Title 18 - ZONING

Chapters:

Chapter 18.02 - GENERAL PROVISIONS

Sections:

18.02.010 - Zoning plan adopted—Title.

There is hereby adopted in this title a zoning plan for Modoc County, California, said plan being a districting plan consisting of regulations and maps, pursuant to Section 65800 et seq. of the California Government Code. The plan shall be referred to as the county zoning ordinance.

(Ord. 236-73 Exh. A(part), 1991)

18.02.020 - Purposes of zoning plan.

A. To promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare.

B. To implement the general plan and any applicable specific plan, and to facilitate and guide growth in the county consistent with the general plan and any applicable specific plan.

C. To protect the social and economic stability of residential, commercial, industrial, resource production, and recreational activities within the county through the orderly, planned use of the land.

(Ord. 236-73 Exh. A(part), 1991)

18.02.030 - Zoning districts established.

The designations, locations, and regulations of the zone districts in the zoning plan shall be established by ordinance of the board of supervisors. The board may, by ordinance, incorporate maps or diagrams into the zoning plan by reference when necessary or convenient to accomplish the purposes of this title.

A. The following zones are established as principal zones:

TP Timberland production zone

OFG Open space, forestry and grazing zone

RC Resource conservation zone

AE Agricultural exclusive zone

LIC Low intensity conservation zone

AG Agricultural general zone

LI Low intensity zone

RR Rural residential zone

RL Residential low density zone

RH Residential high density zone

RT Rural town zone

C Commercial zone

IL Industrial light zone

I Industrial zone

PD Planned development zone

PF Public facilities zone

U Unclassified zone

B. The following zones are established to overlay the principal zone districts. More than one overlay zone may be imposed on the same land or a portion thereof:

FH Flood hazard zone

EP Environmental protection zone

MP Migration protection zone

M Minimum lot size zone

AR Animal restrictions zone

AH Airport hazard zone

SP Specific plan zone

C. Upon expiration of any urgency zoning ordinance, the land affected by the ordinance shall be subject to the regulations applicable to the land immediately prior to the adoption of the urgency ordinance, unless the urgency ordinance provides otherwise or is repealed or superseded by another ordinance.

(Ord. 236-73 Exh. A(part), 1991)

18.02.040 - Zoning maps.

A. A series of maps known as zoning maps shall be utilized to show the designations, locations, and boundaries of each zone district established by this title within the unincorporated areas of Modoc County.

B. A series of maps known as special zoning maps shall be utilized to show certain zone districts or areas in more detail or in a different arrangement than shown on the zoning maps.

C. The maps referenced in this section are made part of this title and are incorporated in this title as if set forth in full. Copies shall be maintained and shall be available for examination in the planning department during normal working hours.

D. The planning director shall revise any of the maps referenced in this section to show amendments to the zoning ordinance, including changes in designations, rezonings of lots or parcels and clarifications of zone boundaries made pursuant to Chapter 18.150.

(Ord. 236-73 Exh. A(part), 1991)

18.02.050 - Effect of zoning plan.

Except as otherwise provided in this title, the following shall apply to established zone districts.

A. Upon the establishment by ordinance of any of the zone districts or combinations thereof within the unincorporated areas of the county, the regulations for such zone districts and the provisions set forth in this title shall apply and shall be enforced in all such zone districts.

B. No building shall be erected or placed, and no existing structure shall be moved, altered, added to, or enlarged, nor shall any land, building, or premises be used, designated, or intended to be used, for any purpose, or in any manner, other than is included among the uses in this title as permitted in the zone in

which such building, land, or premises is located.

C. No building or structure shall be erected, reconstructed, or structurally altered to exceed the height limit designated in this title for the zone district in which such building or structure is located.

D. No building shall be erected, nor shall any existing building be altered, enlarged, or reconstructed, nor shall any required open space or yard be encroached upon or reduced in any manner, except in conformity to the yard, building site, and building location regulations specified in this title for the zone district in which such building, open space, or yard is located.

E. No yard or open space provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site.

(Ord. 236-73 Exh. A(part), 1991)

18.02.060 - Applicability-Area designated.

The provisions of this title shall apply to all the unincorporated land within the boundaries of the county, and shall apply to lands owned, leased, or otherwise controlled by the State of California or a local government, or by any unit of either of them, to the extent permitted by law, or by the consent of and agreement with such governments or agencies. The provisions of this title apply to public lands as defined in the Federal Land and Policy and Management Act (43 U.S.C. 1701 et seq.) to the extent permitted by that Act or other federal law, or regulations adopted pursuant thereto or agreements made with the county.The provisions of this title do not apply to federal reservations. As used in this section, local government includes, but is not limited to, cities, school districts, and special districts.

(Ord. 236-73 Exh. A(part), 1991)

18.02.070 - Interpretation of minimum requirements.

The provisions of this title shall be held to be the minimum requirements fulfilling its purposes. Where the requirements imposed by any provision of this title are less restrictive than comparable requirements imposed by any other provision of this title, or any other law, ordinance, resolution, or regulation, the more restrictive provisions shall govern, unless otherwise specifically provided.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.06 - DEFINITIONS

Sections:

18.06.010 - Definitions generally.

The words and phrases set out in this chapter shall have the designated meanings in this title, unless the context otherwise requires.

(Ord. 236-73 Exh. A(part), 1991)

18.06.020 - Access.

"Access" means the means or way by which pedestrians or vehicles have entrance to, or exit from, a lot.

(Ord. 236-73 Exh. A(part), 1991)

18.06.030 - Accessory building or use.

"Accessory building or use" means a building or use incidental, appropriate, and subordinate to the primary or permitted use of the lot and which is located on the same lot; or a building or use that is customarily incidental to a permitted use and so necessary or commonly expected that it cannot be supposed that this title intended to prevent it. "Accessory use" does not include waste facilities except when a customary and integral part of an industrial use. See Chapter 18.150, Interpretive actions.

(Ord. 236-73 Exh. A(part), 1991)

18.06.040 - Agricultural operation.

"Agricultural operation" is a general term which means the activity of growing and harvesting crops; the rearing and management of livestock and bees; the production of plants and animals useful to man. Except as otherwise specified, an agricultural operation may include uses on all contiguous parcels in the same ownership, lease, occupancy, or management, such that they form a single agricultural operation.

(Ord. 236-73 Exh. A(part), 1991)

18.06.050 - Agricultural processing facilities, commercial.

"Commercial agricultural processing facilities" means the following subject to the requirements imposed by the zone in which the lot is located: Facilities used for the handling, treatment, or change in agricultural products to a more refined or finished state (1) which are not accessory to a bona fide agricultural operation in which such products were produced, or (2) which are accessory to a bona fide agricultural operation where a portion of the agricultural products being processed are not produced by the same agricultural operation. "Commercial agricultural processing facilities" does not include such facilities when accessory to a bona fide agricultural operation where the resulting product is consumed or used in the same agricultural operation rather than marketed for direct or indirect compensation; nor does it include timber or wood processing facilities.

(Ord. 236-73 Exh. A(part), 1991)

18.06.060 - Agricultural storage facilities, commercial.

"Commercial agricultural storage facilities" means facilities used for the handling for storage, or storage of, agricultural products which are not accessory to a bona fide agricultural operation in which at least fifty percent of such products were produced.

(Ord. 236-73 Exh. A(part), 1991)

18.06.070 - Airport.

"Airport" means any area of land or water designed and used for the taking off and landing of aircraft and appurtenant areas to be used for airport buildings, facilities, or rights-of-way. "Airport" does not include private airstrip.

(Ord. 236-73 Exh. A(part), 1991)

18.06.080 - Airstrip, private.

"Private airstrip" means one airstrip and/or heliport accessory to, and for the benefit of, uses permitted in the principal zone in which the use is located, and which is used, or intended for use, by a segment of the public, private group, or organization, as distinguished from the public at large.

(Ord. 236-73 Exh. A(part), 1991)

18.06.090 - Animal shelter or clinic.

"Animal shelter or clinic" means a lot or building in which four or more dogs, cats, or animals at least six months of age are kept commercially for board, propagation, training, sale, or care, including veterinary hospitals.

(Ord. 236-73 Exh. A(part), 1991)

18.06.100 - Assemblage of people.

"Assemblage of people" means the gathering of more than two thousand people at any one time at an event such as a circus, carnival, fair, outdoor concert, revival, filming, or similar uses involving the temporary or very intermittent assemblage of people, automobiles, or other property, and which does not involve permanent structural improvements or changes to the natural environment. "Assemblage of people" does not include the gathering of people at a location or facility designed for such activities.

(Ord. 236-73 Exh. A(part), 1991)

18.06.110 - Automobile wrecking.

"Automobile Wrecking". See Junkyard.

(Ord. 236-73 Exh. A(part), 1991)

18.06.120 - Bed and breakfast guest facility.

"Bed and breakfast guest facility" means an owner-occupied one-family dwelling which provides at least three, but not more than five, guest rooms without individual kitchen facilities and usually without individual entrances for temporary sleeping accommodations for overnight guests. Such use may include meal service limited to the overnight guests. A guest house may serve as one guest room.

(Ord. 236-73 Exh. A(part), 1991)

18.06.130 - Board of supervisors.

"Board of supervisors" means the board of supervisors of the county.

(Ord. 236-73 Exh. A(part), 1991)

18.06.140 - Boarding or rooming house.

"Boarding or rooming house" means a building where lodging is provided for compensation to four or more persons living independently from each other. Meals may be included. A "boarding or rooming house" does not constitute a residential care facility.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.06.150 - Building.

"Building" means a roofed structure designed or used for the support, shelter, or enclosure of persons, animals, vehicles, or material of any kind. "Building" does not include vehicles or temporary structures such as tents.

(Ord. 236-73 Exh. A(part), 1991)

18.06.160 - Building, height.

"Building height" means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

(Ord. 236-73 Exh. A(part), 1991)

18.06.170 - Building, main.

"Main building" means a building, including a manufactured dwelling, in which the principal use of the land is conducted. Every dwelling is a main building. There may be more than one main building on a lot.

(Ord. 236-73 Exh. A(part), 1991)

18.06.180 - Building site.

"Building site" means an area of land occupied, or intended to be occupied, by uses and a building or interrelated buildings permitted in the principal zone in which the land is located, together with all the area required to meet the minimum lot size and development standards under the subject zone, including access. "Building site" may encompass the entirety of a lot or parcel, or a portion of a lot or parcel. See Lot and Chapter 18.110, Substandard building site.

(Ord. 236-73 Exh. A(part), 1991)

18.06.190 - Building site, confined.

"Confined building site" means an area of land occupied by uses and a building or interrelated buildings permitted in the principal zone in which the land is located, together with a minimum amount of intensively used or disturbed area around such uses and buildings, including the area required to meet all sewage disposal requirements including on-site system replacement areas, parking, access, and yard regulations in the subject zone. "Confined building site" may encompass the entirety of a lot or parcel or a portion of a lot or parcel, and will often encompass an area less than the minimum lot size required in the subject zone.

(Ord. 236-73 Exh. A(part), 1991)

18.06.200 - Campground.

"Campground" means land or premises used or intended to be used, let, or rented for temporary occupancy by campers traveling by automobile or recreational vehicles, or use by tents or similar quarters.

(Ord. 236-73 Exh. A(part), 1991)

18.06.210 - Day care center (adult).

"Adult day care center" shall mean a state licensed day care facility providing care and supervision for seven or more adults for periods of less than 24 hours for any client.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, changed the title of § 18.06.210 from "Care facility" to read as herein set out.

18.06.220 - Day care center large (child).

"Child day care center large (child)" shall mean commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children, or fewer than 15 children in a nonresidential building. Includes infant centers, preschools, sick child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, changed the title of § 18.06.220 from "Care facility, day" to read as herein set out.

18.06.230 - Day care home (family).

"Family day care home," as defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home. (1) Large family day care homes are homes that provide family day care for seven to 14 children, inclusive of children under the age of ten years who reside at the home. (2) Small family day care home means a home that provides family day care for eight or fewer children, inclusive of children under the age of ten years who reside at the home.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, changed the title of § 18.06.230 from "Care facility, group" to read as herein set out.

18.06.240 - Care facility, health.

"Health care facility" means a facility operated for the diagnosis, care, and treatment of human illness, physical or mental, including convalescence. Such facilities may include hospitals, convalescent homes, clinics, community clinics, and skilled nursing/intermediate care facilities providing twenty-four hour inpatient care, which may include skilled nursing, pharmaceutical services, and an activity program if more than six persons are served.

(Ord. 236-73 Exh. A(part), 1991)

18.06.250 - Reserved.

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, repealed former § 18.06.250 which pertained to care facility, residential, and derived from Ord. No. 236-73, adopted in 1991.

18.06.260 - Reserved.

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, repealed former § 18.06.260 which pertained to care facility, small day, and derived from Ord. No. 236-73, adopted in 1991.

18.06.270 - Condominium.

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such property, such as an apartment, office, or store. Condominium may include a separate interest in other portions of the real property.

(Ord. 236-73 Exh. A(part), 1991)

18.06.280 - County.

"County" means Modoc County.

(Ord. 236-73 Exh. A(part), 1991)

18.06.285 - Density.

"Density" means the number of dwelling units per gross acre (including public road improvements and dedications).

(Ord. No. 236-146, 12-12-2017)

18.06.290 - Density bonus.

"Density bonus" means a density increase over the otherwise maximum permitted residential density under the land use element of the general plan in accordance with Government Code Sections 65915—65918.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.06.293 - Dwelling, accessory.

"Accessory dwelling" means "accessory unit" (in accordance with California Government Code Section 65852.2) an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel as the single-family dwelling is situated. An accessory dwelling is differentiated from a "second dwelling" (section 18.06.040), in that a second dwelling is generally larger and always detached, and is subject to different standards. An accessory dwelling unit also includes the following:

A. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code as follows:

"Notwithstanding Sections 17922, 17958, and 17958.5, a county may, by ordinance, permit efficiency units for occupancy by no more than two persons which have a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities, as specified by the ordinance. In all other respects, these efficiency units shall conform to minimum standards for those occupancies otherwise made applicable pursuant to this part."

B. A manufactured home, as defined in Section 18007 of the Health and Safety Code as a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems. "Manufactured home" includes any structure that meets all the requirements of this paragraph and which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974.

(Ord. No. 236-146, 12-12-2017)

18.06.300 - Dwelling, manufactured.

"Manufactured dwelling" or "manufactured home" shall mean a structure constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a dwelling with or without a foundation when connected to required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein as set forth in Health and Safety Code Section 18007. "Manufactured home" includes any structure that meets all the requirements of this paragraph which the manufacturer files a certification and complies with standards established under the National Manufactured Housing Construction and Safety Act of 1974. The term does not include a recreational vehicle or a mobile home.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.06.310 - Dwelling, multiple-family.

"Multiple-family dwelling" means structure containing three or more dwelling units. Multi-unit dwellings include: triplexes, fourplexes (building under one ownership with three or four dwelling units, respectively, in the same structure); apartments (five or more units in a single building, and other building types containing multiple dwelling units (for example, courtyard housing, row houses, stacked flats, etc.) See also "Dwelling, two-family."

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.06.320 - Dwelling, one-family.

"One-family dwelling" means a detached building, townhouse or condominium containing one dwelling unit (single-family dwelling).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.06.330 - Reserved.

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, repealed former § 18.06.330 which pertained to dwelling, principal, and derived from Ord. No. 236-73, adopted in 1991.

18.06.340 - Dwelling, second.

"Second dwelling" means a detached one-family dwelling containing independent living, sleeping, kitchen, and sanitation facilities, located on the same lot as the principal dwelling unit. For the purposes of this title, an attached second dwelling is deemed to be a "two-family dwelling". A second dwelling is differentiated from an accessory unit (section 18.06.293) in that an accessory unit can be attached, is generally smaller, and subject to different standards.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.06.350 - Dwelling, two-family.

"Two-family dwelling" means a building containing two independent dwellings (duplex).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.06.360 - Dwelling unit.

"Dwelling unit" means a room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis. "Dwelling unit" also includes a manufactured dwelling whether or not installed on a foundation. "Dwelling unit" does not include a tent, recreational vehicle, travel trailer or other vehicle defined in the California Vehicle Code.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.06.363 - Employee housing.

See "Farmworker housing."

(Ord. No. 236-146, 12-12-2017)

18.06.367 - Emergency shelter.

"Emergency shelter" means housing with minimal supportive services, for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

(Ord. No. 236-146, 12-12-2017)

18.06.370 - Energy development or facilities, commercial.

"Commercial energy development or facilities" means the exploration, drilling, removal, or use of oil, gas, geothermal, biomass, hydroelectric, coal, wind, solar, and other forms of energy, or the production and transmission of energy by a person subject to the jurisdiction of the California Public Utilities Commission, when the use is not clearly accessory to a use permitted in the principal zone in which the use is located, or when the energy is intended for sale, resale, or distribution off the lot or parcel. "Commercial energy development or facilities" does not include private energy development.

(Ord. 236-73 Exh. A(part), 1991)

18.06.380 - Energy development, private.

"Private energy development" means exploration, drilling, removal, production or use of energy when accessory to, and for the benefit of, a use permitted in the principal zone in which the use is located, when the developer is not subject to the jurisdiction of the California Public Utilities Commission, and when such energy is not for sale, resale, or distribution off the lot or parcel.

(Ord. 236-73 Exh. A(part), 1991)

18.06.390 - Energy exploration, commercial.

"Commercial energy exploration" means the evaluation of an area to determine the presence and characteristics of oil, gas, geothermal, or other resources, including exploratory wells or observation wells. "Commercial energy exploration" is excluded from the meaning of private energy development.

(Ord. 236-73 Exh. A(part), 1991)

18.06.400 - Facility or facilities.

"Facility or facilities" means all contiguous land and structures, other appurtenances, access, and improvements on the land necessary for the use.

(Ord. 236-73 Exh. A(part), 1991)

18.06.410 - Family.

"Family" means an individual or two or more persons occupying a dwelling and living together as a single housekeeping unit in which each resident has access to all parts of the dwelling and there is a sharing of household activities, expenses, experiences and responsibilities.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.06.420 - Farm forestry.

"Farm forestry" means tree farming and timber production, including logging operations, but excluding any permanent facilities for timber or by-product processing.

(Ord. 236-73 Exh. A(part), 1991)

18.06.430 - Farmworker housing.

"Farmworker housing" or employee housing" means housing configured to accommodate a maximum of 36 beds in group quarters or up to 12 individual units designed for use by a single family or household. This type of housing shall comply with state and federal standards for livability and durability, including manufactured housing, factory-built housing, other forms of prefabricated housing, dormitory- and barracks-style housing in which residents share common cooking and sanitary facilities. Farmworker housing shall be recognized as employee housing in accordance with the California Health and Safety Code Section 1702. Employee housing for six or fewer persons shall be treated that same as a single-family dwelling and residential use.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, changed the title of § 18.06.430 from "Farm employee housing" to read as herein set out.

18.06.440 - Feed lot, commercial.

"Commercial feed lot" means yards or other facilities used for the feeding of at least fifty head of livestock which are not accessory to a bona fide agricultural operation in which at least fifty percent of such livestock were produced. "Commercial feed lot" does not include any confined area used only for winter or occasional feeding, or any area where livestock are not maintained in close quarters.

(Ord. 236-73 Exh. A(part), 1991)

18.06.450 - Floor area, gross.

"Gross floor area" means the total interior floor area of all stories of a building or structure, including basements and any aboveground stories.

(Ord. 236-73 Exh. A(part), 1991)

18.06.460 - General plan.

"General plan" means the general plan of the county and all elements thereof.

(Ord. 236-73 Exh. A(part), 1991)

18.06.470 - Grade (ground level).

"Grade (ground level)" means the average of the finished ground level at the center of all walls of the building. Where walls are parallel to and within five feet of the street right-of-way, the ground level shall be the elevation of the crown of the street at a point opposite the center of such front wall.

(Ord. 236-73 Exh. A(part), 1991)

18.06.480 - Guest house.

"Guest house" means a detached building or portion thereof, containing less than three hundred twenty square feet, without cooking or kitchen facilities, designed or used as sleeping quarters for guests, but not more than one family, which is clearly accessory and incidental to the principal dwelling on the same lot.

(Ord. 236-73 Exh. A(part), 1991)

18.06.490 - Guest ranch.

"Guest ranch" means a commercial establishment, set in ranch-type setting, where patrons participate in outdoor, recreational, and ranching activities, for which the proprietors are compensated. It may contain guestrooms which are let or hired out. When fewer than twenty persons can be accommodated at any one time, a guest ranch may be included within the meaning of low intensity recreational uses.

(Ord. 236-73 Exh. A(part), 1991)

18.06.500 - Guest room.

"Guest room" means a room which is intended, arranged, or designed to be occupied by guests, but in which no provision is made for cooking.

(Ord. 236-73 Exh. A(part), 1991)

18.06.510 - Home occupation.

"Home occupation" means an accessory use of a dwelling unit or accessory building on the same lot for gainful employment involving the manufacture, provision, or sale of goods and/or services, when the use is conducted entirely within the dwelling or accessory building such that no outdoor storage or activity takes place, no persons other than the inhabitants of the dwelling are employed, and no advertising occurs on or near the premises except that one nameplate which does not exceed twelve inches by six inches containing the name and/or occupation may be attached on and flush with the dwelling or accessory building.

(Ord. 236-73 Exh. A(part), 1991)

18.06.520 - Hotel.

"Hotel" means a building which is designed, intended, or used for the accommodation of tourists, transients, and permanent guests for compensation, and in which no provision is made for cooking in individual rooms or suites of rooms.

(Ord. 236-73 Exh. A(part), 1991)

18.06.530 - Junk.

"Junk" means fabricated items which are either abandoned or no longer usable for the purpose for which they were made, and which are not presently being restored or repaired regardless of whether such items are being held for storage or sale: "Junk" does not include agricultural machinery, vehicles, or parts thereof when accessory to an agricultural operation as a permitted use.

(Ord. 236-73 Exh. A(part), 1991)

18.06.540 - Junkyard.

"Junkyard" means the use of more than two hundred square feet of the area on any lot, parcel or contiguous lots for the storage or keeping of junk, including scrap metal or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery; or three or more inoperable, unregistered vehicles when open to the public view, except in an RR, RH, RL or RT zone no unregistered or inoperable vehicles are permitted for more than thirty days when open to the public view. "Junkyard" does not include agricultural machinery, vehicles, or parts thereof when accessory to an agricultural operation as a permitted use.

(Ord. 236-73 Exh. A(part), 1991)

18.06.550 - Lot.

"Lot" means a legally created parcel or subdivision lot that (1) is used or intended to be used for the conduct of a use permitted or requiring a use permit together with its accessory uses, (2) provides an area upon which not more than one building site may be created, unless applicable zone regulations provide otherwise, or pursuant to an approved site plan, use permit, or similar entitlement, and (3) has its principal frontage on a street or other legal access. The terms "parcel" or "tract of land" may be used interchangeably with "lot" when the land conforms to this section. A lot or parcel designated on the assessor's maps is not necessarily a "parcel" or "lot" for the purposes of this title.

(Ord. 236-73 Exh. A(part), 1991)

19.06.560 - Lot, corner.

"Corner lot" means a lot abutting two or more streets, at their intersection.

(Ord. 236-73 Exh. A(part), 1991)

18.06.570 - Lot depth.

"Lot depth" means the average horizontal distance between the front lot line and the rear lot line.

(Ord. 236-73 Exh. A(part), 1991)

18.06.580 - Lot, flag.

"Flag lot" means an "L" shaped lot in which one arm of the lot, not less than sixty feet in width unless otherwise allowed, provides access frontage and is used solely as a driveway.

(Ord. 236-73 Exh. A(part), 1991)

18.06.590 - Lot, interior.

"Interior lot" means a lot other than a corner lot.

(Ord. 236-73 Exh. A(part), 1991)

18.06.600 - Lot line.

"Lot line" means the property line bounding a lot.

(Ord. 236-73 Exh. A(part), 1991)

18.06.610 - Lot line, front.

"Front lot line" means the lot line separating the lot from the street. In the case of a corner lot, the shortest lot line along a street, except, when a one-family dwelling faces the longest lot line along a street, such line shall be considered the front lot line.

(Ord. 236-73 Exh. A(part), 1991)

18.06.620 - Lot line, rear.

"Rear lot line" means a lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line thirty feet in length within the lot parallel to and at a maximum distance from the front lot line.

(Ord. 236-73 Exh. A(part), 1991)

18.06 630 - Lot line, side.

"Side lot line" means any lot line not a front or rear lot line.

(Ord. 236-73 Exh. A(part), 1991)

18.06.640 - Lot size.

"Lot size" means the total horizontal area between lot lines. See Section 18.110.020 in reference to gross versus net area, and variations based on aliquot part sectional subdivisions.

(Ord. 236-73 Exh. A(part), 1991)

18.06.650 - Lot width.

"Lot width" means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

(Ord. 236-73 Exh. A(part), 1991)

18.06.660 - Ministorage.

"Ministorage" means any structure built with compartments to be used for individual storage of household items by three or more occupants.

(Ord. 236-73 Exh. A(part), 1991)

18.06.670 - Mobilehome.

"Mobilehome" means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a dwelling with or without a foundation when connected to required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein as set forth in Health and Safety Code Section 18008. "Mobilehome" includes any structure that meets all the requirements of this paragraph and complies with state standards for mobilehomes in effect at the time of construction. Mobilehome does not include a manufactured home, recreational vehicle, commercial coach, or camper as defined by state law.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.06.680 - Mobilehome park.

"Mobilehome park" means any area or tract of land where two or more mobile home or manufactured home lots are rented or leased or held out for rent or lease to accommodate mobile homes and/or manufactured homes used for human habitation. The rent paid for any such mobile or manufactured home shall be deemed to include rental for the lot it occupies.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.06.690 - Motel.

"Motel" means a building or group of buildings on the same lot, containing guest rooms or suites of rooms, which rooms are intended to be or are used primarily for the accommodation of transient automobile travelers.

(Ord. 236-73 Exh. A(part), 1991)

18.06.700 - Nonconforming structure or use.

"Nonconforming structure or use" means a structure or use which was lawfully existing at the time the ordinance codified in this title became effective, or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

(Ord. 236-73 Exh. A(part), 1991)

18.06.710 - Owner.

"Owner" means a person having title to real property, singly or jointly, in fee simple, life estate, or under a term of ten years or more.

(Ord. 236-73 Exh. A(part), 1991)

18.06.720 - Parking space.

"Parking space" means an accessible and usable space, which conforms to the area requirements in this title, located off the street and permanently reserved for the temporary storage of one automobile.

(Ord. 236-73 Exh. A(part), 1991)

18.06.730 - Person.

"Person" means every natural person, firm, corporation or partnership, association, social or fraternal organization, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

(Ord. 236-73 Exh. A(part), 1991)

18.06.740 - Personal service.

"Personal service" means services such as those of a barber, beautician, or cosmetologist; photographic studio; studios and schools of the arts, music and dance; or interior decorators not providing upholstery or repair services or retail sales on the premises.

(Ord. 236-73 Exh. A(part), 1991)

18.06.750 - Planning commission.

"Planning commission" means the planning commission of the county.

(Ord. 236-73 Exh. A(part), 1991)

18.06.760 - Planning director.

"Planning director" means the planning director of the county.

(Ord. 236-73 Exh. A(part), 1991)

18.06.770 - Professional office.

"Professional office" means the place of business of a person engaged in a profession, such as an accountant, architect, attorney, professional engineer, surveyor, insurance agent, real estate broker, landscape architect, medical doctor, or dentist.

(Ord. 236-73 Exh. A(part), 1991)

18.06.780 - Public use.

"Public use" means those uses of land or buildings which are open to and/or serve the public at large, or often singularly meet a vital community need, as characterized in this section. For the purposes of this title public use includes, but is not limited to, public parks and recreation areas, reservoirs, schools, preschools employing teachers, human cemeteries, fire halls, community halls or centers, libraries, museums, administrative offices, and accessory corporation and equipment yards, and similar uses. A public use or building shall be determined by the nature of its use and not by ownership or management. "Public use" also includes uses such as parochial or private schools and other uses that are similar in nature and impact to uses typically operated as public uses. For the purposes of this title "public use" does not include (1) public utilities or quasi-public uses; (2) waste facilities, including solid or hazardous waste storage, treatment, transfer, disposal, or injection facilities; or (3) airports.

(Ord. 236-73 Exh. A(part), 1991)

18.06.790 - Public utility.

"Public utility" means the use of land or buildings for public utility purposes by a person providing pipeline, gas, electrical, telephone, telegraph, water, or sewage services that are subject to the jurisdiction of the California Public Utilities Commission. "Public utility" also includes the use of land for utility purposes whether or not owned, controlled, or operated by a public entity, when services are performed for, or commodities delivered to, the public or a portion thereof. Transmission relay, repeater, translator, and radio and television tower and equipment, and cable television, microwave towers, and similar communications equipment are also included. "Public utility" does not include (1) administration offices or maintenance yards except when accessory to a public utility located on the same parcel or lot, (2) distribution lines or systems, (3) public or quasi-public uses, or (4) solid or hazardous waste facilities.

(Ord. 236-73 Exh. A(part), 1991)

18.06.800 - Quasi-public use.

"Quasi-public use" means a noncommercial building or use that is open to the public and/or serves an identified membership and/or partisan cause, including churches, sororities, fraternal organizations, offices for social, partisan, or political organizations, or unions. A quasi-public building or use is determined by the nature of use, not by ownership or management.

(Ord. 236-73 Exh. A(part), 1991)

18.06.810 - Recreational facility, commercial.

facility" means a recreational facility designed for use by twenty or more persons, regardless of whether the users are the general public, a club or organization, or the owners of the facility. "Commercial recreational facility" also includes riding stables, guest ranches, and camp sites, when designed or used by twenty or more people.

(Ord. 236-73 Exh. A(part), 1991)

18.06.820 - Recreational use, low intensity.

"Low intensity recreational use" means recreational uses that are clearly accessory and incidental to the permitted uses in the principal zone, where there is no noticeable change in the use of the land, and no new building sites are created, except as stated in the particular zone. A bed and breakfast guest facility may be used in connection with a low intensity recreational use. "Low intensity recreational use" includes, but is not limited to, hunting and fishing clubs, wildlife management, small scale guest ranch, equestrian activities, hiking, and nature experiences, or campground with five or fewer camp sites.

(Ord. 236-73 Exh. A(part), 1991)

18.06.830 - Recreational vehicle.

"Recreational vehicle" means a motorized or nonmotorized vehicle, not exceeding eight feet in width or forty feet in length, designed or used for temporary occupancy, and which does not require special permits for movement on the public highways.

(Ord. 236-73 Exh. A(part), 1991)

18.06.840 - Recreational vehicle park.

"Recreational vehicle park" means any area or tract of land where one or more spaces or lots are rented, let, or held out for rent or lease, to owners or users of recreational vehicles for temporary occupancy.

(Ord. 236-73 Exh. A(part), 1991)

18.06.850 - Recyclable material.

"Recyclable material" means reusable material, including but not limited to, metals, glass, plastic, paper, newspaper, bottles, cans, and containers which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. "Recyclable material" does not include refuse, hazardous materials, ash, industrial waste, demolition or construction wastes, or appliances. "Recyclable material" may include used motor oil collected and transported as provided in the California Health and Safety Code.

(Ord. 236-73 Exh. A(part), 1991)

18.06.860 - Recycling collection facility.

"Recycling collection facility" means a facility for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. A small recycling collection facility occupies an area of not more than five hundred square feet, and may include a mobile unit, a bulk reverse vending machine or grouping of reverse vending machines, kiosk type units which may include permanent structures, or unattended containers placed for the collection of recyclable materials. A large recycling collection facility occupies an area of more than five hundred square feet and may include permanent structures.

(Ord. 236-73 Exh. A(part), 1991)

18.06.870 - Recycling facilities.

"Recycling facilities" are a general class of buildings and uses for the collection and/or processing of recyclable materials. Recycling facilities include (1) recycling collection facilities such as reverse vending machines, small collection facilities, and large collection facilities, and (2) recycling processing facilities categorized as light or heavy. "Recycling facilities" does not include storage containers or processing activities located on the premises of a residential, commercial, or industrial use when used solely for the recycling of material generated by such residential, commercial, or industrial use.

(Ord. 236-73 Exh. A(part), 1991)

18.06.880 - Recycling processing facility.

"Recycling processing facility" means a building or enclosed space used for the collection and preparation of materials for efficient shipment, or to an end-user's specifications such as baling, crushing, compacting, mechanical sorting, shredding, cleaning, and remanufacturing of recyclable materials. A light recycling processing facility (1) occupies less than forty-five thousand square feet of gross collection, processing, and storage area, (2) has up to two outbound truck shipments per day, and (3) is limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting source-separated recyclable materials and repairing of reusable materials sufficient to quality as a certified processing facility. A light recycling processing facility shall not shred, compact, or bale ferrous metals other than food or beverage containers. A heavy recycling processing facility is any recycling processing facility other than a light processing facility.

(Ord. 236-73 Exh. A(part), 1991)

18.06.890 - Service station.

"Service station" means a building or use designed primarily for the supplying of motor fuel, oil, lubrication, and accessories to motor vehicles, but excluding major repair or overhaul.

(Ord. 236-73 Exh. A(part), 1991)

18.06.900 - Sign.

"Sign" means any visual device whatsoever and its support designed or used for communicating a message, or identifying or attracting attention to a premise, product, service, person, organization, business, or event. "Sign" does not include such devices when not visible from off the lot.

(Ord. 236-73 Exh. A(part), 1991)

18.06.910 - Sign, appurtenant.

"Appurtenant sign" means any sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is sold, conducted, offered, maintained, or provided on the lot where the sign is located.

(Ord. 236-73 Exh. A(part), 1991)

18.06.920 - Sign, building.

"Building sign" means any sign attached parallel or painted on any exterior wall face of a building.

(Ord. 236-73 Exh. A(part), 1991)

18.06.930 - Sign, freestanding.

"Freestanding sign" means any sign permanently supported by one or more poles, braces, or other supports that are not attached to a building or other structure, whose principal function is other than the support of a sign.

(Ord. 236-73 Exh. A(part), 1991)

18.06.940 - Sign, nonappurtenant.

"Nonappurtenant sign" means a display that draws attention to, or communicates information about, a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is sold, conducted, offered, maintained, or provided at a location other than the lot where the sign is located.

(Ord. 236-73 Exh. A(part), 1991)

18.06.950 - Sign, temporary.

"Temporary sign" means a sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or be completed within a reasonably short period of time after placement of the sign; or a sign that is intended to remain on the location where it is placed for a period of not more than fifteen days. If a sign display area is permanent but the message displayed is subject to periodical changes, that sign shall not be regarded as temporary.

(Ord. 236-73 Exh. A(part), 1991)

18.06.960 - Story.

"Story" means that part of a building between the level of any floor and the level of the next floor above it, or the ceiling in the case of the uppermost floor. If the finished floor level above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

(Ord. 236-73 Exh. A(part), 1991)

18.06.970 - Street.

"Street" means a public thoroughfare more than twenty feet wide that affords the principal means of access to one or more lots.

(Ord. 236-73 Exh. A(part), 1991)

18.06.980 - Street frontage.

"Street frontage" means the portion of a lot abutting a street.

(Ord. 236-73 Exh. A(part), 1991)

18.06.990 - Structural alteration.

"Structural alteration" means any change to the supporting members of a building, including foundations, bearing walls, partitions, columns, beams, girders, or any structural change in the roof or the exterior walls.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1000 - Structure.

"Structure" means anything constructed or erected, requiring placement on or in the ground directly or by means of another structure.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1003 - Supportive housing.

"Supportive housing" means housing with no limit on length of stay, is occupied by the target population, and is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

(Ord. No. 236-146, 12-12-2017)

18.06.1005 - Target population.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 3.5 (commencing with Section 4500 of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

(Ord. No. 236-146, 12-12-2017)

18.06.1007 - Transitional housing.

"Transitional housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

(Ord. No. 236-146, 12-12-2017)

18.06.1010 - Use.

"Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1020 - Use, sensitive.

"Sensitive use" means a use that may be easily affected or impacted by external influences such as noise, dust, odors, or other factors due to the nature of the use and/or the population served including the elderly, infirm, handicapped, or children. "Sensitive use" includes residential uses, mobilehome parks, nursing homes, schools, care facilities, and similar uses.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1030 - Waste facilities.

"Waste facilities" means facilities for the storage, storage for transfer, transfer, treatment, or disposal of wastes, including sewage treatment plants and ponds, hazardous waste handling, transfer, treatment, storage, injection, or disposal facilities, solid waste transfer, storage, treatment or disposal facilities, and other structures and facilities including injection wells for the management or disposal of wastes. "Waste facilities" includes recycling facilities, but excludes small recycling collection facilities when appropriately accessory to a permitted use or as otherwise specified. "Waste facilities" are excluded from the meaning of accessory use, except as otherwise specified.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1040 - Waste facilities, hazardous.

"Hazardous waste facilities" means all contiguous land and structures, other appurtenances, and improvements used for the handling, transfer, treatment, storage, storage for transfer, or disposal of hazardous wastes.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1050 - Wood or timber processing facilities, commercial.

"Commercial wood or timber processing facilities" means structures and facilities permanently located, or located for more than six months in any year or six consecutive months on the same lot, for the processing, manufacture, or remanufacture of timber, wood products, posts, poles, or other related products.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1060 - Woodlot, commercial.

"Commercial woodlot" means an area for the storage, sawing, or splitting of wood for commercial distribution and sale, particularly firewood.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1070 - Yard.

"Yard" means an open space on a lot, which is unobstructed from the ground upward except as otherwise provided in this title, exclusive of any portion of any road right-of-way, alley or street, and to a depth required by the zone in which the lot is located.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1080 - Yard, front.

"Front yard" means a yard measured from the edge of an easement or right-of-way extending across the front of the lot between side lot lines and to a depth required by the zone in which the lot is located.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1090 - Yard, rear.

"Rear yard" means a yard extending along the back of the lot between side lot lines and to a depth required by the zone in which the lot is located.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1100 - Yard, side.

"Side yard" means a yard between the front yard and the rear yard to a depth required by the zone in which the lot is located.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1110 - Zone, overlay.

"Overlay zone" means a zone which is applied to land in addition to the principal zone, and which conveys regulations or restrictions that supersede specified provisions in the principal zone, or that are imposed in addition to the regulations in the principal zone.

(Ord. 236-73 Exh. A(part), 1991)

18.06.1120 - Zone, principal.

