRM)**” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the special flood hazards areas and the risk premium zones applicable to the community.

“**Flood insurance study (FIS)**” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood. The flood insurance study, FIRMs and FBFMs are on file at the Department, 2850 Fairlane Court, Placerville, California 95667.

“**Floodplain or flood-prone area**” means an area susceptible to floodwater. Also see “Flood, flooding, or floodwater”.

“**Floodplain Administrator**” is the community official designated by title to administer and enforce the floodplain management regulations. In El Dorado County, this duty falls on the Director or his/her authorized representative.

“**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.

“**Floodplain management regulations**” means this Chapter, the remaining Zoning Ordinance, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power that control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof that provide standards for preventing and reducing flood loss and damage.

“**Floodproofing**” means any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, TB 7-93, and subsequent updates.

“**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”.

“**Floodway fringe**” is that area of the floodplain on either side of the “Regulatory Floodway” where encroachment may be permitted.

“**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, and does not include long-term storage or related manufacturing facilities.

“**Highest adjacent grade**” means the highest natural elevation of the ground surface next to the proposed walls of a structure prior to construction.

“**Lowest floor**” means the lowest floor of the lowest enclosed area - see “Basement”. An unfinished or flood-resistant enclosure 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 under Section 130.32.050 (Provisions for Flood Hazard Reduction).

“**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 connected to the required utilities. For floodplain management purposes, the term manufactured home also includes mobile homes, park trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. The term “manufactured home” does not include a “recreational vehicle.”

“**Manufactured home park or subdivision**” means a lot (or contiguous lots) of land divided into two or more manufactured home lots for rent or sale.

“**Market value**” means the value of the structure shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

1. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.
2. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.”

“**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.

“**Modern construction**” means structures for which the “start of construction” commenced on or after April 1, 1986, the initial adoption date of the county’s Flood Damage Prevention Ordinance, and includes any subsequent improvements to such structures, pursuant to the Department of Water Resources Guidelines, for floodplain management purposes.

“**Modern 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 April 1, 1986.

“**Obstruction**” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into 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.

“**One-hundred-year flood**” or “100-year flood” – means a flood having a one percent chance of being equaled or exceeded in any given year (also called a “base flood”).

“**Public safety and nuisance**” as related to Section 130.32.060 (Variance Procedures) of this Chapter, 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 basin.

“**Recreational vehicle**” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational or emergency occupancy with a living area of 320 square feet or less and bearing the state or federal insignia of approval for recreational vehicles.

“**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.

“**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 through such means as protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

“**Riverine**” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“**Special flood hazard area (SFHA)**” means an area in a floodplain subject to a base flood. In El Dorado County, it is shown on an FHBM or FIRM, and all subsequent amendments and/or revisions, as Zones A, A1-A9, A14, A24, or B, which are defined under “A zone”, “A1-A30 zones” and “B zone”.

“**Start of construction**”, as defined in Article 8 (Glossary) and for purposes of this Chapter, includes substantial improvement and other proposed new development. 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.

“**Structure**” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“**Substantial damage**” See definition in Article 8 (Glossary).

“**Substantial improvement**” See definition in Article 8 (Glossary).

“**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.

“**Violation**” means the failure of a structure or other development to be fully compliant with this Chapter. 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.

“**Water surface elevation**” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“**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.

### 130.32.030 General Provisions

- A. **Application.** This Chapter shall apply to all development in the SFHAs within the jurisdiction of the county.
- B. **Compliance.** Violation of the following requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the county from taking such lawful action as is necessary to prevent or remedy any violation.



1. No structure shall hereafter be located, constructed, extended, converted, nor land altered without full compliance with the terms of this Chapter and other applicable regulations.
  2. No new critical or high occupancy structures (such as schools and hospitals) shall be located in the 100-year floodplain of any river, stream, or other body of water pursuant to General Plan Policy 6.4.1.3 (Flood Hazards, Development Regulations).
- C. Abrogation and Greater Restrictions.** This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restriction. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- D. Interpretation.** In the interpretation and application of this Chapter, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- E. 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 man-made or natural causes. This Chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the county, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.
- F. 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 this Chapter as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

#### **130.32.040 Administration**

- A. Designation of the Floodplain Administrator.** The Director or authorized representative is appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions.

**B. Duties and Responsibilities of the Floodplain Administrator.** The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- 1. Permit Review.** Review all development permits to determine that:
  - a. Permit requirements of this Chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
  - b. All other required state and federal permits have been obtained;
  - c. The site is reasonably safe from flooding;
  - d. 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. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within El Dorado County; and
  - e. All Letters of Map Revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.
- 2. Review, Use and Development of Other Base Flood Data.** The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal agency, such as that provided by the Federal Emergency Management Agency (FEMA) under the Flood Insurance Study for El Dorado County, or state agency or other source, in order to administer Section 130.32.050 (Provisions for Flood Hazard Reduction). NOTE: A base flood elevation shall be obtained using one of two methods from the FEMA publication, FEMA 265, “Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations” dated July 1995.
- 3. Notification of Other Agencies.** The Floodplain Administrator shall perform the following tasks prior to a county permit being issued if, as the result of the permit issuance, the following physical changes will occur:
  - a. Alteration or relocation of a watercourse:
    - (1) Notify surrounding communities and the California Department of Water Resources;

