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CHAPTER 17.20 – DEVELOPMENT AND USE APPROVAL REQUIREMENTS

Sections:

- 17.20.010 Contents of Chapter
- 17.20.020 General Requirements for Development and New Uses
- 17.20.030 Allowable Uses and Planning Permit Requirements
- 17.20.040 Exemptions from Planning Permit Requirements
- 17.20.050 Temporary Uses

17.20.010 Contents of Chapter

This Chapter contains the County’s requirements for the approval of proposed development and new uses. Development Standards and permit requirements established by this Ordinance for specific uses are in Chapters 17.21 through 17.26.

17.20.020 General Requirements for Development and New Uses

Each use and/or structure shall be established, constructed, reconstructed, altered, moved or replaced in compliance with the following requirements.

- A. Allowable Use.** Only a use allowed by this Ordinance in the zone applied to the site shall be established. The basis for determining whether a use is allowable is described in Section 17.20.030 (Allowable Uses and Planning Permit Requirements).
- B. Permit and Approval Requirements.** Any planning permit or other approval required by Section 17.20.030 (Allowable Uses and Planning Permit Requirements) shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 17.20.040 (Exemptions from Planning Permit Requirements).
- C. Development Standards, Conditions of Approval.** Each use and structure shall comply with the development standards of this Chapter, applicable standards and requirements in Articles 3 (Site Planning and Project Design Standards) and 4 (Specific Use Regulations), applicable site or design requirements identified in other Board adopted manuals, and/or any applicable conditions imposed by a previously granted planning permit.
- D. Legal Lot.** The site of a proposed development or new use shall be on a legal lot, as defined in Article 8 (Glossary).

17.20.030 Allowable Uses and Planning Permit Requirements

A. Allowable Uses. The uses allowed by this Ordinance are listed in Chapters 17.21 through 17.25, together with the type of planning permit required for each use. Each use type listed in the tables is defined in Article 8 (Glossary). Chapter 17.26 regarding the Meyers Community Plan has different use type provisions and definitions as set forth in the TRPA Code of Regulations.

1. Establishment of an Allowable Use.

- a. Any use type use identified by Chapters 17.21 through 17.26 as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B below, and compliance with all applicable requirements of this Ordinance.
- b. Where a single lot is proposed for concurrent development of two or more uses listed in the tables, the overall project shall be subject to the permit level required for each individual use under Subsection B. Consolidation of multiple permits into the one permit application may be allowed, subject to Director approval.

2. Use Not Listed.

- a. A use that is not listed in Chapters 17.21 through 17.26, and is determined by the Director to not be included in Article 8 (Glossary) under the definition of a listed use, is not allowed within the County, except as otherwise provided in Subsection A.3 below, or Section 17.20.040 (Exemptions from Planning Permit Requirements).
- b. A use that is not listed in the tables within a particular zone is not allowed within that zone, except as otherwise provided Subsection A.3 below, or Section 17.20.040.

3. Similar and Compatible Uses Allowed. A use not listed in this Article is allowable where the Director or other approval authority makes the following findings:

- a. **Required Findings; Similar and Compatible Use.** A proposed use not listed in this Article is similar to and compatible with a listed use and shall be allowed where the Director or other approval authority makes all of the following findings:
 - (1) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone;
 - (2) The use will be consistent with the purposes of the applicable zone;

- (3) The use will be consistent with the General Plan and any applicable specific plan; and
- (4) The use will be compatible with the other uses allowed in the zone.

A determination that a use qualifies as a similar and compatible use and the findings supporting the determination shall be in writing. The Zoning Ordinance shall be periodically amended to incorporate those uses not listed in this Article which are found to be similar and compatible.

- b. Applicable Standards and Permit Requirements.** When the Director determines that a proposed but unlisted use is similar and compatible to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Ordinance apply.
- c. Referral for Determination.** The Director may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Commission for a determination at a public meeting.
- d. Appeal.** A determination of similar and compatible use may be appealed in compliance with Section 17.52.090 (Appeals).