"Principal zone" means the zone which is applied to every lot or parcel specifying the primary uses permitted, uses permitted with an administrative permit, uses permitted with a use permit, and development standards, and does not include overlay zones.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.10 - TIMBERLAND PRODUCTION (TP) ZONE

Sections:

18.10.010 - Purpose.

The purpose of the TP zone is to protect timber production as an integral part of the county's economy through the zoning of lands that meet the requirements of the California Timberland Productivity Act of 1982 ("the Act"), thereby limiting subdivision and the introduction of incompatible uses. The TP zone is equivalent to the timberland production zone referred to in the Act. The TP zone is consistent with the timber protection general plan designation, and may also be applied to other areas that meet the criteria under the Act and this zone, provided there are no conflicts with the general plan.

(Ord. 236-73 Exh. A(part), 1991)

18.10.020 - Regulations applicable.

The land within the TP zone shall be subject to all the conditions and regulations contained in the Timberland Production Act of 1992, this chapter, and the provisions set out in Chapters 18.100 through 18.110 of this title.

(Ord. 236-73 Exh. A(part), 1991)

18.10.030 - Uses permitted.

A. Management of land and forests primarily for the commercial production and harvest of trees, including grading, watershed management, beekeeping, and other uses and structures directly incidental to, and wholly compatible with, the primary use, except as provided in this chapter;
B. Portable and temporary wood or timber processing facilities, when accessory to a logging operation;
C. Fish and wildlife enhancement projects (18.100.010); low intensity recreational uses;
D. Public uses and public utilities which do not interfere with the primary purpose of the TP zone, excluding sensitive uses;
E. Reserved;
F. Similar uses (18.100.010).

(Ord. No. 348, 7-20-2011; Ord. 236-73 Exh. A(part), 1991)

18.10.040 - Uses permitted with an administrative permit.

Uses permitted with an administrative permit subject to the provisions in Section 18.100.020 shall be as follows:

A. Assemblage of people.

B. Commercial energy exploration.

(Ord. No. 348, 7-20-2011; Ord. 236-73 Exh. A(part), 1991)

18.10.050 - Uses permitted with a use permit.

A. Assemblage of people (18.100.030);

B. Dwellings for persons employed on the premises and accessory uses, home occupation (18.100.030);

C. Commercial wood or timber processing facilities, or any other use related to the primary purpose of the TP zone;

D. Commercial energy facilities;

E. Commercial recreational facilities;

F. Mining (18.100.030);

G. Similar uses (18.100.030).

(Ord. 236-73 Exh. A(part), 1991)

18.10.060 - Development standards.

Except as otherwise provided in Chapter 18.110.

A. Minimum lot or parcel size: Single or contiguous parcels containing a minimum of eighty acres or one quarter section in the ownership of one person as defined in Section 38106 of the Revenue and Taxation Code. For the purposes of this section "contiguous" means two or more parcels adjoining or sufficiently near to each other to be managed as a single forest unit.

B. Access, parking, height limits, signs, other: As provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

18.10.070 - Special criteria for rezoning.

The requirements of the California Timberland Productivity Act of 1982 shall be incorporated into any application to amend the zoning maps to or from TP. In addition to the application requirements in Chapter 18.136, every application for inclusion in the TP zone shall comply with all the following criteria:

A. A map shall be prepared, showing the legal description or the assessor's parcel number of the property desired to be zoned.

B. A plan for forest management of the property must be prepared or approved as to content by a registered professional forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan and approved by the board of supervisors.

C. The parcel(s) shall currently meet the timberstocking standards as set forth in Section 4561 of the Public Resources Code, and the forest practice rules adopted Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the board of supervisors to meet such stocking stand practice rules by the fifth anniversary of the signing of such agreement. Failure to meet such stocking standards and forest practice rules within this time period grounds for rezoning pursuant to Section 51121 of the California Government Code.

D. The parcel(s) shall meet the lot regulations. The majority of land in the parcel(s) shall be of Site Quality IV or better as defined under Section 434 of the Revenue and Taxation Code. Site classifications shall be determined by a registered professional forester, who shall employ as nearly as possible the criteria set forth in Forest Research Note No. 28, California Forest and Range Experiment Station, December 1, 1942, entitled "A Site Classification for the Mixed-Conifer Selection Forests of the Sierra Nevada", by Duncan Dunning.

(Ord. 236-73 Exh. A(part), 1991)

18.10.080 - Compliance with state law.

This chapter shall comply with, or be preempted by, the provisions of California Government Code Sections 51100 et seq., and any applicable amendment or revision thereto.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.14 - OPEN SPACE FORESTRY AND GRAZING (OFG) ZONE

Sections:

18.14.010 - Purpose.

The purpose of the OFG zone is long-term protection of public and privately owned lands in open space uses for the health, safety, welfare, comfort, and convenience of the public. By designating areas with aesthetic, cultural, natural resource, and similar values as open space, uses that would diminish these values can be prohibited or regulated, while allowing compatible uses. Areas that are subject to hazards such as flooding can be designated and regulated in order to protect the public safety and property investment. The OFG zone is consistent with the public lands, exclusive agriculture, and general agriculture general plan designations, and may also be applied in other areas for the purposes described when there is no conflict with the general plan.

(Ord. 236-73 Exh. A(part), 1991)

18.14.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all OFG zones subject to the provisions and limitations set out in Chapters 18.100 through 18.112 of this title; except, on lands under public jurisdiction they shall apply only to the extent that the county has jurisdiction over applicable land use matters.

(Ord. 236-73 Exh. A(part), 1991)

18.14.030 - Uses permitted—Public lands.

When land zoned OFG is under public ownership, lease, or control, all uses permitted on such lands shall conform to the existing management policies of the governmental agency having primary jurisdiction over such area, or the regulations in this chapter shall govern to the extent permitted by law or by the consent of, or agreement between, the county and public lands agency.

(Ord. 236-73 Exh. A(part), 1991)

18.14.040 - Uses permitted—Private lands.

A. Farm forestry; forest management (18.100.010);
B. Livestock grazing, farming, and the continuation of existing agricultural land uses. No new residential uses shall be permitted;
C. Low intensity recreational uses;
D. Private heliport or airstrip as an accessory use;
E. Resource management activities compatible with the character of the land and the purpose of this zone, when approved by any agency having jurisdiction, such as flood plain management, fish and wildlife enhancement projects, recharge projects, and similar uses;
F. Public uses such as parks, reservoirs, low-intensity recreational uses, equestrian trails, campgrounds, cross country skiing, hiking, and similar nonmotorized off-road experiences, and accessory structures;
G. Public utilities that require siting in the subject location for the orderly provision of services, provided the facilities do not occupy more than one-half acre and do not require human habitation for their operation outside of maintenance related activities, including but not limited to switching stations, wells, and communications structures; but excluding electrical substations, and transmission towers located outside of existing rights-of-way;
H. Similar uses (18.100.010).

(Ord. 236-73 Exh. A(part), 1991)

18.14.050 - Uses permitted with an administrative permit.

Uses permitted with an administrative permit, subject to the provisions in Section 18.100.020, shall be as follows:

A. Assemblage of people.
B. Commercial energy exploration.

(Ord. No. 348, 7-20-2011; Ord. 236-73 Exh. A(part), 1991)

18.14.060 - Uses permitted with a use permit.

A. Assemblage of people (18.100.030);
B. One one-family dwelling and accessory uses (18.100.030); or two or more dwelling units when clustered and an average density of two persons per acre is not exceeded; home occupation (18.100.030);

C. Mining (18.100.030);

D. Commercial energy development;

E. Commercial recreational facilities;

F. Commercial wood or timber processing facilities;

G. Airports or waste facilities;

H. Public uses, quasi-public uses, and public utilities excluded from Section 18.14.040;

I. Similar uses (18.100.030).

(Ord. 236-73 Exh. A(part), 1991)

18.14.070 - Development standards.

Except as otherwise provided in Chapter 18.110:

A. Minimum lot size: The OFG zone may be applied to any lot or parcel, or portion thereof, to achieve the purposes of this zone. Once land is zoned OFG no division shall occur which would create a parcel less than eighty acres, except as the result of a dedication or conveyance to or from a public entity or public utility.

B. Minimum yards:

1. Front, side street: dwellings and nonfarm buildings: twenty feet; farm buildings: ten feet.

2. Rear, side: thirty feet.

C. Access, parking, height limits, signs, other: As provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.16 - RESOURCE CONSERVATION (RC) ZONE

Sections:

18.16.010 - Purpose.

The purpose of an RC zone is to permit very limited development which is compatible with severe environmental constraints, and to assure protection of wildlife and other natural resources. The RC zone is consistent with the public lands and exclusive agriculture general plan designations, and may be applied in other rural areas for the purposes described when there is no conflict with the general plan.

(Ord. 236-73 Exh. A(part), 1991)

18.16.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all RC zones, and shall be subject to the provisions and limitations set out in Chapters 8.100 through 18.112 of this title.

(Ord. 236-73 Exh. A(part), 1991)

18.16.030 - Uses permitted.

A. Uses in subsections A though L of Section 18.24.030, excluding uses in Section 18.16.050;
B. One one-family dwelling and accessory uses;
C. Public uses and public utilities, excluding uses in Section 18.16.050;
D. Similar uses (18.100.010).

(Ord. 236-73 Exh. A(part), 1991)

18.16.040 - Uses permitted with an administrative permit.

Uses permitted with an administrative permit, subject to the provisions in Section 18.100.020, shall be as follows:

A. Assemblage of people;
B. One second dwelling;
C. Guest house;
D. Temporary family care dwelling;
E. Commercial energy exploration.

(Ord. No. 348, 7-20-2011; Ord. 236-73 Exh. A(part), 1991)

18.16.050 - Uses permitted with a use permit.

A. Assemblage of people, one second dwelling, guest house temporary family care dwelling, home occupation (18.100.030);
B. Commercial agricultural storage facilities, commercial agricultural processing facilities, commercial feed lot;
C. Farm employee housing;
D. Commercial energy facilities;
E. Airport, private airstrip;
F. Commercial recreational facilities;
G. Mining (18.100.030);
H. Commercial wood or timber processing facilities;
I: Waste facilities;
J. Quasi-public uses, public uses that are sensitive uses; aboveground transmission facilities on land under irrigated cultivation at any time in the last five years;

K. Similar uses (18.100.030).

(Ord. 236-73 Exh. A(part), 1991)

18.16.060 - Development standards.

Except as otherwise provided in Chapter 18.110: A. Minimum lot or parcel size: Eighty acres.

B. Minimum yards:

1. Front, side street: Dwellings and nonfarm buildings: twenty feet; farm buildings: ten feet.
2. Rear, side: thirty feet.

C. Access, parking, height limits, signs, other: As provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.18 - AGRICULTURAL EXCLUSIVE (AE) ZONE

Sections:

18.18.010 - Purpose.

The purpose of an AE zone is to protect agriculture as an integral part of the county's economy and lifestyle by limiting incompatible land uses and reserving lands that have a combination of size, water availability, soils and location suited to agriculture as defined in the general plan. The AE zone is consistent with the exclusive agriculture general plan designation, and may be applied to other high quality agricultural lands, or lower quality lands that are an integral part of a ranch or farm operation, provided there are no conflicts with the general plan. The AE zone also provides for uses which support or complement agricultural uses and resource based uses such as mining, provided adverse impacts do not occur to agricultural uses in the vicinity and the siting of the use in the AE zone overrides the necessity of maintaining the land for agricultural uses.

(Ord. 236-73 Exh. A(part), 1991)

18.18.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all AE zones, and shall be subject to the provisions and limitations set out in Chapters 18.100 through 18.112 of this title.

(Ord. 236-73 Exh. A(part), 1991)

18.18.030 - Uses permitted.

A. The growing and harvesting of tree, vine, field, forage, and any other crops; nurseries, greenhouses, or, hydroponics;

B. The maintaining, raising, breeding, and management of livestock, poultry, and specialty animals; aquaculture or apiaries;

C. Agricultural management practices such as grading, soil preparation, erosion control, pest abatement, fertilizing, irrigation, aerial spraying, and other practices custor particular agricultural operation;

D. Buildings and structures accessory to and customarily used in conjunction with an agricultural operation including those for the storage of equipment, supplies, produce, feed, and petroleum products for use by the owner or occupant, equipment repair, storage tanks, irrigation structures, stock watering ponds, or reservoirs;

E. Storage and associated packaging and shipping of agricultural products accessory to a bona fide agricultural operation in which at least 50 percent of such products were produced;

F. Processing and associated packaging and shipping of agricultural products accessory to a bona fide agricultural operation in which at least 50 percent of such products were produced, or where the resulting product is consumed or used in the agricultural operation rather than marketed for direct or indirect compensation;

G. Roadside stands for the sale of agricultural produce grown on the parcel where the agricultural operation is located;

H. Farm forestry; forest management and fish and wildlife enhancement projects ([section] 18.100.010);

I. Flood control or ground water recharge projects;

J. Low intensity recreational uses;

K. Private energy development, commercial energy exploration;

L. Residential uses when the parcel is not at least 75 acres, one, one-family dwelling and accessory uses.

M. Public uses and public utilities, when land is not taken out of production and the use does not conflict with the purpose of the AE zone, excluding uses in section 18.18.050, residential care facility (small).

N. Child and adult day care (small). For child day care use permit conditions are restricted to the provisions of Section 1597.46 of the California Health and Safety Code.

O. Supportive housing consistent with requirements of the county's residential housing standards, section 18-5.1000.

P. Transitional housing consistent with requirements of the county's residential housing standards, section 18-5.1000. Manufactured homes (18.100.050.I).

Q. One accessory or secondary unit when the lot has a primary dwelling unit (18.100.010.6).

R. Similar uses (18.100.010).

(Ord. No. 236-146, 12-12-2017; Ord. No. 348, 7-20-2011; Ord. 236-73 Exh. A(part), 1991)

18.18.040 - Uses permitted with an administrative permit.

Uses permitted with an administrative permit subject to the provisions in Section 18.100.020 or as specified, are as follows:

A. Assemblage of people;

B. When the parcel is not at least seventy-five acres, one second dwelling, temporary family care dwelling, guest house or farm employee housing;

C. The following uses provided the building site is located at least five hundred feet from all land zoned RH, RL, RR, or RT:

1. Private airstrip accessory to a bona fide agricultural operation.

2. Sale, rental or repair of agricultural machinery, implements, or equipment.
3. Storage or sale of farm supplies of all kinds including fertilizer, agricultural minerals and chemicals, feed, or fencing materials.
4. Agricultural services for the performance of earthwork, animal husbandry, horticultural services; services relating to the transportation of agricultural products including the maintenance and repair of such trucks.
5. Veterinarian services, kennels.
6. Commercial agricultural storage facilities.
7. Commercial energy exploration.

(Ord. No. 348, 7-20-2011; Ord. 236-73 Exh. A(part), 1991)

18.18.050 - Uses permitted with a use permit.

A. Uses in section 18.18.040 when the criteria in that section are not met;
B. All other agricultural uses necessary or appropriate to support the agricultural economy of the county when there are no conflicts with the general plan or this title; auction yard; commercial feed lot;
C. Commercial timber or wood processing facilities;
D. Above-ground public utilities transmission lines not located within an existing right-of-way; commercial energy facilities;
E. Public uses that are sensitive uses;
F. Mining (18.100.030); other resource-based industries;
G. Commercial recreational facilities;
H. Waste facilities;
I. Similar uses (18.100.030);
J. Residential care facility (large);
K. Child and adult day care (large). For family day care (children) use permit conditions are restricted to the provisions of Section 1597.46 of the California Health and Safety Code.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.18.060 - Development standards.

Except as otherwise provided in Chapter 18.110:

A. Minimum yards:
    1. Front, side street: Dwellings and nonfarm buildings: twenty feet; farm buildings: ten feet.
    2. Rear, side: Dwellings: fifty feet.
B. Maximum lot coverage: Ten percent, except parcels five acres or less shall not be subject to the ten percent restriction.

C. Access, parking, height limits, signs, other: As provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

18.18.070 - Development standards—Minimum lot size.

Eighty acres, except as provided in Section 18.110.020 and as follows: A. One acre, when all the following criteria are met. Evidence of compliance shall accompany all applications for division.

1. The proposed one acre minimum lot has situated on it a residential, industrial, or commercial facility which is at least ten years old on the date the application to divide the property is filed, the facility has a minimum current market value of at least ten thousand dollars as determined by the county assessor, and the facility has value as a viable and continuing use. This subsection shall allow for the one-time division of a dwelling from each agriculture operation such that an approximate density of one division per eighty acres is not exceeded.
2. The existing parcel is at least seventy-five acres, and the proposed one acre minimum lot includes only the confined building site not to exceed five acres. The five acre maximum may be exceeded when it is demonstrated that the physical characteristics of the project site justify a larger parcel size.
3. It is demonstrated that the division will not interfere with the agricultural viability of the remaining agricultural operation or agricultural operations in the area.
4. Prior to recordation of the division, an application to apply the M zone to the one acre minimum lot and that portion of the remaining agricultural operation zoned AE which qualifies it for the division must be approved by the county to prohibit the future division of any future dwelling, second dwelling, or farm employee housing pursuant to the one acre minimum provision in this subsection.

B. Five acres, when all the following criteria are met. Evidence of compliance shall be included with all applications for division.

1. The existing parcel is at least eighty acres, and the total acreage proposed for division does not exceed ten percent of the existing parcel size.
2. It is demonstrated that the division(s) will not interfere with the agricultural viability of the remaining agricultural operation or agricultural operations in the area.
3. It is demonstrated that the land proposed for division is not suited to production due to the physical characteristics of the property and does not meet the criteria for defining highest value or lower value exclusive agricultural land in the general plan.
4. Prior to recordation of the division, an application to apply the M zone to the five acre minimum lot and every portion of the remaining agricultural operation zoned AE which qualifies it for the division must be approved by the county to prohibit the future division of any dwelling, second dwelling, farm employee housing, or other portion of the property pursuant to the provisions in this section.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.20 - LOW INTENSITY CONSERVATION (LIC) ZONE

Sections:

18.20.010 - Purpose.

The purpose of the LIC zone is to permit very limited development and those uses which are appropriate given the environmental constraints (such as slope and soil factors) existing in the location to which the LIC zone is applied. The LIC zone is compatible with the public lands and general agriculture general plan designations and may be applied in other rural areas when there is no conflict with the general plan.

(Ord. 236-73 Exh. A(part), 1991)

18.20.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all LIC zones, and shall be subject to the provisions and limitations set out in Chapters 18.100 through 18.112 of this title.

(Ord. 236-73 Exh. A(part), 1991)

18.20.030 - Uses permitted.

A. Uses in subsections A. though L. of section 18.24.030, excluding uses in section 18.20.050;
B. One one-family dwelling and accessory uses (18.100.010);
C. Public uses and public utilities, excluding uses in section 18.20.050;
D. Residential care home (small);
E. Day care center for adults and children (small). For family day care (children) use permit conditions are restricted to the provisions of Section 1597.46 of the California Health and Safety Code;
F. Supportive housing consistent with requirements of the county's general development standards, chapter 18.110;
G. Transitional housing consistent with requirements of the county's general development standards, chapter 18.110;
H. Manufactured homes;
I. One accessory or secondary unit when the lot has a primary dwelling unit (18.100.010-6);
J. Similar uses (18.100.010).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.20.040 - Uses permitted with an administrative permit, subject to the provisions in section 18.100.020.

A. Assemblage of people;
B. One second-dwelling;
C. Guest house;
D. Temporary family care dwelling.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, changed the title of § 18.20.040 from "Uses permitted with and administrative permit" to read as herein set out.

18.20.050 - Uses permitted with a use permit.

A. "Assemblage of people, one second dwelling, guest house, temporary family care dwelling, home occupation (18.100.030);
B. Farm employee housing;
C. Airport, private airstrip;
D. Commercial recreational facilities;
E. Mining (18.100.030);
F. Commercial wood or timber processing facilities;
G. Commercial agricultural processing facilities, commercial agricultural storage facilities;
H. Waste facilities;
I. Quasi-public uses, and public uses that are sensitive uses; aboveground transmission facilities on land under irrigated cultivation at any time in the last five years;
J. Similar uses (18.100.030).

(Ord. 236-73 Exh. A(part), 1991)

18.20.060 - Development standards.

Except as provided in Chapter 18.110:

A. Minimum lot or parcel size: Forty acres.
B. Minimum yards:
    1. Front, side street: Dwellings and nonfarm buildings: twenty feet; farm buildings: ten feet.
    2. Rear side: Ten feet.
C. Access, parking, height limits, signs, other: As provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.24 - AGRICULTURAL GENERAL (AG) ZONE

Sections:

18.24.010 - Purpose.

The purpose of an AG zone is to designate lands which do not fall within the exclusive agriculture general plan designation, but which are used, or are appropriate, for grazing, dry land farming, and other nonintensive agricultural uses and accessory uses. The AG zone may include irrigated land and nonagricultural uses, including isolated residential and commercial development, although the emphasis is on agriculture. The AG zone is consistent with the general agriculture general plan designation.

(Ord. 236-73 Exh. A(part), 1991)

18.24.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all AG zones, and shall be subject to the provisions and limitations set out in Chapters 18.100 through 18.112 of this title.

(Ord. 236-73 Exh. A(part), 1991)

18.24.030 - Uses permitted.

A. The forage, and hydroponics;
B. The maintaining; raising, breeding, and management of livestock, poultry, or specialty animals; aquaculture or apiaries;
C. Agricultural management practices such as grading, soil preparation, erosion control, pest abatement, fertilizing, irrigation, aerial spraying, and other practices customary to the particular agricultural operation;
D. Buildings and structures accessory to and customarily used in conjunction with an agricultural operation including those for the storage of equipment, supplies, produce, feed, and petroleum products for use by the owner or occupant, equipment repair, storage tanks, irrigation structures, stock watering ponds, or reservoirs;
E. Storage and agricultural products operation in which at[sic] produced;
F. Processing, and associated packaging and shipping, of agricultural products accessory to a bona fide agricultural operation in which such products were produced, or where the resulting product is consumed or used in the agricultural operation rather than marketed for direct or indirect growing and harvesting of tree, vine, field, any other crops; nurseries, greenhouses, or associated packaging and shipping of accessory to a bona fide agricultural least 50 percent of such products were compensation;
G. Roadside stands for the sale of agricultural produce grown on the parcel where the agricultural operation is located;
H. Private energy development;
I. Flood control or ground water recharge projects;
J. Farm forestry, forest management (18.100.010);
K. Low intensity recreational uses;
L. Fish and wildlife enhancement projects (18. 100.010);
M. Emergency shelter if located within an "urban area" (only within locations where community services are located, such as near Alturas and Cedarville) as identified in the general plan and in compliance with all performance standards of section 18.110.090 of this code (not located within the Cal Pines community area).
N. Residential uses as follows:

1. When the parcel is at least 40 acres, single-family dwellings, farmworker housing, and accessory uses when located on or within a ten-mile radius of land engage agricultural operation in the same ownership when such dwellings are necessary for the use of the owner or occupant and their guests and farm employees;
2. When the parcel is less than 40 acres:
    a. Single-family dwelling and accessory uses (18.100.010);
    b. Residential care home (small);
    c. Day care center for adults and children (small). For family day care (children) use permit conditions are restricted to the provisions of Section 1597.46 of the California Health and Safety Code;
    d. Supportive housing consistent with requirements of the county's general development standards, chapter 18.110;
    e. Transitional housing consistent with requirements of the county's general development standards, chapter 18.110;
    f. Manufactured homes (18.100.050.I);
    g. Accessory units (18.100.010-6);
    h. Secondary units (18.100.020-2).

O. Public uses, quasi-public uses, and public utilities, excluding uses listed in section 18.24.050;

P. Similar uses (18.100.010).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.24.040 - Uses permitted with an administrative permit, subject to the provisions in section 18.100.020 or as specified.

A. Assemblage of people;

B. When the criteria in section 18.24.030 are not met, residential care home, supportive housing, transitional housing, manufactured home, accessory unit, second-dwelling, guest house, or farmworker housing;

C. The following uses provided the building site is located at least 500 feet from all land zoned RH, RL, or RR:
    1. Private airstrip accessory to a bona fide agricultural operation.
    2. Sale, rental, or repair of agricultural machinery, implements, or equipment.
    3. Storage or sale of farm supplies of all kinds including fertilizer, agricultural minerals and chemicals, feed, or fencing materials.
    4. Agricultural services for the performance of earthwork, animal husbandry, horticultural services, services relating to the transportation of agricultural products including the maintenance and repair of such trucks.
    5. Veterinarian services, kennels.
    6. Commercial agricultural storage facilities.
    7. Commercial energy exploration.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, changed the title of § 18.24.040 from "Uses permitted with and administrative permit" to read as herein set out.

18.24.050 - Uses permitted with a use permit.

A. Assemblage of people, one second-dwelling, temporary family care dwelling, guest house, farm employee housing, home occupation (18.100.030);

B. Other uses in section 18.24.040 when the criteria in that section are not met;

C. All other agricultural uses necessary or appropriate to support the agricultural economy of the county when there are no conflicts with the general plan or this title; auction yard; commercial feed lot;

D. Commercial timber or wood processing facilities;

E. Above-ground public utilities transmission lines not located within an existing right-of-way; commercial energy facilities;

F. Public uses that are sensitive uses;

G. Mining (18.100.030); other resource-based industries;

H. Commercial recreational facilities;

I. Airports; waste facilities;

J. Motel, hotel, mobilehome park, recreational vehicle park, multiple family dwellings, bed and breakfast inn;

K. Convenience store;

L. Large community care facilities;

M. Similar uses (18.100.030).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.24.060 - Development standards.

Except as provided in Chapter 18.110.

A. Minimum lot size: Three acres, except as follows:

1. Fifteen acres, when the land is adjacent to land designated exclusive agriculture in the general plan and zoned AE, provided that land in the AE zone conforms to the general plan criteria defining highest value or lower value exclusive agriculture lands.
2. As a condition of development, the approving body may require a substantial increase in the minimum lot size for the purpose of mitigating impacts to resources and facilitating services, pursuant to the general plan and any applicable specific plan.

B. Minimum yards:

1. Front, side street: Dwellings and nonfarm buildings: twenty feet; farm buildings: ten feet.
2. Rear, side: Five feet; except where an AG zone abuts an RH, RL, or RR zone, the yard for farm buildings shall be twenty feet; where an AG zone abuts an AE zone, the yard for dwellings shall be fifty feet.

C. Access, parking, height limits, signs, other: As provided in Chapter 18.110.

D. Maximum lot coverage: Ten percent, excluding lots less than five acres.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.28 - LOW INTENSITY (LI) ZONE

Sections:

18.28.010 - Purpose.

The purpose of an LI zone is to permit the integration of development with low intensity agricultural or other resource based uses, and to provide a transition from the LIC or similar zone to the RR zones. The LI zone is compatible with the general agriculture, public land, and rural residential general plan designations.

(Ord. 236-73 Exh. A(part), 1991)

18.28.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all LI zones, and shall be subject to the provisions and limitations set out in Chapters 18.100 through 18.110 of this title.

(Ord. 236-73 Exh. A(part), 1991)

18.28.030 - Uses permitted.

A. Cultivation of crops, grazing, incidental agriculture; continuation of existing agricultural and forestry uses, excluding an increase in the intensity of use;

B. Forest management, fish and wildlife enhancement projects (18.100.010);

C. One single-family dwelling and accessory uses (18.100.010);

D. Low intensity recreational uses when the parcel is 40 acres or more;

E. Public uses such as parks, reservoirs, low intensity recreational uses, equestrian trails, campgrounds, cross country skiing, hiking and similar nonmotorized off-road experiences, and accessory structures;

F. Public utilities necessary in the location proposed for the orderly provision of services, which do not occupy more than one-half acre, and which do not normally require human habitation for their operation outside of maintenance related activities, including transmission lines, wells, communication structures, and switching stations; but excluding substations, and transmission towers not located in an existing right-of-way;

G. Private energy development;

H. Residential care facility (small);

I. Child and adult day care (small);

J. Supportive housing consistent with requirements of the county's general development standards, chapter 18.110;

K. Transitional housing consistent with requirements of the county's general development standards, chapter 18.110;

L. Manufactured homes (18.100.050-I);

M. One accessory or secondary unit when the lot has a primary dwelling unit (18.100.010-6 or 18.100.020-2 respectively);

N. Similar uses (18.100.010).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.28.040 - Uses permitted with an administrative permit.

Uses permitted with an administrative permit, subject to the provisions in Section 18.100.020, are as follows:

A. Assemblage of people;

B. One second dwelling;

C. Guest house;

D. Temporary family care second dwelling;

E. Commercial energy exploration.

(Ord. No. 348, 7-20-2011; Ord. 236-73 Exh. A(part), 1991)

18.28.050 - Uses permitted with a use permit.

A. Assemblage of people, one second-dwelling, temporary family care dwelling, guest house, home occupation (18.100.030);

B. Public uses, quasi-public uses, and public utilities that are sensitive uses or do not meet the criteria in section 18.28.030;

C. Large community care facilities;

D. Commercial recreational facilities;

E. Commercial energy development;

F. Mining (18.100.030);

G. Agricultural support services;

H. Private airstrip;

I. Child and adult day care center for adults and children (large). For child family day care (children) use permit conditions are restricted to the provisions of Section 1597.46 of the California Health and Safety Code;

J. Similar uses (18.100.030).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.28.060 - Development standards.

Except as provided in Chapter 18.110.

A. Minimum lot or parcel size: Twenty acres.

B. Minimum yards:

1. Front, side street: dwellings and nonfarm buildings: twenty feet; farm buildings: ten feet.
2. Rear, side: ten feet.

C. Access, parking, height limits, signs, other: as provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.30 - RURAL RESIDENTIAL (RR) ZONE

Sections:

18.30.010 - Purpose.

The purpose of an RR zone is to permit residential development while maintaining a rural character, and to reduce residential development impacts on the environment which might occur with more intense development. The RR zone provides for a range of acreages from one to fifteen acres, inclusive. The RR zone is compatible with the rural residential, and to a limited degree, the general agriculture, general plan designations.

(Ord. 236-73 Exh. A(part), 1991)

18.30.020 - Regulations applicable.

The regulations set out in this chapter shall apply in any RR zones, and shall be subject to the provisions and limitations set out in Chapters 18.100 through 18.110 of this title.

(Ord. 236-73 Exh. A(part), 1991)

18.30.030 - Uses permitted.

A. One one-family dwelling and accessory uses (18.100.010);

B. Recreational facilities incidental to planned development such as a swimming pool, tennis courts, or clubhouse; low intensity recreational uses when the parcel is 40 acres or more;

C. Care facilities for not more than 12 clients;

D. Private energy development;

E. Incidental crop cultivation or grazing, forest management, and fish and wildlife enhancement projects (18.100.010), provided there is no conflict with the residential character of the RR zone;

F. Public uses and quasi-public uses which serve the immediate area and are compatible in a rural residential setting;

G. Public utilities necessary in the locations proposed to support residential uses and which are compatible in a rural residential setting. Such uses are generally

located and conducted within a building or screened from view and do not occupy more than one-half acre;

H. Supportive housing consistent with requirements of the county's general development standards, chapter 18.110;

I. Transitional housing consistent with requirements of the county's general development standards, chapter 18.110;

J. Manufactured homes (18.100.050-I);

K. One accessory or secondary unit when the lot has a primary dwelling unit (18.100.010-6 or 18.100.020-2 respectively);

L. Similar uses (18.100.010);

M. Temporary family care dwelling;

N. Guest house.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.30.040 - Uses permitted with an administrative permit.

Uses permitted with an administrative permit, subject to the provisions in Section 18.100.020, are as follows:

A. One second dwelling;

B. A temporary family care dwelling.

C. Guest house.

(Ord. 236-73 Exh. A(part), 1991)

18.30.050 - Uses permitted with a use permit.

A. Assemblage of people, guest house, home occupation (18.100.030); bed and breakfast guest facility, two-family dwellings, multiple-family dwellings;

B. Care facilities for not more than 12 clients;

C. Public uses, quasi-public uses, and public utilities that do not meet the criteria in section 18.30.030;

D. Similar uses (18.100.030).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.30.060 - Development standards.

Except as provided in Chapter 18.110.

A. Minimum lot size: one to fifteen acres, with the minimum lot size to be designated upon establishment of an RR zone, such that RR-5 means the minimum lot size is five acres; except, when no designation is made the minimum lot size shall be fifteen acres or any lesser size that may be established by ordinance of the board of supervisors in connection with an application to develop the property. No lot less than two acres shall be created unless public sewer is available and utilized;

B. Minimum lot width: RR-1 zone, one hundred twenty feet; all other RR zones, one hundred fifty feet;

C. Minimum yards:

1. Front, side street: twenty feet,

2. Rear, side: thirty feet;

D. Access, parking, height limits, signs, other: as provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

18.30.070 - Conservation of values.

A. Any lot in any zone shall be improved and maintained as follows:

1. No trash or rubbish shall be allowed to accumulate on any lot or parcel.

2. It is unlawful to park, store, leave or to permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind or part thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any private property within the county for a period of time in excess of seventy-two hours, except that two or less such vehicles or parts thereof may be stored if within a building, or placed behind an opaque screening fence; and except that such vehicles and parts may be stored in a junk yard or automobile wrecking yard lawfully established pursuant to the provisions of this chapter.

B. The storage of merchandise, materials, partially or completely dismantled automobiles or salvage materials in any zone shall be enclosed in a sight-obscuring fence of not less than six feet in height, and such storage shall not be placed in a greater height than the enclosing wall or fence. Where such storage qualified as a legal nonconforming use, the property owner and/or proprietor shall have a period of six months from the date of notification of violation of this provision by the planning director to amortize such storage and bring it into conformance with this section.

(Ord. 236-75 (part), 1998)

Chapter 18.32 - RESIDENTIAL-LOW DENSITY (RL) ZONE

Sections:

18.32.010 - Purpose.

The purpose of an RL zone is to provide a lower density residential environment in terms of lot size and dwelling density (consistent with the general plan) than is available in the RH zone. The RL zone is consistent with the urban areas, urban residential, and rural residential general plan designations.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.32.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all RL zones, and shall be subject to the provisions and limitations set out in chapters 18.100 through 18.112 of this title.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.32.030 - Uses permitted.

A. One one-family dwelling and accessory uses (18.100.010);

B. Recreational facilities incidental to a planned development, including a swimming pool, tennis courts, or clubhouse;

C. Public uses and quasi-public uses which are conducted within a building, primarily serve the immediate area, and are compatible in the residential setting in which they are located; neighborhood park;

D. Public utilities necessary in the locations proposed to support residential uses and which are compatible in a residential setting. Such uses are generally located and conducted within a building or completely screened from view, do not emit noise, electronic interference, or other influences detectable at the property boundary, and do not occupy more than one-half acre;

E. Residential care facility (small);

F. Day care center for adults and children (small). For family day care (children) use permit conditions are restricted to the provisions of Section 1597.46 of the California Health and Safety Code;

G. Supportive housing consistent with requirements of the county's general development standards, chapter 18.110;

H. Transitional housing consistent with requirements of the county's general development standards, chapter 18.110;

I. Manufactured homes (18.100.050);

J. One accessory or secondary unit when the lot has a primary dwelling unit (18.100.010-6 or 18.100.020-2 respectively);

K. Similar uses (18.100.010).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.32.040 - Uses permitted with an administrative permit, subject to the provisions in section 18.100.020.

A. Guest house.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, changed the title of § 18.32.040 from "Uses permitted with an administrative permit" to read as herein set out.

18.32.050 - Uses permitted with a use permit.

A. Two-family dwellings, multiple-family dwellings, bed and breakfast guest facility, mobilehome park, boarding or rooming house;

B. Recreational vehicle park, motel, hotel;

C. Large community care facilities;

D. Professional offices; personal services;

E. Public uses, quasi-public uses, and public utilities that do not meet the criteria in section 18.32.030 provided they are compatible in a residential setting;

F. Similar uses (18.100.030).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.32.060 - Development standards.

Except as provided in Chapters 18.110.

A. Minimum lot size and width:
    1. Ten thousand square feet, with a minimum width of seventy-five feet, when public water and sewer, or only public sewer, are available and utilized,
    2. Fifteen thousand square feet, with a minimum width of one hundred feet when only public water is available and utilized,
    3. Three acres, with a minimum width of one hundred fifty feet, when neither public water or public sewer is available or utilized. Lots created by division may be granted an exception by the planning commission, acting on a finding by the county health officer that a lesser size is adequate to accommodate the proposed water system and sewage disposal system without endangering any person. If granted, the minimum lot size shall not be less than fifteen thousand square feet with a minimum lot width of one hundred feet;
B. Minimum yards:
    1. Front, side street: dwellings and nonfarm buildings: twenty feet; farm buildings: ten feet,
    2. Rear, side: five feet;
C. Maximum building height: fifty feet;
D. Maximum lot coverage: sixty percent;
E. Access, parking, signs, other: as provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

18.32.070 - Conservation of values.

A. Any lot in any zone shall be improved and maintained as follows:
    1. No trash or rubbish shall be allowed to accumulate on any lot or parcel.
    2. It is unlawful to park, store, leave or to permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind or part thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any private property within the county for a period of time in excess of seventy-two hours, except that two or less such vehicles or parts thereof may be stored if within a building, or placed behind an opaque screening fence; and except that such vehicles and parts may be stored in a junk yard or automobile wrecking yard lawfully established pursuant to the provisions of this chapter.
B. The storage of merchandise, materials, partially or completely dismantled automobiles or salvage materials in any zone shall be enclosed in a sight-obscuring fence of not less than six feet in height, and such storage shall not be placed in a greater height than the enclosing wall or fence. Where such storage qualified as a legal nonconforming use, the property owner and/or proprietor shall have a period of six months from the date of notification of violation of this provision by the planning director to amortize such storage and bring it into conformance with this section.

(Ord. 236-75 (part), 1998)

Chapter 18.36 - RESIDENTIAL-HIGH DENSITY (RH) ZONE

Sections:

18.36.010 - Purpose.

The purpose of an RH zone is to promote the health, safety and general welfare by providing sufficient space in appropriate locations for residential development of all densities to meet the varying housing needs of the existing and expected future population, and to provide appropriate space for public and quasi-public uses and other private uses necessary to serve the needs of the nearby residents, when such uses are compatible with residential uses. The regulations applicable to the RH zone are necessary to protect residential areas against fire, explosion, toxic and noxious substances, radiation, and other hazards, and against offensive noise, odors, vibrations, smoke, electronic interference and other objectionable influences.