- (2) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
    - (3) Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.
  - b. Base Flood Elevation changes based on Subsection 130.32.050.D (Provisions for Flood Hazard Reduction, Floodways):
    - (1) Submit, or assure that the permit applicant submits, technical or scientific data to FEMA for a Letter of Map Revision (LOMR). Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
  - c. Changes in corporate boundaries:
    - (1) Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means, to include a copy of a community map clearly delineating the new corporate limits.
4. **Documentation of Floodplain Development.** Obtain and maintain for public inspection and make available as needed all certifications, records and permits demonstrating compliance with the requirements of this Chapter. In addition, a record of all variance actions, including justification for their issuance, shall be maintained and submitted in the biennial report to FEMA.
5. **Map Determination.** Make interpretations where needed, as to the exact location of the boundaries of the SFHA, 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 Subsection 130.32.040.D (Administration, Appeals).
6. **Remedial Action.** Take action to remedy violations of this Chapter as specified in Subsection 130.32.030.B (Flood Damage Prevention, General Provisions, Compliance).
7. **Biennial Report.** Every two years, complete and submit a Biennial Report to FEMA describing the county's progress in the previous two years in implementing floodplain management measures and on its needs for re-mapping and technical assistance. Submission of this report is required as part of the county's participation in the NFIP.
8. **Planning.** Assure the General Plan is consistent with floodplain management objectives herein.
9. **Non-conversion of Enclosed Areas Below the Lowest Floor.** To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human

habitation without first becoming fully compliant with the floodplain management Ordinance in effect at the time of conversion, the Floodplain Administrator shall:

- a. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher;
- b. Enter into a “NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS” or equivalent with the county. The agreement shall be recorded with the County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and
- c. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.

**C. Development Permit Process.** All development that requires a building or grading permit within a SFHA shall comply with the following requirements:

1. In addition to the standard submittal information required under the building and/or grading permit application, the applicant shall provide the following minimum information:
  - a. Plans in duplicate, drawn to scale, showing:
    - (1) Location of the regulatory floodway when applicable;
    - (2) Base flood elevation information as specified in Subsection 130.32.040.B.2 (Review, Use and Development of Other Base Flood Data);
    - (3) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures; and
    - (4) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Subsection 130.32.050.A.3.b (Elevation and Floodproofing, Nonresidential Construction) of this Chapter and detailed in FEMA Technical Bulletin TB 3-93.
  - b. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets all applicable floodproofing criteria under Section 130.32.050 (Provisions for Flood Hazard Reduction).
  - c. For a crawl-space foundation, location and total net area of foundation openings as required in Subsection 130.32.050.A.3.c (Elevation and Floodproofing, Flood Openings) of this Chapter and detailed in FEMA Technical Bulletins 1-93 and 7-93.

- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - e. All appropriate certifications, records and permits demonstrating compliance with the requirements of this Chapter.
- D. Appeals.** The Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

### 130.32.050 Provisions for Flood Hazard Reduction

**A. Standards of Construction.** In all SFHAs, the following standards are required:

1. **Anchoring.** All new and modern construction and substantial improvement of any structure 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. **Construction Materials and Methods.** All new and modern construction and substantial improvement of any structure shall be constructed:
  - a. With flood-resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation;
  - b. Using methods and practices that minimize flood damage; and
  - c. 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.
3. **Elevation and Floodproofing.**
  - a. **Residential Construction.** All new and modern construction and substantial improvement of any residential structure shall have the lowest floor, including basement:
    - (1) In A1-A9, A14 and A24 Zones, at or above the base flood elevation (BFE).
    - (2) In an A zone, without BFEs specified on the FIRM (unnumbered A zone), at or above the base flood elevation. The applicant shall identify the SFHA and BFE in compliance with Subsection 130.32.040.B.2 (Review, Use and Development of Other Base Flood Data);
    - (3) Manufactured/mobile homes or Temporary Mobile Home/RV with a Hardship Permit (TMA), placed or substantially improved on a site within any SFHA, shall:

- (a) Be elevated on a permanent foundation such that the lowest floor of the dwelling unit is at or above feet above the BFE, as specified on the FIRM or as determined under Subsection 130.32.040.B.2 (Review, Use and Development of Other Base Flood Data), and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Prior to the foundation or set-up inspection approval, the elevation of the lowest floor, as defined, shall be certified by a registered civil engineer or licensed land surveyor, and certified by a county building inspector to be properly elevated. Failure to submit elevation certification shall be cause to issue a stop work order for the project. As-built plans certifying the elevation of the lowest adjacent grade is also required. Such certification and verification shall be provided to the Floodplain Administrator.

- b. Nonresidential Construction.** All new and modern construction and substantial improvement of any nonresidential structure shall either be elevated to conform to Subsection 130.32.050.A.3.a (Elevation and Floodproofing, Residential Construction) above or:

- (1) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Subsection 130.32.050.A.3.a (Elevation and Floodproofing, Residential Construction), so that the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (3) Be certified by a registered civil engineer or architect that the standards of both Subsections 130.32.050.A.3.a (Elevation and Floodproofing, Residential Construction) or 130.32.050.A.3.b (Elevation and Floodproofing, Nonresidential Construction) are satisfied. Such certification shall be provided to the Floodplain Administrator.

- c. Flood Openings.** All new and modern construction and substantial improvements of any structures 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 exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- (1) For non-engineered openings:
  - (a) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (b) The bottom of all openings shall be no higher than one foot above grade.

- (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they allow the automatic entry and exit of floodwater; and
  - (d) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
- (2) Be certified by a licensed civil engineer or architect.

**d. Garages and Low Cost Accessory Structures.**

**(1) Attached Garages.**

- (a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters; see Subsection 130.32.050.A.3.c (Elevation and Floodproofing, Flood Openings). Areas of the garage below the BFE must be constructed with flood resistant materials; see Subsection 130.32.050.A.2 (Standards of Construction, Construction Materials and Methods).
- (b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

**(2) Detached Garages and Accessory Structures.**

- (a) “Accessory structures” used solely for parking, limited storage, or other non-habitable use, may be constructed such that its floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
  - (i) Use of the accessory structure must be limited to non-habitable use;
  - (ii) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
  - (iii) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
  - (iv) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
  - (v) The accessory structure must comply with floodplain encroachment provisions in Subsection 130.32.050.D (Provisions for Flood Hazard Reduction, Floodways); and
  - (vi) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Subsection 130.32.050.A.3.c (Elevation and Floodproofing, Flood Openings).