B. Planning Permit Requirements. Chapters 17.21 through 17.25 provide for uses that are:

1. Allowed by right subject to compliance with all applicable provisions of this Ordinance. Uses allowed by right are exempt from planning permit requirements. These are shown as "P" in the matrices;
2. Allowed subject to approval of an Administrative Permit (Section 17.52.010), shown as "A" in the matrices;
3. Allowed subject to approval of a Temporary Use Permit (Section 17.52.060), shown as "TUP" in the matrices;
4. Allowed subject to the approval of a Use Permit (Section 17.52.020), and shown as "CUP" or "MUP" in the matrices;
5. Not allowed in particular zones, shown as "—" in the matrices.
6. Where additional provisions are contained in Article 4 (Specific Use Regulations) that address the "by right" or permit requirements, the matrix will cross reference the applicable section.

- C. **Meyers Community Plan Requirements.** Chapter 17.26 provides for uses within the Meyers Community Plan and follows the unique permit requirements of 17.26.030 instead of 17.20.030.B.
- D. **Multiple Permits May Be Required.** A use authorized through the approval of an Administrative Permit, Temporary Use Permit, or Conditional/Minor Use Permit may also require a Design Review Permit, building permit, and/or other permit(s) required by the County Code.

17.20.040 Exemptions from Planning Permit Requirements

- A. **General Requirements for Exemption.** The uses, structures, and activities identified by Subsection B below are allowed in any zone district and are exempt from the planning permit requirements of this Ordinance when:
 - 1. The use, activity or structure is established and operated in compliance with the setback requirements, height limits, and all other applicable standards of this Article (Zones, Allowed Uses and Zoning Standards), and Articles 3 (Site Planning and Project Design Standards), 4 (Standards for Specific Uses) and, where applicable, Chapter 17.61 (Nonconforming Uses, Structures, and Lots); and
 - 2. Any permit or approval required by regulations other than this Ordinance is obtained (for example, a Building Permit).
- B. **Exempt Activities and Uses.** The following are exempt from the planning permit requirements of this Ordinance when in compliance with Subsection A above.
 - 1. **Allowed Uses.** Uses identified in Chapters 17.21 through 17.25, inclusive, as allowed by right, shown as “P” in the matrices. Allowed Uses include Accessory Structures and Uses, as defined in Chapter 17.40.030.
 - 2. **Agricultural Buildings** exempt under Article 15.16.060 of the County Ordinance Code.
 - 3. **Decks, Paths and Driveways.** Decks, platforms, on-site paths, and driveways. A building permit or grading permit may be required.
 - 4. **Fences and Walls.** Subject to Section 17.30.050 (Fences, Walls, and Retaining Walls).
 - 5. **Interior Remodeling.** Interior alterations that do not increase the gross floor area of the structure or change the Allowed use of the structure.

6. **Repairs and Maintenance.**
 - a. **Single-unit Residential Dwellings.** Ordinary repairs to and maintenance of single-unit dwellings.
 - b. **Multi-unit Residential Dwellings, and Non-residential Structures.** Ordinary repairs to, and maintenance of multi-unit residential and non-residential structures, if:
 - (1) The work does not change the approved use of the site or structure; or add to, enlarge, or expand the use and/or structure; and
 - (2) Any exterior repairs employ the same materials and design as the original construction.
7. **Small, Portable, Residential Accessory Structures.** A single portable structure per lot or unit, including pre-manufactured storage sheds or other small structures in residential zones that are exempt from building permit requirements in compliance with the County Code and the building code. Additional structures may be approved in compliance with Section 17.40.030 (Accessory Structures and Uses), where allowed by the applicable zone.
8. **Solar Collectors.** Solar collectors accessory to a building attached to the roof or side of a building provided that the collectors comply with applicable height limit requirements.
9. **Spas, Hot Tubs, and Fish Ponds.** Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not:
 - a. Exceed 120 square feet in total area including equipment;
 - b. Contain more than 2,000 gallons of water; or
 - c. Exceed three feet in depth.
10. **Utilities.** The erection, construction, alteration, or maintenance by a public utility or public agency of utilities intended to service existing or nearby approved developments shall be allowed in any zone. These include: water; gas; electric; wastewater disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. Satellite and wireless communications antennas are not exempt, and are instead subject to Chapter 17.40.130 (Communication Facilities).
11. **Satellite Dish, Radio and Television Antennas.** Non-commercial, receive-only antennas for the sole use of the occupants of a structure provided that these antennas are not located within the front setback or street side setback on a corner lot:

- a. A ground or structure-mounted, radio or satellite dish antenna that does not project above the roof ridge line and does not have a diameter greater than one meter (39 inches); and
- b. Roof-mounted radio or television aerials not exceeding 75 feet in overall height.