(Ord. 236-73 Exh. A(part), 1991)

18.36.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all RH zones, and shall be subject to the provisions and limitations set out in Chapters 18.100 through 18.110 of this title. The regulations in the AR zone shall combine with the RH zone in every location in which the RH zone is applied.

(Ord. 236-73 Exh. A(part), 1991)

18.36.030 - Uses permitted.

A. One one-family dwelling and accessory uses, or one two-family dwelling when the minimum lot size is met;

B. Recreational facilities incidental to a planned development, such as a swimming pool, tennis courts, or clubhouse;

C. Public utilities necessary in the locations proposed to support residential uses, when compatible in a residential setting. Such uses are generally located and conducted within a building or completely screened from view, do not emit noise, electronic interference, or other influences detectable at the property boundary, and do not occupy more than one-half acre;

D. Public uses and quasi-public uses which are conducted within a building, primarily serve the immediate area, and are compatible in the residential setting in which they are located; neighborhood park;

E. Residential care facility (small);

F. Day care center for adults and children (small). For family day care (children) use permit conditions are restricted to the provisions of Section 1597.46 of the California Health and Safety Code;

G. Supportive housing consistent with requirements of the county's general development standards, chapter 18.110;

H. Transitional housing consistent with requirements of the county's general development standards, chapter 18.110;

I. Manufactured homes (18.100.050-1);

J. One accessory unit when the lot has a primary dwelling unit (18.100.010-6);

K. Multiple-family housing with a maximum density of 13 units per acre when both public water and sewer service is provided in accordance with the general plan (18.110.090);

L. Similar uses (18.100.010).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.36.040 - Uses permitted with an administrative permit, subject to the provisions in section 18.100.020.

A. One second-dwelling guest house.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, changed the title of § 18.36.040 from "Uses permitted with an administrative permit" to read as herein set out.

18.36.050 - Uses permitted with a use permit.

A. One second dwelling, guest house, temporary family care dwelling, home occupation (18.100.030);

B. Two-family dwellings, multiple-family dwellings, bed-and-breakfast guest facility, apartments, boarding or rooming house, mobilehome park, any other residential use;

C. Recreational vehicle park, motel, hotel;

D. Care facilities;

E. Professional offices, personal services;

F. Other public uses, quasi-public uses and public utilities necessary to support residential uses and which are compatible in a residential setting;

G. Similar uses (18.100.030).

(Ord. 236-73 Exh. A(part), 1991)

18.36.060 - Development standards.

Except as provided in Chapter 18.110.

A. Minimum lot size and width:

1. Six thousand square feet, with a minimum width of fifty feet, when public water and sewer, or only public sewer, are available and utilized,
2. Fifteen thousand square feet, with a minimum width of one hundred feet, when only public water is available and utilized,
3. Three acres, with a minimum width of one hundred fifty feet, when neither public water or public sewer are available or utilized. Lots created by division may be granted an exception by the planning commission, acting on a finding by the county health officer that a lesser size is adequate to

accommodate the proposed water system and sewage disposal system without endangering any person. If granted, the minimum lot size and width shall not be less than fifteen thousand square feet with a minimum lot width of one hundred feet;

B. Minimum yards:
    1. Front, side street: dwellings and nonfarm buildings: twenty feet; farm buildings: ten feet,
    2. Rear, side: five feet;
C. Maximum height: buildings: two stories, not to exceed fifty feet; other structures: fifty feet;
D. Maximum lot coverage: sixty percent;
E. Access, parking, signs, other: as provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

18.36.070 - Animal restrictions.

The AR zone shall by this reference overlay and combine with the RH zone in every area in which the RH zone is applied, and the provisions of the AR zone shall apply to the keeping of animals in the RH zone.

(Ord. 236-73 Exh. A(part), 1991)

18.36.080 - Conservation of values.

A. Any lot in any zone shall be improved and maintained as follows:
    1. No trash or rubbish shall be allowed to accumulate on any lot or parcel.
    2. It is unlawful to park, store, leave or to permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind or part thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any private property within the county for a period of time in excess of seventy-two hours, except that two or less such vehicles or parts thereof may be stored if within a building, or placed behind an opaque screening fence; and except that such vehicles and parts may be stored in a junk yard or automobile wrecking yard lawfully established pursuant to the provisions of this chapter.
B. The storage of merchandise, materials, partially or completely dismantled automobiles or salvage materials in any zone shall be enclosed in a sight-obscuring fence of not less than six feet in height, and such storage shall not be placed in a greater height than the enclosing wall or fence. Where such storage qualified as a legal nonconforming use, the property owner and/or proprietor shall have a period of six months from the date of notification of violation of this provision by the planning director to amortize such storage and bring it into conformance with this section.

(Ord. 236-75 (part), 1998)

Chapter 18.40 - RURAL TOWN (RT) ZONE

Sections:

18.40.010 - Purpose.

The purpose of an RT zone is to provide for a combination of residential, commercial and agricultural uses that are compatible in a low density town setting. The RT zone is typically applied to the established unincorporated communities which lack well defined commercial and residential areas, and which historically have relatively stable or declining population and economic bases. The RT zone may also be applied to new mixed use development, provided there are no conflicts with the general plan. The RT zone is consistent with the urban areas and rural residential general plan designations.

(Ord. 236-73 Exh. A(part), 1991)

18.40.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all RT zones and shall be subject to the provisions and limitations set out in Chapters 18.100 through 18.110 of this title.

(Ord. 236-73 Exh. A(part), 1991)

18.40.030 - Uses permitted.

A. Livestock grazing, cultivation of crops, continuation of existing agricultural uses;

B. One one-family dwelling and accessory uses (18.100.010); or one two-family dwelling when the minimum lot size is met;

C. Bed and breakfast guest facility;

D. New and used retail sales, including limited ranch supply store when conducted within a building. An area not to exceed one-half the gross ground floor area may be used for outdoor storage and retail sales provided a six foot high screening fence is erected between the use and any existing residential uses on an adjacent lot;

E. Service station, provided a six foot high screening fence is erected between the use and any existing residential use on an adjacent lot located within one hundred feet;

F. Restaurant, restaurant with drive-in service, fast-food restaurant; any food establishment where alcoholic beverages may be consumed incidental to food service, excluding a bar or lounge operated in conjunction with a food establishment;

G. Personal services, professional offices;

H. Care facilities for not more than twelve clients;

I. Public uses and quasi-public uses primarily conducted within a building when similar to other uses in this section, such as offices, churches, community hall, or lodges;

J. Public utilities necessary in the locations proposed to support residential uses and other rural town uses when such uses which are compatible with the setting. Such uses are generally located and conducted within a building or screened from view, do not emit noise, electronic interference, or other influences detectable at the property boundary, and do not occupy more than one-half acre;

K. Small recycling collection facility when accessory to an appropriate commercial or public use in this section, such as retail sales or automobile fuel service;

L. Similar uses (18.100.010).

(Ord. 236-73 Exh. A(part), 1991)

18.40.040 - Use permitted with an administrative permit, subject to the provisions in section 18.100.020.

A. Assemblage of people;

B. Guest house.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, changed the title of § 18.40.040 from "Uses permitted with an administrative permit" to read as herein set out.

18.40.050 - Uses permitted with a use permit.

A. Assemblage of people, one second-dwelling, guest house temporary family care dwelling, home occupation (18.100.030);

B. Multiple-family dwellings, recreational vehicle park, mobilehome park, motel, hotel, boarding or rooming house;

C. Care facilities for more than 12 clients;

D. Public utilities that do not meet the criteria in section 18.40.030; public uses and quasi-public uses such as fire hall, equipment yards, police station, hospital, or parks;

E. Automobile or equipment sales, repair, or service;

F. Bar, lounge, or any establishment where a principal activity is the on-premises consumption of alcoholic beverages rather than food service (includes a bar or lounge operated in conjunction with a food establishment);

G. Outdoor new and used retail sales, outdoor storage, mini-storage;

H. Small recycling collection facility not accessory to an appropriate use;

I. Residential care facility (small);

J. Supportive housing consistent with requirements of the county's general development standards, chapter 18.110;

K. Transitional housing consistent with requirements of the county's general development standards, chapter 18.110;

L. Manufactured homes (18.100.050-1);

M. One accessory unit when the lot has a primary dwelling unit (18.100.010-6);

N. Similar uses (18.100.030).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.40.060 - Development standards.

Except as provided in Chapter 18.100:

A. Minimum lot size and width:

1. Six thousand square feet, with a minimum width of fifty feet, when public water and public sewer, or only public sewer, are available and utilized.
2. Fifteen thousand square feet, with a minimums width of one hundred feet, when only public water is available and utilized.
3. Three acres, with a minimum width of one hundred fifty feet, when neither public water or public sewer is available. Lots created by division may be granted an exception by the planning commission, acting on a finding by the county health officer that a lesser size is adequate to accommodate the proposed water system and sewage disposal system without endangering any person. If granted, the minimum lot size shall not be less than fifteen thousand square feet with a minimum lot width of one hundred feet.

B. Minimum yards:

1. Front, side street: Dwellings and nonfarm buildings: twenty feet; farm buildings: ten feet.
2. Rear, side: Five feet, except (1) where the zone abuts an RH, RL, or RR zone, the yard for farm buildings shall be twenty feet, and (2) where the zone abuts an RH, RL, or RR zone or a RT zone with an existing or approved dwelling, the yard for commercial buildings and uses shall be ten feet.

C. Access, parking, signs, other: As provided in Chapter 18.100.

D. Maximum structure height: buildings: two stories not to exceed fifty feet; other structures: fifty feet.

E. Maximum lot coverage: sixty percent when any dwelling or residential use is located on the lot.

(Ord. 236-73 Exh. A(part), 1991)

18.40.070 - Conservation of values.

A. Any lot in any zone shall be improved and maintained as follows:

1. No trash or rubbish shall be allowed to accumulate on any lot or parcel.
2. It is unlawful to park, store, leave or to permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind or part thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any private property within the county for a period of time in excess of seventy-two hours, except that two or less such vehicles or parts thereof may be stored if within a building, or placed behind an opaque screening fence; and except that such vehicles and parts may be stored in a junk yard or automobile wrecking yard lawfully established pursuant to the provisions of this chapter.

B. The storage of merchandise, materials, partially or completely dismantled automobiles or salvage materials in any zone shall be enclosed in a sight-obscuring fence of not less than six feet in height, and such storage shall not be placed in a greater height than the enclosing wall or fence. Where such storage qualified as a legal nonconforming use, the property owner and/or proprietor shall have a period of six months from the date of notification of violation of this provision by the planning director to amortize such storage and bring it into conformance with this section.

(Ord. 236-75 (part), 1998)

Chapter 18.44 - COMMERCIAL (C) ZONE

Sections:

18.44.010 - Purpose.

The purpose of the C zone is to provide for a wide range of facilities for the sale of goods and services, including retail businesses, personal services, offices, businesses that support residential uses, and community facilities. Most uses are conducted within a building, but outdoor uses may be allowed as specified. The C zone is consistent with the urban areas and commercial general plan designations, and may be applied in other areas to support residential, public or industrial uses when there are no conflicts with the general plan.

(Ord. 236-73 Exh. A(part), 1991)

18.44.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all C zones, subject to the limitations and criteria in Chapters 18.100 through 18.110.

(Ord. 236-73 Exh. A(part), 1991)

18.44.030 - Uses permitted.

A. Retail stores, shops and services of a light commercial character, conducted within a building, including:
    1. Professional, business or administrative offices; financial institution, insurance or real estate offices,
    2. Repair shops for shoes, radios, televisions, and other domestic appliances,
    3. Personal services, barber or beauty shop, studios for conduct of classes, photo studio, laundromat, retail dry cleaners, mortuary,
    4. Food stores, convenience store, pharmacy, drug store, hardware store, book stores, clothing, used goods, pet shops, feed stores, agricultural products sales, plumbing, electrical and building supplies, furniture,
    5. Retail nursery or garden supply,
    6. Ministorage for household items, limited to ten or fewer units,
    7. Restaurant, restaurant with drive-in service, fast-food restaurant, any food establishment where alcoholic beverages may be consumed incidental to food service, excluding a bar or lounge,
    8. Service station, excluding facilities for major repair and overhauls or heavy equipment;
B. Public uses and quasi-public uses whose principal conduct is within a building or buildings when similar to uses in this section, such as offices, churches, community halls, lodges, elementary school, or other school serving a community area with a similar occupancy or character;
C. Public utilities that require siting on the subject lot for the orderly provision of services, normally do not occupy more than one-half acre, and which do not normally require human habitation for their operation outside of maintenance related activities, such as wells and switching equipment; excluding transmission facilities and uses in Section 18.44.050;
D. Small recycling collection facilities;
E. Off-site parking lot for businesses in this section;

F. Shopping center providing space for uses in this section;

G. Motel, hotel or recreational vehicle park with ten or fewer units.

H. Similar uses (18.100.010).

(Ord. 236-73 Exh. A(part), 1991)

18.44.040 - Uses permitted with an administrative permit.

Uses permitted with an administrative permit, subject to the provisions in Section 18.100.020, are as follows:

A. Assemblage of people.

(Ord. 236-73 Exh. A(part), 1991)

18.44.050 - Uses permitted with a use permit.

A. Assemblage of people ([section] 18.100.030).

B. One-family dwelling and accessory uses ([section] 18.100.030); two-family dwellings, multiple-family dwellings, recreational vehicle park, mobile home park, motel, hotel, boarding or room houses, bed and breakfast guest facility.

C. Care facility.

D. Public utilities such as transmission facilities; quasi-public uses and public uses that create noise, congestion or are not principally conducted within a building, when similar to uses in this section, such as fire halls, equipment yards, police stations, park, schools or community centers; or sensitive uses.

E. Service stations with major repair or overhaul facilities, car wash, truck stop, equipment repair shops, bulk fuel storage.

F. Bar, lounge, or any establishment where a principal activity is the on-premises consumption of alcoholic beverages rather than food service (includes a bar or lounge operated in conjunction with a food establishment).

G. Outdoor new and used retail sales, retail lumber yard, building materials sales yard; outdoor storage, mini-storage with more than ten units; new and used automobile, mobile home, farm, or other heavy equipment rental, sales, and service; wholesale stores; wholesale nursery.

H. Commercial amusement or recreational facilities such as roller rinks, bowling alley, golf courses; fairs, open air entertainment.

I. Animal shelter or clinic.

J. Medical marijuana collective uses ([section] 18.170.020)

K. Similar uses ([section] 18.100.030).

(Ord. No. 347, 11-9-2010; Ord. 236-73 Exh. A(part), 1991)

18.44.060 - Development standards.

Except as provided in Chapter 18.110:

A. Minimum lot size and width: six thousand square feet with a minimum width of sixty feet, except lots used for residential purposes shall be subject to the minim width in Section 18.36.060;

B. Minimum yards:

1. Front, side street: five feet,

2. Rear, side: five feet, except where the zone abuts an RH, RL, or RR zone, or an RT zone with an existing or approved dwelling, the yard shall be ten feet;

C. Access, parking, height limits, signs, other: as provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

18.44.070 - Conservation of values.

A. Any lot in any zone shall be improved and maintained as follows:

1. No trash or rubbish shall be allowed to accumulate on any lot or parcel.

2. It is unlawful to park, store, leave or to permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind or part thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any private property within the county for a period of time in excess of seventy-two hours, except that two or less such vehicles or parts thereof may be stored if within a building, or placed behind an opaque screening fence; and except that such vehicles and parts may be stored in a junk yard or automobile wrecking yard lawfully established pursuant to the provisions of this chapter.

B. The storage of merchandise, materials, partially or completely dismantled automobiles or salvage materials in any zone shall be enclosed in a sight-obscuring fence of not less than six feet in height, and such storage shall not be placed in a greater height than the enclosing wall or fence. Where such storage qualified as a legal nonconforming use, the property owner and/or proprietor shall have a period of six months from the date of notification of violation of this provision by the planning director to amortize such storage and bring it into conformance with this section.

(Ord. 236-75 (part), 1998)

Chapter 18.50 - INDUSTRIAL-LIGHT (IL) ZONE

Sections:

18.50.010 - Purpose.

The purpose of an IL zone is to provide areas where assembly, warehousing, wholesaling, and less noxious industrial activities may take place, particularly where heavy industry may not be appropriate. Such uses are generally conducted within a building, use materials which are in a processed form and do not emit unacceptable or injurious levels of any pollutant or by-product, such that this zone may be located in areas adjacent or in close proximity to residential areas. The IL zone also provides for a limited range of uses and activities which are accessory to permitted uses. The IL zone is consistent with the urban areas, light industrial, and general agriculture general plan designations, and may be applied to other areas when there are no conflicts with the general plan.

(Ord. 236-73 Exh. A(part), 1991)

18.50.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all IL zones, and shall be subject to the provisions and limitations set out in Chapters 18.100 through 18.110 of this title.

(Ord. 236-73 Exh. A(part), 1991)

18.50.030 - Uses permitted.

A. Combining, assembly, or packaging of the following when conducted within a building;
    1. Small equipment, instruments, or appliances such as medical, watches, clocks and photographic (except film),
    2. Pharmaceuticals, drugs, toiletries and cosmetics,
    3. Electronic and light electrical equipment, including radios, televisions and computers,
    4. Food products, except those which may create smoke, odors objectionable to the normal senses at the property boundary, or other pollutants,
    5. Products from previously prepared material, such as cloth, plastic, paper, leather, wood, glass, metal or stone;
B. Professional, business, research or administrative office when part of a permitted industrial use;
C. Research and development laboratories, institutes, and trade schools when conducted within a building and not involving flammable, explosive or hazardous materials;
D. Vehicle and equipment repair services, garages and body shops when conducted within a building;
E. Miscellaneous repair shops and related services when conducted within a building;
F. Welding, machine, wood working and sheet metal shops when conducted within a building;
G. Printing, engraving, lithographic and publishing facilities;
H. When conducted within a building, off-site construction supply, maintenance services, and contractors yards including building, electrical, plumbing, heating, roofing, painting, landscaping, excavation, and similar contractors; and janitorial, septic tank supply and similar services;
I. Wholesale businesses and sales, warehouses, storage buildings, and distribution facilities, except those involving flammable, explosive, or hazardous materials, or materials which create dust, odors, or fumes;
J. Nurseries and greenhouses; agricultural supply sales;
K. Public uses and public utilities; excluding sensitive uses, recreational facilities, power plants, or other uses in conflict with the purpose of the IL zone;
L. Retail sales related to permitted uses, when directly incidental to the principal use of the property; sales or rentals of agricultural or other heavy equipment;
M. Outdoor storage provided the storage area is completely enclosed by a solid wall or screening fence not less than six feet in height, except where the zone abuts an IL, I, AE, or TP zone. No material shall be stored to a height greater than the height of the screening wall or fence. If the storage area abuts an RH, RL, RT, RR-I, RR-2, or RR-3 zone, the fence height shall be increased to eight feet. Fences shall be maintained in good repair at all times. "Outdoor storage" includes contractor's yards, but excludes the storage of flammable, explosive, or hazardous materials or materials which create dust, odors, or fumes;

N. Recycling facilities, excluding recycling processing facilities;

O. Assemblage of people;

P. Continuation of existing agricultural uses;

Q. Private energy production;

R. Similar uses (18.100.010).

(Ord. 236-73 Exh. A(part), 1991)

18.50.040 - Uses permitted with a use permit.

A. Businesses that provide support service to light industrial uses or that will be primarily used by employees of the industrial area;

B. Repair of agricultural or other heavy equipment;

C. Light manufacturing including manufacture of ceramic products using only previously pulverized clay, hand tools, kitchen utensils, electronic, and light electrical equipment;

D. Animal pound, animal hospital or kennel, livestock auction yard;

E. Outdoor storage that does not meet the storage criteria in Section 18.50.030;

F. Caretakers residence, provided the use requires continued supervision of a caretaker, superintendent, or security persons, and the residence is to be occupied only by such person and family;

G. Multifamily dwelling units, mobilehome park, or recreational vehicle park, provided the density does not exceed forty persons per acre;

H. Truck yard, truck service station, truck terminals including accessory maintenance or repair facilities, or heavy equipment wash facilities;

I. Light industrial condominiums;

J. Light recycling processing facilities;

K. Airport;

L. Commercial recreational facilities such as race tracks, shooting ranges, or other uses which are generally conducted outdoors and which create dust, noise, glare, or fumes;

M. Public uses and quasi-public uses excluded from Section 18.50.030;

N. Public utilities; commercial energy facilities; commercial energy exploration;

O. Similar uses (18.100.030).

(Ord. No. 348, 7-20-2011; Ord. 236-73 Exh. A(part), 1991)

18.50.050 - Development standards.

Except as provided in Chapter 18.110. A. Minimum lot size and width: Six thousand square feet with a minimum width of sixty feet, except lots used for residential purposes, excluding caretaker's residence, shall be subject to the minimum lot size in Section 18.36.060.

B. Minimum yards:
    1. Front, side street: Ten feet.
    2. Rear, side: Five feet, except where the zone abuts an RH, RL, RR or RT zone, the yard shall be twenty feet and shall be increased one foot for each foot of height exceeding fifty feet.
C. Parking: As provided in Chapter 18.110. Yards which abut an RH or RL zone shall not be used for parking.
D. Maximum structure height: Seventy-five feet, except when the lot abuts an RH, RL, RR or RT zone, it shall be fifty feet plus one foot of height for each foot the yard is increased over thirty feet. Height regulations may be modified when a use permit is approved.
E. Access, signs, other: As provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

18.50.060 - Performance standards.

The following requirements shall apply to all uses specified in this zone:

A. Odors: No use shall create annoying odors readily detectable beyond the property line.
B. Vibration: No use shall create vibration detectable without instruments at the property line.
C. Electromagnetic interference: No use shall produce electromagnetic interference with normal radio or television reception in residential districts or with the function of electronic equipment beyond any property line.
D. Glare: No use shall create intense light or glare that causes a nuisance or hazard at the property line.

(Ord. 236-73 Exh. A(part), 1991)

18.50.070 - Performance standards—Administration.

A. In the IL zone, site plan review shall be conducted as provided in Chapter 18.120 for every application for which a building permit for the use, change of use, or extension of use is requested, or as part of a use permit or similar application. In addition to application information, the applicant shall submit a site plan, description of the proposed improvements and uses, and a list of all toxic, corrosive, flammable, explosive, hazardous, and extremely hazardous materials to be used in connection with the proposed use. The planning department shall consult with the applicable county, local, state and federal agencies, to determine whether the improvements or uses require the imposition of more restrictive yard, building, fire, storage, disposal or other requirements than would apply if the specified stands of this title, or other applicable regulations or laws were applied, in order that the purposes of this zone and this title are met. In connection with the issuance of a building permit, any recommendation by the planning department relative to the imposition of more restrictive requirements may be appealed to the planning commission as provided in Chapter 18.120.
B. Initial and continued compliance with performance standards is required for every use allowed as a permitted use or conditional use in the IL zone, and provisions for enforcement of noncompliance with performance standards shall be invoked pursuant to Chapter 18.158.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.54 - INDUSTRIAL (I) ZONE

Sections:

18.54.010 - Purpose.

The purpose of an I zone is to permit the normal operation of almost all types of industrial uses and their accessory uses, while limiting incompatible uses. Commercial and public uses such as offices, community buildings, and similar uses are generally excluded in order to preserve the limited supply of industrially zoned land for industrial uses. The I zone is consistent with heavy industrial, general agriculture, and exclusive to agriculture general plan designations, and may be applied in the urban areas and other areas when there are no conflicts with the general plan.

(Ord. 236-73 Exh. A(part), 1991)

18.54.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all I zones, and shall be subject to the provisions and limitations set out in Chapters 18.100 through 18.112 of this title.

(Ord. 236-73 Exh. A(part), 1991)

18.54.030 - Uses permitted.

A. Manufacture and/or assembly of the following or similar products:
    1. Equipment, machinery, aircraft, and related components; automobiles and related components; boats, motors, mobilehomes, and other products that require the use of heavy machinery;
    2. Small equipment, instruments, appliances, and electrical products such as clocks, watches, electrical appliances, computers, optical goods, and medical equipment;
    3. Refrigeration, heating and ventilation, sheet metal products, machine tools, and sheet metal products;
    4. Shoes, textiles, toys, sporting goods, musical instruments, and novelties;
    5. Ceramics, linoleum, and concrete products;
B. Manufacture of products made from aluminum, batteries, boxes, paper, brass, cans, copper, glass, iron, linoleum, steel, tin, wool, cloth, tools, yarn, plastic, leather, or stone;
C. Research activities, such as research and development laboratories,institutes, and trade schools which do not involve explosive, flammable, or hazardous materials;
D. Manufacture, research, assembly, testing and repair of components, devices, equipment and systems such as coils, semi-conductors, communication, navigation, metering, testing, photographic, optical, radio and television, scientific and mechanical equipment;
E. Wholesaling, warehouses, distribution centers, mini-storage and other storage, excluding those involving flammable, explosive, hazardous or other potentially

objectionable materials such as dead animals, sewage, or garbage;

F. Public uses such as a fire station, police station, or corporation yard; excluding sensitive public uses, recreational facilities, offices when not accessory to a permitted use, community buildings, and similar uses;

G. Public utilities;

H. Agricultural processing and storage facilities, nurseries, greenhouses, dairies, or creameries, excluding uses in Section 18.54.040;

I. Bulk storage of propane, oil, gasoline, and similar products;

J. Automobile, truck, bus, trailer, mobilehome, and heavy equipment repair, maintenance, service, wash, terminals, and yards; rail sidings, repair, and maintenance; other miscellaneous repair and maintenance services;

K. Construction supply, maintenance services and contractors yards including building, electrical, plumbing, heating, roofing, painting, landscaping, excavation, and similar contractors, and janitorial, septic tank supply, and similar services;

L. Animal shelter or clinic; animal kennel;

M. Caretaker's residence or night watchman's quarters, provided the use requires continued supervision of a caretaker, superintendent, or security persons and the residence is to be occupied only by such person and family;

N. Recycling facilities, excluding heavy recycling processing facilities;

O. Light industrial condominiums that provide space for uses listed in this section;

P. Commercial woodlot, wood working shops such as box, furniture, and wood products, provided that when a planer router, molder or similar equipment is maintained, the use of such equipment shall be conducted within a building;

Q. Businesses that provide accessory support services to uses permitted, when located on the same lot;

R. Retail sales incidental and accessory to a permitted use;

S. Heliport accessory to permitted uses;

T. Private energy development, commercial energy exploration;

U. Agricultural uses when a continuation of existing land use, excluding new residential uses;

V. Assemblage of people;

W. Similar uses (18.100.010).

(Ord. 236-73 Exh. A(part), 1991)

18.54.040 - Uses permitted with a use permit.

A. Waste facilities;

B. Airports;

C. Junkyard, auto dismantling;

D. Heavy recycling processing facility;

E. Commercial feed lot, auction yard, slaughter facilities, bone distillation, tannery, or curing of raw hides;

F. Manufacture of acids, alcohol, ammonia, asphalt, cellulose, cement, dyes, fertilizer, film, gelatin, glass, glue, tar, paint, plaster, gypsum, plastics, rubber, soap, vinyl floor covering, hazardous chemical products including acetylene, carbide, caustic soda, chlorine, cleaning and polishing preparations, creosote, exterminating agents, industrial gases, or explosives;

G. Processing plants which may produce objectionable odors, such as breweries, wineries, food processing and canneries; incinerators, metal smelting, alloying, foundries, drop forges, rolling, or other types of ore reduction; rubber processing; petroleum refining, and related uses; concrete or batch plants;

H. Storage of flammable, explosive, hazardous, or potentially objectionable materials such as dead animals, sewage, or garbage;

I. Commercial energy facilities; commercial energy exploration;

J. Saw mills, pulp mills;

K. Mining (18.100.030);

L. Public uses such as offices, community buildings, and recreation facilities, when not accessory to a permitted use; but excluding sensitive uses;

M. Similar uses (18.100.030).

(Ord. No. 348, 7-20-2011; Ord. 236-73 Exh. A(part), 1991)

18.54.050 - Development standards.

Except as provided in Chapter 18.110:

A. Minimum lot size and width: Three acres with a minimum width one hundred feet, except uses similar to uses listed in Section 18.50.030 shall be permitted on lots with a lesser area.

B. Minimum yards:

1. Front, side street: Ten feet.
2. Rear, side: Zero feet, except where the zone abuts an RH, RL, RR, or RT zone, the yard shall be fifty feet, and shall be increased one foot for each foot of height exceeding fifty feet. No storage, parking, or other outside activity shall be conducted in any yard abutting an RH, RL, RR, or RT zone.

C. Maximum structure height: One hundred feet, except where the zone lot abuts an RH, RL, RR, or RT zone the height shall be fifty feet, plus one foot of height for each foot the yard is increased over fifty feet. Height regulations may be modified when a use permit is approved.

D. Access, parking, signs, other: As provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.60 - PLANNED DEVELOPMENT (PD) ZONE

Sections:

The purpose of the PD zone is to provide for developments that, because of a mix of building types, land uses, or lot sizes, do not fit within the parameters of the principal zone districts. Planned developments are under unified control, comprehensively planned, and can provide a mix of uses that could otherwise create land use conflicts. Planned developments often cluster development in connection with open space or common areas and amenities. The PD zone is consistent with all general plan designations that provide for substantial residential, commercial, or industrial development, provided the design and proposed uses are consistent with the general plan designations within which the project is located.

(Ord. 236-73 Exh. A(part), 1991)

18.60.020 - Regulations applicable.

If an ordinance is adopted amending the zoning map to create a PD zone after approval of a planned development permit, the applicable parts of the planned development permit shall become part of the amending ordinance. In addition to the regulations adopted by ordinance, all other applicable provisions in this title which do not conflict with the adopted PD zone ordinance shall apply, unless otherwise stated. One or more overlay zones may combine with the PD zone. All PD zones need not have the same regulations.

(Ord. 236-73 Exh. A(part), 1991)

18.60.030 - Uses permitted.

The uses permitted in the PD zone may include any use or combination of uses which are arranged and designed in such a manner as to result in a development which is internally compatible, compatible with surrounding uses, and consistent with the general plan and any applicable specific plan. All PD zones need not have the same types of uses. Permitted uses in a particular PD zone shall include applicable uses approved as part of the planned development permit and adopted by ordinance.

(Ord. 236-73 Exh. A(part), 1991)

18.60.040 - Uses permitted with an administrative permit.

Any PD zone for a particular project may provide for uses subject to obtaining an administrative permit, including the limitations and criteria by which to determine conformance.

(Ord. 236-73 Exh. A(part), 1991)

18.60.050 - Uses permitted with a use permit.

Any PD zone for a particular project may provide for uses subject to obtaining a use permit.

(Ord. 236-73 Exh. A(part), 1991)

18.60.060 - Development standards.

The development criteria in this section shall apply to development approved under a planned development permit and adopted by ordinance in the PD zone.

(Ord. 236-73 Exh. A(part), 1991)

A. The planned development permit shall identify the principal zones in this title which reflect to the greatest degree the type and intensity of uses and development proposed for the PD zone. Where it is possible to make such correlations, the regulations in each identified principal zone shall be considered for application within the PD zone. The plan shall also consider the special use and development standards in this chapter and title for application within the PD zone, unless more restrictive standards are proposed.

B. Minimum development area: one acre.

C. Open space areas, including land used for outdoor- oriented recreational uses, agriculture, resource protection, amenity buffers, and utility easements crossing open space; but excluding yards or lots occupied by dwelling units or adjacent to other buildings when not directly related to recreation areas, parking areas, roads and road easements: Access to open areas and facilities available to all residents of project, maintenance in natural or enhanced state, situated and clustered to provide a sense of openness and usable area.

D. Yards/setbacks: Front, side and rear yards shall consider the overall plan for site development. Zero lot lines may be allowed when privacy, access, safety, circulation, and compatibility are provided for.

E. Circulation and access design: Dwelling areas shall have only limited access to major traffic arteries; cul-de-sacs and short loop streets should be limited to minor streets; the ultimate development density and intensity should be considered in circulation patterns and improvements.

F. The policies and development standards in the general plan and any applicable specific plan.

(Ord. 236-73 Exh. A(part), 1991)

18.60.070 - Special application provisions-Planned development permit.

Prior to making application for an amendment to this title to adopt a PD zone ordinance, a planned development permit shall be obtained as provided in Chapter 18.126. The permit shall encompass the entire project site and all proposed uses. No development in anticipation of rezoning to the PD zone, including grading or other site development, shall be commenced prior to approval of a planned development permit.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.62 - PUBLIC FACILITIES (PF) ZONE

Sections:

18.62.010 - Purpose.

To be applied to lands upon which public uses or public utilities are operated. The PF zone is consistent with all general plan land use designations.

(Ord. 236-73 Exh. A(part), 1991)

18.62.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all PF zones subject to the provisions and limitations set out in Chapters 18.100 through 18.112 of this title.

(Ord. 236-73 Exh. A(part), 1991)

18.62.030 - Uses permitted.

The following uses are permitted in a PF zone if operated as a public use or public utility:

A. Office; administration offices;

B. Neighborhood park or recreation use;

6. School or college, educational facilities;

D. Public utility switching equipment;

E. Employee housing for employees and their families when accessory to a use permitted on the same lot;

F. Public facilities not listed in Section 18.62.040 that (1) do not emit dust, smoke, odor, bright light, vibration, or unacceptable levels of noise or traffic, or which do not involve dangerous or hazardous materials; and (2) are conducted within a building or within an area which is fenced and completely screened from view;

G. Similar uses (18.100.010).

(Ord. 236-73 Exh. A(part), 1991)

18.62.040 - Uses permitted with a use permit.

The following uses are permitted in a PF zone when operated as a public use or public utility subject to obtaining a use permit:

A. Solid waste facility;

B. Sewage treatment facilities;

C. Correctional institution;

D. Care facilities that serve more than twelve clients;

E. Human cemetery;

F. Fire station, corporation yard;

G. Fairground;

H. Transmission facilities; other public facilities and uses than do not meet the criteria in Section 18.62.030;

I. Similar uses (18.100.030).

(Ord. 236-73 Exh. A(part), 1991)

18.62.050 - Development standards.

A. Minimum lot size: None.

B. Minimum yards:

1. Front, side street: Twenty feet.
2. Side, rear: Zero, except where the PF zone abuts an RH, RL, RR or RT zone, the yard shall be ten feet, and shall be increased one foot for each foot of height exceeding fifty feet.

C. Maximum structure height: One hundred feet, except where the zone abuts an RH, RL, RR, or RT zone, it shall be fifty feet, plus one foot of height for each foot the yard is increased over thirty feet.

D. Other: As provided in Chapter 18.110.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.66 - UNCLASSIFIED (U) ZONE

Sections:

18.66.010 - Purpose.

To be applied as a holding zone until a precise zoning district has been adopted for the property. All new uses in this zone shall be consistent with applicable policies in the general plan.

(Ord. 236-73 Exh. A(part), 1991)

18.66.020 - Regulations applicable.

In the interim period while property is zoned U, the regulations in this chapter shall apply, subject to the provisions and limitations in Chapters 18.100-18.112.

(Ord. 236-73 Exh. A(part), 1991)

18.66.030 - Permitted uses.

The following uses are permitted provided no use shall conflict with applicable general plan policies:

A. Uses specified in section 18.24.030, subsections A. through L., N. and O.

B. Residential uses specified in section 18.24.030.M; provided that for lands designated exclusive agriculture on the general plan land use map, section 18.18.030, subsection L. shall apply.

C. Emergency shelter if located within an "urban area" (only within locations where community services are located, such as near Alturas and Cedarville) as identifi plan and in compliance with all performance standards of section 18.110.090 of this code (not located within the Cal Pines community area).

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.66.040 - Uses permitted with an administrative permit, subject to the provisions in section 18.100.020 or as specified.

A. Assemblage of people;

B. Guest house;

C. The uses in section 18.24.040, subsection C. subject to the specified criteria; provided that this subsection shall not apply to property located in any area designated urban areas or rural residential on the general plan land use plan, and the property is not located on the general plan Alturas area land use map.

(Ord. No. 236-146, 12-12-2017; Ord. No. 348, 7-20-2011; Ord. 236-73 Exh. A(part), 1991)

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, changed the title of § 18.66.040 from "Uses permitted with an administrative permit" to read as herein set out.

18.66.050 - Conditional uses.

The following uses may be considered with a use permit, provided the use does not conflict with the applicable general plan policies:

A. Administrative permit uses when the criteria are not met;

B. Uses in Section 18.66.040 which are not otherwise prohibited by law.

(Ord. 236-73 Exh. A(part), 1991)

18.66.060 - Development standards.

Except as provided in Chapter 18.110:

A. Minimum lot size: Three acres, except as follows:

1. As a condition of development, the approving body may require a substantial increase in minimum lot size for the purpose of mitigating impacts to resources and facilitating services, pursuant to the general plan and any applicable specific plan.

B. Minimum yards:

1. Front, side street: Dwellings and nonfarm buildings: twenty feet; farm buildings: ten feet.

2. Rear, side: Five feet; except where a U zone abuts an RH, RL, or RR zone, the yard for farm buildings shall be twenty feet; where a U zone abuts an AE zone, the yard for dwellings shall be fifty feet.

C. Access, parking, height limits, signs, other: as provided in Chapter 18.110.

D. Maximum lot coverage: Ten percent, excluding lots less than five acres.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.70 - FLOOD HAZARD (FH) ZONE

Sections:

18.70.010 - Purpose.

The FH zone is an overlay zone and is applied in combination with principal zones to minimize or avoid hazards to life and property from flooding in the special flood hazard areas established by the Federal Emergency Management Agency (FEMA), and in other areas of significant flood hazard designated by the county. The FH zone is consistent with all general plan land use designations.

(Ord. 236-73 Exh. A(part), 1991)

18.70.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all FH zones, and shall supersede conflicting or less restrictive regulations of the zones which they overlay. The FH zone includes all areas designated "Zone A, AE, AH, AO, Al-30, or A99" on the adopted flood insurance rate maps and any amendments thereto, and may be additionally applied to other areas of significant flood hazard designated on the zoning maps by the county.

(Ord. 236-73 Exh. A(part), 1991)

18.70.030 - Liability-Warning and disclaimer.

The adoption of this ordinance does not imply that land outside the FH zone will be free from flooding or flood damages. Larger floods can occur and flood heights can be increased by man-made or natural causes. This chapter shall not create liability on the part of the county or any person for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 236-73 Exh. A(part), 1991)

18.70.040 - Definitions.