- (b) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Subsection 130.32.050.A (Provisions for Flood Hazard Reduction, Standard of Construction).
- e. **Crawlspace Construction.** This Subsection applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.
- (1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a licensed engineer or architect;
  - (2) The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;
  - (3) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and
  - (4) Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
  - (5) Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
    - (a) The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in Figure 3 of Technical Bulletin 11-01;
    - (b) The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (shown as L in Figure 2 of Technical Bulletin 11-01) at any point;
    - (c) There must be adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and
    - (d) The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in



excess of five feet per second, other foundation types should be used.

**B. Standards for Utilities.**

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
2. On-site waste disposal systems shall be located to avoid impairment to them, such as soil scouring from flood waters, or contamination from them during flooding.

**C. Standards for Subdivisions and Other Proposed Development.**

1. Creation of new lots which lie entirely within the SFHAs as identified on the most current version of the flood insurance rate maps provided by FEMA is prohibited in compliance with General Plan Policy 6.4.1.4 (Flood Hazards, Development Regulations).
2. New lots which are partially within the SFHAs must have sufficient land available outside the FEMA or county designated SFHAs for construction of dwelling units, accessory structures, and septic systems, while meeting all other required development standards, in compliance with General Plan Policy 6.4.1.5 (Flood Hazards, Development Regulations).
3. All new subdivision proposals and other proposed development, including proposals for manufactures home parks and subdivisions, shall:
  - a. Identify the SFHAs and the BFEs.
  - b. Identify the elevations of the lowest floors of all proposed structures and pads, if applicable, on the final plans.
  - c. If the site is filled above the BFE, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision Based on Fill (LOMR-F) to the Floodplain Administrator:
    - (1) Lowest floor elevation.
    - (2) Pad elevation.
    - (3) Lowest adjacent grade.
4. All subdivision proposals shall be consistent with the need to minimize flood damage.
  - a. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

- b. All subdivisions and other proposed development shall provide adequate drainage provided to reduce exposure to flood hazards.

**D. Floodways.**

Since floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Until a regulatory floodway is adopted, no new or modern construction, substantial improvement of any structure, or other development (including fill) shall be permitted within Zones A1-A9, A14 and A24, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the BFE more than one foot at any point within the county.
2. Within an adopted regulatory floodway, the county shall prohibit encroachments, including fill, new or modern construction, substantial improvements to any structure, and other development, unless certification by a licensed civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
3. If Subsections 1 and 2 above are satisfied, all new or modern construction, substantial improvement to any structure, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this Section (130.32.050, Provisions for Flood Hazard Reduction).

**130.32.060 Variance Procedures**

- A. Nature of Variances.** The issuance of a variance is for floodplain management purposes only. The variance criteria set forth in this Chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

In addition to the specific findings found under Section 130.52.070 (Variance), approval of a variance for floodplain management purposes must not cause fraud on or victimization of the public. In examining this requirement, the approving authority will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the BFE 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 potential risks bring. In addition, future owners may purchase the property,

unaware that it is subject to potential flood damage, and could be insured only at very high flood insurance rates.

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 properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

**B. Criteria.** In passing upon requests for variances, the approving authority shall consider all technical evaluations, relevant factors, standards specified in other sections of this Chapter, as well as the:

1. Danger that materials may be swept onto 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.

**C. Provisions.**

1. Generally, variances may be issued for new or modern construction, substantial improvement of any structure, and other proposed new development on a lot of one-half acre or less in size adjacent to and surrounded by lots with existing structures constructed below the BFE, providing that the procedures of Sections 130.32.040 (Administration) and 130.32.050 (Provision for Flood Hazard Reduction) 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.
2. Variances may be issued for the repair or rehabilitation of “historic structures”, as defined in Article 8 (Glossary, see “Structure: Historic”), upon a determination that the proposed repair or rehabilitation will not 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.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. 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 of deviation from the requirements of this Chapter. For example, in the case of variances to an elevation requirement, this means the approving authority need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the approving authority believes will both provide relief and preserve the integrity of the Ordinance.
5. In addition to the findings under Section 130.52.070 (Variances), variances shall only be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; and will not create a nuisance, cause fraud and victimization of the public, or conflict with existing laws or ordinances.
6. Upon consideration of the factors of Subsection 130.32.060.C.1 (Variance Procedures, Provisions) and the purposes of this Chapter, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Chapter.
7. Any applicant to whom a variance is granted shall be given written notice over the signature of the Director that:
  - a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance; and

- b. Such construction below the BFE increases risks to life and property. A copy of the notice may be recorded by the Floodplain Administrator in the office of the County Recorder-Clerk and in a manner so that it appears in the chain of title of the affected lot of land.
8. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to FEMA.

## **CHAPTER 130.33 – LANDSCAPING STANDARDS**

### **Sections:**

130.33.010	Content
130.33.020	Applicability
130.33.030	Exemption

### **130.33.010 Content**

This Chapter identifies the use types which require the submittal of landscape plans, subject to the standards in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document, prior to the issuance of a building permit. Additionally, the Chapter contains landscaping standards to comply with the Water Conservation in Landscaping Act: Model Water Efficient Landscape Ordinance (California Government Code 65591 – 65599).