17.20.050 Temporary Uses

Requirements for establishing a temporary use (for example, a construction yard, seasonal sales lot, special event, temporary office trailer, etc.) are in Section 17.52.060 (Temporary Use Permit).

CHAPTER 17.21 – AGRICULTURAL, RURAL LANDS, AND RESOURCE ZONES**Sections:**

- 17.21.010 Zones Established; Applicability
- 17.21.020 Matrix of Allowed Uses
- 17.21.030 Development Standards

17.21.010 Matrix of Allowed Uses

- A. **Zones Established; Applicability.** A number of agricultural, rural lands and resource zones are established in this Ordinance to implement the uses described in the General Plan, and to provide for, promote and regulate the range of uses applicable to those lands.
- B. This Chapter lists the uses allowed within an agricultural, rural land and a resource zone established by Section 17.12.10 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. The manner in which the individual agricultural, rural lands and resource zones are applied is as follows:
 - 1. **Planned Agricultural (PA).** The PA, Planned Agricultural Zone, applies to the development of agricultural enterprises and uses whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing use, soil type, water availability, topography, and similar factors. Agricultural enterprise is intended to be the primary use of these lands, but compatible commercial uses, as listed in Table 17.21.020 below, may also be allowed in compliance with the provisions of this Chapter. Minimum lot size designators shall be applied to this zone based on commodity type, soil type, surrounding uses, and other appropriate factors. The designator shall represent the number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.
 - 2. **Limited Agricultural (LA).** The LA, Limited Agricultural Zone, applies to the development of agricultural enterprises and uses, whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing use, soil type, water availability, topography, and similar factors. The LA zone is distinguished from the PA zone in that it provides limited opportunities for ranch marketing and commercial winery uses, and shall generally be applied where those more intensive commercial uses may be undesirable. Minimum lot size designators shall be applied to this zone based on commodity type, soil type, surrounding uses, and other appropriate

factors. The designator shall represent the number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.

3. **Agricultural Grazing (AG).** The AG, Agricultural Grazing Zone, is applied to lands suitable for grazing whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands that are being used for grazing and/or that have the potential for commercially viable grazing operations, based on existing use, soil type, water availability, topography, and similar factors. Grazing and other agricultural activities are intended to be the primary use of these lands, but other compatible commercial uses may also be allowed in compliance with the provisions of this Chapter. Minimum lot size designators shall be applied to this zone based on use designation and other appropriate factors. The minimum lot size designator shall be in the following increments: 40 and 160 acres.
4. **Timber Production (TPZ).** The TPZ, Timber Production Zone, is applied to identify and regulate lands subject to the Forest Taxation Reform Act of 1976. (California Government Code Section 51110, et seq.). Criteria for establishing a TPZ is located in Section 17.40.350 (Timber Production Zone: Criteria, Regulations, and Zone Change Requirements).
5. **Forest Resource (FR).** The FR, Forest Resource Zone, is applied to lands containing valuable timber or having the potential for timber production, but that are not subject to TPZ zoning requirements in compliance with Section 17.40.350. The purpose of this zone is to encourage timber production and associated activities, and to limit noncompatible uses from restricting such activities. Minimum lot size designators shall be applied to this zone based on elevation and other appropriate factors. The minimum lot size designator shall be in the following increments: 40, 80, and 160 acres.
6. **Rural Lands (RL).** The RL, Rural Lands Zone, is intended to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. This zone may be applied where resource-based industries in the vicinity may impact residential uses. Commercial support activities that are compatible with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. Although agricultural uses are allowed, these lands generally do not support exclusive agricultural use. This zone is applied to those lands to allow uses which supplement the agricultural use. For special setback purposes, the RL zone is not considered to be an agricultural or timber zone. Minimum lot size designators shall be applied to this zone based on the constraints of the site, surrounding uses, and other appropriate factors. The designator shall represent the minimum number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.