The words and phrases set out in this section shall have the designated meanings in this chapter.

A. "Area of shallow flooding" means the designation AO or AH on the flood insurance rate map. The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and undetermined; and velocity flow may be evident.

B. "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year (also called the "100-year flood").

C. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

D. "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 located within the area of special flood hazard.

E. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of floodwaters, an and rapid accumulation or runoff of surface waters from any source.

F. "Flood Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazard.

G. "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 hazard areas and the risk premium zones applicable to the community.

H. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary Map, and the water surface elevation of the base flood. Each flood insurance study which accompanies an adopted FIRM shall be hereby adopted by reference.

I. "Flood plain or flood-prone area" means any land area susceptible to being inundated by water from any source (see "flooding").

J. "Flood plain administrator" means the county official responsible for carrying out the duties associated with the permit for which an application has been made.

K. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. A floodproofed structure means that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water, and structural components are capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

L. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, 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, that such enclosure is not built so as to render the structure in violation of applicable non-elevation design requirements of this title.

M. "Manufactured dwelling" also includes camp trailers, travel trailers and other similar vehicles when placed on a site for more than one hundred eighty consecutive days.

N. "Manufactured dwelling park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

O. "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 or a community's flood insurance rate map are referenced.

P. "New construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain regulation adopted by the county.

Q. "One hundred year flood" or "100-year flood". See Base flood.

R. "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include (1) land

preparation, such as clearing, grading and filling, (2) installation of streets or walkways, (3) excavation for a basement, footings, piers, or foundations or the erection of temporary forms, or (4) installation of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

S. "Special flood hazard area" means an area having special flood hazards, shown on the FIRM as Zone A, AE, AO, Al-30, or A99, and is equivalent to the FH zone.

T. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

U. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure (1) before the improvement or repair is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. "Substantial improvement" does not include (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(Ord. 236-73 Exh. A(part), 1991)

18.70.050 - Development application.

Applications for building permits and all land use entitlements in the FH zone shall include plans and specifications for all proposed construction and the following:

A. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed.

C. Location and type of drainage facilities, amount of fill or storage, and the extent to which any watercourse will be altered or relocated.

D. All appropriate certifications required by this chapter.

E. Subdivision and use permit applications shall identify the flood hazard area and elevation of the base flood.

F. Any other information deemed necessary by the building or planning department in order to carry out the purposes of this chapter, and as necessary to make the determinations required by this chapter.

(Ord. 236-73 Exh. A(part), 1991)

18.70.060 - Actions.

A. Findings: No building permit or other land use entitlement shall be granted unless the approving body makes the following findings:

1. That the requirements in Section 18.70.070 have been met.
2. That the development is reasonably safe from flooding.
3. Drainage has been designed to reduce exposure of proposed and anticipated development to flood hazards.
4. That all subdivision and use permit proposals are consistent with the need to minimize flood damage.

B. Use of other base flood data: When base flood elevation data has not been provided by FEMA, the flood plain administrator shall obtain, review, and reasonably utilize the best data available from any source, including high water marks, floods of record and private engineering reports.

C. Elevation certificates: The flood plain administrator shall obtain and maintain the elevation certifications necessary to confirm that the elevation requirements in Sect 18.70.070 have been met.

D. Watercourse modification: The flood plain administrator shall notify adjacent communities and the Department of Water Resources prior to any permitted alteration or relocation of a watercourse.

(Ord. 236-73 Exh. A(part), 1991)

18.70.070 - Development standards.

All uses in the FH zone shall comply with the following standards and restrictions:

A. Other permits. All permits from governmental agencies whose approval of development in the FH zone is required by federal or state law shall be obtained prior to commencement of any construction or installation of any structure, water supply or sewage disposal system.

B. Anchoring. All new construction and substantial improvements shall be designed or anchored to prevent flotation, collapse, or lateral movement of the structure due to flooding.

C. Construction materials and methods. All construction materials shall be resistant to flood damage, construction methods and practices which will minimize flood damage shall be used, and all public utilities shall be located and constructed to minimize flood damage.

D. Sewage disposal and water supply. All new and replacement water supply and sewage disposal systems shall be designed and installed to prevent infiltration from and discharge into floodwaters.

E. Heating, electrical, plumbing facilities. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding.

F. Elevation of residential structures. For all residential structures or substantial improvements to existing residential structures:

1. In FIRM Zone AH or AO: The lowest floor, including the basement, shall be elevated above the highest adjacent grade or at least as high as the depth number specified in feet on the FIRM, or at least two feet if no depth number is specified, and certified as such by a registered professional engineer or surveyor, or verified by the flood plain administrator as being properly elevated.
2. In FIRM Zone A, AE, A1-30, or A99: The lowest floor, including the basement, shall be at or above the base flood elevation, and certified as such by a registered professional engineer or surveyor, or verified by the flood plain administrator as being properly elevated.

G. Elevation of nonresidential structures. Nonresidential construction shall either be elevated in conformance with subsection F, or shall be floodproofed below the base flood level and certified as such by a registered professional engineer or architect.

H. Enclosed areas below lowest floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

I. Manufactured dwellings in manufactured dwelling parks or subdivisions.

1. When a manufactured dwelling located in an existing manufactured dwelling park or manufactured dwelling subdivision is damaged as the result of a flood, requiring substantial improvement or replacement, all future placements or substantial improvements on that site shall be elevated to or above the base flood elevation. The elevation shall be certified by a registered professional engineer or surveyor.
2. All other manufactured dwellings placed or substantially improved in existing manufactured dwelling parks or subdivisions must be elevated on reinforced piers or other foundation elements that are at least three feet in height above grade or have their lowest floor at or above the base flood elevation if this allows for a lower foundation. The flood elevation shall be certified by a registered professional engineer or surveyor.

J. Subdivisions and use permits. When the base flood elevation is not provided by FEMA, subdivision and use permit applications shall provide the location of the flood hazard area and the elevation of the base flood. Final subdivision and use permit plans shall provide the elevation of the proposed structure(s) and pads, and if the site is filled above the base flood elevation, the final pad elevation shall be certified by a registered professional engineer or surveyor.

K. Watercourse alteration or relocation. No work that alters or relocates any portion of a watercourse shall diminish the flood carrying capacity of the altered or relocated portion of the watercourse.

(Ord. 236-73 Exh. A(part), 1991)

18.70.080 - Appeals.

Any person may appeal the decision of the flood plain administrator as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.060, or if the appeal is heard in conjunction with a decision on a proposed land use entitlement, the appeal may follow the same procedures as an appeal to the land use entitlement being considered. In granting an appeal the factors in subsection C of Section 18.70.100 shall be considered.

(Ord. 236-73 Exh. A(part), 1991)

18.70.090 - Administrative variances.

In interpreting the provisions of this chapter, the flood plain administrator may on his or her own motion allow modifications or exceptions, provided that the flood plain administrator assumes the responsibilities of the planning commission under subsections C through F of Section 18.70.100.

(Ord. 236-73 Exh. A(part), 1991)

18.70.100 - Variances.

A. Application. Applications for variances from the provisions of this chapter shall be made pursuant to Chapter 18.132 and this section.

B. Variances permitted.

1. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of uses requiring proximity to water, provided that the provisions of this section are met and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats of public safety.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to

and surrounded by lots with existing structures constructed below the base flood level, provided the factors in subsection C of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

C. Factors to be considered. In making a determination, the commission (or appellate body) shall consider all technical evaluations, all relevant factors and standards specified in this chapter, and the following:
   1. The danger that materials may be swept into other lands and injure others.
   2. The danger to life and property due to flooding.
   3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
   4. The importance of the services provided by the proposed facility to the community.
   5. The necessity to the facility of a waterfront location, where applicable.
   6. Availability of alternative locations for the proposed use which are not subject to flood damage.
   7. Compatibility of the proposed use with existing and anticipated development.
   8. The relationship of the proposed use to the general plan and flood plain management program for that area.
   9. Safety of access to the property in time of flood for ordinary and emergency vehicles.
   10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
   11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, electrical, and water systems, and streets and bridges.

D. Findings. In addition to the findings in Chapter 18.132, no variance shall be granted unless the planning commission finds that: (1) the variance allowed is the minimum necessary, considering the flood hazard, to afford relief, and (2) the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. Conditions. In granting a variance the planning commission may attach conditions deemed necessary to further the purposes of this chapter and this title.

F. Effect of Action. An applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be directed to be recorded by the flood plain administrator in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.71 - FLOODPLAIN MANAGEMENT

Sections:

Footnotes:
*--- (**1**) ---*
***Editor's note—** Ord. No. 340, Exh. A, adopted Dec. 9, 2008, amended Ch. 18.71 in its entirety to read as herein set out. Former Ch. 18.71, §§ 18.71.010—18.71.250, pertained to similar subject matter, and derived from Ord. No. 236-74, § 1(part), adopted in 1997. For classification purposes and at the discretion of the editor, Arts. I—V have been added.*

ARTICLE I. - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

18.71.010 - Statutory authorization.

The Board of Supervisors of the County of Modoc adopts the following floodplain management regulations in accordance with Government Code sections 65302, 65560, and 65800.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.020 - Findings of fact.

A. The flood hazard areas of Modoc County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities also contributes to flood losses.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.030 - Statement of purpose.

The purpose of this chapter is to set forth legally enforceable regulations for the community that applies to all development within the identified special flood hazard areas (SFHA). These regulations are designed to:

A. Protect human life and health;

B. Promote the public health, safety, and general welfare of the community;

C. Minimize expenditure of public money for costly flood control projects by reducing public and private losses due to flood conditions;

D. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

E. Minimize prolonged business interruptions;

F. 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;

G. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

H. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

I. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.040 - Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes regulations to:

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Control filling, grading, dredging, and other development which may increase flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.050 - 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." See "Special flood hazard area."

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than two cars; or
2. A small, low cost shed for limited storage, less than 150 square feet and one thousand five hundred dollars in value.

"Accessory use" means a use, which is incidental and subordinate to the principal 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.

"Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard." See "Special flood hazard area."

"Base flood" means a flood, which has a one percent chance of being equaled or exceeded in any given year (also called the "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 AE, AH, A1-30, VE and V1—V30 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 manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

"Existing 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 before September 24, 1984.

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

"Flood, flooding, or floodwater" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

"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 areas of special flood hazards 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 areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" 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.

"Floodplain or floodprone area" means any land area susceptible to being inundated by water from any source. See "Flooding."

"Floodplain administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"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 and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in floodprone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

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

"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.

"Fraud and victimization" as related to article V of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the board of supervisors will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"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.

"Governing body" is the local governing unit, i.e., county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to article V of this chapter, means the exceptional hardship that would result from a failure to grant the requested variance. The board of supervisors requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved

state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable nonelevation design requirements including, but not limited to:
    a. The flood openings standard in subsection 18.71.170C.3.;
    b. The anchoring standards in subsection 18.71.170A.;
    c. The construction materials and methods standards in subsection 18.71.170B.; and
    d. The standards for utilities in section 18.71.180.
2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the county of modoc substantial damage/improvement procedures. See subsection 18.71.140B.1.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after September 24, 1984, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 24, 1984.

"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." See "Base flood."

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" as related to article V 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 vehicle, which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"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. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance 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.

"Sheet flow area." See "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1—A30, AE, A99, or AH.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of

temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"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" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its "before damaged" condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"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.

(Ord. No. 340, Exh. A, 12-9-2008)

ARTICLE II - GENERAL PROVISIONS

18.71.060 - Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of Modoc County.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.070 - Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Modoc County, dated September 24, 1984, with accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway map (FBFMs), dated September 24, 1984, and as all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This information is on file and may be viewed at the Modoc County Planning Department, 203 West 4th Street, Alturas.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.080 - Compliance.

No structure or land shall be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. The board of supervisors shall take lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.090 - Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.100 - Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.110 - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of board of supervisors, 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.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.120 - Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. No. 340, Exh. A, 12-9-2008)

ARTICLE III - ADMINISTRATION

18.71.130 - Designation of the floodplain administrator.

The planning director is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.140 - Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

A. Permit review. Review all development permits to determine:
    1. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
    2. All other required state and federal permits have been obtained;
    3. The site is reasonably safe from flooding;
    4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. 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 the County of Modoc; and
    5. 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.
B. Development of substantial improvement and substantial damage procedures.
    1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market value."
    2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

C. Review, use and development of other base flood data. When base flood elevation data has not been provided in accordance with section 18.71.070, the floodpl administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, ir administer article IV.

NOTE: A base flood elevation may 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.

D. Notification of other agencies.

1. Alteration or relocation of a watercourse:
    a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
    b. Submit evidence of such notification to the Federal Emergency Management Agency; and
    c. Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.
2. Base Flood Elevation changes due to physical alterations:
    a. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
    b. All 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.

   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.

3. Changes in corporate boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of floodplain development. Obtain and maintain for public inspection and make available, as needed the following:

1. Certification required by subsection 18.71.170C.1. and section 18.71.200 (lowest floor elevations);
2. Certification required by subsection 18.71.170C.2. (elevation or floodproofing of nonresidential structures);
3. Certification required by subsection 18.71.170C.3. (wet floodproofing standard);
4. Certification of elevation required by subsection 18.71.190A.3. (subdivisions and other proposed development standards);
5. Certification required by subsection 18.71.220B. (floodway encroachments); and
6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, 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 section 18.71.160.

G. Remedial action. Take action to remedy violations of this chapter as specified in section 18.71.080.

H. Biennial report. Complete and submit biennial report to FEMA.

I. Planning. Assure that the general plan is consistent with floodplain management objectives herein.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.150 - Development permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in section 18.71.070. Application for a development permit shall be made on forms furnished by the Modoc County Planning Department. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in section 18.71.070 or subsection 18.71.140C.;
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in subsection 18.71.170C.2. 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 the floodproofing criteria in subsection 18.71.170C.2.

C. For a crawl-space foundation, location and total net area of foundation openings as required in subsection 18.71.170C.3. 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 listed in subsection 18.71.140E. of this chapter.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.160 - Appeals.

Appeals shall be heard by the planning commission as outlined in chapter 18.144 of this ordinance [Code] 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.

(Ord. No. 340, Exh. A, 12-9-2008)

ARTICLE IV. - PROVISIONS FOR FLOOD HAZARD REDUCTION

18.71.170 - Standards of construction.

In all areas of special flood hazards the following standards are required:

A. Anchoring. All new construction and substantial improvements of structures, including manufactured homes, 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.

B. Construction materials and methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood-resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and floodproofing.

1. Residential construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
   a. In AE, AH, A1-30 zones, elevated to or above the base flood elevation.
   b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
   c. In an A zone, without BFEs specified on the FIRM (unnumbered A zone), elevated to or above the base flood elevation; as determined under subsection 18.71.140C.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the Modoc County Building Inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

2. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with subsection C.1. or:
   a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under subsection C.1., so that the structure is watertight with walls substantially impermeable to the passage of water;
   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
   c. Be certified by a registered civil engineer or architect that the standards of subsections C.2.a. and b. are satisfied. Such certification shall be provided to the floodplain administrator.
3. Flood openings. All new construction and substantial improvements of 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:

a. For nonengineered openings:

(1) 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;

(2) The bottom of all openings shall be no higher than one foot above grade;

(3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

(4) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter.

b. Be certified by a registered civil engineer or architect.

4. Manufactured homes.

a. See section 18.71.200.

5. Garages and low cost accessory structures.

a. Attached garages.

(1) 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 floodwaters. See subsection C.3. Areas of the garage below the BFE must be constructed with flood-resistant materials. See subsection B.

(2) 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.

b. Detached garages and accessory structures.

(1) "Accessory structures" used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in section 18.71.050, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

Use of the accessory structure must be limited to parking or limited storage:

(a) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

(b) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

(c) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

(d) The accessory structure must comply with floodplain encroachment provisions in section 18.71.220; and

(e) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with subsection C.3.

(2) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in [this] section.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.180 - Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
    1. Infiltration of floodwaters into the systems; and
    2. Discharge from the systems into floodwaters.
B. Onsite waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.190 - Standards for subdivisions and other proposed development.

A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or five acres, whichever is the lesser, shall:
    1. Identify the special flood hazard areas (SFHA) and base flood elevations (BFE).
    2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
    3. If the site is filled above the base flood elevation, 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:
        a. Lowest floor elevation.
        b. Pad elevation.
        c. Lowest adjacent grade.
B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
C. 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.
D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.200 - Standards for manufactured homes.

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
    1. Within zones A1-30, AH, and AE on the community's flood insurance rate map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, and AE on the community's flood insurance rate map that are not subject to the provisions of subsection A. will be securely fastened to an adequately anchored foundation

system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation; or
2. Reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade support manufactured home chassis.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the Modoc County Building Inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.210 - Standards for recreational vehicles.

A. All recreational vehicles placed in zones A1-30, AH, and AE will either:
   1. Be on the site for fewer than 180 consecutive days;
   2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
   3. Meet the permit requirements of section 18.71.150 of this chapter and the elevation and anchoring requirements for manufactured homes in subsection 18.71.200A.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.220 - 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:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the County of Modoc.
B. Within an adopted regulatory floodway, the Modoc County Planning Department shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered 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.
C. If subsections A. and B. are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of article IV.

(Ord. No. 340, Exh. A, 12-9-2008)

ARTICLE V. - VARIANCE PROCEDURE

18.71.230 - Nature of variances.

The variance criteria set forth in this section of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

The long term, goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. These 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 issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.240 - Conditions for variances.

A. Variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of articles III and IV of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "Historic structures" (as defined in section 18.71.050 of this chapter) 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.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the Modoc County Planning Commission 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 Modoc County Planning Commission believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

    1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and

    2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the Office of the Modoc County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial rep submitted to the Federal Emergency Management Agency.

(Ord. No. 340, Exh. A, 12-9-2008)

18.71.250 - Appeal board.

A. In passing upon requests for variances, the Modoc County Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
   1. Danger that materials may be swept onto other lands to the injury of others;
   2. Danger of life and property due to flooding or erosion damage;
   3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
   4. Importance of the services provided by the proposed facility to the community;
   5. Necessity to the facility of a waterfront location, where applicable;
   6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
   7. Compatibility of the proposed use with existing and anticipated development;
   8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
   9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
   10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
   11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Variances shall only be issued upon a:
   1. Showing of good and sufficient cause;
   2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and
   3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections 18.71.250A. through D. are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of subsection 18.71.240A. and the purposes of this chapter, the Modoc County Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(Ord. No. 340, Exh. A, 12-9-2008)

Chapter 18.74 - ENVIRONMENTAL PROTECTION (EP) ZONE

Sections:

18.74.010 - Purpose.

The EP zone is an overlay zone and is intended to be applied in combination with specified zones for the purpose of protecting and conserving wildlife habitat, environmentally sensitive areas, or other environmental resources while providing options for development on those portions of property that are less sensitive, provided there are no conflicts with the general plan. The EP zone may also be applied to protect the health, safety, and welfare of the public by restricting development in areas with environmental hazards. The EP zone is supported by the M zone.

(Ord. 236-73 Exh. A(part), 1991)

18.74.020 - Applicability.

The regulations set out in this chapter shall apply in all EP zones, and shall provide for the modification of the minimum lot size regulations and densities of the principal zone which it overlays as specified in this chapter. The EP zone may be applied in combination with the LI, LIC, AE, RC, OFG, RR, and AG zones, for the express purposes of environmental protection or protection of the public from environmental hazards as described in Section 18.74.010. The M zone shall also be applied in areas to which the EP zone is applied.

(Ord. 236-73 Exh. A(part), 1991)

18.74.030 - Development standards.

The following criteria shall apply to the establishment of the EP zone:

A. The area proposed for restricted development shall include the environmentally sensitive or hazardous area, and must encompass at least twenty acres. Land proposed for development restriction must have environmental value or encompass a hazard.

B. The minimum lot size in the subject principal zone shall establish the average density, meaning either parcels or dwelling units. The number of parcels or dwelling units that may be proposed for development shall not exceed the total number of acres proposed for inclusion in the EP zone divided by the average density, except as provided in Section 18.74.040.

C. The minimum lot size in the area proposed for development shall be not less than the carrying capacity of the land when all environmental factors are considered and mitigated below a significant level, nor less than one acre.

D. When any lot proposed in the EP zone is less than three acres, public water or public sewer shall be available and utilized. Except, an exemption from the requirement of this subsection may be granted by the planning commission, acting upon a finding by the county health officer that a lesser size is adequate to accommodate the proposed water system and sewage disposal system without endangering the health of any person or the environment.

E. The M zone shall be applied to all areas proposed to be zoned EP, including the development area and restricted development area, wherein future division

shall be prohibited or restricted upon application of the M zone. When the proposal consists of multiple dwelling units instead of individual lots, the appropriate application must also be approved in order to allow a multiple dwelling unit project.

F. When the county determines it to be in the public interest it may require, as a condition of land use entitlement, that notice of the establishment of the EP zone and M zone be recorded in the office of the county recorder in reference to the subject property.

G. Development in the EP zone shall be consistent with the policies and provisions of the general plan and any applicable specific plan.

(Ord. 236-73 Exh. A(part), 1991)

18.74.040 - Reserved.

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, repealed former § 18.74.040 which pertained to density bonus, and derived from Ord. No. 236-73, adopted in 1991.

18.74.050 - Special provisions.

A. Application: In addition to the application requirements in Chapter 18.134, an application for an amendment to apply the EP zone shall identify the nature and location of the environmental resource or constraint which makes the property eligible for inclusion in the EP zone, the location and number of acres proposed for development and restricted development, and a request to apply the M zone to the property proposed to be included in the EP zone. If the proposal consists of a multiple dwelling unit project instead of the division of individual lots then an application for a use permit shall also be required.

B. Finding for approval: In addition to the requirements in Chapter 18.134, the board of supervisors shall make a written finding establishing the necessity for the protection of the specified environmental resource or protection of the public from an environmental hazard.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.78 - MIGRATION PROTECTION (MP) ZONE

Sections:

18.78.010 - Purpose.

The MP zone is an overlay zone and is intended to be applied in combination with other zones to protect key antelope migration routes, antelope migration corridors, and deer migration corridors by limiting encroachments by new structures and uses, subdivision, and other development, provided there are no conflicts with the general plan.

(Ord. 236-73 Exh. A(part), 1991)

18.78.020 - Regulations applicable.

The regulations set out in this chapter shall apply in all MP zones.

(Ord. 236-73 Exh. A(part), 1991)

18.78.030 - Restriction determination.

A. When an application for development in the MP zone is received by the planning department, the planning director shall determine whether the regulations in this chapter apply to the proposed development. The applicant shall supply information regarding the characteristics of the subject property as required by the director for the purpose of making a determination. If the boundary of the MP zone in relation to the proposed development is uncertain, an on-site visit shall be conducted including the director or designee, applicant or agent, and representative from the State Department of Fish and Game.

B. The determination by the director may be appealed to the planning commission as provided in Chapter 18.120, or may be processed with a project application.

(Ord. 236-73 Exh. A(part), 1991)

18.78.040 - Development standards.

In the MP zone, the following standards and limitations shall apply:

A. The configuration of the MP may be varied in response to site-specific conditions. Generally the EP zone shall be situated to form a continuous corridor. When a migration route can be specifically identified, the EP zone is generally a maximum one-quarter mile wide area along each side of the migration route.

B. The design, improvement, and location of development requiring a land use entitlement or building permit, including new building sites, structures, uses, and increased human activity, shall be consistent with the intent to minimize encroachment on and interference with key antelope migration routes, antelope migration corridors, or deer migration corridors within the MP zone.

C. The modification, enlargement, or change of use of a building or developed site which is legally existing at the time the MP zone is applied and which does not substantially increase encroachment or intense human activity within the MP zone shall be exempt from the provisions of this chapter.

D. When fencing is required or regulated as a condition of approval of a subdivision, use permit, or other land use entitlement, such fencing may be required to conform to antelope fencing specifications. Otherwise, existing fences, including the reconstruction, modification, relocation, or placement of new fencing, shall be exempt from the provisions of this chapter.

E. When the county determines it to be in the public interest, it may require, as a condition of a land use entitlement approval, that notice of the establishment of the MP zone be recorded in the office of the county recorder in reference to the subject property.

(Ord. 236-73 Exh. A(part), 1991)

18.78.050 - Exception from development standards.

An exception from the provisions of Section 18.78.040 may be granted by the body making determinations on a land use entitlement if it makes a written finding that either the conditions in subsections A, B and C of this section exist, or that the condition in subsection D of this section exists.

A. The natural and man-made characteristics of the project site and its development will not cause impediments to the ability of the migrating animals to vary their migration route through the subject area, and the integrity and continuity of the key antelope migration route will not be compromised.

B. The approval of the proposed development in the MP zone will not compromise the objectives and purposes of the general plan, any applicable specific plan, and this chapter.

C. The physical characteristics of the subject property are unique and are not generally applicable to other land in the MP zone which is traversed by the same key migration route as the subject property.

D. Strict adherence to the provisions of the MP zone would prohibit or substantially prohibit all permitted uses in the principal zone which it overlays, particularly because the subject property is substantially located within the MP zone or constraints exist to development of the subject property located outside the MP zone.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.82 - MINIMUM LOT SIZE (M) ZONE

Sections:

18.82.010 - Purpose.

The M zone is an overlay zone and is intended to be applied in combination with other zones for the purpose of protecting resources, reducing environmental impacts and preserving the character of a particular area, through the restriction of subdivision.

(Ord. 236-73 Exh. A(part), 1991)

18.82.020 - Regulations applicable.

The regulations in this chapter shall apply in all M zones, in addition to the regulations in the principal zone which the M zone overlays provided that the M zone shall specify the minimum lot size in lieu of that designated for the zone which it overlays.

(Ord. 236-73 Exh. A(part), 1991)

18.82.030 - Development standards-Lot regulations.

In an M zone, the minimum lot size shall be the size of the property to which the M zone is applied; or alternatively, the minimum lot size shall be designated upon application of the M zone such that M-20 shall designate a twenty acre minimum lot size. Notwithstanding any other provision in this title, any lot or parcel in the M zone may be increased in size through a lot line adjustment or merger when necessary for health, welfare or safety reasons.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.86 - ANIMAL RESTRICTIONS (AR) ZONE

Sections:

18.86.010 - Purpose.

The AR zone is an overlay zone and is intended to be applied in combination with other zones for the purpose of protecting the public health, safety, welfare, comfort, and convenience by restricting the keeping of animals in areas reserved for medium or high density residential uses. The AR zone may also be applied in other situations or areas where uses or densities may not be compatible with more permissive animal controls.

(Ord. 236-73 Exh. A(part), 1991)

18.86.020 - Applicability.

The regulations set out in this chapter shall apply in all AR zones, and shall by this reference apply in all areas to which the RH zone is applied. The regulations set forth in this chapter governing the keeping of animals shall apply to the following uses:

A. The keeping of all animals, except dogs, cats, or other common domestic pets, except as provided under subsection C of this section. For the purposes of this zone, animal-keeping includes housing, stabling, or feeding of animals, whether on a full-time, part-time, occasional, or temporary basis.

B. When the circumstances of the property do not allow animal-keeping, the regulations in this chapter shall not preclude the use of the property for limited periods of time in any one day for the grooming, riding, training, or similar activities involving animals under the ownership of persons owning, renting, or leasing the subject property, provided such use shall not create a nuisance.

C. Notwithstanding subsection A of this section, the keeping of dogs, cats, or other common domestic pets shall not create a nuisance and shall be subject to the provisions of Sections 18.86.050 through 18.86.070 of this chapter.

D. The use of property for the purposes and uses described in subsections A, B and C of this section may be vacated, pursuant to Section 18.86.070.

(Ord. 236-73 Exh. A(part), 1991)

18.86.030 - Lot size determinations.

For the purpose of complying with Section 18.86.040, the following criteria shall apply to the lot size determination:

A. All areas included in public use roads or road easements shall be excluded.

B. The area included shall consist of a contiguous area with a minimum width of at least fifty feet. For the purposes of this section, portions of the subject property shall not be deemed "contiguous" if separated by public use roads or road easements, railroad rights-of-way, natural or man-made watercourses, or other impediments which cause a barrier between portions of the property.

C. All contiguous land under the legal ownership, lease, or rent by the same person may be included.

(Ord. 236-73 Exh. A(part), 1991)

18.86.040 - Minimum lot size.

A. One adult horse, steer, cow, mule, or similar size animal shall require a minimum lot size of one acre. Each additional adult horse, steer, cow, mule, or similar size animal shall require an additional ten thousand square feet. The offspring borne to each adult animal on the subject property shall be allowed until the age of six

months. In connection with the keeping of animals as provided in this subsection, an enclosure shall be required as follows: An area approximately fifty feet by fifty feet, excluding structures, shall be required for the keeping of one adult horse, steer, cow, mule, or similar size animal. The enclosure area shall be doubled for each additional adult animal allowed by this subsection. The keeping of animals as provided in this subsection shall extend only to animals under the ownership of persons owning, renting, or leasing the subject property.

B. One adult goat, swine, sheep, or similar size animal shall require a minimum lot size of ten thousand square feet. Each additional adult goat, swine, sheep, or similar size animal shall require an additional five thousand square feet. The number of young, under six months of age, shall not exceed one litter or brood borne to each adult animal on the subject property. In connection with the keeping of animals as provided in this subsection, an enclosure shall be required as follows: An area approximately twenty-five feet by twenty-five feet, excluding structures, shall be required for the keeping of not more than two goats, swine, sheep, or similar size animal. The enclosure area shall be increased by an area of approximately twenty-five feet by twenty-five feet for each additional adult animal allowed by this subsection.

C. One adult turkey, chicken, duck, goose, rabbit, or similar size animal shall require a minimum lot size of five thousand square feet, provided that when the minimum lot size requirement is met, the keeping of not more than five adult turkeys, chickens, ducks, geese, rabbit, or similar size animals shall be permitted. Each additional adult turkey, chicken, duck, goose, rabbit, or similar size animal shall require an additional five hundred square feet. The number of young, under six months of age, shall not exceed one litter or brood borne to each adult animal on the subject property.

D. Snakes, reptiles, or wild or exotic animals, or any other animal which is not normally domesticated in the State of California shall be regulated as provided in this subsection and pursuant to the animal restrictions in this chapter. Animals which are similar in size to the classes of animals set forth in this section shall be regulated in the number set forth for such similar animals in this section. The maximum number of other animals regulated by this subsection which do not fall within the size classes in this section shall be five, except that the keeping of bees shall not be allowed in the RH zone. Such other animals shall be kept caged at all times.

(Ord. 236-73 Exh. A(part), 1991)

18.86.050 - Setbacks and yards.

No enclosure, corral, barn, stable, coop, or similar accessory structure used or intended to be used for animal shelter or feeding, or the storage of feed, or in conjunction with the keeping of animals regulated by this chapter shall be placed or erected less than one hundred feet from any well, unless a lesser distance is approved by the health department in individual cases. The yard regulations in Section 18.110.050 shall also apply.

(Ord. 236-73 Exh. A(part), 1991)

18.86.060 - Nuisance conditions.

The keeping of every animal regulated by this chapter shall be in a manner which does not cause a nuisance resulting from any of the conditions set forth in this section. The provisions of Section 18.86.070 shall apply when a nuisance is alleged to exist.

A. The accumulation of manure or urine, improper storage or use of feed, neglect of animals, or other improper maintenance of the property in connection with the keeping of animals which causes odors, vectors, or other nuisance conditions; or

B. Eyesore conditions due to the disrepair of structures in connection with the keeping of animals; or

C. The degradation of water resources or pollution of any property caused by unhealthy conditions or runoff; or

D. Any other practice causing any condition which otherwise poses a health hazard or a physical danger to the public, or interferes with the comfortable enjoyment of property in the vicinity.

(Ord. 236-73 Exh. A(part), 1991)

18.86.070 - Nuisance complaints.

The use of property for the purposes described in subsections A and B of Section 18.86.060 in a manner which causes a nuisance is unlawful. Nuisance complaints may be pursued as specified in this section.

A. A written complaint that a nuisance is alleged to exist, describing in detail the nature of the nuisance, may be filed with the planning department by any person.

B. Upon presentation of such written complaint, the planning commission shall hold a hearing at its next regular meeting, after due notice, to determine the merit of the complaint. Notice of hearing shall be as provided in Section 18.140.050.

C. When the planning commission determines a nuisance exists, the keeping of any animal which constitutes a legal use under the provisions of this chapter shall not be vacated by the planning commission on the first offense by the same property owner; but instead, the primary remedy shall be the correction of such nuisance condition in the manner and within the time period imposed by the commission. If the requirements imposed by the commission are not complied with, the continuation of the nuisance shall constitute a violation of this title, and the commission may, upon its own motion, place the item on the agenda for further consideration after due notice, and may as an additional remedy require the removal of the animal(s) which are the cause of the nuisance conditions which continue to exist.

D. The decision of the commission may be appealed to the board of supervisors as provided in Chapter 144. Notice shall be given as provided in Section 18.140.050.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.90 - AIRPORT HAZARD (AH) ZONE

Sections:

18.90.010 - Authority and purpose.

This chapter is adopted pursuant to the authority conferred by the California State Airport Approaches Zoning Law. It is hereby found that an airport hazard endangers the lives and property of users of the airports referenced in this chapter, and property or occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports referenced in this chapter and the public investment therein. Accordingly, it is declared that:

A. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the airports referenced in this chapter.

B. It is necessary, in the interest of the public health, public safety, and general welfare, that the creation or establishment of airport hazards be prevented; and

C. The prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

D. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the county may raise and expend public funds and acquire land or interests in land.

(Ord. 236-73 Exh. A(part), 1991)

18.90.020 - Definitions.

The words and phrases in this section shall have the designated meanings in this chapter, unless the context otherwise requires:

A. "Airport" means any of the following: Adin Airport, Alturas Airport, California Pines Community Services District Airport, Cedarville Airport, Eagleville Airport, Fort Bidwell Airport, Tulelake Airport.

B. "Airport hazard" means any structure, tree, or use of land, which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport, or which is otherwise hazardous to such landing or taking off of aircraft.

C. "Airport zoning commission" means a commission consisting of the members of the county planning commission.

D. "Landing area" means the area of the airport used for the landing, takeoff, or taxiing of aircraft.

E. "Nonconforming use" means any structure, tree, or use of land which does not conform to a regulation prescribed in this chapter or an amendment thereto, as of the effective date of such regulation.

F. "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, city, county, or district, and includes any trustee, receiver, or assigns.

G. "Structures" means any object constructed or installed by man, including but not limited to buildings, towers, smokestacks, and overhead lines.

H. "Tree" means any object of natural growth.

(Ord. 236-73 Exh. A(part), 1991)

18.90.030 - Zoning maps.

In order to carry out the purposes of this chapter, there are created and established airport hazard zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to each particular airport. Such zones are shown on the airport zoning map or maps for each airport referenced in this chapter. The airport zoning maps are incorporated in this title by reference as if set forth in full, subject to amendments pursuant to Chapter 18.134 and State law. The department of public works shall recommend revisions to the airport zoning maps as required to comply with applicable laws.

(Ord. 236-73 Exh. A(part), 1991)

18.90.040 - Height limits.

A. Except as otherwise provided, no structure or tree shall be erected, altered, maintained, or allowed to grow in any AH zone, including each approach zone,

transitional zone, horizontal zone, or conical zone, to a height in excess of the height limit established in this chapter for each zone.

B. For the purposes of determining the height limits referenced in this section and chapter, the United States Coast and Geodetic Survey has established the official elevation references of the airports referenced in this chapter, and all height limits are established with reference to the official elevations, as set forth in Sections 18.90.050 through 18.90.110.

(Ord. 236-73 Exh. A(part), 1991)

18.90.050 - Adin Airport.

The following official elevation reference and height limits are established in the AH zone-Adin Airport:

A. Official elevation reference, four thousand two hundred twenty-eight feet;

B. Horizontal zone, one hundred fifty feet;

C. Conical zone, one hundred fifty feet at the inner perimeter and increasing in height at the ratio of 20:1 to the outer perimeter;

D. Runway approach zones 09 and 27, as designated on Adin Airport zoning map, shall not exceed a height greater than permitted by a 20:1 glide slope, and continuing to an intersection with the horizontal surface;

E. Transition zones, the height to be determined within the boundaries of the transition zone by reference to the Adin Airport zoning map, at a ratio of 7:1, commencing at the boundary of the landing area.

(Ord. 236-73 Exh. A(part), 1991)

18.90.060 - Alturas Airport.

The following official elevation reference and height limits are established in the AH zone-Alturas Airport:

A. Official elevation reference, four thousand three hundred seventy-five feet;

B. Horizontal zone, one hundred fifty feet above established airport elevation, or at four thousand five hundred twenty-five feet;

C. Conical zone, one hundred fifty feet at the inner perimeter and increasing in height at the ratio of 20:1 for four thousand feet to the outer perimeter, or at four thousand five hundred twenty-five feet at the inner perimeter increasing in height at the ratio of 20:1 for four thousand feet to the outer perimeter at four thousand seven hundred twenty-five feet;

D. Runway approach zones 03, 13, 21, and 31, as designated on the Alturas Airport zoning map, shall not exceed a height greater than permitted by a 20:1 glide slope, and continuing to an intersection with the horizontal surface;

E. Transition zone, the height to be determined within the boundaries of the transition zone by reference to the Alturas Airport zoning map, at a ratio of 7:1, commencing at the boundary of the primary surface.

(Ord. 236-73 Exh. A(part), 1991)

18.90.070 - California Pines Community Services District Airport.

The following official elevation reference and height limits are established in the AH zone-California Pines Community Services District Airport:

A. Official elevation reference, none;

B. Primary zone. A surface longitudinally centered on a runway, one hundred twenty-five feet on each side of the centerline and extended two hundred feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline;

C. Visual approach zone. A surface longitudinally centered on the extended runway centerline 5 and 23, as designated on the Californian Pines Community Services District Airport zoning map, and extending outward and upward from each end of the primary surface. The inner edge of this approach coincides with the width (two hundred fifty feet) of each primary surface, and extends outward at a 10:1 flare on each side, and upward at a 20:1 slope to its intersection with the horizontal surface;

D. Horizontal zone. A horizontal plane one hundred fifty feet above established airport elevation, or at four thousand five hundred forty-five feet, the perimeter of which is established by swing arcs of five-thousand-foot radii from the center of each end of the primary surface at each end of the runway, and connecting the adjacent arcs by lines tangent to those arcs;

E. Conical zone. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a distance of four thousand feet, and a height of three hundred fifty feet above the airport elevation, or at four thousand seven hundred forty-five feet;

F. Transition zones. These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1, from the sides of the primary surface and from the sides of the approach surfaces, to where they intersect the horizontal and conical surfaces.