### **130.33.020 Applicability**

All ministerial and discretionary development for industrial, research and development, commercial, multi-unit residential, civic, or utility uses shall provide landscaping for the areas of a lot that do not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

A Water Efficient Landscape Plan, in compliance with the provisions of California Government Code Sections 65591 through 65599 and this Chapter, may be required. The required components of such plan are described in Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document.

A landscape plan, in compliance with the standards contained in the DISM/LDM, or successor document, shall be required prior to the issuance of any building permit subject to the requirements of this Chapter. Plans shall include a site plan, grading plan, planting plan, irrigation design plan, and all other details and specifications necessary for a complete landscape plan review, on an application form provided by the Department.

### **130.33.030 Exemption**

Commercial uses on agricultural, rural lands and resource zoned land shall be exempt from the requirements of this Chapter; except for the following:

- A. A permanent parking lot located adjacent to a public road shall be subject to landscape standards contained in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document.

- B. A permanent paved parking lot shall be subject to the shade requirements contained in the DISM/LDM, or successor document.

## **CHAPTER 130.34 – OUTDOOR LIGHTING**

### **Sections:**

130.34.010	Content
130.34.020	Outdoor Lighting Standards
130.34.030	Exemptions
130.34.040	Effect on Existing Outdoor Lighting

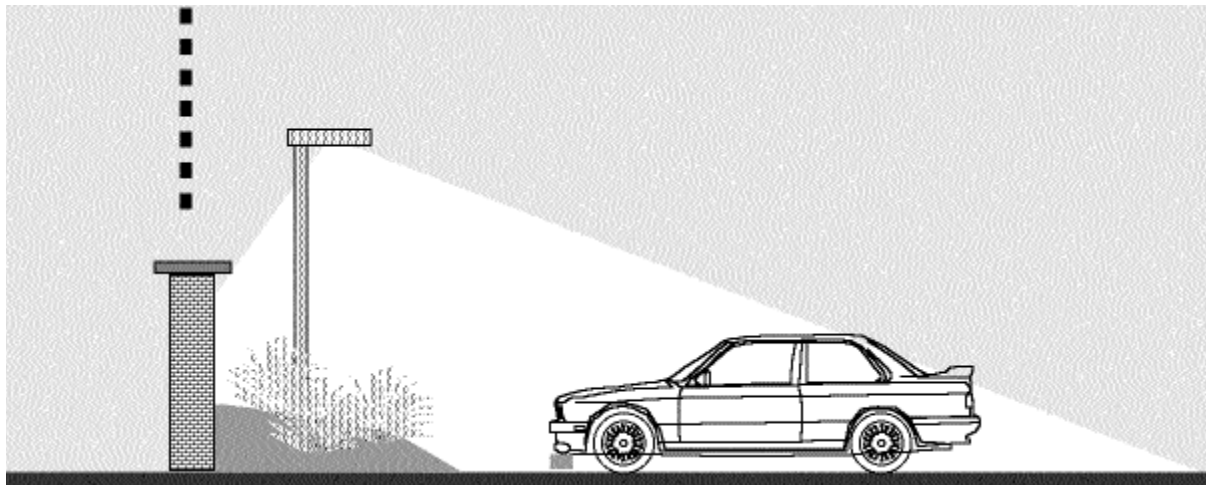
### **130.34.010 Content**

This Chapter complies with General Plan Objective 2.8.1, providing standards consistent with prudent safety practices for the elimination of excess nighttime light and glare. Outdoor lighting criteria for lighting practices and systems are contained in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document.

### **130.34.020 Outdoor Lighting Standards**

All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way as illustrated in Figure 130.34.020.1 (Light Source Not Directly Visible Outside Property Perimeter).

**Figure 130.34.020.1 - Light Source Not Directly Visible Outside Property Perimeter**



**Property Line**

**Source: Dark Sky Society**



**130.34.030 Exemptions**

The following lighting shall be exempt from the provisions of this Section:

- A. Airport lighting that is required for the safe and efficient movement of aircraft during flight, take off, landing, and taxiing. All other outdoor lighting at airport facilities shall comply with the provisions of this Chapter.
- B. Lighting used by law enforcement or other emergency personnel.
- C. Lighting used by public agencies for nighttime public works or road construction projects.
- D. Lighting used for the illumination of the United States flag subject to the requirements for nighttime illumination of the *United States Flag Code*.
- E. Temporary outdoor lighting that is designed to eliminate glare and minimize light pollution as much as possible in compliance with this Chapter. To qualify for this exemption a completed application form for an Administrative or Temporary Use Permit and a site plan shall be provided demonstrating location of proposed fixtures, manufacturer's specification sheets including lamp type, wattage, initial lumen output and shielding, intended use of lighting, and other information as the Director may require.
- F. Seasonal or holiday type lighting.

**130.34.040 Effect on Existing Outdoor Lighting**

Lighting lawfully in place prior to the effective date of this Chapter may remain in use except as provided below:

- A. Any nonconforming lighting that is replaced, re-aimed, or relocated must meet the standards of this Chapter.
- B. Nonconforming lighting that direct light toward streets in such a manner as to cause potentially hazardous glare to motorists or cyclists shall be either replaced or re-directed so as to meet full-cutoff requirements.

## **CHAPTER 130.35 – PARKING AND LOADING**

### **Sections:**

130.35.010	Content
130.35.020	Definitions
130.35.030	Off-street Parking and Loading Requirements

### **130.35.010 Content**

This Chapter contains standards for off-street parking requirements for residential and non-residential uses. Additional standards for the design for the required parking for new development are found in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document.

### **130.35.020 Definitions**

“**Active use area (AUA)**” shall mean all developed areas within a building except for storage areas, restrooms, and employee lunchroom/cafeteria(s).