(Ord. 236-73 Exh. A(part), 1991)

18.90.080 - Cedarville Airport.

The following official elevation reference and height limits are established in the AH zone-Cedarville Airport:

A. Official elevation reference, four thousand six hundred twenty-three feet;

B. Horizontal zone, one hundred fifty feet above established airport elevation, or at four thousand seven hundred seventy-three feet;

C. Conical zone, at one hundred fifty feet at the inner perimeter, and increasing in height at the ratio of 20:1 for four thousand feet to the outer perimeter, or at four thousand seven hundred seventy-three feet at the inner perimeter, increasing in height at the ratio of 20:1 for four thousand feet to the outer perimeter at four thousand nine hundred seventy-three feet;

D. Runway approach zones 01 and 19 as designated on the Cedarville Airport zoning map shall not exceed a height greater than permitted by a 20:1 glide slope, and continuing to an intersection with the horizontal surface;

E. Transition zones, the height to be determined within the boundaries of the transition zone by reference to the Cedarville Airport zoning map at a ratio of 7:1, commencing at the boundary of the primary surface;

F. For additional runways, Runway approach zones 06 and 24, as designated on the Cedarville Airport zoning map, shall not exceed a height greater than permitted by a 20:1 glide slope, and continuing to an intersection with the horizontal surface.

(Ord. 236-73 Exh. A(part), 1991)

18.90.090 - Eagleville Airport.

The following official elevation reference and height limits are established in the AH zone-Eagleville Airport:

A. Official elevation reference, four thousand four hundred ninety-seven feet;

B. Horizontal zone, one hundred fifty feet above established airport elevation, or at four thousand six hundred forty-seven feet;

C. Conical zone, one hundred fifty feet at the inner perimeter, elevation four thousand six hundred forty-seven feet, and increasing in height at a 20:1 ratio for four thousand feet to the outer perimeter, elevation four thousand eight hundred forty seven feet;

D. Runway approach zones 18 and 36 as designated on the Eagleville Airport zoning map shall not exceed a height greater than permitted by a 20:1 glide slope, and continuing to an intersection with the horizontal surface;

E. Transition zones, the height to be determined within the boundaries of the transition zone by reference to the Eagleville Airport zoning map at the ratio of 7:1, commencing at the boundary of the primary surface;

F. For additional runways, runway approach zone, and as designed in the Eagleville Airport zoning map, shall not exceed a height greater than permitted by a 20:1 glide slope, and continuing to an intersection with the horizontal surface.

(Ord. 236-73 Exh. A(part), 1991)

18.90.100 - Fort Bidwell Airport.

The following official elevation reference and height limits are established in the AH zone-Fort Bidwell Airport:

A. Official elevation reference, four thousand six hundred two feet;

B. Horizontal zone, one hundred fifty feet above established airport elevation, or at four thousand seven hundred fifty-two feet;

C. Conical zone, one hundred fifty feet at the inner perimeter, and increasing in height at the ratio of 20:1 for four thousand feet to the outer perimeter, or at four thousand seven hundred fifty-two feet at the inner perimeter and increasing in height at the ratio of 20:1 for four thousand feet to the outer perimeter at four thousand nine hundred fifty-two feet;

D. Runway approach zones 16 and 24 as designated on the Fort Bidwell Airport zoning map shall not exceed a height greater than permitted by a 20:1 glide slope, and continuing to an intersection with the horizontal surface;

E. Transition zones, the height to be determined within the boundaries of the transition zone by reference to the Fort Bidwell Airport zoning map at a ratio of 7:1, commencing at the boundary of the primary surface.

(Ord. 236-73 Exh. A(part), 1991)

18.90.110 - Tulelake Airport.

The following official elevation reference and height limits are established in the AH zone-Tulelake Airport:

A. Official elevation reference, four thousand forty-eight feet;

B. Horizontal zone, one hundred fifty feet above established airport elevation, or at four thousand one hundred ninety-eight feet;

C. Conical zone, one hundred fifty feet at the inner perimeter, and increasing in height at the ratio of 20:1 for four thousand feet to the outer perimeter, or at four thousand one hundred ninety-eight feet at the inner perimeter, increasing in height at the ratio of 20:1 for four thousand feet to the outer perimeter at four thousand three hundred ninety-eight feet;

D. Runway approach zones 11 and 29 as designated on the Tulelake Airport zoning map shall not exceed a height greater than permitted by a 20:1 glide slope, and continuing to an intersection with the horizontal surface;

E. Transition zone, the height to be determined within the boundaries of the transition zone by reference to the Tulelake Airport zoning map at a ratio of 7:1, commencing at the boundary of the primary surface.

(Ord. 236-73 Exh. A(part), 1991)

18.90.120 - Use restrictions.

No use shall be made of land within any AH zone including any approach zone, horizontal zone, conical zone, or transition zone, in such a manner as to create an electrical interference with radio communication between the airport and aircraft, making it difficult for pilots to distinguish between airport lights and other lights, resulting in glare in the eyes of the pilots using the airport, impairing visibility in the vicinity of the airport, or otherwise endangering the landing, takeoff, or maneuvering of aircraft.

(Ord. 236-73 Exh. A(part), 1991)

18.90.130 - Nonconforming uses.

A. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of these regulations, or otherwise interfere with the continuance of any nonconforming use. Nothing contained in this chapter shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of airport zoning regulations and is diligently pursued and completed within a reasonable time.

B. Notwithstanding subsection A of this section, the owner of any existing nonconforming structure or tree may be required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the county to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the county.

(Ord. 236-73 Exh. A(part), 1991)

18.90.140 - Permit requirements.

A. Nonconforming uses: Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the planning commission. No permit shall be granted that would allow the establishment or creation of an airport hazard, or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was on the effective date of airport zoning regulations or any amendments thereto, or than it is when the application for a permit is made. Except as provided in this title, all

applications for such permits shall be granted. No such permit shall be required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of the existing structure. Application for such permits shall be made and processed in the same manner as an application for a variance pursuant to Chapter 18.132.

B. Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or used his property in violation of airport zoning regulations adopted under this chapter, may apply to the planning commission for a variance from such regulations. Such variances shall be allowed where it is found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest but will do substantial justice, and be in accordance with the spirit of this chapter; provided that any variance may be allowed subject to reasonable conditions necessary to effectuate the purpose of this chapter.

C. Conditions: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the county, at the expense of the permittee to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of any airport hazard.

(Ord. 236-73 Exh. A(part), 1991)

18.90.150 - Conflicting relations.

Where there exists a conflict between any regulations or limitations set out in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent regulation or limitation shall apply.

(Ord. 236-73 Exh. A(part), 1991)

18.90.160 - Violation—Deemed public nuisance—Prosecution.

Every violation of this chapter is declared a public nuisance and the provisions in Chapter 18.158 shall apply.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.94 - SPECIFIC PLAN (SP) ZONE

Sections:

18.94.010 - Purpose.

The SP zone is an overlay zone intended to be applied in combination with a principal zone for the purpose of identifying areas where a specific plan is adopted.

(Ord. 236-73 Exh. A(part), 1991)

18.94.020 - Regulations applicable.

In an SP zone, all regulations set out in the principal zone, overlay zones, and this title which are applicable to the subject land shall apply, provided the uses and regulations are consistent with the applicable specific plan.

(Ord. 236-73 Exh. A(part), 1991)

18.94.030 - Designation of adopted specific plan.

Upon the adoption of any specific plan, the zoning maps shall be amended to apply the SP zone to the land encompassed by the specific plan.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.100 - SPECIAL USES

Sections:

18.100.010 - Uses permitted in certain zones—Limitations and criteria.

When any zone permits any use in this section, the applicable limitations and criteria shall apply. Certain uses which are an integral part of county's economy and lifestyle must locate at the site of a particular resource. Other uses depend on varying geographic and locational requirements and must be reviewed on a case by case basis. Yet other uses are specified as accompanying uses to common uses.

A. Forest Management. In any zone that allows agricultural operations or farm forestry, forest management activities as described in the California Forest Practices Act are permitted, provided that the regulations of the Forest Practices Act and all other applicable laws are met and there are no conflicts with the general plan or any applicable specific plan.
B. Fish and Wildlife Enhancement Projects. Fish and wildlife enhancement projects approved by the California Department of Fish and Game are permitted in any zone, provided they are compatible with the purpose of the zone in the specific location, and there are no conflicts with the general plan or any applicable specific plan.
C. Public Utilities. Except as otherwise specified, public utility transmission lines and distribution poles and lines, whether above-ground or under-ground, are permitted uses in any zone.
D. Uses Permitted with One-Family Dwelling. In any zone that allows a one-family dwelling as a permitted use, the following accessory buildings or uses are also permitted, unless otherwise specified by a particular zone. No building or structure permitted by this section shall encroach into any yard required by the zone in which the building is located.
    1. Accessory Structures: Structures accessory to residential uses such as attached or detached garage, private shop, private greenhouse, or a combination of accessory buildings. When a manufactured dwelling is permitted for use as an accessory structure, a document shall be recorded in the office of the county recorder stating such building is not a dwelling and shall not be used for human habitation.
    2. Residential Care Facility: The use of the principal dwelling as a residential care facility.

3. Small Family Day Care Home: The use of the principal dwelling as a small family day care home provided any advertising is limited to one nameplate not m 12 inches attached on and flush with the dwelling.
4. Boarding: In addition to the habitation of the principal dwelling by one family, a portion of the bedrooms or living area may be rented or let to boarders, provided:
    a. There is one, and only one, dwelling on the lot, or if there exists an accessory or second dwelling or guest house then the principal dwelling may not be used for the purposes in this subsection when the accessory dwelling or guest house is also occupied. Each bedroom in a guest house may substitute for one guest room.
    b. Quarters for boarders shall be limited to no more than two guest rooms with no more than two persons per guest room.
    c. Parking shall be provided as specified in chapter 18.110.
5. Limited Home Occupation: One limited home occupation may be established accessory to a dwelling unit on the same lot, provided the following criteria are met:
    a. The home occupation shall be conducted within the dwelling or accessory building and no outdoor storage or activity shall take place.
    b. No persons other than the inhabitants of the principal dwelling located on the same lot shall be employed in the home occupation.
    c. No advertising shall occur on or near the premises, except that one nameplate which does not exceed 12 inches by six inches containing the name and/or occupation may attached on and flush with the dwelling or accessory building.
    d. The appearance of the dwelling unit or accessory building shall not be altered, nor shall the occupation within the dwelling unit or accessory building be conducted in a manner which would cause the premises to differ from the surrounding residential character by use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, vibrations or the items set forth in subsection 5.e. of this section.
    e. No equipment or process shall be used in the home occupation which creates noise in excess of 55 decibels measured at the lot line (measured with a sound meter using the A-weighted scale and the "slow" response according to the manufacturer's instructions), vibration, glare, fumes, odors, dust, or electrical interference detectable to the normal senses at the boundary of the premises, or fire hazard.
    f. Except for articles produced on the premises, stock-in-trade which may be sold shall be clearly incidental to principle purpose of the home occupation and no display of products shall be visible from outside the dwelling unit or accessory building.
    g. The home occupation shall not cause an increase in the use of any utility (such as water, sewage disposal, electricity or garbage), such that the combined total for the residential use and home occupation exceeds the average for similar residential use in the neighborhood or similar type of area.
    h. When the home occupation includes the conduct of group classes or other group activities, such activities shall be limited to two times per week, and not more than five customers, clients, or pupils shall come to the premises during the same time period. When such activity is conducted one or fewer times per week, not more than ten customers, pupils, or clients shall come to the premises during the same time period. For the purposes of this subsection, "group" means two or more persons which come to the premises during the same time period for a specified or scheduled activity.
    i. When the home occupation involves customers, clients, or pupils coming to the premises, other than the conduct of group classes or other group activities, not more than eight customers, clients, or pupils shall come, or be scheduled to come, to the premises for service or products in anyone

day, and the schedule shall be staggered over the course of the day.

j. The use of a dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. Not more 25 percent of the gross floor area of the dwelling shall be used for the home occupation.

k. No vehicular traffic may be generated in connection with the home occupation between the hours of 10:00 p.m. and 8:00 a.m.

6. Accessory Dwelling. Accessory dwelling units shall be approved by the planning department when in compliance with the following:

a. No more than one accessory dwelling unit may be constructed on any site. An accessory dwelling unit shall not be allowed on a site with more than one unit.

b. Owner Occupancy. One of the dwelling units on the site shall be owner-occupied. For purposes of this section, "ownership" is defined as a majority (i.e., 51 percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for any party named, unless shares are specified, in which case "ownership" requires a majority interest.

c. Zoning Development Standards. The accessory dwelling unit shall comply with all development standards included in the underlying zoning district, including standards for lot coverage, setbacks, height and the like.

d. Separate Entry, Kitchen and Bathroom. The accessory dwelling unit shall contain a separate entrance, kitchen and bathroom; both the existing dwelling and the accessory dwelling unit shall comply at a minimum with all requirements of the current housing code; and the accessory dwelling unit shall comply with the building code in effect at the time it was constructed.

e. Location of Accessory Dwelling Unit. The accessory dwelling unit may be within, attached to, or detached from the primary dwelling unit. If detached, the accessory dwelling unit shall be separated from the primary dwelling and any accessory structure(s) a minimum of three feet.

f. Design Standards. The accessory dwelling unit shall comply with the following design standards:

1) Materials. The materials of the accessory dwelling unit shall match in appearance to the materials of the main building on the site.

2) Permanent Foundation. A permanent foundation shall be required for all accessory dwelling units.

g. Size of Unit. The floor area of accessory dwelling units shall not be larger than 1,200 gross square feet. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

h. The accessory dwelling unit is not intended for sale separate from the primary residence and may be rented.

i. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

j. The accessory dwelling unit shall not be rented for less than 30 days.

k. Parking. Parking on the site shall conform to the requirements for accessory dwelling units as contained in (reference section in zoning code) which are as follows:

1) One parking space shall be required for each bedroom of the proposed accessory dwelling unit in addition to those required for the primary unit.

2) The required parking spaces for the accessory dwelling unit may be uncovered. If an accessory dwelling unit requires two additional on-site parking spaces, they may be uncovered and in tandem with each other.

3) Parking for an accessory dwelling unit shall not be in tandem with parking for the primary unit on the site. With the approval of the planning dire for an accessory dwelling unit may be located within the front setback between an existing driveway and the closest side of the property line if t or less.

4) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, those off- street parking spaces shall be replaced. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit.

5) Onsite parking is not required for an accessory dwelling unit in any of the following instances:

a) The accessory dwelling unit is located within one-half mile of public transit.

7. Plan Check Review of an Accessory Dwelling Unit: The decision of the planning director granting or denying an accessory dwelling unit permit is a ministerial decision as required by state law. Ministerial approvals are not subject to review at a public hearing. In considering accessory dwelling unit permits, review is limited to the objective standards and criteria established within the section. Uses similar to uses permitted. In any zone, a use not listed as a use permitted in the subject zone may be allowed by right upon the presentation of substantial evidence and a written finding by the planning director that the use is compatible with the purpose of the zone and is similar in character and impact to specified uses permitted in the subject zone.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.100.020 - Uses permitted with an administrative permit in certain zones—Limitations and criteria.

When any zone permits any use in this section, subject to obtaining an administrative permit, the applicable limitations and criteria shall apply. Administrative permit applications shall comply with the requirements in chapter 18.124. The applicant shall provide information required to determine conformance with the criteria in this section applicable to the proposed use.

A. Assemblage of People. When assemblage of people is permitted subject to obtaining an administrative permit the following shall apply. The planning director shall transmit a copy of the application to applicable county departments such as roads, sheriff, and emergency services and any other agency which may be affected. The administrative permit shall not be approved unless the promoter takes measures to assure that adequate ingress and egress is provided to avoid traffic congestion and provide access by emergency vehicles, and that adequate controls or measures will be taken to prevent offensive noise, light, or other effects adverse to the subject property or its surroundings.

B. Second Dwelling—AG, LI, RT, RR, RH, or RL Zone. One second-dwelling may be allowed in addition to one one-family dwelling provided the criteria in this subsection are met. When the criteria are not met, one second dwelling may be allowed subject to obtaining a use permit, as provided in section 18.100.030. The purpose of providing for second dwellings is to encourage the efficient use of residential zones and to provide housing opportunities for low and moderate income and other disadvantaged persons as well as providing equal opportunity for all persons, while protecting the character, property values, health, safety, and services of the surrounding area and its residents.

1. The particular location in which the second dwelling is proposed to be sited is not within the EP or MP zone.
2. The size of the subject lot is two times the minimum lot size required by the subject zone. When the lot is contiguous to the AE zone the lot size shall be a minimum of 30 acres, except when the lot is between 15 and 30 acres a second dwelling may be allowed, provided that prior to granting an

administrative permit the owner shall execute and cause to be recorded in the office of the county recorder a restriction binding on the owners, their heirs, successors, and assigns, stating that the second dwelling is accessory to the principal dwelling and shall not be divided separate from the principal dwelling. For the purpose of this section "contiguous" includes land separated by roads or rights-of-way.

3. A second dwelling shall not be allowed if there exists a guest house or other dwelling on the lot, in addition to the principal dwelling.
4. The principal dwelling and second dwelling shall each have separate onsite sewage disposal systems or public sewage service connections.
5. The principal and second same domestic water supply when all provided there is adequate area for the separate water supply systems.
6. Each dwelling, together with its improvements, is situated in such a way as to create two building sites that each meet the minimum requirements of the zone in which the lot is dwellings may use the requirements are met, future establishment of located.
7. All requirements of this title and all applicable laws are met for both dwellings.

C. Second Dwelling—AE, RC or LIC Zone: When an administrative permit is required, one second-dwelling may be allowed in addition to one one-family dwelling, provided the criteria in this subsection are met. When the criteria are not met, one second dwelling may be allowed subject to obtaining a use permit, as provided in section 18.100.030.

1. The size of the subject lot or parcel is at least 75 acres;
2. The second dwelling shall be clustered within the confined building site occupied by the principal dwelling;
3. All requirements of this title and all applicable laws are met for both dwellings.

D. Guest House. One guest house may be allowed in addition to one one-family dwelling or one two-family dwelling, provided the criteria in this subsection are met. When the criteria are not met, one guest house may be allowed subject obtaining to a use permit, as provided in section 18.100.030.

1. The guest house must be less than 302 square feet, without cooking or kitchen facilities, and conform to the definition of guest house.
2. The minimum lot size required by the subject zone and all other requirements of this title and applicable laws are met.
3. A guest house shall not be allowed if there exists a second dwelling on the lot.

E. Farmworker Housing—AE Zone. When an administrative permit is required, farm employee housing may be allowed in addition to other permitted dwellings, provided the criteria in this subsection are met. When the criteria are not met, farm employee housing may be allowed subject to obtaining a use permit as provided in section 18.100.030.

1. Upon request of the planning director, the applicant shall present evidence justifying the need for each farm employee house, such as crop type, acreage, and number of dwellings used by farm employees. The planning director may consult with any persons deemed necessary in this matter.
2. Farmworker housing shall be located adjacent to the confined building site occupied by the principal dwelling but shall have a septic system separate from that of the principal dwelling, or if not clustered shall be limited to not more than one farmworker house per approximately 80 acres in the same agricultural operation.
3. All requirements of this title and all applicable laws are met for both dwellings.
4. Prior to granting an administrative permit the owner shall execute and cause to be recorded in the office of the county recorder, a restriction binding on the owners, their heirs, successors, and assigns, stating that the farm employee housing is deemed to be accessory to the agricultural operation and shall be retained with the agricultural operation if the property is subdivided.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.100.030 - Uses permitted with a use permit in certain zones—Limitations and criteria.

A. When any zone permits any use in this section subject to" obtaining a use permit, the applicable limitations and criteria shall apply. Use permit applications shall comply with the requirements in chapter 18.128. The applicant shall provide information required to determine conformance with the criteria in this section applicable to the proposed use. When any use or application for an administrative permit does not conform to the provisions in section 18.100.020 for the particular use, the use may be permitted subject to obtaining a use permit. In granting the use permit the planning commission shall impose the criteria required for the use under an administrative permit to the maximum extent feasible and practical.

B. Uses accessory to one-family dwelling when a use permit is required.

C. In any zone that allows a one-family dwelling subject to obtaining a use permit, the uses described in subsection D. of section 18.100.010 shall also be permitted, unless specific provisions are modified as a condition of the use permit.

D. Home Occupation. One home occupation may be permitted as an accessory use to a dwelling, subject to obtaining a use permit. When the use conforms to the criteria for a limited home occupation in subsection D. of section 18.100.010, the use may be established without a use permit. Every home occupation shall strictly conform to the definition of a home occupation set forth in this title. The purpose of provisions for home occupations is to promote economic growth while protecting against adverse effects to neighborhood character, property values and public services, and to provide equal protection for persons locating in commercial or industrial zones.

E. Surface Mining. This subsection shall apply to any zone which permits mining. Surface mining as defined in the Surface Mining and Reclamation Act of 1975 ("Act"), Public Resources Code Section 2710 et seq., shall be subject to all the requirements of the Act.

   1. Surface mining permit and reclamation plan requirements of the Act shall be implemented through the use permit process. Use permit applications shall include a reclamation plan on a form prescribed by the planning director and any other information necessary to determine conformance with the Act. The California Division of Mines and Geology shall be notified of any application for surface mining operations, and shall be provided with a copy of every approved permit and reclamation plan.

   2. Conditions of Approval: In addition to any other condition of approval, a schedule of periodic inspections to evaluate continuing compliance with the permit and reclamation plan shall be established. The planning commission may require a lien, surety bond, or other security guarantee acceptable to the county, conditioned upon faithful execution of the reclamation plan, including administrative costs and the estimated cost of inspections by a qualified professional. Any surety may be revised as necessary to maintain an amount equal to the cost of completing the remaining reclamation as described in an approved or amended reclamation plan, required inspection costs, and administrative costs.

F. Uses Similar to Uses Permitted with a Use Permit. In any zone, a use not listed as a use permitted with a use permit may be approved subject to obtaining a use permit, upon presentation of substantial evidence and a finding by the planning commission that the use is compatible with the purpose of the zone and is similar in character and impact to specified uses permitted with a use permit in the subject zone.

(Ord. No. 236-146, 12-12-2017; Ord. 236-85, 1999; Ord. 236-73 Exh. A(part), 1991)

18.100.040 - Temporary use of mobilehome, manufactured home, or recreational vehicle during construction of dwelling.

Notwithstanding any other provision of law, a mobilehome, manufactured home, or recreational vehicle may be temporarily placed on a lot for human habitation for a period not to exceed one year, in conjunction with the construction of a permanent dwelling on the same lot when the criteria in this section is met.

A. Prior to the installation of the mobilehome, manufactured home or use of the recreational vehicle, an administrative permit shall be obtained as provided in cha all required permits shall be obtained from the building department. No permit shall not be issued until the applicant presents evidence that a building permit f dwelling on the same lot or parcel has been or will be issued by the building department, all health department requirements for potable water and sewage disp met, and all other requirements are met.

B. The term of the administrative permit shall be one year. The permit shall be renewable annually for not more than one additional one-year term. Application for renewal shall be presented to the planning director prior to expiration of the administrative permit. The planning director shall verify that all requirements are met and that the building permit for the permanent dwelling has also been renewed.

C. When the permit expires or the use terminates prior to expiration, the mobilehome, manufactured home, or recreational vehicle shall cease to be used for human habitation and the mobilehome shall be removed from the property within 30 days after the date of expiration or termination.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, changed the title of § 18.100.040 from "Temporary use of mobilehome or recreational vehicle during construction of dwelling" to read as herein set out.

18.100.050 - Mobilehomes and manufactured homes—Residential use.

Due to the transportable nature of mobilehomes and manufactured homes and their impact on the community when not properly regulated, it is necessary to provide additional regulations and clarifications which apply to mobilehomes, in addition to any other requirement of law.

A. A mobilehome, or manufactured home, as defined in this title, shall be deemed to be a one-family dwelling, and shall be subject to the regulations for one-family dwellings set out in this title, except as otherwise specified.

B. No mobilehome or manufactured home shall be parked on a public street or highway for more than 24 hours, nor occupied or used for sleeping purposes while parked on a public street or highway.

C. No mobilehome or manufactured home may be stored on any lot. No mobilehome shall be placed on any lot, including a mobilehome park space, unless and until all requirements of this title are met, and until a mobilehome or manufactured home installation permit or other required permit is issued by the building department. Mobilehomes or manufactured homes located on a mobilehome and/or manufactured home sales lot for the purpose of sale or lease are exempt from the requirements of this subsection.

D. Temporary use during construction of a dwelling on the same lot, subject to obtaining an administrative permit as provided in section 18.100.040.

E. Use of a mobilehome or manufactured home as a temporary family care dwelling, as provided in section 18.100.020.

F. Mobilehomes or manufactured home located in mobilehome parks shall comply with all applicable requirements of this title and of law, and with all conditions placed on the issuance of a use permit.

G. Mobilehome and manufactured homes used as accessory building or for nonresidential use: As a condition of site plan review and issuance of a building permit, the structure shall comply with all zoning and building codes for the proposed use, and the owner shall execute and cause to be recorded in the office of the county recorder, a restriction binding on the owners. Their heirs, successors, and assigns, stating that the mobilehome has not been permitted as a dwelling and shall not be used for human habitation.

H. Mobilehomes shall not be permitted to be relocated to a separate lot, except within a mobilehome park, unless a use permit is obtained.

I. Manufactured homes located or relocated onto a separate lot located outside a mobilehome park shall comply with the following design standards:

1. Skirting materials shall have the same or similar appearance as the siding. Materials prohibited from use as skirting are: lattice work, unpainted wood or plywood, metal not having factory applied color coatings, Styrofoam, plastic, and corrugated fiberglass or metal.
2. The skirting shall extend to the ground level except that non-pressure treated wood siding cannot extend closer than six inches to the ground and shall be connected to the ground by a concrete or pressure treated wood perimeter sill.
3. All units shall be designed so that exterior walls look like wood, stucco, or masonry regardless of their actual composition.
4. All roofing materials shall be designed to look like composition roofing, tile, shakes, shingles, or tar and gravel; or architectural metal roof sheathing with factory applied color coatings.
5. Residential siding shall extend to the ground level (wood excluded) except that when a solid concrete or masonry perimeter foundation or curb wall is used, then siding need only extend one and one-half inches below the top of the foundation or curb wall.
6. The slope of the main roof shall not be less than two inches vertical rise for each 12 inches of horizontal run.
7. All units shall have a perimeter roof overhang on all sides extending not less than one foot measured from the vertical side of the home, not including rain gutters.
8. Where any accessory structure is attached to the main structure, the roof overhang requirement at the point of attachment may be waived by the planning director.
9. Permanent stairs shall be installed for all exterior door openings prior to final building permit inspection approval on the dwelling. Temporary stairs may be approved by the planning director, provided that the property owner has an active building permit for the construction of a deck with stairs and the director determines that no potential hazard may exist.
10. All manufactured home tow bars and wheels shall be removed.
11. Excepting the AE and AG zone districts all driveways and parking aprons in front of residences or garages shall be surfaced with asphaltic concrete or concrete.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

Editor's note— Ord. No. 236-146, adopted Dec. 12, 2017, changed the title of § 18.100.050 from "Mobilehomes—Residential use" to read as herein set out.

18.100.060 - Recreational vehicles.

Due to the transportable nature of recreational vehicles and the potential for adverse effects on health, safety, and community character, it is necessary to specify additional regulations and clarifications which apply to recreational vehicles, in addition to any other requirement of law. The use of recreational vehicles, as defined in this title, shall be as provided in this section.

A. No recreational vehicle shall be parked on a public street or highway for more than twenty-four hours, nor occupied or used for sleeping purposes while parked on a public street or highway.

B. Temporary occupancy: In any zone except the I, IL, or C zone, recreational vehicles may be located on a lot or parcel for occasional temporary occupancy as

provided in this section. This section shall not apply to recreational vehicles located in a recreational vehicle park or on a recreational vehicle sales lot. No use under this section shall cause a nuisance or health hazard.

1. Use in RR-4 through RR-15, LIC, RC, TP, AE, or AG zone: Recreational vehicles may be used for occasional human habitation for a period not to exceed thirty consecutive days, or ninety calendar days, in any one year.
2. Use in RR-1 through RR-3, RH, RL, or RT zone: Recreational vehicles shall be strictly limited to occasional occupancy, not to exceed thirty days in any one year. No recreational vehicle may be stored in a required front yard.
3. In the AE, AG, RC, LIC, TP, or OFG zone a recreational vehicle may be used for a period not to exceed one hundred eighty consecutive days in any one year, subject to approval of an administrative permit and a finding that all requirements of the health department have been met, the use is desirable in connection with a bona fide agricultural operation or resource protection activity, and the temporary use furthers the purpose of the subject zone and general plan policies. The term of the administrative permit may vary but shall not exceed five years. Any extension beyond five years shall require a use permit.

C. Temporary occupancy during construction of dwelling on same lot, subject to obtaining an administrative permit as provided in Section 18.100.040.

D. Use of recreational vehicle as a temporary family care dwelling, as provided in Section 18.100.020.

E. Recreational vehicles located on a recreational vehicle sales lot shall not be used for human habitation.

F. Storage of recreational vehicles: Recreational vehicles may be stored indefinitely on any lot, provided they are not used for human habitation. In an RH, RL, RR or RT zone, no recreational vehicle shall be stored in a required front yard. Recreational vehicle sales lots are exempt from this subsection.

G. Recreational vehicle parks: Recreational vehicles located in recreational vehicle parks shall comply with all applicable requirements of this title and of law, and with any conditions of issuance of a use permit. No recreational vehicle shall remain in a recreational vehicle park for more than six months in one calendar year, unless modified by the conditions of an approved use permit.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.110 - GENERAL DEVELOPMENT STANDARDS

Sections:

The regulations set out in this chapter shall apply in all zones unless a provision or exception is limited to certain zones, or unless the standard would conflict with the specific zone regulations, in which case the more specific or restrictive regulation shall apply.

(Ord. 236-73 Exh. A(part), 1991)

18.110.020 - Building sites-Lot size and width.

A. Substandard building sites: A legally created lot which contains less area and/or width than is required by the applicable zone, and is not merged pursuant to the

State Subdivision Map Act and/or local ordinance, may be developed as permitted by the zone in which the lot is located if:

1. The owner has not, within the last one year, owned contiguous property which could be adjusted or combined with the substandard building site.
2. The lot and proposed use otherwise meet all requirements of this title and law, and the criteria for the use in the zone in which it is located does not specifically require the minimum lot size to be met.

B. Lot size determination: The lot size shall be the gross area of a lot which is held in fee title by the lot owner, except when the minimum lot size is one acre or less all road easements, whether prescriptive or dedicated, along any property boundary shall be excluded. When the minimum lot size is five acres or more, a variation not to exceed two percent less than the minimum lot size shall be allowed for any parcel based on an aliquot part sectional subdivision. The true aliquot part sectional subdivision shall be determined in accordance with the procedures described in the current Manual of Surveying Instructions published by the Bureau of Land Management.

C. Exception-Public entity or public utility: The minimum lot size and width required in any zone shall not apply to any public entity or public utility, provided the proposed use meets all other requirements of this title and law. Wherever a portion of a lot to be conveyed to a public entity for public use or public utility purposes does not meet the minimum lot size, the county may require the lot to be rezoned to the PF zone.

D. Exception-Public health, safety, and welfare: Notwithstanding any other provision in this title, no building or use shall be approved, erected, or constructed on a lot which does not meet the required lot size or width, and which could thereby endanger the public health, safety, or welfare. Such a determination made in writing to the applicant by any county official or body with jurisdiction to approve or grant a permit or other land use entitlement under this title shall be grounds for denial. The applicant or any interested person may appeal the decision to the appellate body as provided in Chapter 18.144. Notice and hearing shall be in the manner required for any permit or entitlement under consideration, or if none, as required for administrative permits.

(Ord. 236-73 Exh. A(part), 1991)

18.110.030 - Access frontage.

In any zone, each parcel shall have sixty feet of access frontage, except as otherwise provided in this title or approved by the body granting a permit or entitlement.

(Ord. 236-73 Exh. A(part), 1991)

18.110.040 - Off-street parking and loading.

This section specifies off-street parking and loading regulations for all land uses for the purposes of minimizing street congestion and traffic hazards, and assuring safe and convenient access to residences, businesses, and public places.

A. Regulations applicable: Every building installed or constructed, enlarged, or structurally altered, and every use of land established or expanded in this title, shall comply with the provisions of this section, except as follows:

1. When a legal nonconforming permitted use or structure is extended or enlarged, this chapter shall apply only to the portion that is extended or enlarged.
2. When a legally existing permitted use is changed to another permitted use, the new permitted use shall conform to this chapter, except the number of off-street parking spaces may be reduced by five.

B. Joint use parking areas: The joint use of off-street parking areas may be authorized by the planning director in connection with site plan review, or by the planni in connection with a use permit application, subject to the following limitations and criteria:

1. It is determined that there will be no conflict between the principal operating hours of the buildings or uses for which joint use of off-site parking is proposed. The affected owners shall execute and cause to be recorded in the office of the county recorder an agreement or conveyance approved as to form by county counsel and binding on their heirs, successors, and assigns guaranteeing that joint use of off-site parking will be available to serve the use for its duration.
2. Up to fifty percent of the off-street parking area required for "nighttime" or weekend uses, such as theaters, bowling alleys, bars, auditoriums, or churches may be supplied by the parking area required for daytime uses, such as banks, offices, retail sales, and personal service establishments; and up to fifty percent of the off-street parking area for daytime uses may be supplied by the parking area for nighttime or weekend uses.
3. Parking in the C, IL, I, or PF zone may be located off-site, within five hundred feet of the use which it serves.

C. Off-street parking and loading: The following parking requirements apply in all zones. The required parking is in addition to company operated vehicles. All computed numbers shall be rounded up to a whole number.

1. Dwelling units: One bedroom or second-dwelling unit: One space per unit. Two or more bedrooms: Two spaces per unit. Refer to section 18.100.010(6) for accessory dwellings.
2. Hotels, motels, boarding house, bed and breakfast inn: One space for each guest room plus one space per two employees, plus applicable required parking for additional uses.
3. Mobilehome park: One and one-half spaces per unit, plus one recreational vehicle parking space for each four units.
4. Nursing home, group care homes, convalescent hospitals: One space for each three beds.
5. Hospitals: One space per bed.
6. Church, social hall, club, community center, theater, or other place of public assembly: One space for each four seats in the principal seating area, or one space for every 40 square feet in the principal seating area, whichever is greater.
7. Libraries, museums: One space for each 300 square feet of gross floor area.
8. Schools: Grades K-8: One space per employee plus ten additional spaces. Grades 9 and over: One space for each five students plus one space for every two employees.
9. Business or professional offices, including banks and other financial institutions, medical offices and clinics: One space for each 300 square feet of gross floor area.
10. Personal services: One space for each 200 square feet of gross floor area.
11. Bowling alley: Two spaces for each lane plus one space for each 200 square feet of gross floor area devoted to accessory uses.
12. Golf course: Two spaces per hole plus applicable required parking for accessory uses.
13. Furniture and appliance stores or repair shops and similar uses which handle only bulky merchandise: One space for each 600 square feet of gross floor area.
14. Automobile or machinery sales and service garages, building materials supply, nursery or farm supply: One space for each 500 square feet of gross floor area, plus one space for each 2,000 square feet of outdoor sales or service area.

15. Retail stores, second hand shops: Except as otherwise specified herein, one space for each 200 square feet of gross floor area.
16. Shopping center: One space for each 200 square feet of gross floor area.
17. Restaurants, bars: One space for each four seats. Drive-in restaurants: One space for each 100 square feet of gross floor area plus one space for every two employees.
18. Warehouses, storage buildings, wholesale and manufacturing operations: One space for each 200 square feet of gross floor area, plus one space for each two employees on the largest shift, plus additional parking as required for retail uses if applicable.
19. Laboratories and research facilities: One space for each 300 square feet of gross floor area.
20. Uses - not specified. Parking for uses not specified in this section shall be required in the number of spaces required for similar uses in this section, in terms of type, human activity, and traffic generation.
21. Emergency shelters, supportive/transitional housing (seven or more clients). Two spaces per facility (same as residential), and one and one and one-half spaces for each room that provides support services (for administrative staff).
22. Community care facilities. One space for every four beds.

D. Off-street loading requirements: Off-street loading requirements for uses which involve the handling of goods, materials and equipment: One off-street loading space for the first ten thousand square feet of gross floor area, plus one space for each additional thirty-five thousand square feet of gross floor area.

E. Parking areas-Design requirements:
    1. All parking areas-which access onto a county road shall be reviewed by the county road department. All parking areas which access onto a state highway shall be reviewed by the California Department of Transportation.
    2. All parking area designs shall limit direct access to and from adjacent public roads to a minimum number of encroachments.
    3. Commercial parking area encroachment: Twenty- four foot minimum travel width for two-way traffic; twelve foot minimum travel width for one-way traffic.
    4. Parking area design shall take into account natural drainage, slope, and other physical features of the site.
    5. Off-street parking and loading spaces shall not occupy any part of any right-of-way or sight distance area.
    6. Minimum parking or loading space sizes:
        a. Parking: Nine feet by eighteen feet.
        b. Handicapped parking: Twelve feet by eighteen feet.
        c. Parallel parking: Nine feet by twenty-four feet.
        d. Loading: Twelve feet by twenty-two feet.

(Ord. No. 236-146, 12-12-2017; Ord. 236-73 Exh. A(part), 1991)

18.110.050 - Yards.

The regulations for yards shall apply in all zones unless different yards are shown or described on a recorded final map, parcel map, an adopted plan or ordinance, or in the PD zone. Except as otherwise provided, no building or structure shall be permitted within any required yard area. Wherever the minimum yard requirement of the zone in which the lot is located differs from the requirement in this section, the more restrictive requirement shall apply, unless otherwise specified.

A. Pre-existing buildings: Buildings which existed prior to the effective date of this section which do not conform to all of the yard requirements of the zone in which they are located may be enlarged or modified, provided the expansion or modification does not increase the degree of nonconformance.

B. Measurement from right-of-way lines: Yards shall be measured from existing lot lines, or from the right-of-way lines, whether dedicated or prescriptive, of every road, highway, alley, access easement, or railroad if the lot lines are within such right-of-way.

C. Lot with front and rear bounded by road: Where the front and rear lot lines both have road frontage, the front and rear yards shall meet the minimum front yard requirement for the zone in which the lot is located, unless the lot is less than one acre. For purposes of this subsection, "road" does not include "alley."

D. Lot with public road frontage:

1. The yard for land abutting any street, road, or highway in the county road system or dedicated to public use shall be as provided in Title 12 of the county code, and any variances shall be obtained pursuant to that title.
2. For all highways and major roads shown as arterials or collectors in the county general plan, forty feet, or seventy feet from the right-of-way centerline, whichever is greater.

E. Setback from land zoned TP. All buildings shall be set back one hundred feet from land zoned TP, except where no timber is located on and within one hundred feet of the boundaries of the subject TP zoned land, the setback may be eliminated.

F. Setback from waste facilities. All structures and uses designed for human occupancy, and wells, shall be set back at least one thousand feet from existing waste disposal facilities, expansion areas for which environmental studies or permit applications have been filed, future sites designated in the general plan, or closed land disposal sites.

G. Flag lots: For flag lots, the front yard shall be the yard which is located adjacent to the lot line which either intersects the flag lot driveway or which is a continuation of the driveway lot line.

H. Architectural features or structural appendages: Cornices, eaves, canopies, and similar architectural features may extend into any required yard not more than two feet. Uncovered porches, stairways, fire escapes, or landing places may extend into any required yard not more than three feet.

I. Modification in PD zone: The yard requirements in this chapter may be reduced, modified, or deleted in a PD zone.

J. Distance between buildings: Each building shall be at least ten feet from every other building on the same lot, unless modifications to the building are made pursuant to the Uniform Fire Code.

K. Dwelling or main building facing side yard: Where the dwelling or main building is located with the main entrance facing a side lot line, the minimum side yard shall be ten feet on the main entrance side.

L. Buildings which house animals: Barns, stables, chicken houses, and similar buildings, and residential accessory buildings which house animals shall not be located closer than ten feet from side or rear lot lines, excluding lot lines adjacent to an alley or street; nor closer than twenty feet from any dwelling on the same or adjacent lot.

M. Public utilities: Public utility telephone and electric distribution lines, and sidewalks, may be located in a required yard.

N. Height limits: Yards may be required to be increased when height limits are exceeded when required by the zone in which the use is located, Section 18.110.060 condition of a permit or entitlement.

(Ord. 236-73 Exh. A(part), 1991)

18.110.060 - Height limits.

Except as otherwise provided in this title, the following height limits shall apply in all zones:

A. Roof structure: Roof structures for the housing of elevators, stairways, tanks, ventilating fans, solar equipment, and similar equipment required to operate and maintain the building, and flagpoles, vents, chimneys, skylights, television and radio antennae, and similar structures, may be erected to greater height than the height limit, provided no roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space. The maximum height limit for churches shall be seventy-five feet, provided that each yard shall be increased one foot for each foot in excess of the height limit for the zone in which the church is located.

B. Signs: As provided in Section 18.110.070.

C. Slope: Where the average grade under any dwelling exceeds fifteen percent, the maximum height limit shall be increased by fifteen feet on the downhill side of the building.

D. Public utilities: Height limits shall not apply to public utility electric and telephone transmission and distribution lines and towers.

E. Use permit: Except as otherwise provided, any structure in any zone may be erected to a height greater than the limit established for the zone in which the structure is located, provided that a use permit is first obtained.

F. AH zone: The height limits in the AH zone shall supersede all other height regulations, whenever the AH zone regulation is more restrictive.

(Ord. 236-73 Exh. A(part), 1991)

18.110.070 - Signs.

Except as otherwise provided in this title or section, the following sign regulations shall apply in all zones.

A. Sign type: In any zone, the following signs shall be permitted subject to the limitations and criteria in this section and the subject zone. Nonappurtenant signs shall be subject to any other regulations under the California Outdoor Advertising Act. All signs described in this section may locate without regard to distances from other signs, except as specifically provided.

1. Noncommercial/official signs: The following signs shall not be regulated by this title: Official signs of a noncommercial nature erected by, on behalf of, or pursuant to the authority of public utilities or public entities; flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial drive or used as an advertising device; or signs proclaiming religious, political, or other noncommercial messages limited to one per abutting street provided each sign area does not exceed sixteen square feet.

2. Community identification signs: Signs placed near a city or county boundary identifying such city or county and the names of civic, fraternal, or religious organizations located therein, limited to not more than four per community provided each sign area does not exceed sixty-four square feet and the sign location is not zoned RH, RL, or RR.

3. Private traffic signs: Signs directing and guiding traffic on private property provided each sign does not exceed four square feet in area and bears no adver
4. Appurtenant real estate for sale, lease, or rent (including buildings) signs: One sign per abutting street, plus one additional sign along each two hundred feet of continuous street frontage, provided each sign area does not exceed thirty-two square feet; except in the RH, RL, or RR zone, or RT zone with a dwelling, each sign area shall not exceed six square feet. In addition, for each five lots for sale or lease, one on-site and one off-site sign provided each sign area does not exceed thirty-two square feet.
5. Temporary signs: One sign per lot provided each sign area does not exceed thirty-two square feet, except in the RH, RL, or RR zone the total temporary sign area shall not exceed four square feet.
6. Appurtenant construction site identification signs. One sign per abutting street, plus one additional sign along each two hundred feet of lot line provided each sign area does not exceed thirty-two square feet. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within fifteen days after the issuance of the final occupancy permit.
7. Appurtenant accessory residential signs: Signs customarily associated with residential use provided each sign area does not exceed four square feet and bears no advertising matter, such as property identification, warning, private parking, or noncommercial organization affiliations signs. In the RH, RL, or RR zone the aggregate sign area shall not exceed sixteen square feet under this subsection. In addition to the above, for a subdivision of five or more lots, a multiple-family development, or common facilities for use by occupants of such developments, one or more signs identifying the subdivision, common facilities, or multiple-family development may be located at each entrance provided the aggregate sign area at each entrance does not exceed thirty-two square feet.
8. Home occupation: When any sign is used in connection with a home occupation, it shall be limited to one nameplate attached on and flush with the dwelling or accessory building not to exceed six inches by twelve inches. No use permit or variance may be issued which would allow an increase in the number or size of the sign as provided in this subsection.
9. Appurtenant sign in IL, I, or C zone, or RT zone with no dwelling: (a) One freestanding sign along each one hundred lineal feet of street frontage provided where there is less than one hundred lineal feet each sign area does not exceed thirty-two square feet, and where there is more than one hundred feet each sign area does not exceed sixty-four square feet, and (b) Building signs provided the aggregate building sign area does not exceed the greater of one foot in area for each lineal foot of building frontage or sixty-four square feet. This subsection shall also apply to a lot occupied by three or more business enterprises that are integrated with a common access, such as a shopping center, or one or more buildings with spaces for multiple businesses.
10. Appurtenant signs in specified zones: In any zone except the RH, RL, RR, RT with a dwelling, C, IL, or I zone, one along each abutting street, provided each sign area does not exceed thirty-two square feet. Where the lot or parcel abuts a street for a continuous distance of more than four hundred feet one sign may be erected along each four hundred foot segment.

B. Determination of number: Each display device whose elements are organized, related, or composed to form a unit shall be counted as one sign. Where matter is displayed in a random manner without organized relationship of elements, each element shall be counted as one sign. A two-sided or multi-sided sign shall be counted as one sign provided the maximum distance between the backs of each face of the sign do not exceed five feet.

C. Use permit: Except as otherwise provided, signs that exceed the size or number criteria in this section may be permitted subject to obtaining a use permit.

D. Sign area: Sign area means the sum of the area enclosed within the sign frame, or measured to the outside boundary perimeter around the outer limits of the sign elements including any voids within such perimeter. For a two-sided or multi-sided sign, each side shall be allowed the permitted sign area.

E. Sign area-Lot without street frontage: For a lot without street frontage a portion of the aggregate permitted sign area, including that portion which would be per had street frontage calculated as the lineal footage of the lot line facing the street providing access, may be allocated to one nonappurtenant sign located at or a frontage that provides access to the lot, provided the proposed location is not zoned RH, RL, or RR. Each sign area shall not exceed the applicable sign area that the lot had street frontage.

F. Animation or movement: No blinking, flashing, rotating, or animated signs, or signs that change intensity or color or emit smoke, noise, odors, etc., shall be permitted, except to display the date, time and weather information.

G. Color: No red, green, or amber lights, or illuminated signs shall be located in such position that they could reasonably be expected to interfere or be confused with any official traffic control device, signal, or directional signs.

H. Illumination: Lights used to illuminate signs or advertising structures shall be installed so as to concentrate the illumination of the sign or advertising structure and minimize glare or direct illumination upon a public street or adjacent lot.

I. Heights: Building mounted signs shall not extend above the roofline of the building to which they are attached, except to display the time, date, and weather information. Freestanding signs shall not exceed the maximum building height in the zone in which the sign is located.

J. Clearance: Each freestanding sign or building sign that projects more than twelve inches from the face on which it is attached shall have at least eight feet of clearance between the sign and the underlying surface.

K. Clearance-Public right-of-way: No sign shall be permitted in or over a public right-of-way, unless an encroachment permit has been obtained from the appropriate agency, except signs attached to the face of a building located within such right-of-way shall be located at least twelve feet above the surface of the right-of-way. Attached signs and floodlights placed within any public right-of-way shall have at least twelve feet of clearance between the sign and surface of said right-of-way and shall also comply with Chapter 12.04 of the county code.

L. Maintenance: All signs shall be maintained in a safe and readable condition and shall advertise a valid operating activity, including seasonal activities. A sign shall be considered unreadable when twenty percent or more of the face is removed or indistinguishable.

(Ord. 236-73 Exh. A(part), 1991)

18.110.080 - Multiple family housing design.

A. Multi-Family Dwelling Projects. Multi-family dwelling projects shall comply with the following provisions:

1. Developed on a site that has sufficient infrastructure to support the proposed development intensity to comply with minimum public health and safety requirements, such as public water and sewer.
2. Maximum building and impervious surface coverage shall not exceed 70 percent of the site (excluding public rights-of-way).
3. Site development shall comply with the following:
    a. Parking should be located behind the buildings, in the rear of the site or accessed from alleys or screened from view of the public street.
    b. Front building setback walkways, driveways or other impervious surfaces shall not exceed 25 percent of this setback area.
    c. Open stairways shall not be visible from the public street.
    d. Minimum ten percent improved landscaped site coverage. Landscaping and irrigation shall be designed and installed in compliance with the California Water Conservation Landscape Act, Government Code Section 65595(c)(1).

4. Architectural features shall be incorporated into the project design as follows:
    a. Balconies (when two stories or greater);
    b. Porches;
    c. Pitched roofs;
    d. Overhanging roofs with gabled ends;
    e. Dormers;
    f. Change in wall plane (pop-outs, projections, etc.) for buildings that exceed 24 feet in length.

(Ord. No. 236-146, 12-12-2017)

18.110.090 - Emergency shelter performance standards.

A. Emergency housing shall comply with all objective standards identified in Government Code Section 65583(a)(4), that include, but may not be limited to the following:
    1. Off-street parking as provided under section 18.110.040.C.21. of this code.
    2. Shall not be located closer than 300 feet of any other emergency shelter, unless such social service is located within the same building or on the same lot.
    3. There shall be adequate receiving or reception space inside the structure such that prospective and current residents are not required to wait on sidewalks or any other public rights-of-way.
    4. There shall be a gated and fenced outdoor area.
    5. Lighting shall be provided for appropriate surveillance subject to approval of the sheriff's department.
    6. A management plan is required for all to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. Such plan shall be submitted to and approved by the county. Minimum standards and practices in the plan shall be as follows:
        a. The emergency shelter shall be operated by a responsible agency or organization, with experience in managing or providing social services.
        b. The emergency shelter shall have an identified administrator and representative to address community concerns.
        c. The emergency shelter shall provide at least one responsible onsite supervisor at all times for every ten occupants.
        d. Residents shall be regularly evaluated by persons experienced in emergency shelter placement and/or management.
        e. The program shall identify a transportation system that will provide its clients with a reasonable level of mobility including, but not limited to, access to social services and employment opportunities.
        f. First aid and CPR assistance, training, counseling, and personal services essential to enable homeless persons to make the transition to permanent housing shall be provided. Services may include providing meals as incidental to the operation of an emergency shelter.
        g. Referral services shall be provided to assist residents in obtaining permanent housing and income. Such services shall be available at no cost to residents of a shelter.
        h. Emergency shelters shall be maintained in a safe and clean manner and free from refuse or discarded goods.

(Ord. No. 236-146, 12-12-2017)

Chapter 18.120 - SITE PLAN REVIEW

Sections:

18.120.010 - Purpose.

The purpose of site plan review is to assure consistency of all development with the provisions of this title, the general plan, and any applicable specific plan.

(Ord. 236-73 Exh. A(part), 1991)

18.120.020 - Applicability.

Site plan review shall be conducted for all land use entitlements requiring site plan review as specified by this title, as provided in this chapter. Every application for a building permit to construct, reconstruct, relocate, erect, place, enlarge, or extend a building or structure, or to alter or otherwise modify a building or structure for the purpose of changing the use thereof, shall require site plan review. Site plan review, and any action, condition, determination, or appeal relating to site plan review, is determined to be an administrative action and does not require public notice and hearing.

(Ord. 236-73 Exh. A(part), 1991)

18.120.030 - Application.

A. Form and contents: Each application for a permit, building permit, or entitlement requiring site plan review shall include (1) a detailed site plan, drawn to scale, showing the existing and proposed uses, buildings, improvements, and other development of the entire lot, including parking, setbacks, heights, and yards, easements, roads and any other information required to determine compliance with this title, and (2) applicable fees.

B. Completeness: Within thirty days of receiving an application, the planning department shall provide the applicant with written notice of any deficiencies. Each resubmittal shall again commence the review and submittal procedures described in this subsection. Failure of the applicant to respond within thirty days to any written notice that the application is incomplete, or to any request to amplify, clarify, correct, or otherwise supplement the application, shall be deemed to be an abandonment of the application and no further action shall be taken on it. The applicant may, within ten days of receiving a notice of deficiency, appeal the determination of the planning department to the planning commission, and subsequently the board of supervisors as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.060.

(Ord. 236-73 Exh. A(part), 1991)

18.120.040 - Planning director action.

Within twenty days after accepting an application as complete, the planning director shall determine its compliance with the provisions of this title, the general plan, and any applicable specific plan, and shall the approve, approve subject to conditions, or deny the application. Any conditions imposed shall be limited to (1) terms, conditions, or modifications to the project to conform it to the provisions of this title, the general plan, or any applicable specific plan, and (2) the recording of a document, on a form prescribed

by the planning director and approved by county counsel, in the office of the county recorder, providing notice of terms or conditions of the land use entitlement.

(Ord. 236-73 Exh. A(part), 1991)

18.120.050 - Appeal and hearing.

Any interested person may appeal the decision of the planning director as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.060. The planning commission shall not grant any approval that would otherwise require a use permit, variance or administrative permit without the proper application and procedures for such. The decision of the commission shall be final.

(Ord. 236-73 Exh. A(part), 1991)

18.120.060 - Effect of action.

A. No building permit, mobilehome installation permit, or other permit issued by the county for any entitlement for which site plan review is required shall be issued or used until the site plan has been approved, revised to conform with the conditions of approval, and finally approved, or unless and until any appeal results in an approved site plan. No building permit, mobilehome installation permit, or other entitlement requiring site plan review shall be issued which is not in conformance with the approved site plan.

B. Every approved site plan expires and becomes null and void within one year from the date of approval, or affirmation of approval upon appeal, without any further action by the county, unless a building permit or entitlement for the proposed activity, use, or building has been legally issued and the building, use, or activity has been substantially commenced prior to the expiration date, or the permittee shows that conditions beyond the control of the applicant prevented substantial progress. Such declaration by the applicant shall be submitted to the planning director prior to the expiration date. Within thirty days the director shall make a decision and provide written notice thereof to the applicant who may appeal the decision of the planning director as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.060. The decision of the planning commission shall be final.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.124 - ADMINISTRATIVE PERMITS

Sections:

18.124.010 - Applicability.

An administrative permit may be granted for any of the uses for which administrative permits are required by this title, as provided in this chapter. Administrative permits and any action, condition, determination, or appeal relating thereto is determined to be an administrative action and does not require public notice and hearing.

(Ord. 236-73 Exh. A(part), 1991)

18.124.020 - Application.

A. Form and contents: An application for an administrative permit shall be made in writing on a form prescribed by the planning director, and shall be accompanied by (1) a clear and concise description of the proposed use and accompanying activities; (2) plans, maps, or other documents, reproducible and drawn to scale, showing the project location and details of the proposed use, buildings, and facilities; (3) information demonstrating compliance with provisions applicable to the proposed uses and this title; (4) written authorization of the property owner; and (5) fees.

B. Completeness: No application shall be accepted as complete until all fees, the application form and all required information are filed with and accepted as complete by the planning department. Within thirty days after receiving an application the planning department shall provide the applicant with written notice of any deficiencies. Each resubmittal shall again commence the review and submittal procedures described in this subsection. Failure of the applicant to respond within thirty days to any written notice that the application is incomplete, or to any request to amplify, clarify, correct, or otherwise supplement the application, shall be deemed to be an abandonment of the application and no further action shall be taken on it. Within ten days of receiving a notice of deficiency, the applicant may appeal the determination to the planning commission and subsequently the board of supervisors as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.060.

(Ord. 236-73 Exh. A(part), 1991)

18.124.030 - Planning director action.

A. Within twenty days after accepting an application as complete, the planning director shall determine its compliance with the provisions of this title, the general plan, and any applicable specific plan, and shall give written notice to the applicant of the decision to approve, approve subject to conditions, deny, or refer the application to the planning commission. If referred, the commission shall make its determination within sixty days from the date the application is accepted as complete.

B. If the director or commission determines the application complies with all criteria applicable to the proposed use, the administrative permit shall be approved. Reasonable conditions may be imposed as required to conform the proposed uses to applicable criteria in this title. If it is determined that the application does not meet all applicable criteria and cannot reasonably be made to conform to the requirements through the imposition of conditions, the application shall be denied.

(Ord. 236-73 Exh. A(part), 1991)

18.124.040 - Permit conditions and terms.

A. The granting of any administrative permit may be conditioned upon (1) minor modifications to the proposal to conform it to criteria applicable to the proposed uses and this title, (2) the recording of a document, on a form prescribed by the planning director and approved by county counsel, in the office of the county recorder, providing notice of terms or conditions of the administrative permit, and (3) any security or fees required to assure continued compliance.

B. Any administrative permit granted may be limited to a term set when the administrative permit is approved, and when renewed if applicable. The establishment, maintenance, or operation of any use pursuant to this chapter shall cease at the end of the term, if any, of the administrative permit.

(Ord. 236-73 Exh. A(part), 1991)

18.124.050 - Appeal and hearing.

The applicant may appeal the decision of the planning director to the planning commission. The decision of the commission shall be final, or if the application was referred to the commission its decision may be appealed to the board of supervisors, as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.060. The commission or board shall not grant any approval that would otherwise require a use permit or variance without the proper application and procedures for such.

(Ord. 236-73 Exh. A(part), 1991)

18.124.060 - Revocation of permit.

Every administrative permit issued pursuant to this chapter is revocable, as provided in this section.

A. Whenever the planning director or the planning commission determines that one or more ground exists for revocation of an administrative permit, the planning commission may revoke the administrative permit after notice given as provided in Section 18.140.060. Grounds for revocation include, but are not limited to:
    1. Noncompliance with permit conditions.
    2. Violation of any law relating to the permit.
    3. Expansion of the use that is the subject of the permit without an amendment or new permit.
    4. Exercising or conducting the use in a manner that threatens or is injurious to public health or safety or constitutes a nuisance.
    5. False or erroneous information in the record as to a material matter or significant issue regarding the use.
B. After the hearing the planning commission may revoke the permit, or decline to revoke the permit. In lieu of revocation, the commission may amend existing conditions of approval or impose additional conditions, to the extent allowed by this title and any other law. No conditions shall be imposed which would have the effect of granting a variance, except as provided in this title, unless the appropriate application is made.

(Ord. 236-73 Exh. A(part), 1991)

18.124.070 - Expiration by inaction.

A. Every administrative permit expires and is null and void without further action by the county if the activity for which the permit was granted has not been actively and substantially commenced within one year from the date of its approval, or affirmation on appeal. The planning director has the authority to declare, based on length of time and operation of law, the permit abandoned, and therefore null and void, unless an extension is granted as provided in subsection B.
B. The planning director may extend the time for commencement of the use or activity for which an administrative permit was granted, if a written request for an extension of time stating the grounds therefor is submitted to the planning director prior to the expiration of the permit. A reasonable extension of time shall be approved if the permittee shows that circumstances beyond the permittee's control have prevented the permittee from taking sufficient action. Notice of the decision shall be mailed or delivered to the applicant.
C. The decision of the director on the request for an extension may be appealed to the planning commission as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.050.

(Ord. 236-73 Exh. A(part), 1991)

18.124.080 - Surrender of permit.

The holder of an administrative permit may surrender it to the planning department at any time and thereafter shall cease to engage in, operate, or maintain the use.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.126 - PLANNED DEVELOPMENT PERMITS

Sections:

18.126.010 - Purpose.

A planned development permit provides a process whereby the county may consider comprehensive development proposed in connection with the rezoning of land to the PD zone. The county may accept applications for a planned development permit in locations where a proposed development is consistent with the general plan and any applicable specific plan.

(Ord. 236-73 Exh. A(part), 1991)

18.126.020 - Applicability.

The regulations in this chapter shall apply whenever a planned development permit is required by this title. Every planned development permit shall fully describe all uses and buildings existing on the lot on the date the application is approved, and thereafter, development, uses and buildings permitted shall be those which conform to the planned development permit.

(Ord. 236-73 Exh. A(part), 1991)

18.126.030 - Incorporation of specific plan or tentative map.

A. A tentative subdivision map, when applicable, shall constitute a major element of the planned development permit application. All maps shall be consistent with the proposed application. The processing of all maps shall comply with all applicable laws and ordinances pertaining to such maps. The tentative approval of any map shall be conditioned upon approval of the associated planned development permit.
B. When applicable, specific plans may be incorporated by inclusion or reference into a planned development permit application, provided that all provisions of this chapter are adequately addressed and that, in the event that the planned development permit is granted, all findings and conditions of approval specified in this chapter are effected.

(Ord. 236-73 Exh. A(part), 1991)

18.126.040 - Application.

A. Pre-application: Prior to making an application, the planning department may arrange a conference with the applicant and all applicable county departments to revie proposal concept, design, and related issues. At the request of the applicant or agent, or action of the planning director, the project concept may be referred to the p commission for interpretive actions.

B. Form and contents: An application for a planned development permit shall be made to the planning department on a form prescribed by the planning director, and shall be accompanied by:

1. A clear and concise description of the existing and proposed uses and accompanying activities.
2. Plans, maps, or other documents, reproducible and drawn to scale, showing the project location and details of the proposed uses, buildings, facilities, and legal boundary of the project.
3. General topography, at contour intervals of ten feet, plus all natural drainage features.
4. Proposed street system, parking and lot design, and existing right-of-way lines and other easements.
5. Areas proposed to be dedicated or reserved for parks, playgrounds, school sites, public or quasi-public buildings, and similar uses, and locations and description of project amenities held in common.
6. Areas proposed for specified uses, such as multiple-family dwellings, equestrian stables, etc. and all other uses proposed to be established within the zone district.
7. General elevations and representative architectural drawings of proposed buildings and structures.
8. The extent, location, and general arrangement of all open space and landscaping.
9. The sequence of development if the project is proposed to be developed in phases, and the sequence of services.
10. A plan for financing the construction, maintenance and operation of the development.
11. Other data and information which may be deemed necessary by the planning commission or the planning department for proper consideration of the application, including consistency with the general plan and the provisions of this title, and environmental review information.
12. Fees.

C. Completeness: No application shall be accepted as complete until all fees, the application form and all required information are filed with and accepted as complete by the planning department. Within thirty days of receiving an application the planning department shall provide the applicant with written notice of any deficiencies. Each resubmittal shall again commence the review and submittal procedures described in this subsection. Failure of the applicant to respond within thirty days to any written notice that the application is incomplete, or to any request to amplify, clarify, correct, or otherwise supplement the application, shall be deemed to be an abandonment of the application and no further action shall be taken on it. The applicant may, within ten days of receiving a notice of deficiency, appeal the determination of the planning department to the planning commission and subsequently the board of supervisors as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.060.

D. Environmental review: All applications shall be reviewed pursuant to and for compliance with the California Environmental Quality Act (CEQA) under procedures established by the board of supervisors. Conditions of approval recommended pursuant to CEQA review shall be transmitted to the planning director.

E. Planning director's report: All applications shall be reviewed by the planning director, who may consult with any person for the purpose of technical review. The report of the planning director, including any recommended conditions of approval, shall be transmitted to the planning commission and applicant at least five days prior to hearing on the application.

(Ord. 236-73 Exh. A(part), 1991)

18.126.050 - Planning commission action.

A. Public hearing: The planning commission shall hold a public hearing as provided in Chapter 18.140 on each application for a planned development after the application is accepted as complete. Notice of hearing shall be given by the planning director as provided in Section 18.140.050.

B. Action: After the hearing the planning commission may approve, approve subject to conditions, or deny the application for a planned development permit. The approval shall clearly describe the plan for development, set forth all conditions, and include the findings and requirements in this section.

C. Findings: In addition to any other finding required for concurrent applications, the planning commission shall make the following written findings addressing in which respects the development would or would not be in the public interest, including conclusions on the following:

1. In which respects the development plan and/or applicable specific plan is not consistent with the provisions and purposes of the PD zone and the general plan.
2. The extent to which the development or specific plan varies from zoning and subdivision regulations otherwise applicable to the particular property or the type of development proposed.
3. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further amenities of light and air, recreation and visual enjoyment.
4. The relationship, beneficial or adverse, of the proposed planned development to the area in which it is proposed to be established.
5. In the case of a plan proposed for development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the development and the integrity of the development plan.

D. Elements of permit: Any approval of a planned development permit shall specify the following:

1. The incorporation, by reference or attachment, of all associated specific plans, subdivision maps and certificates.
2. All conditions of approval, including all permitted uses and densities of usage with their specific locations.
3. Clarification of the sequence of development if the project is proposed to be developed in phases.
4. Any architectural design plans or features required, or landscaping.
5. The type of security proposed to construct and maintain all improvements, and the form of all performance bonds, if any.
6. Clarification of the location and use of all open space and/or common property areas and easements.
7. The requirement to rezone lands to the PD zone if applicable, and the incorporation of the appropriate provisions of each approved planned development permit as a part of the ordinance to accomplish the rezoning.

E. Conditions: The granting of any planned development permit may be conditioned upon (1) terms, conditions, or modifications to the proposal for the purpose of assuring that the proposal complies with all criteria applicable to the proposed development, (2) dedication of land or posting of a bond to guarantee the installation of public improvements which are reasonably related to the uses for which the permit is granted, (3) the recording of a document, on a form as prescribed by the planning director and approved by county counsel, in the office of the county recorder, providing notice of the terms and/or conditions of granting the permit, or (4) security, fees, agreements, or other assurances deemed necessary to insure compliance with any conditions imposed.

(Ord. 236-73 Exh. A(part), 1991)

18.126.060 - Appeals.

Any interested person may appeal the decision of the planning commission as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.050.

(Ord. 236-73 Exh. A(part), 1991)

18.126.070 - Legal requirements.

In a planned development containing areas of common ownership, the subdivision map, dedication, covenants, and other recorded legal agreements must meet the following criteria. Where any of the following may not be applicable, the developer may substitute alternative suggestions for consideration. All legal documents required by this chapter shall be approved as to legal form and effect by county counsel.

A. Legally create an automatic-membership, nonprofit, home or property owners association, district, or similar instrument.

B. Place title to the common property in the home or property owner's association or district.

C. Place responsibility for operation and maintenance of the common property in the home or property owners association or district, or give definite assurance that it automatically will be so placed within a reasonable definite time.

D. Appropriately and permanently limit the use of the common property, and give each lot owner the right of use and enjoyment of the common property.

E. Place an association charge on each lot in a manner which will assure sufficient funds, such charge to be a lien on the property, and provide adequate safeguards for the lot owners against undesirable high charges; or create appropriate assessment districts.

F. Restrict the use of the property to the uses specified by the planned development permit.

(Ord. 236-73 Exh. A(part), 1991)

18.126.080 - Expiration by inaction.

Every planned development permit expires and is null and void without further action by the county if the adoption of the ordinance to apply the PD zone has not occurred within three years from the date the planned development permit was approved, or affirmation of approval on appeal, unless an extension of time is granted as provided in this chapter. The planning director has the authority to declare, based on length of time and operation of law, the planned development permit abandoned, and therefore null and void.

(Ord. 236-73 Exh. A(part), 1991)

18.126.090 - Extension of time for commencement.

In addition to the provisions in this section, the requirements in Sections 18.126.040 through 18.126.070 shall apply to an application for an extension made subsequent to approval.

A. The planning commission may extend the time for commencement of development in accordance with the approved permit if an application for an extension

of time is made to the planning director prior to expiration of the planned development permit, or upon its own motion. The commission shall hold a public hearing. Notice shall be given as provided in Section 18.140.050.

B. The planning commission may approve or deny the extension. The amount of time to commence the use or activity shall not extend, in total, more than five years from the date the permit is approved, or affirmation of approval on appeal, or such longer time as is consistent with the time limits for the expiration of an approved tentative map. In lieu of denying an extension, the commission may amend existing conditions of approval or impose additional conditions, if the grounds which justify denial can be corrected or cured by such modifications. Any extension of time shall be approved without modification of conditions, except as required for health or safety, if the permittee shows that circumstances beyond the permittee's control have prevented the permittee from taking sufficient action.

C. The decision by the commission relating to the request for an extension of time may be appealed to the board of supervisors as provided in Chapter 18.144. Notice shall be given as provided in Section 18.140.050.

(Ord. 236-73 Exh. A(part), 1991)

18.126.100 - Amendment of permit.

Any significant alteration or expansion of a planned development for which a planned development permit was obtained shall require amendment to the approved permit. Plans adequately detailing the amendment shall be submitted to the planning department for determination of appropriate processing.

(Ord. 236-73 Exh. A(part), 1991)

18.126.110 - Revocation.

Every planned development permit issued under this chapter is revocable as provided in this section.

A. Whenever the planning director or planning commission determines that one or more ground exists for revocation of a planned development permit, the planning commission may pursue the matter by holding a public hearing. Notice shall be given as provided in Section 18.140.050, for the purpose of revoking the permit. The grounds for revocation include, but are not limited to:

1. Noncompliance with permit conditions.
2. Violation of any law relating to the permit.
3. Expansion of the use that is the subject of the permit without an amendment or new permit.
4. Exercising or conducting the use in a manner that threatens or is injurious to public health or safety or constitutes a nuisance.
5. False or erroneous information in the record as to a material matter or significant issue regarding use.

B. The planning commission may revoke or decline to revoke the permit. In lieu of revocation, the commission may amend existing conditions of approval, or impose additional conditions, if the grounds which justify revocation can be corrected or cured by such modifications.

C. The decision of the commission may be appealed to the board of supervisors, as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.050.

D. If the permit is revoked, the county may initiate an application to rezone the property from the PD zone if applicable.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.128 - USE PERMITS

Sections:

18.128.010 - Applicability.

A use permit may be granted for any of the uses or purposes for which use permits are required in this title, as provided in this chapter. Every use permit shall fully describe all uses and buildings existing on the lot on the date the application is approved, and thereafter, the only uses and buildings permitted on the lot are those described in the use permit.

(Ord. 236-73 Exh. A(part), 1991)

18.128.020 - Application.

A. Form and contents: An application for a use permit shall be made to the planning department on a form prescribed by the planning director, and shall be accompanied by (1) a clear and concise description of the existing and proposed uses and accompanying activities, (2) plans, maps, or other documents, reproducible and drawn to scale, showing the project location and details of the proposed use, buildings, and facilities, (3) information demonstrating compliance with provisions applicable to the proposed uses and this title, (4) written authorization of the property owner, (5) fees, and (6) environmental review forms.

B. Completeness: No application shall be accepted as complete until all fees, the application form and all required information are filed with and accepted as complete by the planning department. Within thirty days after receiving an application the planning department shall provide the applicant with written notice of any deficiencies. Each resubmittal shall again commence the review and submittal procedures described in this subsection. Failure of the applicant to respond within thirty days to any written notice that the application is incomplete, or to any request to amplify, clarify, correct, or otherwise supplement the application, shall be deemed to be an abandonment of the application and no further action shall be taken on it. The applicant may, within ten days of receiving a notice of deficiency, appeal the determination of the planning department to the planning commission and subsequently the board of supervisors as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.060.

C. Environmental review: All applications shall be reviewed pursuant to and for compliance with the California Environmental Quality Act (CEQA) under procedures established by the board of supervisors. Conditions of approval recommended pursuant to CEQA review shall be transmitted to the planning director.

D. Planning director's report: All applications shall be reviewed by the planning director, who may consult with any persons for the purpose of technical review. The report of the planning director, including any recommended conditions of approval, shall be transmitted to the planning commission and applicant at least five days prior to hearing on the application.

(Ord. 236-73 Exh. A(part), 1991)

18.128.030 - Planning commission action.

A. Public hearing: The planning commission shall hold a public hearing on each application for a use permit as provided in Chapter 18.140 after the application is accept complete. Notice of public hearing shall be given by the planning director as provided in Section 18.140.050.

B. Action: After the hearing the planning commission may approve, approve subject to conditions, or deny the application for a use permit. The approval shall clearly describe the uses permitted, set forth all conditions, and identify which conditions, if any, must be met prior to use of the use permit. In approving the use permit, the commission may extend the one year time period for commencement of the uses or activities for an additional year.

C. Findings: No use permit shall be granted unless written findings are made that the establishment, maintenance, or operation of the proposed use, building, or facilities (1) will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the vicinity of the proposed use, (2) will not be detrimental or injurious to property in the vicinity, or to the general welfare of the county, (3) the purposes of this title would not be better achieved by changing the zone rather than by issuing the use permit, and (4) the proposed use, at the location proposed, is consistent with the purpose of the zone in which it is located. Findings shall additionally be made as required by other provisions of this title when applicable to the proposed uses.

D. Conditions: The granting of any use permit may be conditioned upon (1) terms, conditions, or modifications to the proposal for the purpose of assuring that the proposal complies with criteria applicable to the proposed uses and this title, (2) dedication of land or posting of a bond to guarantee the installation of public improvements which are reasonably related to the use for which the use permit is granted, (3) the recording of a document, on a form prescribed by the planning director and approved by county counsel, in the office of the county recorder, providing notice of the terms and/or conditions of granting the use permit, (4) security, fees, agreements, or other assurances deemed necessary to insure continued compliance with any conditions imposed, or (5) a limitation on the administrative or permitted uses listed in the zone in which the use is located.

(Ord. 236-73 Exh. A(part), 1991)

18.128.040 - Appeals.

Any interested person may appeal the decision of the planning commission as provided in Chapter 18.144. Notice of public hearing shall be given as provided in Section 18.140.050.

(Ord. 236-73 Exh. A(part), 1991)

18.128.050 - Effect of action-Appeal waiting period.

A. No building permit, mobilehome installation permit, or other entitlement issued by the county, for a use requiring a use permit shall be issued until the appeal period has expired and any appeal results in the granting of the use permit.

B. Executed use permit: After the appeal period has expired, or affirmation of approval on appeal, the planning director shall mail the applicant a copy of the executed use permit authorizing the conduct of the uses and activities described, provided any precedent conditions imposed by subsection D of Section 18.128.030, or on appeal, have been met.

(Ord. 236-73 Exh. A(part), 1991)

18.128.060 - Expiration by inaction.

Every use permit expires and is null and void without further action by the county if the activity for which the permit was granted has not been actively and substantially commenced within one year from the date of approval, or affirmation of approval on appeal, unless an extension of time is granted as provided in this chapter. The planning director has the authority to declare, based on length of time and operation of law, the use permit abandoned, and therefore null and void.

(Ord. 236-73 Exh. A(part), 1991)

18.128.070 - Extension of time for commencement.

In addition to the provisions in this section, the requirements in Sections 18.128.030 through 18.128.050 shall apply to an application for an extension made subsequent to approval.

A. The planning director may extend the time for commencement of the use or activity for an initial one-year period if an application for an extension of time is made prior to expiration of the use permit, substantiating that circumstances beyond the permittee's control have prevented the permittee from taking sufficient action. An extension granted under this subsection is determined to be an administrative action and does not require public notice and hearing. Within ten days of the decision, the applicant may appeal the decision to the planning commission as provided in Chapter 18.144. Notice shall be given as provided in Section 18.140.060.

B. When the criteria under subsection A is not met or the extension exceeds one year, the planning commission may extend the time for commencement of the use or activity if an application for an extension of time is made to the planning director prior to expiration of the use permit. The commission shall hold a public hearing. Notice of public hearing shall be given as provided in Section 18.140.050.

C. The planning commission may approve or deny the extension. In lieu of denying an extension, the commission may amend existing conditions of approval or impose additional conditions, if the grounds which justify denial can be corrected or cured by such modifications. Any extension(s) of time that does not extend in total more than three years from the date the use permit is approved, or affirmed on appeal, shall be approved without modification of conditions, except as required for health or safety, if the permittee shows that circumstances beyond the per-mittee's control have prevented the permittee from taking sufficient action.

D. The decision by the commission relating to the request for an extension of time may be appealed to the board of supervisors as provided in Chapter 18.144. Notice of public hearing shall be given as provided in Section 18.140.050.

(Ord. 236-73 Exh. A(part), 1991)

18.128.080 - Amendment of use permit.

Any use permit may be amended. The provisions of Sections 18.128.020 through 18.128.060 shall apply to any application to amend a use permit.

(Ord. 236-73 Exh. A(part), 1991)

18.128.090 - Revocation.

Every use permit issued under this chapter is revocable as provided in this section.

A. Whenever the planning director, or planning commission, determines that one or more ground exists for revocation of a use permit, the planning commission n matter by holding a public hearing, noticed as provided in Section 18.140.050, for the purpose of revoking of the use permit. The grounds for revocation include limited to:

1. Noncompliance with permit conditions.
2. Violation of any law relating to the permit.
3. Expansion of the use that is the subject of the permit without an amendment or new permit.
4. Exercising or conducting the use in a manner that threatens or is injurious to public health or safety or constitutes a nuisance.
5. False or erroneous information in the record as to a material matter or significant issue regarding the use.