“**Gross floor area (GFA)**”. See Article 8 (Glossary)

“**Outside use area (OUA)**” shall mean the total square footage of an area dedicated to the performance of a specific activity, where uses and activities are or may be conducted, including, but not limited to recreational use, retail sales, rentals, and restaurant seating. The OUA excludes the area of walkways, promenades, restrooms, landscaping and parking areas and a nursery dedicated to the growing of plant material or areas related product and equipment storage.

### **130.35.030 Off-street Parking and Loading Requirements**

- A.** Off-street parking shall be provided in accordance with Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements) below, unless otherwise provided in this Chapter. Where a parking requirement results in a fraction of a space, the number of parking spaces required shall be rounded to the nearest whole number.
- B. Uses Not Listed.** Where the parking requirement for a use is not specifically listed in the parking schedule, the parking requirement for that use shall be determined by the Director based on the most similar use or activity for which parking requirements are established.
- C. Combined Uses.** In situations where a combination of uses or activities are developed on a single site, parking shall be calculated for each separate use according to the parking schedule, except as otherwise provided in standards for shared parking, or for

certain accessory uses that are subject to a 50 percent reduction in parking requirements, as noted in the parking schedule.

**Table 130.35.030.1 – Schedule of Off-Street Vehicle Parking Requirements**

USE TYPE	PARKING SPACE REQUIREMENTS
<b>RESIDENTIAL</b>	
Single dwelling unit, detached	2 per unit
Duplex, triplex	2 per unit
Multi-unit (apartments, townhouses, and condominiums): Studio/1 bedroom . . . . .  2 or more bedrooms . . . . .	1.5 per unit;  2 per unit (minimum 1 covered); plus Guest parking shall be provided for all multi-unit development in the amount of 1 per 4 dwelling units. <sup>1</sup> Guest spaces shall be marked “Reserved for guests” or “Visitor parking”.
Mixed Use:	See Section 130.40.180.C.6 (Mixed Use Development, Development Standards)
Rooming houses, fraternity/sorority housing, or clubs w/sleeping facilities	1 per bedroom; plus 1 per 8 beds.
<b>Accessory dwelling units:</b>  Secondary dwelling, Temporary mobile home	1 per bedroom, up to 2 maximum. May be in tandem with spaces required for primary residence.
Guest house	No additional spaces from that required for the primary residence.
Caretaker, Employee housing	1 per unit.
Mobile home park	2 per mobile home space, may be in tandem for each space; plus 1 guest space for every 5 units.
<b>COMMERCIAL</b>	
<b>Animal services:</b> Kennel	1; plus 1per 5 kennel spaces.

USE TYPE	PARKING SPACE REQUIREMENTS
Veterinary clinic	1 per 250 square feet (sf.) of active use area (AUA) exclusive of kennel boarding area.
<b>Automobile:</b> Sales and rental (For customer and employee use)	1 per 400 sf. of AUA; plus 2 per service bay; plus 1 per 3,000 sf. of <b>outdoor sales lot</b> .
Repair and service, vehicle fuel sales	3 per service bay; plus 1 per 400 sf. of office/retail AUA.
Car wash	2 per washing stall; Drive-through stalls may utilize stacking areas with a length of 24 feet (ft.) as parking spaces.
Bank, financial institution	1 per 250 sf. of AUA; plus 1 per ATM.
Barber or beauty shop	2 per chair or station.
Bar, drinking establishment	1 per 3 seats or equivalent occupancy; plus 1 per 100 sf. of outdoor use area (OUA); plus 1 per 2 employees on maximum shift.
Building supply and lumberyard;	1 per 500 sf. of gross floor area (GFA); plus 1 per 1,000 sf. of OUA.
Equipment rental	1 per 500 sf of GFA; plus 1 per 2,000 sf. of OUA.
Funeral home, mortuary	1 per 4 seats or equivalent occupancy; plus 1 for each vehicle maintained on the premises.
<b>Laundry facilities:</b> Dry Cleaner / Laundry Service (small scale w/o delivery or linen supply services)	1 per 500 sf. of GFA; plus 1 per check stand.
Laundromats (self-service)	1 per 2 washers.
<b>Lodging:</b> Bed and Breakfast	1 per guest room; plus required residential parking. (See Section 130.40.170: Lodging Facilities for additional requirements)

USE TYPE	PARKING SPACE REQUIREMENTS
Hotel, motel	1.2 per guest room; plus 50% of the parking requirements for internal, accessory uses where conference facilities, meeting rooms, restaurants, and similar uses are provided as a part of the hotel / motel complex.
<b>Medical services:</b> Hospital	1 per bed based on design capacity. If more than 50 employees on the maximum work shift, 10 percent of required parking shall be designated for carpool/vanpool parking.
Long term care facility	1 per 4 beds based on design capacity.
Nursery, retail	See "Building Supply and lumberyard"
<b>Office:</b> Medical, dental	1 per 200 sf. of AUA.
General	1 per 250 sf. of AUA.
<b>Restaurant and Brewpub:</b> Full service	1 per 300 sf. of dining room area; plus 1 per 2 employees; plus 1 RV space for every 20 parking spaces.  When outdoor seating is provided, the first 300 sf. of OUA exempt from parking requirements.
With drive-through	1 per 300 sf. of GFA; plus 1 RV space for every 20 parking spaces. Stacking lane shall be provided in compliance with the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document.
<b>Retail sales and service:</b> Food and beverage	1 per 200 sf. of AUA; plus 1 per check stand; plus 1 per 600 sf. of storage area.
Furniture and appliances	1 per 500 sf. of AUA.
General, indoor	1 per 300 sf. of AUA; plus 1 per 600 sf. of storage area.
<b>Shopping center:</b> Neighborhood (less than 15K sf.)	1 per 300 sf. of GFA
Community (15K to 400K sf.)	1 per 400 sf. of GFA