B. The planning commission may revoke or decline to revoke the use permit. In lieu of revocation, the commission may amend existing conditions of approval, or impose additional conditions, if the grounds which justify revocation can be corrected or cured by such modifications.

C. The decision of the commission in the matter of the revocation may be appealed to the board of supervisors as provided in Chapter 18.144. Notice of public hearing shall be given as provided in Section 18.140.050.

(Ord. 236-73 Exh. A(part), 1991)

18.128.100 - Surrender of permit.

The holder of a use permit may surrender it to the planning department at any time and thereafter shall cease to engage in, operate, or maintain the use.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.132 - VARIANCES

Sections:

18.132.010 - Applicability.

Variances from the terms of any regulation established by this title may be approved as provided in this chapter unless specifically preempted.

(Ord. 236-73 Exh. A(part), 1991)

18.132.020 - Application.

A. Form and contents: An application for a variance shall be made to the planning department on a form prescribed by the planning director, and shall be accompanied by (1) plans, maps, or other documents, reproducible and drawn to scale, describing the location and details of the proposed variance, (2) statements and evidence verifying the required findings and compliance with this title, (3) written authorization of the property owner, (4) environmental review forms, and (5) fees.

B. Completeness: No application shall be accepted as complete until all fees, the application form and all required information are filed with and accepted as complete b planning department. Within thirty days after receiving an application the planning department shall provide the applicant with written notice of any deficiencies. Eac resubmittal shall again commence the review and submittal procedures described in this subsection. Failure of the applicant to respond within thirty days to any writ that the application is incomplete, or to any request to amplify, clarify, correct, or otherwise supplement the application, shall be deemed to be an abandonment of tl application and no further action shall be taken on it. The applicant may, within ten days of receiving a notice of deficiency, appeal the determination of the planning department to the planning commission and subsequently the board of supervisors as provided in Chapter 18.144. Notice of hearing shall be given provided in Sectic 18.140.050.

C. Environmental review: All applications shall be reviewed pursuant to and for compliance with the California Environmental Quality Act (CEQA) under procedures established by the board of supervisors. Conditions of approval recommended pursuant to CEQA review shall be transmitted to the planning director.

D. Planning director's report: All applications shall be reviewed by the planning director, who may consult with any persons for the purpose of technical review. The report of the planning director, including any recommended conditions of approval, shall be transmitted to the planning commission and applicant at least five days prior to the hearing on the application.

(Ord. 236-73 Exh. A(part), 1991)

18.132.030 - Planning commission action.

A. Public hearing: The planning commission shall hold a public hearing on each application for a variance as provided in Chapter 18.140 after the application is accepted as complete. Notice of hearing shall be given by the planning director as provided in Section 18.140.050.

B. Action: Following the public hearing, the planning commission may approve, approve subject to conditions, or deny the application for a variance. The approval shall clearly describe the variance, set forth all conditions, and identify which conditions, if any, must be met prior to use of the variance. Any variance granted shall be subject to such conditions as will assure that the adjustment shall not constitute a grant of special privileges inconsistent with the limitations on other property in the vicinity and zone in which the property is located.

C. Findings: No variance shall be granted unless written findings are made affirming the following, in addition to any other findings required by law.

1. There are special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, and as a consequence of these circumstances, the strict application of the zoning regulations deprives the property of privileges enjoyed by other property in the vicinity and under identical zone classification; and
2. The variance will not, under the circumstances of the particular case, adversely affect the health or safety of persons residing or working in the vicinity of the subject property, and will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity of the subject property.

D. Conditions: Any variance granted shall be subject to such conditions as will assure that the adjustment shall not constitute a grant of special privileges inconsistent with the limitations on other property in the vicinity and zone in which the property is located. The granting of any variance may be conditioned upon (1) dedication of land or posting of a bond to guarantee the installation of public improvements which are reasonably related to the use for which the variance is granted, (2) the recording of a document, on a form prescribed by the planning director and approved by county counsel, in the office of the county order, providing notice of the terms or conditions of granting the variance, or (3) security, fees, agreements or assurances deemed necessary to insure compliance with any conditions imposed.

(Ord. 236-73 Exh. A(part), 1991)

18.132.040 - Appeals.

Any interested person may appeal the decision of the planning commission as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.050.

(Ord. 236-73 Exh. A(part), 1991)

18.132.050 - Effect of action-Appeal waiting period.

A. No building permit, mobilehome installation permit, or other permit issued by the county for which a variance is required shall be issued until the appeal period has expired, or until affirmation of approval on appeal.

B. Executed variance: After the appeal period has expired, or affirmation of approval on appeal, the planning director shall mail the applicant a copy of the executed grant of variance authorizing the applicant to vary from the applied zoning regulations to the extent authorized, provided any precedent conditions imposed by subsection D of Section 18.132.030 or on appeal, have first been met.

(Ord. 236-73 Exh. A(part), 1991)

18.132.060 - Expiration by inaction.

Every variance expires and is null and void without further action by the county if the activity for which the permit was granted has not been actively and substantially commenced within one year from the date of its approval, or affirmation of approval on appeal, unless an extension of time is granted as provided in this chapter. The planning director has the authority to declare, based on length of time and operation of law, the use permit abandoned, and therefore null and void.

(Ord. 236-73 Exh. A(part), 1991)

18.132.070 - Extension of time for commencement.

In addition to the provisions in this section, the requirements in Sections 18.132.030 through 18.132.050 shall apply to an application for an extension made after the variance is granted.

A. The planning director may extend the time for commencement of the use or activity for an initial one year period if an application for an extension of time is made prior to expiration of the variance, substantiating that circumstances beyond the permittee's control have prevented the permittee from taking sufficient action. An extension granted under this subsection is determined to be an administrative action and does not require public notice and hearing. Within ten days of the decision, the applicant may appeal the decision to the planning commission as provided in Chapter 18.144. Notice shall be given as provided in Section 18.140.060.

B. When the criteria under subsection A is not met or the extension exceeds one year, the planning commission may extend the time for commencement of the use or activity if an application for an extension of time is made to the planning director prior to expiration of the use permit. The commission shall hold a public hearing. Notice of pub-lic hearing shall be given as provided in Section 18.140.050.

C. The decision by the commission relating to the request for an extension of time may be appealed to the board of supervisor as provided in Chapter 18.144.

Notice of hearing shall be given as provided in Section 18.140.050.

(Ord. 236-73 Exh. A(part), 1991)

18.132.080 - Revocation.

Every variance issued under this chapter is revocable as provided in this section.

A. Whenever the planning director, or planning commission, determines that one or more grounds exist for revocation of a variance, the planning commission may pursue the matter by holding a public hearing. Notice of hearing shall be given as provided in Section 18.140.050 for the purpose of revoking the variance. The grounds for revocation include, but are not limited to:
    1. Noncompliance with permit conditions.
    2. Violation of any law related to the permit.
    3. Expansion of the activity that is the subject of the permit without an amendment or new permit.
    4. Exercising or conducting the use in a manner that threatens or is injurious to public health or safety or constitutes a nuisance.
    5. False or erroneous information in the record as to a material matter or significant issue regarding the use.
B. The planning commission may revoke or decline to revoke the variance. In lieu of revocation, the commission may amend existing conditions of approval, or impose additional conditions, if the grounds which justify revocation can be corrected or cured by such modifications.
C. The decision of the planning commission in the matter of the revocation of the variance may be appealed to the board of supervisors as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.050.

(Ord. 236-73 Exh. A(part), 1991)

18.132.090 - Surrender of permit.

The holder of a variance may surrender it to the planning department at any time and thereafter shall cease to engage in, operate, or maintain the use.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.136 - AMENDMENTS

Sections:

18.136.010 - Applicability.

The regulations in this title established by ordinance of the board of supervisors may be amended as provided in this chapter, by changing the boundaries of districts, reclassifying land from one district to another district or districts or combinations thereof, or by changing any other provision whenever the amendment will further the public necessity, convenience, or welfare.

(Ord. 236-73 Exh. A(part), 1991)

18.136.020 - Application.

A. Form and contents: An amendment to this title may be initiated by resolution of the board of supervisors or planning commission, or by the planning director or any person by filing an application with the planning department. All resolutions shall be accompanied by, and all applications shall be on, a form prescribed by the planning director, including (1) statements, plans, or maps, reproducible and drawn to scale, required to show the necessity for and the scope of the proposed amendment, (2) information demonstrating compliance with provisions of this title, (3) when the county is not the applicant, written authorization of the property owner or a petition requesting the county to initiate an amendment when the authorization of the property owner is not obtained, (4) fees, and (5) environmental review forms.

B. Completeness: No application shall be accepted as complete until all fees, the application form and all required information are filed with and accepted as complete by the planning department. Within thirty days after receiving an application the planning department shall provide the applicant with written notice of any deficiencies. Each resubmittal shall again commence review and submittal procedures described in this subsection. Failure of the applicant to respond within thirty days to any written notice that the application is incomplete, or to any request to amplify, clarify, correct, or otherwise supplement the application, shall be deemed to be an abandonment of the application and no further action shall be taken on it. The applicant may, within ten days of receiving a notice of deficiency, appeal the determination of the planning department to the planning commission and subsequently the board of supervisors as provided in Chapter 18.144. Notice of hearing shall be given as provided in Section 18.140.060.

C. Environmental review: All applications shall be reviewed pursuant to and for compliance with the California Environmental Quality Act (CEQA) under procedures established by the board of supervisors. Conditions of approval recommended pursuant to CEQA review shall be transmitted to the planning director.

D. Planning director's report: All applications shall be reviewed by the planning director, who may consult with any persons for the purpose of technical review. The report of the planning director, including an analysis of the consistency of the proposed amendment with the general plan and any applicable specific plan, and with any recommended conditions of approval, shall be transmitted to the planning commission and applicant at least five days prior to the hearing on the application.

(Ord. 236-73 Exh. A(part), 1991)

18.136.030 - Planning commission recommendation.

A. Public hearing: The planning commission shall hold a public hearing on a proposed amendment after the application is accepted as complete. Notice of hearing shall be given by the planning director as provided in Section 18.140.040, or as provided in 18.140.050 when the proposed amendment affects the permitted uses of real property.

B. Action: After the hearing the planning commission shall render its decision in the form of a written resolution, which shall include a recommendation to the board of supervisors for action on the proposed amendment, the reasons for the recommended action, any proposed conditions, and the relationship of the proposed amendment to the general plan and any applicable specific plan. When the commission recommends denial of an amendment to rezone property from one zone to another, its decision shall be final unless a hearing is requested as provided in Section 18.136.050. If appealed, the planning director shall cause a report of the commission's action to be filed with the clerk of the board of supervisors within ten working days after the commission's decision.

B. Conditions: The approval or recommendation to approve an amendment or ordinance may be conditioned on reasonable requirements related to development

anticipated to occur on the property which is the subject of a rezoning, its effect on surrounding property, or as required to implement the general plan or any applicable specific plan. No condition shall be adopted requiring the automatic reversion of land to a former zone, but may require reversion contingent on notice and hearing in the manner required for the adoption of an amendment, and adoption of an ordinance rescinding the prior action or amending this title.

(Ord. 236-73 Exh. A(part), 1991)

18.136.040 - Board of supervisor's action/referral.

A. If the planning commission has recommended approval of the proposed amendment, the board of supervisors shall hold a public hearing. When the commission recommends denial of a proposed amendment to change property from one zone to another, the board of supervisors need take no further action on it unless an interested person files a written request for a hearing with the clerk of the board within five days after the commission's recommendation is filed with the clerk. Notice of public hearing shall be given as provided in Section 18.140.040 or 18.140.050.

B. The board of supervisors may approve or disapprove any recommendation of the planning commission, provided any modification of the proposed amendment or ordinance which was not considered by the commission durIng its hearing shall first be referred to the commission for its recommendation. The commission shall not be required to hold a public hearing thereon. If the planning commission fails to render its recommendation within forty days after referral, or any longer period the board may set, the modification shall be deemed approved by the commission. After receiving the commission's recommendation, or if there is none, the board shall adopt an ordinance amending this title, or shall decline to do so.

(Ord. 236-73 Exh. A(part), 1991)

18.136.050 - Abandonment.

Any applicant may withdraw or abandon an application for a proposed amendment at any time, provided that any public hearing on the amendment for which notice has been given is first held and the amendment is not required as a condition of approval of a development permit.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.138 - DENSITY BONUS

18.138.010 - Purpose.

The purpose of this section is to implement state law requirements under California Government Code, Sections 65915—65918, as they may be amended from time to time, or the current equivalent to encourage the development of residential development that offers a percentage of its units to be made available to families of less than moderate incomes.

(Ord. No. 236-146, 12-12-2017)

18.138.020 - Applicability.

Pursuant to Government Code Sections 65915 and 65917, the county must grant to an applicant of a qualifying housing development who seeks a density bonus ("developer") either 1) a density bonus or 2) a density bonus with an additional incentive(s) as set forth in this article. A density bonus housing agreement shall be made a condition of any density bonus approved pursuant to this section, and may be prepared as part of the development agreement ("DA") process.

(Ord. No. 236-146, 12-12-2017)

18.138.030 - Eligibility for density bonus, incentives or concessions.

The following are eligibility requirements for a density bonus, incentives or concessions applicable to this section:

A. Affordability. A developer entering into an agreement pursuant to Government Code Section 65915 to construct a housing development may quality for a density bonus if the proposed housing development consisting of five or more residential units:
    1. A minimum of five percent of the total units made available to very low income households, as defined by the most recent version of the applicable section of the California Health and Safety Code; or
    2. A minimum of ten percent of the total units are made available to low income households, as defined by the most recent version of the applicable sections of the California Health and Safety Code; or
    3. A minimum of ten percent of the total units in a common interest development, made available to moderate income households, as defined by the most recent version of the California Health and Safety Code, provided that all units in the development are offered to the public for purchase; or
    4. A senior housing development or senior restricted mobile home parks, as defined by the most recent version of the applicable in Section 65915 of the California Government Code.

Government Code Section 65915.5 shall govern the availability of bonus incentives for projects which convert apartments to condominium projects which include at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units to low income households as defined in Section 50079.5 of the Health and Safety Code.

B. Allowed Density Bonus. For the purposes of calculating the density bonus below, the developer shall select which qualifying subsection of subsection A.2. that the bonus is proposed to be awarded. Qualifying developments are eligible for a density bonus and one or more additional incentives or concessions as follows:
    1. Low Income Households. A housing development eligible for a bonus in compliance with criteria of subsection A.1. (ten percent of lower income households) shall be entitled to a density bonus calculated pursuant to Government Code Section 65915(f)(1).
    2. Very Low Income Households. A housing development eligible for a bonus in compliance with criteria of subsection A.4. (five percent of very low income households) shall be entitled to a density bonus calculated pursuant to Government Code Section 65915(f)(1).
    3. Senior Citizen Development. A housing development eligible for a bonus in compliance with criteria of subsection A.4. (senior citizen development or mobile home park) shall be entitled to a density bonus calculated pursuant to Government Code Section 65915(f)(3).
    4. Common Interest Development. A housing development eligible in compliance with criteria of subsection A.3. (ten percent for moderate income households) shall be entitled to a density bonus calculated pursuant to Government Code Section 65915(f)(4).

5. Density Bonus for Land Donation. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land maximum of 15 percent increase over the allowable density shall be provided for the entire development, as permitted by Government Code 65915(g)(1). T in addition to any other density bonus. The applicant shall meet the conditions in Government Code Section 65915(g) in order to qualify for the additional
6. Density Bonus for Housing with Child Care Facilities. The county shall grant a density bonus for housing development that includes a child care facility in compliance with Government Code Section 65915(h).

C. Development Standards. Projects qualifying under this section shall comply with the following development standards.
1. Designated affordable units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the non-designated units in the project, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and finished quality.
2. If the project is phased, the density bonus units shall be phased in in the same proportion as the non-density bonus units, or phased in another sequence acceptable to the county.
3. Circumstances may arise in which the public interest would be served by allowing some or all of the designated affordable units to be produced or operated at an alternative site.

(Ord. No. 236-146, 12-12-2017)

18.138.040 - Inclusionary housing.

At the time of adoption of this density bonus chapter, the county does not have an inclusionary housing policy in place. However, if an inclusionary housing policy is adopted, designated density bonus units shall not count towards the requirements of the county's inclusionary housing requirements.

(Ord. No. 236-146, 12-12-2017)

18.138.050 - Allowed incentives or concessions.

An applicant for a density bonus may submit to the county a proposal for the specific incentives or concessions listed that the applicant requests, and may request a meeting with the county staff prior to submitting the development application. The planning director shall grant an incentive or concession request that complies with the requirements of this section and state law, unless the board of supervisors states in writing, based on substantial evidence, the findings established in Government Code Section 65915(d)(1)(A), 65195(d)(1)(B), or 65915(d)(1)(C). The following are allowed incentives or concessions that can be made for projects qualifying under this section:

A. Number of Incentives. The applicant shall receive other concessions or incentives, as listed in subsection B of this section, which significantly contribute to the economic feasibility of construction or the qualifying development project. The number of concessions or incentives will be determined by Government Code Section 65915(d)(2).

B. Types of Incentives. For the purposes of this section, bonus concessions or incentives which the county may provide include, but are not limited to any of the following, as established in Government Code Section 65915(k).
1. A reduction in site development standards or a modification of architectural design requirements that exceed the minimum State of California Building Standard pursuant to California Government Code Section 65915(k);

2. A modification of zoning ordinance or design standards requirements that result in identifiable cost reductions that exceed the minimum State of Californi pursuant to California Government Code Section 65915(k), including but not limited to a reduction in setback and square footage requirements and in the parking spaces that would otherwise be required;
3. Approval of mixed-use zoning in conjunction with the housing project, if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project; and
4. Any other incentive or concession proposed by the developer or the county that results in an identifiable, financially sufficient, and actual cost reductions.

(Ord. No. 236-146, 12-12-2017)

18.138.060 - Processing of bonus requests.

The following is required for processing a bonus request:

A. Permit Requirement. A request for a density bonus and other incentives including concessions shall be evaluated and decided through the permit process as though it were a use permit application processed through the planning commission and then recommended to the board of supervisors for approval.
B. Finding for Approval. The approval of a density bonus and other incentives and concessions shall require that the review authority first make all the following findings:
    1. The residential development will be consistent with the general plan.
    2. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities.
    3. Adequate evidence exists to indicate that the project will provide affordable housing in a manner consistent with the purpose and intent of this chapter.
    4. Remain affordable for the required time period.

(Ord. No. 236-146, 12-12-2017)

18.138.070 - Density bonus agreement.

The following is required for a density bonus agreement:

A. Agreement Required and Provisions. An applicant requesting a density bonus agreement shall agree to enter into a recordable density bonus agreement ("agreement") with the county in a form approved by the county counsel. The approval and recordation of the agreement shall take place prior to final map approval, or where a map is not being processed, prior to issuance of building permits for such properties.
B. Project Information. The agreement shall include at least the following information about the project:
    1. The total number of units approved for the housing development, including the number of designated low income or affordable units.
    2. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing costs consistent with U.S. Department of Housing and Urban Development ("HUD") Guidelines.

3. The marketing plan for the affordable units.
4. The location, unit sizes (square feet), and number of bedrooms of the designated affordable dwelling units.
5. Tenure of the use restrictions for designated affordable dwelling units of the time periods required by this section and Government Code Section 65915.
6. A schedule for completion and occupancy of the designated affordable dwelling units.
7. A description of the additional incentives being provided by the county.
8. A description of the remedies for breach of the agreement by the owners.
9. Other provisions to ensure successful implementation and compliance with this section and Government Code Section 65915.
    a. Minimum Requirements. The agreement shall provide, at a minimum, that:
        1) The developer shall give the county the continuing right-of-first-refusal to lease or purchase any or all the designated low income or affordable dwelling units at the appraised value.
        2) The deeds to the designated affordable dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interest for designated low income or affordable dwelling units without the written approval of the county.
        3) When providing the written approval, the county shall confirm that the price (rent or sale) of the designated low income or affordable dwelling unit is consistent with the limits established for low and very low income households, as published by HUD.
        4) The county shall have the authority to enter into other agreements with the developer, or purchasers of the designated low income or affordable dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households.
        5) Applicable deed restrictions, in the form satisfactory to the county counsel, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the certificate of occupancy.
        6) In any action taken to enforce compliance with deed restrictions, the county counsel shall, if compliance is ordered by a court of law, take all action that may be allowed by law to recover all of the county's costs of action including legal services.
        7) Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.
        8) The designated low income or affordable dwelling units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable units in compliance with the requirements of Government Code Section 65915(c).
    b. For-Sale Housing Conditions. In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of designated low income or affordable dwelling units during the applicable restriction period:
        1) A requirement that designated affordable dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing.
        2) Provisions of the county may require ensuring continued compliance with maintaining low income or affordable dwelling units in compliance with this section and state law.
        3) Terms for future sales and recapture of any equity to ensure continued affordability of dwelling units for the requisite time period, as prescribed by Government Code Section 65915(c).

c. Rental Housing Conditions. In the case of rental housing development, the agreement shall provide for the following conditions governing the use of affordable dwelling units during the restriction period:
    1) The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated affordable dwelling units for qualified tenants.
    2) Provisions requiring owners to annually verify to the county tenant incomes and maintain books and record to demonstrate compliance with this section.
    3) Provisions requiring owners to submit an annual report to the county, which includes the name, address, and income of each person occupying the designated affordable dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit.
    4) The applicable use restriction shall comply with the time limits for continued availability in compliance with this section.
d. Execution of Agreement. Following board of supervisors approval of the agreement and execution of the agreement by all parties, the county shall record the completed agreement for the designated low income or affordable dwelling units, at the county recorder's office.
e. The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of building permits for the project.

(Ord. No. 236-146, 12-12-2017)

Chapter 18.139 - REASONABLE ACCOMMODATION

18.139.010 - Purpose.

This chapter establishes reasonable and necessary standards for the county of Modoc, pursuant to the Federal Fair Housing Amendments Act of 1988 and California Fair Employment and Housing Act, Government Code Section 12901 et seq., to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of this chapter is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning or building laws, rules, policies, practices and/or procedures of the county.

(Ord. No. 236-146, 12-12-2017)

18.139.020 - Applicability.

In order to make specific housing available to an individual with a disability, a disabled person and/or their authorized representative may request reasonable accommodation relating to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the county. A request for reasonable accommodation to laws, rules, policies, practices and/or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request is being made also requires some other planning or building permit or approval, then the applicant shall file the request together with the application for such permit or approval.

(Ord. No. 236-146, 12-12-2017)

18.139.030 - Application.

A. All requests for reasonable accommodation shall include the following information:
    1. Applicant's name, address and telephone number;
    2. Assessor's parcel number and physical address of the property for which the request is being made;
    3. The current actual use of the property;
    4. The code provision, regulation or policy from which accommodation is being requested;
    5. The basis for the claim (including documentation) that the individual is considered disabled under the state and federal fair housing acts and why the accommodation is necessary to make the specific housing available to the individual;
    6. Plans showing the details of the proposed use to be made of the land or building, and any other pertinent supporting documentation as required by the planning department.

(Ord. No. 236-146, 12-12-2017)

18.139.040 - Approval authority.

The planning director, or his/her designee, shall have the authority to consider and act on request for reasonable accommodation. When a request for reasonable accommodation is filed with the county, it will be referred to the planning director for review and consideration. The planning director shall issue a written decision within 30 days of the date of receipt of a completed application and may (1) approve the accommodation request, (2) approve the accommodation request subject to specified nondiscriminatory conditions, or (3) deny the request. All written decisions shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The notice of decision shall be sent to the applicant or any other person requesting notice by certified mail, return receipt requested.

If necessary to reach a determination on the request for reasonable accommodation, the planning director or building official may request further information from the applicant consistent with this chapter, specifying in detail what information is required. In the event a request for further information is made, the 30-day period to issue a written determination shall be stayed until the applicant responds to the request.

Accommodation approval shall not have any force and effect until applicant acknowledges receipt thereof and agrees in writing to each and every term and condition thereof.

(Ord. No. 236-146, 12-12-2017)

18.139.050 - Grounds for approving accommodation.

A. In making a determination regarding the reasonableness of a requested accommodation, the following factors shall be considered:
    1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual protected under the Acts.
    2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
    3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the county.
    4. Whether the requested accommodation will require a fundamental alteration to the zoning, or building laws, policies and/or procedures of the county.

5. Physical attributes of the property and structures.
6. Alternative reasonable accommodations which may provide an equivalent level of benefit.

(Ord. No. 236-146, 12-12-2017)

18.139.060 - Appeals.

Within 30 days of the date the planning director issues a written decision, the applicant requesting the accommodation may appeal an adverse determination or any conditions or limitations imposed in the written determination. Any other interested person not satisfied with the decision of the planning director, may file an appeal within seven calendar days of the date on which the decision being appealed was rendered. All appeals shall contain a statement of the grounds for the appeal. Appeals shall be to the board of supervisors who shall consider the matter and render a determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed. Following the filing of an appeal, the board of supervisors shall hold a public hearing on the matter. All determinations on an appeal shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

(Ord. No. 236-146, 12-12-2017)

Chapter 18.140 - HEARINGS

Sections:

18.140.010 - Applicability.

The provisions of this chapter shall apply to every hearing or public hearing required by this title, or pursuant to this chapter.

(Ord. 236-73 Exh. A(part), 1991)

18.140.020 - Notice of hearing—Contents of.

Except as otherwise required, whenever a notice of hearing or public hearing is required, or whenever a hearing or public hearing is required, written notice shall be given, including the date, time, and place of a hearing, the identity of the hearing officer or body, a general explanation of the matter to be considered, and a general description in text or by diagram of the location of the real property, if any, that is the subject of the hearing.

(Ord. 236-73 Exh. A(part), 1991)

18.140.030 - Request for notice or record.

A. A request by any interested person for notice of any hearing conducted pursuant to this title shall be made in writing to the planning director, or clerk of the board of supervisors who shall transmit a copy to the director. A fee which is reasonably related to the cost of providing the service to the public may be charged for each notice individually or annually.

B. A copy of the record of hearing in the manner such record is customarily maintained by the hearing body shall be provided to any person requesting such record and include a fee. Any person may file with the planning director at least three working days prior to hearing, a written request that any hearing conducted pursuant to th tape recorded. A nonrefundable deposit and fee upon delivery which is reasonably related to the cost of providing the service may be required.

(Ord. 236-73 Exh. A(part), 1991)

18.140.040 - Notice of public hearing by publication.

When a provision of this title requires notice of a public hearing to be given pursuant to this section, notice shall given in all of the following ways:

A. Notice shall be published in at least one newspaper of general circulation within the county, at least ten days prior to the date of the hearing.
B. Notice shall be mailed or delivered at least ten days prior to the hearing to any person who has filed a written request with the clerk of the board of supervisors or the planning director.
C. Notice may also be given in any other manner the county deems necessary or desirable.

(Ord. 236-73 Exh. A(part), 1991)

18.140.050 - Notice of public hearing—Other procedures.

When a provision of this title requires notice of a public hearing to be given pursuant to this section, notice shall be given in all of the following ways:

A. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.
B. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential services to the project whose ability to provide those facilities and services may be significantly affected.
C. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll or more current records of the county assessor or tax collector, within three hundred feet of the real property that is the subject of the hearing. If such owners number more than one thousand, notice may alternatively be given by advertisement as provided by state law.
D. Notice of the hearing shall be either published in at least one newspaper of general circulation in the county at least ten days prior to the hearing, or be posted at least ten days prior to the hearing in three public places within the county, including one public place in the area directly affected by the proceeding.
E. Notice shall be mailed or delivered at least ten days prior to the hearing to any person who has filed a written request with the clerk of the board of supervisors or the planning director.
F. Notice may also be given in any other manner the county deems necessary or desirable.

(Ord. 236-73 Exh. A(part), 1991)

18.140.060 - Notice of administrative hearing.

When a provision of this title requires notice of hearing to be given pursuant to this section, or requires an administrative hearing or any other hearing which is not a public hearing, notice shall be given as provided in this section. The board of supervisors declares that no administrative hearing is required to be a public hearing unless otherwise stated.

A. Notice of hearing shall be mailed or delivered at least ten days prior to hearing to the owner of the subject real property or duly authorized agent, or the project applicant or duly authorized agent, and any person who has caused the hearing to be held.

B. Notice of hearing shall be mailed or delivered at least ten days prior to hearing to any other person who filed a written request to be notified of such matter, and to each agency that may be significantly affected.

C. Notice may also be given in any other manner, to any other persons, the county deems necessary or desirable.

D. The ten day notice period required by this section may be decreased upon the written consent of the county, the person who caused the hearing to be held, and any other affected party.

(Ord. 236-73 Exh. A(part), 1991)

18.140.070 - Failure to receive notice.

The failure of any person or entity to receive notice given pursuant to this chapter shall not invalidate the action taken by the county for which the notice was given and shall not constitute grounds for any court to invalidate the actions of the county for which the notice was given.

(Ord. 236-73 Exh. A(part), 1991)

18.140.080 - Hearing continuation.

Any public hearing or hearing conducted pursuant to this title may be continued from time to time, and no further notice shall be required unless otherwise required by law.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.144 - APPEALS

Sections:

18.144.010 - Appellate body determined.

Any determination, interpretation, recommendation, or decision ("action") of the planning director, planning commission, building official, or any other body, person, or official vested with the duty or authority to take such action pursuant to the provisions of this title may be appealed by the applicant, owner, or any interested person. Except as otherwise provided in this title, an appeal from any action of the planning director, building official, or other county official shall be heard by planning commission, and an appeal from any action of the planning commission shall be heard by the board of supervisors.

(Ord. 236-73 Exh. A(part), 1991)

18.144.020 - Timely appeal-Contents of.

Except as otherwise provided in this title, every appeal filed pursuant to this chapter shall be made in writing including the grounds therefor, and shall be received by the appropriate county office within ten days from the date the action which is the subject of the appeal is taken. An appeal from an action by the planning director or other county official shall be filed with the planning director, and an appeal from an action by the planning commission shall be filed with the clerk of the board of supervisors.

(Ord. 236-73 Exh. A(part), 1991)

18.144.030 - Appellate body hearing.

The appellate body shall hold a noticed hearing or public hearing and shall render its determination within sixty days from the date a timely filed appeal is received by the county, except as otherwise provided. In making its determination to reverse or affirm, wholly or partly, or modify the decision or determination appealed from, or make such other order, requirement, decision or determination as it deems appropriate, the appellate body shall be subject to all duties, responsibilities, and provisions applicable to the hearing body, including the confirmation or making of findings and application of conditions.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.150 - INTERPRETIVE ACTIONS

Sections:

18.150.010 - Applicability.

The provisions in this chapter shall apply throughout this title.

(Ord. 236-73 Exh. A(part), 1991)

18.150.020 - Interpretive action-General.

Whenever requested by any person, the planning director or planning commission may consider written requests for interpretations of this title. The director may alternatively refer a request to commission. The written interpretation shall be delivered or mailed to the person making the request. The determination of the director may be appealed to the commission as provided in Chapter 18.144. The commission shall notify the appellant of the hearing as provided in Section 18.140.060, and shall render its decision in writing to the planning director and appellant. The procedures in this section are determined to be administrative and no public hearing or notice is required.

(Ord. 236-73 Exh. A(part), 1991)

18.150.030 - General plan and specific plan consistency.

Where any of the regulations specified in this title are inconsistent with the general plan or an applicable specific plan, the general plan or specific plan shall prevail. All interpretations of this title shall conform to the general plan and any applicable specific plan to the greatest extent possible.

(Ord. 236-73 Exh. A(part), 1991)

18.150.040 - Zone boundary interpretations.

A. Unless otherwise shown or specified, zone district boundaries are lot lines, the centerlines of streets, alleys, or railroad rights-of-way, or such lines extended. Where a public street or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverts shall apply to such vacated or abandoned street or alley.

B. When a principal zone boundary divides a lot or parcel into two zones, unless otherwise specifically designated, the entire lot or parcel shall be placed into the zone that accounts for the greater area of the lot, provided the boundary adjustment is for a distance of less than twenty feet.

C. In all other cases or when uncertainty exists the planning commission shall, upon written request or upon its own motion, determine the location of zone boundaries.

(Ord. 236-73 Exh. A(part), 1991)

18.150.050 - Interpretation of uses permitted-Construction.

The various chapters, sections, and parts thereof, set out in this title are interrelated. The construction of uses permitted, uses permitted with an administrative permit, and uses permitted with a use permit in the principal zones and overlay zones is as follows:

A. Within each zone district, uses permitted with an administrative or use permit shall not be allowed as permitted uses, whether excluded from a listing of permitted uses by direct reference or by inference. Uses which might otherwise be allowed accessory to a permitted use shall not be allowed accessory to a permitted use when listed as a use permitted with an administrative or use permit. Uses which would otherwise be included within a general class of uses listed as permitted uses shall not be allowed as permitted uses when listed as a uses permitted with an administrative or use permit.

B. In any chapter, section, or part thereof, which sets out a purpose, the construction and permissibility of all uses, actions and conditions shall fully consider the overlying purpose of the zone or regulation.

C. Within each zone district, any use which is listed as a use permitted with an administrative or use permit shall not be allowed as a use similar to a permitted use under Section 18.100.060. Within each zone district, any use which is part of a general class of uses listed as a use permitted with an administrative or use permit shall not be allowed as a use similar to a permitted use under Section 18.100.060, except when similar uses in the class are specifically listed as permitted uses.

D. When not otherwise specified, the general use and development standards and meanings set out in the definitions shall prevail when interpreting zone district regulations. For example, the definition of "public use" excludes airports. It is presumed that certain accessory uses, not otherwise regulated, have an integral relationship to the conduct of uses permitted, and uses permitted with an administrative or use permit, as characterized under the definition of accessory uses. However, when a use which would otherwise be an accessory use is specifically listed as a use permitted with an administrative or use permit, then the applicable regulations apply.

E. Overlay zone regulations modify and supersede the principal zone district regulations applicable to a particular lot, to the extent specified by the overlay zone.

F. When a use permit has been approved for a particular lot, the planning commission may restrict future permitted and administrative uses to those specified in the use permit.

(Ord. 236-73 Exh. A(part), 1991)

18.150.060 - More than one use.

More than one permitted use may be established on one lot in any zone district, provided there is no conflict with the applicable zone requirements and all other provisions of this title and law are met. When a use permit is approved for a particular lot, the planning commission may restrict future permitted and administrative uses to those specified in the use permit.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.154 - NONCONFORMING USES AND STRUCTURES*

Sections:

18.154.020 - General provisions.

A. A "nonconforming use" is a use of a structure or land which was lawfully approved, established and maintained prior to the adoption of this chapter but which does not conform with the use regulations for the zone in which it is located.

B. A "nonconforming structure" is a structure which was lawfully approved or erected prior to the effective date of the application of these regulations but which, under this chapter, does not conform with the standards prescribed in the regulation for the zone in which the structure is located.

C. The regulations in this chapter shall apply to all legally established nonconforming structures and uses. Nothing in this chapter shall be construed to prohibit any additions or alternations to a nonconforming structure or use as may be necessary to comply with any lawful order of any public authority made in the interest of the public health, safety, welfare, or morals.

(Ord. 336 §§ 1, 2, 2007)

18.154.030 - Continuation and maintenance.

A. A lawful use occupying a structure or a site prior to the effective date of the application of these regulations which does not conform with the use regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued as provided in this chapter.

B. A lawful structure occupying a site prior to the effective date of the application of these regulations which does not conform with the standards prescribed in the regulation for the zone in which the structure is located shall be deemed to be a nonconforming structure and may be used and maintain as provided in this chapter.

C. Routine maintenance and repairs may be performed on a nonconforming structure or site.

(Ord. 336 §§ 1, 2, 2007)

18.154.040 - Expansion and alterations of nonconforming uses and structures.

A. A nonconforming use may increase its intensity, provided the structure in which it is housed are not altered or enlarged.

B. Except as provided in Section 18.154.050 or unless a use permit is obtained, a nonconforming structure shall not be moved, altered, enlarged or reconstructed in any manner unless the structure is made to conform to the regulations of the zone in which the structure is located.

(Ord. 336 §§ 1, 2, 2007)

18.154.050 - Lot line adjustments for nonconforming parcels.

The planning commission may approve a lot line adjustment to an existing nonconforming parcel by taking land from an adjoining parcel provided all applicable general plan, zoning and other land use policy standards are followed and that no nonconforming or substandard parcels are created as a result of the lot line adjustment. However, the planning commission may approve modifications to existing nonconforming parcels to decrease the existing nonconformity of a parcel, or increase the nonconformity of a parcel, provided they make the finding that: (1) that the lot line adjustment is necessary to improve the health and safety conditions of a parcel; or (2) that the lot line adjustment improves the design of the existing affected parcels, without altering the existing land uses thereon. Lot line adjustments shall be approved pursuant to Government Code Section 66412(d).

(Ord. 336 §§ 1, 2, 2007)

18.154.060 - Replacement of structures.

If any nonconforming structure is damaged or destroyed by any cause to an extent which exceeds seventy-five percent of the market value during the fiscal year of the destruction as determined by the county assessor, no repair or reconstruction shall be made unless every portion of the structure conforms to the regulations of the zone in which the structure is located or unless and until a use permit is obtained.

(Ord. 336 §§ 1, 2, 2007)

18.154.070 - Abandonment.

Whenever a nonconforming use has been abandoned, discontinued for any reason, or changed to another use for a continuous period of one year, the nonconforming use shall not be reestablished, and the use of the structures or site thereafter shall be in conformity with the regulations for the zone in which it is located.

(Ord. 336 §§ 1, 2, 2007)

18.154.080 - Nuisances.

None of the provisions of this chapter restrict any authority to require modification or termination of any nonconformity, which has been declared a nuisance by the board of supervisors.

(Ord. 336 §§ 1, 2, 2007)

Chapter 18.158 - ENFORCEMENT

Sections:

18.158.010 - General provisions.

Notwithstanding any other provision in this title, the following shall apply:

A. No person shall use any real property in violation of the regulations of this title, or any approval or conditions thereof pursuant to this title, that are applicable to the property. The erection, placement, construction, alteration, enlargement, conversion, movement, maintenance, establishment, or operation of any building, structure, premise, or use contrary to the provisions of this title is unlawful and a violation of this part. Every violation of any regulatory or prohibitory provision of this title is expressly declared to be a nuisance, both public and private.

B. All facilities and appurtenances required as a condition of any permit or entitlement pursuant to this title shall be maintained in good repair at all times, and the failure to do so shall be deemed to be a public nuisance.

C. All actions, covenants, conditions and restrictions, agreements, or acknowledgments or similar documents required as a condition of approval of any permit or entitlement pursuant to this title may be enforced by the county. Every document required pursuant to this title, or as a condition of an approval or entitlement pursuant to this title, shall be in a form as required by the county, and shall be binding on the signatories, and their heirs, successors and assigns. No such document shall be recorded, rerecorded, modified, assigned, amended or otherwise changed without the express review and consent of the county.

D. The county may, as a condition of the approval or grant of any permit or entitlement pursuant to this title, require that full compliance with all county, state, and federal laws in connection with all existing and proposed uses or activities is first achieved.

(Ord. 236-73 Exh. A(part), 1991)

18.158.020 - Administrative limitations.

All county officers, departments, and employees vested with the duty or authority to issue permits, licenses, or other entitlements shall do so subject to the requirements of this title. No permit, license, or other entitlement shall be issued or approved for any purpose or in any manner which conflicts with the provisions of this title. Any permit, license, or other entitlement issued in conflict with any provision of this title is null and void as of the date of issuance or approval.

(Ord. 236-73 Exh. A(part), 1991)

18.158.030 - Enforcement authority.

A. The planning director, building official, and other county law enforcement agencies shall enforce the provisions of this title. Any administrative decision of the planning director regarding any interpretation of the provision of this title or any condition of approval imposed pursuant to this title shall be made in writing whenever requested by any person interested in the interpretation. The written interpretation shall be delivered personally or by mail to that person.

B. The director's decision may be appealed to the planning commission within ten days of the date of delivery or mailing of the decision by filing a written appeal with th department. The appeal shall specifically set forth the grounds upon which it is based. The commission shall hear the appeal and the appellant shall be given a reaso opportunity to be heard and to present evidence at the hearing. The commission shall render its decision in writing to the planning director and shall concurrently m its decision to the appellant. A public hearing is not required for any appeal heard under this subsection. Pendency of any appeal shall not affect the filing of any lega pursuit of any other remedy to enforce the provisions of this division or any condition imposed pursuant to this division.

(Ord. 236-73 Exh. A(part), 1991)

18.158.040 - Violation-Penalty.

Any person violating or causing a violation of the provisions of this title, or permitting such a violation on land or in a structure owned, rented, or controlled by them, is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars, or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment. Each day any such violation continues shall constitute a separate offense punishable as provided in this section.

(Ord. 236-73 Exh. A(part), 1991)

18.158.050 - Enforcement procedure.

A. Every enforcing officer may use administrative processes, such as notices of noncompliance, warning letters, stop orders, or cease and desist orders, in lieu of or prior to enforcing any provision of this Code, if the officer determines that the process may result in compliance with this Code at less expense to the county. The planning commission may, by a resolution of intent to record a notice of violation of this title, after notice and hearing as provided in Section 18.140.060, record a notice of violation of this title in the office of the county recorder.

B. Pursuant to Penal Code Section 19d and the provisions of Section 836.5 and Chapter 5c (commencing with Sections 853.5) of Title 3 of part 2 of the Penal Code, every enforcing officer may cite any person for violation of this Code whenever the officer has reasonable cause to believe that the person has caused, committed, continued, or permitted any violation of this Code.

(Ord. 236-73 Exh. A(part), 1991)

18.158.060 - Right of entry.

In the performance of their functions, planning agency personnel may enter upon any land and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the lawful use of the land by those persons lawfully entitled to the possession thereof (Authority: California Government Code Section 65105.)

(Ord. 236-73 Exh. A(part), 1991)

18.158.070 - Enforcement costs.

Whenever a judicial action or proceeding is brought to abate or enjoin any violation of this division, the county may recover in that action or proceeding all costs and expenses incurred in detecting, investigating, abating, and prosecuting the violation.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.162 - FEES

Sections:

18.162.010 - Fee schedule.

A fee in accordance with a schedule adopted by ordinance or resolution of the board of supervisors and on file at the planning department shall be charged for all applications, permits, administrative actions, and all other actions required by this title. No application shall be accepted as complete until the required fees are paid, and no part of any fee shall be refunded upon the abandonment or denial of an application, or for any other reason, unless specifically approved by the board of supervisors.

(Ord. 236-73 Exh. A(part), 1991)

18.162.020 - Fees-Exemption for public agencies.

Except as otherwise provided, all fees required by this title are waived for applications, permits and administrative actions by, or on land owned, leased, or otherwise controlled by, all agencies or units of every city, county, school district, special district, the State of California, or the United States.

(Ord. 236-73 Exh. A(part), 1991)

Chapter 18.166 - WIRELESS COMMUNICATION FACILITIES

Sections:

18.166.010 - Wireless communication facilities allowed-Exceptions.

Unless otherwise prohibited, wireless communication facilities may be allowed in all districts except "R-1," "R-2," and "R-3" subject to the permitting requirements and standards contained in this section.

(Ord. 326(part), 2002)

18.166.020 - Purpose.

The purpose of this chapter is to provide uniform and comprehensive regulations for the orderly development and maintenance of wireless communication facilities. The regulations contained in this chapter are designed to minimize the adverse impacts of such facilities while providing the community with the benefits of wireless technology, and to protect and promote the public health, safety, peace, welfare, and aesthetic quality of the county as set forth in the general plan.

(Ord. 326(part), 2002)

18.166.030 - Definitions.

As used in this chapter, the following definitions shall apply:

A. "Antenna" means any device that transmits and/or receives an electronic signal for the purpose of facilitating the communication of cellular telephone, personal communication devices (PCS) messages or similar devices, excluding such facilities associated with amateur radio.

B. "Co-location" means the siting of antennas and support equipment (excluding poles, towers, etc.) on the same support structure, or within the same equipment shelter/cabinet, provided the antenna and equipment is designed to be an integral part of the existing structure, and does not exceed the height of the existing structure. Co-location also includes the siting of separate facilities under different ownership in a common location.

C. "Communication facility" means a facility that transmits and/or receives electronic signals by way of antennas, microwave dishes, or similar devices and which may include towers, equipment shelter/cabinets, parking areas and other accessory development.

D. "Communication tower" means a support structure designed and constructed for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. It does not include support structures/antennas which do not exceed the height limitation for the particular zoning district or fifty feet (including any attached antenna) whichever is lower.

E. "Equipment shelter/cabinet" means an enclosure that houses supporting equipment for an antenna that is located on the same parcel or structure as the equipment shelter/cabinet.

F. "Minor antenna" means an antenna that is attached to a lawfully constructed structure, designed to be an integral part of that structure, blends with surroundings, and does not exceed the height limit for that particular zone, fifty feet, or the maximum allowed height for the existing structure, whichever is lower. Minor antenna may include equipment shelters/cabinets not exceeding two-hundred fifty square feet.

(Ord. 326(part), 2002)

18.166.040 - Permitting/application requirements.

A. Use Permit. Unless otherwise allowed by right or by certificate of conditional use, as specified below, a use permit, pursuant to Chapter 18.128 (use permits), shall be required for all new communication facilities/towers.

B. An administrative permit may be issued under Chapter 18.124 for all new facilities and towers lower than one hundred feet in height and co-locating at a site in existence before July of 2001. In addition, an administrative permit may be issued when the following findings are made in each antenna co-location application.

1. The proposed facility does not conflict with any previous condition of approval for the facility or structure;
2. The proposed facility is designed to blend with the existing structure; and
3. No increase in overall structure height, including the antenna, is proposed.

If any one of the findings below cannot be made, the addition shall be subject to securing a use permit.

1. Minor antenna as defined by this chapter;

2. Expansion of existing equipment shelter/cabinets, not to exceed an aggregate area of two hundred fifty square feet;
3. Co-location as defined in this chapter.

(Ord. 326(part), 2002)

18.166.050 - Standards for location, setbacks and design.

The following standards shall apply to all communication facilities as defined in this chapter including those allowed by right. Communication facilities shall be located to minimize their visibility and the number of distinct facilities present, as follows:

A. Location.
   1. Towers shall be placed so as to minimize their visibility from primary public corridors and will not be placed in a location readily visible from a public trail, public park or other developed outdoor recreation area, unless communication facilities/towers already exist at the site, in which case co-location is preferred or the tower is constructed as to be effectively indistinguishable from its surroundings.
   2. Co-location of new antennas on existing support structures is strongly encouraged. New towers are discouraged where co-location on existing structures is technically feasible. Applications must demonstrate why co-location is not feasible.
   3. Construction of new facilities are encouraged to locate in close proximity to existing radio, cell, microwave and other such facilities. Facilities outside of this area are required to demonstrate site location justification and demonstrate compliance with this chapter, general plan and other zoning requirements. Individuals and firms shall not by contract or other mechanism exclude others from co-location. Failure to comply will result in the revocation of the conditional use permit and subsequent legal action. Submittal of landowner lease agreements for review by the planning department is required.

B. The setback requirements contained below do not apply to facility co-location sites existing as of July 2001. All new sites for communication facilities and towers shall be setback as follows:
   1. No facility/tower shall be constructed within any established setback area.
   2. Where adjacent property is zoned residential ("R1", "R2", "R3") or is a public trail, park, developed outdoor recreation area or a public roadway, a tower shall be setback from the property lines no less than one hundred ten percent of its total height.

C. Design. Communication facilities/towers shall be designed as follows:
   1. Communication facilities/towers shall be designed to visually blend with the natural or man-made environment found in the vicinity of the project site. Blending techniques may include but are not limited to the use of non-glare colors and finishes and the use of existing and/or alternative support structures that conceal the presence of facilities/towers such as man-made trees, light poles, power transmission poles and towers, signs, clock towers, bell steeples, silos, barns or other similar structures appropriate to the setting.
   2. Fencing and screening. Communication facilities including equipment shelters/cabinets may be required to maintain to the minimum six-foot fence of a color designed to be visually compatible with the surroundings.
   3. All areas disturbed during construction shall be replanted with native vegetation compatible with vegetation in the surrounding area unless the County Fire Warden requires fuel modification.

4. Existing trees and other screening vegetation in the vicinity of the facility and along the access or utility easements shall be protected from damage during
5. Lighting for communication facilities shall be limited as follows:
    a. All lighting shall be limited to security lighting that is manually operated or motion-detector controlled except as required by the Federal Aviation Administration.
    b. All lighting shall be shielded or directed on-site to minimize off-site light spill except for lighting required by the Federal Aviation Administration.
6. Signage shall be limited to address and facility identification, emergency and safety hazard signage. Permanent, weatherproof facility identification signs no more than twelve inches by twenty-four inches in size identifying the facility operator and a twenty-four hour emergency phone number shall be placed on the fence, the equipment shelter/cabinets or tower base. If larger signage is required by the FCC or other regulating agencies, the applicant shall provide proof of the requirement and signage shall not exceed the required size.

(Ord. 326(part), 2002)

18.166.060 - Maintenance and removal of facilities.

The operator shall:

A. Maintain the facility as approved;
B. Notify the county of intent to vacate the site. The owner/operator will remove all facilities within twelve months of the date of notice unless the site is occupied by a successor; and/or as otherwise specified in the use permit or certificate of conditional use;
C. The owner/operator of the facility/tower may be required to provide a cash bond equal in cost to removing the tower and associated facilities.

(Ord. 326(part), 2002)

Chapter 18.170 - MEDICAL MARIJUANA COLLECTIVE USES

Sections:

18.170.010 - Purpose.

It is the purpose and intent of this chapter to regulate the availability and the distribution, by whatever means, of medical marijuana within the unincorporated area of Modoc County in accordance with California Health and Safety Code Section 11362.5 through Section 11362.83, inclusive, commonly referred to as the Compassionate Use Act of 1996 and the Medical Marijuana Program.

(Ord. No. 346, 11-9-2010)

18.170.020 - Regulations applicable.

Medical marijuana collective uses shall be a permitted use in the commercial (C) zoning district with a use permit in compliance with sections 18.44, 18.110 and 18.128. The operation of medical marijuana collective must be in compliance with all applicable state and federal laws, rules and regulations and must comply with all other applicable building codes, development standards and requirements, including accessibility requirements.

(Ord. No. 346, 11-9-2010)

18.170.030 - Definitions.

When used in this chapter, the words or phrases shall be defined as the following:

A. "Medical marijuana collective" or "collective" shall be as defined by California Statute or determined by case law and may include any facility or location where the primary purpose is to dispense medical marijuana that has been recommended by a physician, and where medical marijuana is made available to or distributed by or to a primary caregiver or a qualified patient in strict accordance with California Health and Safety Code Section 11362.5 et seq. A collective shall not include dispensing by primary caregivers to qualified patients in the following locations unless otherwise permitted by applicable local code sections and state law:
    1. A clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code.
    2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code.
    3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code.
    4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code.
    5. A residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code provided that any such clinic, health care facility, hospice or residential care facility complies with applicable laws including, but not limited to, Health and Safety Code Section 11362.5.
B. "Premises" includes the actual building, as well as any accessory structures, parking areas, or other immediate surroundings.
C. Other words and phrases contained in this chapter specifically relating to the operation of medical marijuana collectives shall be defined as set forth in California Health and Safety Code Section 11362.5 et seq. and as may be amended from time to time.

(Ord. No. 346, 11-9-2010)

18.170.040 - Operating plan.

A medical marijuana collective use application shall include an operating plan, which outlines the proposed collective business operations in detail.

A. The operating plan shall specifically outline how the collective will provide adequate security on the premises, including lighting and alarms, to ensure the safety of persons and protect the premises from theft, as approved by the sheriff.
B. The operating plan shall specify the specific size of the location of collective.
C. The operating plan shall specify the maximum number of employees that shall be employed by the collective at one time on the premises.

D. The operating plan shall provide specific details on the policies and procedures for record keeping for the members of the collective.

E. Times and days the collective will be open to members and other activity that may occur at the location required for operation.

F. Any other relevant information regarding the operation of the proposed medical marijuana collective use.

(Ord. No. 346, 11-9-2010)

18.170.050 - Required conditions.

Each and every use permit approved for medical marijuana collective uses as contained in the chapter will contain the following conditions:

A. A medical marijuana collective approved under this chapter shall be operated in conformance with the approved operating plan and shall meet any specific, additional operating procedures and measures that may be imposed as conditions of approval to insure that the operation is consistent with protection of the health, safety and welfare of the community, qualified patients, and primary caregivers, and will not adversely affect surrounding uses.

B. The collective shall require a current and valid physician's written recommendation in compliance with state law and shall implement the approved procedures and policies for verifying the identification for any person entering the site.

C. A collective shall not cultivate or distribute medical marijuana for profit. A collective may receive compensation for its actual expenses, including reasonable compensation for services provided, or for payment of out-of-pocket expenses incurred in providing those services.

D. Notwithstanding, a use permit approved may be revoked or modified at any time following public hearing in accordance with chapter 18.140 of this title.

E. The following language shall be included on the recorded document: "This use permit does not in any way permit illegal activity or provide immunity from prosecution. By granting this use permit, the county is regulating land use and does not warrant that the operation (or manner of operation) of this collective is not in violation of state or federal law."

(Ord. No. 346, 11-9-2010)

18.170.060 - Limited term.

All use permits issued for medical marijuana collective uses shall be limited-term, and shall be issued for a period of one year and shall contain the following provision: "This permit is a limited-term permit and shall expire one year after the date of issuance. In addition, this permit shall be subject to revocation or modification following a public hearing if the approving body finds that there has been a violation or noncompliance with the operating plan or any of the use permit conditions, or if the use for which this permit is hereby granted constitutes a nuisance."

(Ord. No. 346, 11-9-2010)

18.170.070 - Signed affidavit.

The property owner and applicant, if other than the property owner, shall sign the application for the use permit, and shall include affidavit(s) agreeing to abide by and conform to the conditions of the use permit and all provisions of the Modoc County Code pertaining to the establishment and operation of the medical marijuana collective use including, but not limited to, the provisions of this chapter. The affidavit(s) shall acknowledge that the approval of the medical marijuana collective use permit shall in no way permit any activity contrary to this Code or in violation of applicable state laws.

(Ord. No. 346, 11-9-2010)

18.170.080 - Exercise of permit.

Use permits issued for medical marijuana collective uses shall be exercised only by the applicant, who must be a qualified patient or primary caregiver, and shall expire upon termination of the business for which it was issued, or upon sale or transfer of ownership of the medical marijuana collective.

A. All use permits issued for medical marijuana collective uses shall include the following provision: "This use permit shall expire upon change of tenancy or sale or transfer of the business or property." Any use permit that is abandoned for a period of 90 days shall automatically expire, and shall become null and void with no further action required on the part of the county.

(Ord. No. 346, 11-9-2010)

18.170.090 - Annual renewal.

Use permits issued for medical marijuana collective uses are limited-term and therefore must be renewed annually prior to the date of expiration.

A. The planning director may approve the annual renewal of the use permit, not to exceed a total of five years, from original date of issuance if the application requesting renewal was received 60 days prior to the expiration date and all of the following findings are made:
    1. The use has been conducted in accordance with this chapter, with the approved operating plan, and with all applicable use permit conditions of approval and state laws.
    2. The business for which the use permit was approved has not been transferred to another owner or operator.
    3. An annual audit of the collective has been conducted by the planning department to verify compliance permit conditions, with emphasis on proper implementation of record keeping procedures.
    4. There are no outstanding code enforcement violations.
    5. All required fees have been paid.

(Ord. No. 346, 11-9-2010)

18.170.100 - Location requirements.

Medical marijuana collectives shall have to meet the following location specifications:

A. A medical marijuana collective shall not be established on any parcel containing a dwelling unit used as a residence, nor within 300 feet of a residential zoning district.
B. A medical marijuana collective shall not be established within 1,000 feet of any other medical marijuana collective.
C. A medical marijuana collective shall not be established within 1,000 feet from any public school, park or an establishment, public or private, that caters to or provides services primarily to persons under 18 years of age.
D. Notwithstanding, the subsections 18.170.100A.—C. may be waived by the planning commission when the applicant can show that an actual physical

separation exists between land uses or parcels such that no off-site impacts could occur.

(Ord. No. 346, 11-9-2010)

18.170.110 - General development standards and operation criteria.

The following are the minimum development standards and operational criteria applicable to any medical marijuana collective use:

A. The building in which the collective is located shall comply with all applicable local and state rules, regulations, and laws including, but not limited to, building codes and accessibility requirements.

B. The collective shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. The operational plan shall include a detailed description of proposed security measures.

C. The membership of a collective shall not exceed 300 members at any one time, unless otherwise approved by the planning commission and specifically stated in the use permit.

D. Medical marijuana shall not be grown at collective sites.

E. Option: Cuttings of the marijuana plant may be kept or maintained on-site for distribution to qualified patients and primary caregivers in a manner contained within the operating plan and use permit:

1. For the purposes of this section, the term "cuttings" shall mean rootless pieces cut from marijuana plants, which are no more than six inches in length, and which can be used to grow other plants in a different location.

F. No exterior signage or symbols shall be displayed which advertises the availability of marijuana, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior.

G. A collective shall not have operators or employees who are not qualified patients or primary caregivers meeting all terms and conditions of applicable law.

H. Members of the collective must be residents of Modoc County.

I. A collective may possess medical marijuana at its facility only in the cumulative amount that each qualified patient or primary caregiver served is allowed to possess under Health and Safety Code Section 11362.77, as may be amended from time to time.

J. No person shall be allowed onto the premises unless they are a primary caregiver and/or a qualified patient, in strict accordance with California Health and Safety Code Section 11362.5 et seq.

K. No person under the age of 18 shall be allowed on the premises.

L. All persons entering the collective site will be required to provide identification and shall establish proof of a valid and current doctor's recommendation. The operating plan shall specify how this provision will be complied with and enforced.

M. No collective shall hold or maintain a license from the state department of alcoholic beverage control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

N. No collective shall conduct or engage in the commercial sale of any drug paraphernalia, products, goods or services unless otherwise approved by the use permit.

O. No marijuana shall be smoked, ingested or otherwise consumed on the premises.

P. No recommendations for use of medical marijuana shall be issued on-site, and the collective shall not have a physician on-site to evaluate patients unless specif by the use permit.

Q. Collective sales shall be subject to sales tax in a manner required by state law. An operator of a collective shall be required to apply for and obtain a seller's permit, as required by the state board of equalization.

R. Medical marijuana distributed by a collective shall be acquired, possessed and distributed only from the constituent members. Distribution to nonmembers is prohibited.

S. The use permit shall specifically define the size of the collective operation. No collective may increase in size without amending the use permit.

T. Collective operating days and hours shall be limited to Monday through Saturday from 8:00 a.m. to 5:00 p.m., or as otherwise approved by the use permit. Operating hours may be further restricted through the use permit process where needed to provide land use compatibility.

U. A collective use permit applicant, his or her agent, employees, and/or volunteer workers, shall not have been convicted of, or be on probation or parole for, the sale or distribution of a controlled substance or be convicted of a felony.

1. Background investigations shall be completed at the cost of the applicant/operator and approved by the Modoc County Sheriff, verifying whether the applicant, his or her agent, employees, and/or volunteer workers, have been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefore. The applicable individual shall sign a release and waiver for each background investigation.
2. The following information shall be provided in order to perform the background investigation specified herein:
    a. The individual's name, address, phone number, date of birth, fingerprints and driver's license or identification card number.
    b. A list of each criminal conviction of the individual, whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. If there are past convictions, the list shall, for each conviction, set for the date of arrest, the offense charged, and the offense of which the applicant was convicted.
    c. Such other information as may be required that is consistent with this chapter, Modoc County Code, and applicable law.

(Ord. No. 346, 11-9-2010)

18.170.120 - Fees.

Application and renewal fees shall apply to use permits for medical marijuana collective uses that shall be adopted in accordance with section 18.162.010 of this title.

(Ord. No. 346, 11-9-2010)

18.170.130 - Indemnification.

The owner(s), permittee(s) and members of each collective shall indemnify and hold harmless the county and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the collective, and for any claims brought by any of their clients for problems, injuries, damages or liabilities of any kind that may arise out of the distribution and/or offsite use of medical marijuana as provided in a form as outlined by the applicable use permit.

(Ord. No. 346, 11-9-2010)

18.170.140 - Severability.

If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. No. 346, 11-9-2010)

Chapter 18.175 - MARIJUANA CULTIVATION

Footnotes:
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***Editor's note—** Ord. No. 349-D, adopted May 8, 2018, amended ch. 18.175 in its entirety to read as herein set out. Former ch. 18.175, §§ 18.175.010—18.175.060, pertained to medical marijuana cultivation, and derived from Ord. No. 349-C, §§ 1A—C, 2A, 3, 4, adopted Dec. 16, 2013.*

18.175.010 - Legislative findings.

The board of supervisors finds as follows:

1. In 1996, the voters of the State of California approved Proposition 215 which was codified as Health and Safety Code Section 11362.5, and entitled "The Compassionate Use Act of 1996."
2. The intent of the Act was to enable persons who are in need of marijuana for medical puiposes to legally obtain and use it without fear of criminal prosecution under limited, specified circumstances.
3. This ordinance is enacted, consistent with Health and Safety Code Section 11362.7 et seq., to protect the public health, safety and welfare of Modoc County residents from the negative effects of commercial marijuana cultivation, marijuana processing, and marijuana dispensaries.
4. In 2004, Senate Bill 420 was enacted, codified as California Health and Safety Code Section 11362.7, et seq. and entitled the "Medical Marijuana Program Act," to clarify the scope of the Act and allow cities and counties to adopt and enforce rules and regulations consistent with its provisions.
5. On October 9, 2015, Governor Jerry Brown signed the "Medical Marijuana Regulation and Safety Act" ("Act") into law. The Act became effective on January 1, 2016, and contains new statutory provisions regarding marijuana cultivation and distribution.
6. The Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business and Professions Code Section 19315(a));
7. The Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business and Professions Code Section 19316(c);
8. On November 8, 2016, California Voters approved Proposition 64 allowing for the adult use of marijuana for recreational purposes, without the need for a doctor's recommendation, and set limits on the amount of marijuana that may be possessed and where marijuana may be consumed.

9. State law allows local governments to enact ordinances expressing their intent to prohibit the commercial cultivation of marijuana and their intent not to admin conditional permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana (Health and Safety Code Section 11362.777(c
10. The board of supervisors finds that this chapter: (1) expresses its intent to prohibit the commercial cultivation of marijuana in the County and to not administer a conditional permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana in the county; (2) exercises its local authority to enact and enforce local regulations and ordinances, including those regarding the permitting, licensing, or other entitlement of the activities prohibited by this chapter; (3) exercises its police power to enact and enforce regulations for the public benefit, safety, and welfare of the county and its community; (4) expressly prohibits the commercial cultivation, sale, dispensing of medical marijuana in the county; and (5) regulates personal cultivation for medical and recreational users consistent with state law.
11. The county has adopted a zoning ordinance identified as title 18 (zoning) of the Modoc County Code.
12. That prior to the enactment of this section, there were no adopted rules and regulations specifically applicable to the cultivation of marijuana and the lack of such controls could lead to a proliferation of marijuana cultivation and the inability of the county to regulate this land use.
13. That based on the adverse secondary impacts that have occurred and the lack of any regulatory program in the county regarding the cultivation of marijuana; it is reasonable to conclude that negative effects on the public health, safety, and welfare may occur in the county as a result of the proliferation of large-scale, unregulated marijuana cultivation and the lack of appropriate regulations governing the establishment and operation of such land uses.
14. That unregulated large scale marijuana cultivation has rapidly increased in the county which increases the risk of criminal activity and the degradation of the natural environment.
15. That some marijuana grows are occurring on unattended private lands as well as residential areas without owner consent and have been the subject of criminal activities and violations that have threatened the safety and property of nearby land owners and their families.
16. That in some cases, people protecting the marijuana cultivation operations have been armed and constitute a threat to others who may attempt to use land in the vicinity of the operations.
17. That some growers are indiscriminately using chemicals and cultivation practices that are causing damage to wildlife and contamination to soil and water sources.
18. That some growers are clearing land without regard to the consequences resulting in the removal of vegetation, including timber, which leads to soil erosion and siltation of waterways.
19. That indoor cultivation of substantial amounts of marijuana within a residence presents potential health and safety risks to those living in the residence, especially to children, including risk of fire from lighting systems, exposure to chemicals and exposure to property crimes as the plants themselves may be an attractive nuisance.
20. Children are particularly vulnerable to the effects of marijuana use and the presence of marijuana plants in close proximity to sensitive areas where children might be present could present an unreasonable hazard or adversely affect the health, safety and welfare of children.
21. That the county has a compelling interest in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods, and in providing access to marijuana consistent with the intent of the Act.

(Ord. No. 349-D, 5-8-2018)

18.175.020 - Intent.

A. The Modoc County Board of Supervisors hereby intends to regulate the cultivation of marijuana including without limitation, regulations as to location, number of plants, separation from sensitive areas, use of fencing and screening, lighting, to accommodate the needs of qualified patients, and their primary caregivers, and recreational users in furtherance of the public necessity, health, safety, convenience, and general welfare.

B. This section is established to regulate marijuana cultivation in a manner that mitigates potential impacts on surrounding properties and persons and that is in conformance with the provisions of California Health and Safety Code. Health and Safety Code Section 11362.777 expressly allows local governments to adopt and enforce ordinances which express their intent to prohibit the commercial cultivation of marijuana and their intent not to administer a conditional permit program.

(Ord. No. 349-D, 5-8-2018)

18.175.030 - Definitions.

When used in this chapter, the words or phrases shall be defined as the following:

1. "County" means the County of Modoc.
2. "Commercial cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis for medical use, including nurseries, that is intended to be transported, processed, manufactured, distributed, dispensed, delivered, or sold in accordance with the Medical Marijuana Regulation and Safety Act (MMRSA) for use by medical marijuana patients or recreational cannabis users in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
3. "Cultivate" or "cultivation" is the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants, including nurseries, or any part thereof in any location.
4. "Cultivation area" is the area wherein all portions of cultivation, including the entire marijuana plant canopy. Cultivation areas shall only be allowed as an accessory use to a residence located on the same parcel.
5. "Enforcement officer" means the planning director or designee. The Modoc County Sheriff or designee may also serve concurrently as the enforcement officer of this provision of this title with the approval of the planning director. Nothing in this provision shall be construed to limit the authority provided to the Modoc County Sheriff by state or federal law.
6. "Indoor cultivation" shall mean cultivation within a lawfully permitted detached structure, not built or intended for human occupancy, which is accessory to a residence located on the same parcel. The detached accessory structure must be fully enclosed and secure against unauthorized entry and constructed of solid materials that cannot be easily broken through, otherwise the cultivation will not be considered indoor cultivation.
7. "Marijuana" shall have the same definition as in California Health and Safety Code Section 11018 as it now reads or subject to any successor amendments. Marijuana shall mean any or all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term "marijuana" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the attorney general for the State of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act). Marijuana and cannabis shall be used interchangeable throughout.

8. "Marijuana dispensary" or "marijuana dispensaries" means any business, office, store, facility, location retail storefront or wholesale component of any establish cooperative or collective that delivers (as defined in Business and Professions Code Section 19300.5(m) or any successor statute thereto) whether mobile or oth dispenses, distributes, exchanges, transmits, transports, sells or provides marijuana to any person for any reason, including members of any medical marijuana collective consistent with the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to issued by the office of the attorney general for the State of California, or for the purposes set forth in California Health and Safety Code Section 11362.5 (Compa of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).
9. "Medical marijuana collective" or "cooperative or collective" means any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes that is organized in the manner set forth in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the attorney general for the State of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).
10. "Parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code.)
11. "Primary caregiver" shall have the same definition as in California Health and Safety Code Section 11362.7 et seq. as it now reads or as amended.
12. "Processing" means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.
13. "Qualified patient" shall have the same definition as California Health and Safety Code Section 11362.7 et seq. as it now reads or as amended.
14. "Residence" means a domicile properly permitted for human occupancy and habitable at the time of cultivation on the same parcel.
15. "Sensitive uses" are those uses considered to be sensitive to the cultivation of marijuana and as such should be separated from cultivation by a distance equal to or greater than 1,500 feet as measured from the property line of where the sensitive use is located to the property line of the cultivation area. Sensitive uses include public schools, parks, daycare facilities, youth centers, churches, school bus stops, or any establishment, public or private, that caters primarily to persons under 18 years of age, as set forth in California Health and Safety Code Section 11362.3.
16. "Sheriff" means the Modoc County Sheriffs Office or authorized representatives thereof.

(Ord. No. 349-D, 5-8-2018)

18.175.040 - Nuisance declared.

A. Any person owning, leasing, occupying or having charge or possession of any parcel of land within the unincorporated area of the county who causes or allows such parcel of land to be used for the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the Health and Safety Code of the State of California shall be in violation of this code and subject to chapter 8.20 (nuisance abatement) and/or chapter 18.158 (enforcement) of the Modoc County Code.

B. The cultivation of marijuana plants, either within a residence which is being used for human habitation, in greenhouses, or in non-detached un-permitted structures, or any combination of those, on any parcel, or in any other way not in conformance with the provisions of this section is hereby declared to be a public nuisance that may be abated in accordance with chapter 8.20 (nuisance abatement and civil and criminal penalties for code violations) or [chapter] 18.158

(enforcement) of the Modoc County Code, and by any other available by law. The provision of chapter 18.154 (nonconforming uses and structures) of the Modoc County Code shall not apply to the cultivation of marijuana plants hereby declared to be a public nuisance.

C. Cultivation is prohibited within the unincorporated area of the county except as an accessory use to a properly permitted residence, so long as the cultivation is taking place in a properly permitted ancillary detached structure that is locked and not opened to the public.

D. The person(s) cultivating marijuana on any legal parcel shall be the owner of and residing in a lawfully constructed structure on the property. However, if the person(s) cultivating the marijuana is not the legal owner(s) of the parcel, such person(s) shall submit a notarized letter from the legal owner(s) consenting to the cultivation of marijuana on the parcel, in which case the person(s) cultivating the marijuana must reside on the property in a lawfully constructed structure. The notarized letter shall contain a provision that states "the owner of the parcel will be responsible for any and all administrative penalties owed the county and not paid by the lessee for violations of any of the provisions of section 18.175 et seq. of the Modoc County Code."

E. A primary caregiver may cultivate a maximum of six medical marijuana plants on behalf of a qualified patient(s), but only at the qualified patient's primary residence and/or at the primary caregiver's primary residence, and only in conformance with all applicable state and local regulations and all limitations set forth in this section. There shall be no more than six plants allowed on any parcel.

F. Cultivation is limited to a maximum of six marijuana plants per parcel, regardless of whether the use of the marijuana is for medical or recreational purposes.

G. Cultivation within a residence or any other structure lawfully used or intended for human occupancy is prohibited. Indoor cultivation may only occur within a properly permitted, detached structure that is accessory to and located on the same parcel as the residence and in accordance with the definition of indoor cultivation as provided herein.

H. Cultivation areas must be a minimum of 1,500 feet from sensitive uses, as defined herein. Measurement shall be in a straight line from the boundary line of the premises upon which marijuana is cultivated to the boundary line of the premises upon which the sensitive use is occurring.

I. Chemicals, fertilizers, or any other products or equipment associated with the cultivation of marijuana shall be used, stored and disposed of in a manner consistent with the manufacturer's instructions and/or any law that governs same. All gas products (CO^2, butane, etc.) are prohibited.

J. Marijuana cultivation shall not adversely affect the health, safety, or general welfare of persons at the cultivation site or at any nearby property by creating dust, glare, heat, noise, noxious gasses, toxic substances, odor, smoke, traffic, or vibration.

K. Commercial marijuana cultivation, marijuana processing, and marijuana dispensaries shall be prohibited activities in the county, except where the county is preempted by federal or state law from enacting a prohibition on any such activity. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities of commercial marijuana cultivation, commercial marijuana processing, or the establishment or operation of a marijuana dispensary in the county, and no person shall otherwise establish or conduct such activities in the county, except where the county is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

L. Delivery and transportation of marijuana must strictly comply with Chapter 8 sections 26080 and 26090 of Proposition 64. Transportation or deliveries not in compliance with state law are prohibited.

M. Lights used for indoor cultivation shall comply with all applicable laws, including, but not limited to, restrictions on the use of lights or lighting that interferes with the use of any radio or other communication device.

(Ord. No. 349-D, 5-8-2018)

18.175.050 - Enforcement.

Violations of chapter 18.175 et seq. of the Modoc Municipal Code is a nuisance and shall be subject to chapter 8.20 (nuisance abatement and civil and criminal penalties for code violations) or [chapter] 18.158 (enforcement) of the Modoc County Code, and by any other means available by law. Furthermore, in the performance of his or her function, the enforcing officer is authorized to request and inspect any evidence that serves to confirm compliance with any or all provisions of this section, including, but not limited to, the following: (1) original documents or other evidence establishing the qualified patient or primary caregiver status of the person or persons involved in the cultivation; (2) legal residence of the person or persons involved in the cultivation; (3) verification of the place of residence of all qualified patients for whom a primary caregiver is cultivating pursuant to Health and Safety Code Section 11362.7(d).

(Ord. No. 349-D, 5-8-2018)

18.175.060 - CEQA.

The county board of supervisors finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment.) In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15321 (action by agency for enforcement of a law, general rule, standard, or objective administered or adopted by the agency, including by direct referral to the county counsel as appropriate for judicial enforcement.)

(Ord. No. 349-D, 5-8-2018)

Chapter 18.180 - COMMERCIAL MARIJUANA USES

18.180.010 - Purpose.

A. The board of supervisors finds that the prohibitions on commercial marijuana uses including the cultivation, marijuana processing, and marijuana dispensaries, are necessary for the preservation and protection of the public health, safety, and welfare for the county and its community. The county's prohibition of such activities is within the authority under state law.

B. On October 9, 2015, the governor signed the "Medical Marijuana Regulation and Safety Act" ("Act") into law. The Act becomes effective January 1, 2016 and contains new statutory provisions that:

   1. Allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program pursuant to Health and Safety Code § 11362.777 for the cultivation of marijuana (Health and Safety Code § 11362.777(c)(4));
   2. Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business and Professions Code § 19315(a));
   3. Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business and Professions

Code § 19316(c)); and

C. The board of supervisors finds that this chapter: (1) expresses its intent to prohibit the commercial cultivation of marijuana in the county and to not administer a conditional permit program pursuant to Health and Safety Code § 11362.777 for the commercial cultivation of marijuana in the county; (2) exercises its local authority to enact and enforce local regulations and ordinances, including those regarding the permitting, licensing, or other entitlement of the activities prohibited by this chapter; (3) exercises its police power to enact and enforce regulations for the public benefit, safety, and welfare of the county and its community.

(Ord. No. 353, § 5, 4-12-2016)

18.180.020 - Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "Marijuana" means any or all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term "marijuana" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

B. "Marijuana cultivation" means growing, planting, harvesting, drying, curing, grading, trimming, or processing of marijuana for commercial use.

C. "Marijuana processing" means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.

D. "Marijuana dispensary" or "marijuana dispensaries" means any business, office, store, facility, location, retail storefront or wholesale component of any establishment, cooperative or collective that delivers (as defined in Business and Professions Code section 19300.5(m) or any successor statute thereto) whether mobile or otherwise, dispenses, distributes, exchanges, transmits, transports, sells or provides marijuana to any person for any reason, including members of any medical marijuana cooperative or collective consistent with the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California, or for the purposes set forth in California Health and Safety Code section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

(Ord. No. 353, § 5, 4-12-2016)

18.180.030 - Prohibited activities.

Commercial marijuana cultivation, marijuana processing, and marijuana dispensaries shall be prohibited activities in the county, except where the county is preempted by federal or state law from enacting a prohibition on any such activity. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities of marijuana cultivation, marijuana processing, marijuana delivery, or the establishment or operation of a

marijuana dispensary in the county, and no person shall otherwise establish or conduct such activities in the county, except where the county is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

(Ord. No. 353, § 5, 4-12-2016)

18.180.040 - Public nuisance.

Any violation of this chapter is hereby declared to be a public nuisance.

(Ord. No. 353, § 5, 4-12-2016)

18.180.050 - Violations.

Any violation of this chapter shall be punishable as provided in chapters 8.20 and 18.158 of this code or any successor section thereto.

(Ord. No. 353, § 5, 4-12-2016)

18.180.060 - Severability.

If any section, subsection, sentence or clause of this chapter is, for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. No. 353, § 5, 4-12-2016)