USE TYPE	PARKING SPACE REQUIREMENTS
Regional (>400K sf.)	1 per 500 sf. of GFA
<b>CIVIC / CULTURAL</b>	
Church	1 per 4 seats; plus 1 per Sunday school classroom.
Community assembly, including live theater, banquet hall, sports assembly, or other auditoriums and meeting halls	1 per 3 seats, or 1 per 50 sf. of spectator area if seats not fixed.
Library	1 per 2 employees for average day shift staffing; plus 1 per 400 sf. of GFA.
<b>Schools:</b> Child daycare center, preschool, nursery school	1 per 8 children; plus 1 space per 2 employees.
Elementary, middle school	3 per classroom; plus 1 per 250 sf. of office/administration area; plus 1 per 100 sf of auditorium.
High school	10 <sup>th</sup> grade and below: 3 per classroom; plus 1 per 250 sf. of office / administration area; plus 1 space per 100 sf. of auditorium; plus 11 <sup>th</sup> grade and above: Additional 1 space per 3 students 16 years and older.
College	8 per classroom, plus 1 per 35 sf. of auditorium area; or As determined by the review authority.
Specialized education, trade school	1 per 75 sf. of GFA; plus 1 per staff member.
<b>INDUSTRIAL</b>	
Industrial, general and specialized	1 per 500 sf. of indoor AUA; plus 1 per 1,000 sf. of indoor storage area; plus 1 per 2,000 sf. of OUA; plus 1 per 5,000 sf. of outdoor storage area.
Light manufacturing	1 per 400 sf. of AUA.
Research and development	1 per 250 sf. of AUA; plus 1 per 1,000 sf. of indoor storage area; plus 1 per 2,000 sf. of OUA; plus 1 per 5,000 sf. of outdoor storage area.

USE TYPE	PARKING SPACE REQUIREMENTS
Resource extraction	No improved parking required providing sufficient usable area is available to accommodate all employee and visitor vehicles on-site.
<p><b>Storage:</b></p> <p>Self-storage: w/outdoor access to units by vehicle drive aisles</p>	2 spaces.
w/indoor access to units or no vehicle drive aisle within 20 feet of units	1 space; plus 1 per each 30 units, or fraction thereof.
Wholesale Distribution	1 per 1,000 sf. for first 10,000 sf. of AUA; plus 1 per 3,000 sf. of AUA thereafter.
<b>RECREATIONAL</b>	
Amusement center, arcade	1 per 200 sf. GFA.
Billiard hall	2 per table.
Bowling Alley	4 per lane; plus 50 percent of requirements for each indoor accessory use.
Campground, RV park	1 per campsite; plus 1 per every 3 day users as determined by maximum occupancy under a Conditional Use Permit.
Dance Studio	1 per 200 sf. of AUA, not including waiting room.
Golf course, regulation	4 per hole; plus 1 per driving range tee; plus 50 percent of requirements for each accessory use.
Golf course, miniature	3 per hole; plus 50 percent of requirements for each accessory use.
Health/Fitness club	1 per 300 sf. of AUA; plus 50% of requirements for each accessory use.  Pools and tennis/racquetball courts calculated separately.
Marina	1 per 2 boat slips. At least 20% of the spaces shall measure 9ft x 35ft to accommodate vehicles with trailers.
Movie theater (indoor)	1 per 3 fixed seats or equivalent occupancy.

USE TYPE	PARKING SPACE REQUIREMENTS
Park	1 per 1,000 sf. of OUA.
Picnic area	1 per table.
Riding stable	1 per 4 stalls. At least 20% of the spaces shall measure 9ft x 35ft to accommodate vehicles with horse trailers.
River put-in and take-out	1 per 3 day users; plus 1 bus parking space (10ft x 30ft) per 56 day users.
Skateboard Park	1 per 1,000 sf. of OUA.
Skating/ice rink	1 per 300 sf. of AUA.
Ski area	1 per 2.5 users based on total ski lift area capacity.
Snow Play Area	1 per 1,000 sf. of OUA.
Special Events: Outdoor	1 per 2.5 people in attendance.
Swimming pool (Public or membership)	1 per 200 sf. of pool area; plus 1 per 500 sf. of deck area.
Tennis courts/Racquetball	2 spaces per court; plus 50% of requirements for each accessory use (i.e. Retail sales area).
Trail Head Parking and Staging Area	As determined by the appropriate review authority.
<b>AGRICULTURAL</b>	
Christmas tree farms (U-cut), U-pick produce farms (fruit, pumpkin patch, etc.)	5 per one acre of crop.
Farm equipment and supply sales; and Nurseries, wholesale	1 per 500 sf. of GFA; plus 1 per 1,000 sf. of OUA.
Packing shed	1 per 1,500 sf. of GFA.
Produce, seasonal sales	1 per 300 sf. of OUA, with a minimum of 3 spaces.
<b>Ranch marketing</b> (see also commercial and recreational uses, above):  Bake shop	1 per 250 sf. of GFA;





**CHAPTER 130.36 – SIGNS *RESERVED***

**SEE EXISTING TITLE 130, CHAPTER 130.16 FOR UPDATED SIGN CODE ADOPTED 7/28/2015.**

**CHAPTER 130.37 – NOISE STANDARDS**

**Sections:**

130.37.010	Content
130.37.020	Exemptions
130.37.030	Applicability
130.37.040	Definitions
130.37.050	Acoustic Analysis Requirements
130.37.060	Noise Standards
130.37.070	Noise Reduction Measures
130.37.080	Noise Level Measurements

**130.37.010 Content**

This Chapter complies with General Plan Goal 6.5 (Acceptable Noise Levels), and supplements County Code Chapter 9.16 (Noise) by establishing standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses.

**130.37.020 Exemptions**

The following noise sources shall be exempt from the standards of this Chapter:

- A. Activities conducted in public parks, public playgrounds, and public or private school grounds, including but not limited to school athletic and school entertainment events, providing an amplified sound system is not required or used.
- B. The use of any mechanical device, apparatus, or equipment related to or connected with emergency activities or emergency work to protect life or property.
- C. Safety signals, warning devices, and emergency pressure relief valves properly operated and in good working order.
- D. Noise sources associated with property maintenance, such as lawn mowers, trimmers, snow blowers, power tools in good working order, and cutting of firewood for non-commercial personal use, provided that the activities take place between the hours of eight a.m. and nine p.m. on weekdays and nine a.m. to nine p.m. on weekends and federal holidays.
- E. Noise sources associated with agricultural uses listed in Section 130.21.020 (Agricultural Zones: Matrix of Allowed Uses) that are performed consistent with the standards and practices of the agricultural industry.
- F. Noise sources associated with work performed by public or private utilities in the maintenance or modification of its facilities.

- G. Noise sources associated with public holidays, or other commonly celebrated occasions.
- H. Traffic on public roadways, railroad line operations, aircraft in flight, and any other activity where regulation thereof has been preempted by state or federal law.
- I. Construction (e.g., construction, alteration or repair activities) during daylight hours provided that all construction equipment shall be fitted with factory installed muffling devices and maintained in good working order.

### **130.37.030 Applicability**

Subject to the exemptions in Section 130.37.020 (Noise Standards, Exemptions) above, noise standards established in this Chapter shall apply to all noise generating uses requiring discretionary review or ministerial permits, with the exception of existing and new single-unit residential dwellings on legal lots that are not within areas governed by an Airport Comprehensive Land Use Plan. (General Plan Policy 6.5.1.4, Acceptable Noise Levels, Protection of Noise-Sensitive Development)

### **130.37.040 Definitions**

The following definitions shall apply to this Chapter:

**“Acoustic Specialist”** means a person trained in acoustic sampling that is qualified to measure sound levels consistent with criteria contained within this article.

**“Ambient Sound Level”** means the composite of normal or existing sound from all sources, measured at a given location for a specified time of the day or night.

**“A-weighting”** means the scale for measuring sound that de-emphasizes low and high frequencies in order to simulate human hearing; indicated as dBA.

**“Community Noise Equivalent Level (CNEL)”** means a weighted average hourly noise level over a 24 hour day used specifically for airport and aircraft noise assessment.

**“Day-Night Average Sound Level (Ldn)”** means the dBA for a given area during a 24-hour day with a 10dB weighting applied to nighttime sound levels.

**“Decibel”** means a unit of relative loudness on a logarithmic scale that runs from zero for the least perceptible sound to 140 for sound that causes pain.

**“Equivalent Noise Level (Leq)”** means the average energy noise level determined by averaging the cumulative noise event levels during a specific period of time and expressing it in A-weighted decibels, or dBA.

**“Fixed Sound Source”** means a device or machine which creates sounds while fixed or stationary, including but not limited to residential, agricultural, industrial, and commercial

machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment, and motor vehicles operated on private property.

“**Maximum Sound Level (Lmax)**” means the maximum instantaneous noise level measured on a sound level meter.

“**Non-Transportation Noise Source**” means industrial operations, commercial land uses, outdoor recreation activities and facilities, HVAC units, schools, hospitals, and other outdoor land use.

“**Sensitive Receptor**” means a land use in which there is a reasonable degree of sensitivity to noise. Such uses include single- and multi-unit residential dwellings including frequently inhabited outbuildings, schools, hospitals, churches, rest homes, cemeteries, public libraries, and other sensitive uses as determined by the Director.

“**Sound Level Meter**” means an instrument meeting American National Standard Institute (ANSI) Standard S1.4A-1985 for Type 1 or Type 2 sound level meters, or an instrument and associated recording and analyzing equipment that will provide equivalent data.

“**Transportation Noise Source**” means traffic on public or private (non-county maintained) roadways, railroad line operations, and aircraft in flight.

**130.37.050 Acoustic Analysis Requirements**

An acoustic analysis prepared by an acoustic specialist shall be required prior to discretionary authorization or permit approval for the following uses:

- A. New noise-generating land uses likely to exceed the performance thresholds in the Tables in Section 130.37.060 (Noise Standards) when proposed in areas adjacent to sensitive receptors. Noise sources may include industrial operations, outdoor recreation facilities, outdoor concerts and events utilizing amplified sound systems, commercial land uses, fixed sound sources, and other similar uses; or
- B. New noise-sensitive land uses proposed in areas exposed to existing or projected exterior noise levels likely to exceed the thresholds in the Tables in Section 130.37.060 (Noise Standards).

**130.37.060 Noise Standards**

The following standards shall apply to all development projects for which an acoustic analysis is required:

- A. Noise sensitive land uses affected by non-transportation noise sources shall not exceed standards set forth in Table 130.37.060.1 (Noise Level Performance Standards for Noise Sensitive Land Uses Affected By Non-Transportation Sources) below:

**Table 130.37.060.1 – Noise Level Performance Standards for Noise Sensitive Land Uses Affected by Non-Transportation Sources**

NOISE LEVEL PERFORMANCE STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION SOURCES						
Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.		Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.	
	Community / Rural Centers	Rural Regions	Community / Rural Centers	Rural Regions	Community / Rural Centers	Rural Regions
Hourly Leq, dBA	55	50	50	45	45	40
Maximum level, dBA	70	60	60	55	55	50

1. Each of the noise levels specified above shall be lowered by 5 dBA for simple tone noises, noises consisting primarily of unamplified speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses, such as caretaker dwellings.
2. The Director can impose noise level standards which are up to 5 dBA less than those specified above, based upon a determination of existing low ambient noise levels in the vicinity of the project site.
3. The exterior noise level standard shall be applied as follows:
  - a. In Community Regions, at the property line of the receiving property;
  - b. In Rural Centers and Regions, at a point 100 feet away from a sensitive receptor or, if the sensitive receptor is within the Platted Lands Overlay (-PL) where the underlying land use designation is consistent with Community Region densities, at the property line of the receiving property or 100 feet away from the sensitive receptor, whichever is less; or
  - c. In all areas, at the boundary of a recorded noise easement between affected properties.

- B. Transportation noise shall not exceed thresholds set forth in Table 130.37.060.2 (Noise Level Standards for Noise-Sensitive Land Uses Affected by Transportation Noise Sources) below:

**Table 130.37.060.2 – Noise Level Standards for Noise-Sensitive Land Uses Affected by Transportation Noise Sources**

NOISE LEVEL STANDARDS FOR NOISE-SENSITIVE LAND USES AFFECTED BY TRANSPORTATION NOISE SOURCES			
Sensitive Receptor	Outdoor Activity Areas	Interior Spaces	
	Ldn/CNEL, dB	Ldn/CNEL, dB	Leq, dB <sup>1</sup>
Residential	60	45	–
Transient Lodging	60	45	–
Hospitals, Nursing Homes	60	45	–
Theaters, Auditoriums, Music Halls	–	–	35
Churches, Meeting Halls, Schools	60	–	40
Office Buildings	–	–	45
Libraries, Museums	–	–	45
Playgrounds, Neighborhood Parks	70	–	–
<b>Notes</b>			
<sup>1</sup> As determined for a typical worst-case hour during periods of use.			

- a. In Community Regions and Rural Centers:
  - (1) Where the location of outdoor activity areas is not clearly defined, the exterior noise level standard shall be applied at the property line of the sensitive receptor.
  - (2) For residential uses with front yards facing the identified noise source, an exterior noise level threshold of 65 dBA Ldn shall be applied at the dwelling facade in addition to the required threshold at the outdoor activity area.
- b. In Rural Regions: An exterior noise level threshold of 60 dBA Ldn shall be applied at a 100 foot radius from the dwelling on lots five acres and larger. Those lots less than five acres shall have the noise level standards applied at the property line.
- c. Where it is not possible to reduce noise levels in those outdoor activity areas limited to 60 dBA Ldn/CNEL thresholds using a practical application of the best-available noise reduction measures, an exterior noise threshold of up to 65 dBA Ldn/CNEL may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.

- C. Construction-related noise shall allow for exceptions to the evening and night time standards or other temporary exceedances of noise standards as may be approved by the Director, where necessary to alleviate traffic congestion and safety hazards, or where authorized by an approved permit.

### **130.37.070 Noise Reduction Measures**

Noise reduction measures shall be incorporated into the project design to reduce noise levels at or below the thresholds set forth in Tables in Section 130.37.060 (Noise Standards). Where applicable, the following specific requirements shall also apply:

- A. To meet noise threshold standards under Table 17.37.060.2, where feasible, setbacks shall be the preferred method of noise abatement for residential projects located along U.S. Highway 50. Noise walls shall be discouraged within the foreground viewshed of U.S. Highway 50 and shall be discouraged in favor of less intrusive noise mitigation (e.g., landscaped berms, setbacks) along other high volume roadways.
- B. For outdoor concerts and events utilizing amplified sound system(s), a discretionary permit shall be required in the form of a Temporary or Conditional Use Permit. Self-monitoring shall be performed to insure that sound system levels are in compliance with those specified in the conditions of approval based on the acoustic analysis. As a standard condition of approval for such use permits, failure to comply with sound system levels shall result in termination of the event for the duration of the period approved under the use permit and a moratorium on future events for the applicant or the property owner of two calendar years from the date of non-compliance. A second violation after such time shall result in revocation of the Conditional Use Permit, if applicable, and a permanent moratorium on future events for the applicant and property owner whether on that site or any other within the county.

### **130.37.080 Noise Level Measurements**

For the purpose of evaluating conformance with the standards of this Chapter, noise levels shall be measured as follows:

- A. **Use of Meter.** Any noise measurement shall be made with a sound level meter using the A-weighted scale. Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed immediately prior to recording any noise data.
- B. **Ambient Sound Levels.** Compliance with the above standards shall be determined by measuring the existing noise level with a sound level meter using slow response, with the sound source at issue remaining silent. The ambient sound level shall be determined based on the mean average of not less than three 20 minute measurements for any given time period. Additional noise measurements may be necessary to ensure that the ambient sound level is adequately determined.



- C. Measuring Exterior Noise Levels.** Except as otherwise provided in this Chapter, exterior noise levels shall be measured at the property line of the affected noise-sensitive land use. Where practical, the microphone shall be positioned five feet above the ground and away from reflective surfaces.
  
- D. Measuring Interior Noise Levels.** Interior noise levels shall be measured within the sensitive receptor, as defined in Section 130.37.040 (Noise Standards, Definitions), at points at least four feet from the wall, ceiling, or floor nearest the noise source, with windows in the normal seasonal configuration. The reported interior noise level shall be determined by taking the arithmetic average of the readings taken at the various microphone locations.

**CHAPTER 130.38 – AIRPORT SAFETY (-AA) DISTRICT**

**SEE EXISTING TITLE 130, CHAPTER 130.38 FOR UPDATED AIRPORT SAFETY (-AA) DISTRICT CODE ADOPTED 12/16/2014.**