17.21.020 Matrix of Allowed Uses

Uses are allowed in the following zones subject to the requirements of this Title as designated in Table 17.21.020 below:

Table 17.21.020 Agricultural, Rural Lands and Resource Zone Districts Use Matrix

USE TYPE	P Allowed use A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional use permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone						Specific Use Reg.
	LA	PA	AG	RL	FR	TPZ	
Agricultural							
Animal Raising and Keeping	P	P	P	P	P	P	17.40.080
Barn; Stable, private; Storage structure	P	P	P	P	P	P	17.40.030
Crop Production	P	P	P	P	P	—	
Dairy	P	P	P	P	P	—	
Grazing	P	P	P	P	P	P	
Livestock, high density	CUP	CUP	CUP	CUP	—	—	
Nursery, plants: Production and Wholesale	P	P	P	P	CUP	CUP	
Restocking; Plant Material	P	P	P	P	P	P	
Orchards and Vineyards	P	P	P	P	P	—	
Processing, on-site products	P	P	P	CUP	CUP	CUP	
Produce Sales: Sale of produce grown on-site	P	P	P	P	P	—	17.40.240
Sale of produce grown off-site	MUP	MUP	MUP	MUP	MUP	—	
Timber	P	P	P	P ¹	P ¹	P ¹	
Agricultural Support Services							
Agricultural Processing Packing and Storage of on and off-site products	P	P	P	P	P	P	
Slaughterhouse or Rendering Plant	—	CUP	CUP	—	—	—	
Value-added processing	P	P	P	P	P	—	
Custom Farm Services	CUP	CUP	CUP	CUP	CUP	—	
Domestic Farm Animal Sales	CUP	CUP	CUP	CUP	CUP	—	

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Allowed use A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional use permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Farm Machinery & Equipment Maintenance, Repair and Sale	CUP	CUP	CUP	CUP	CUP	—	
Feed and Farm Supply Stores	CUP	CUP	CUP	CUP	CUP	—	
Nursery, Plant Production Plus	CUP	CUP	CUP	CUP	CUP	—	
Ranch Marketing	See Table 17.40.260.1 (Ranch Marketing Use Matrix)						
Wholesale storage and distribution (Agricultural Products)	CUP	CUP	CUP	CUP	CUP	—	
Wineries	See Table 17.40.400.1 (Wineries Use Matrix)						
Residential							
Child Day Care Home: Small family day care home	P	P	P	P	P	—	17.40.110
Large family day care home	CUP	A	A	A	A	—	
Community Care Facility: Small (serving 6 or fewer)	—	—	—	P	—	—	
Large (serving 7 or more)	—	—	—	CUP	—	—	
Dwelling: Single-unit, detached	P	P	P	P	P	CUP	17.40.350
Temporary during construction	P	P	P	P	P	TUP	17.40.190
Employee Housing: Agricultural 6 or fewer employees	P	P	P	P	P	—	17.40.120
Agricultural up to 36 beds or 12 units in compliance with standards	A	A	A	A	A	—	17.40.120
Agricultural Not in compliance with standards	CUP	CUP	CUP	CUP	CUP	—	17.40.120
Construction	—	—	TUP	TUP	TUP	—	17.40.190
Seasonal Worker	—	—	A	A	A	—	17.40.120
Seasonal Workers not in compliance with standards	—	—	CUP	CUP	CUP	—	17.40.120
Guest House	P	P	P	P	P	—	17.40.150
Hardship Mobile Home	TMA	TMA	TMA	TMA	TMA	—	17.40.190
Kennel, private ²	P	P	P	P	P	—	
Room Rental: One bedroom, only	P	P	P	P	P	—	
Secondary Dwelling	P	P	P	P	P	—	17.40.060, 17.40.300

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USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Commercial							
Animal Sales and Service							
Animal Supplies	CUP	CUP	CUP	CUP	—	—	
Kennel, commercial	CUP	CUP	CUP	CUP	CUP	—	
Veterinary Clinic	—	CUP	CUP	CUP	CUP	—	17.40.070
Veterinary, Large Animal	CUP	CUP	CUP	CUP	CUP	—	
Breweries, Micro	CUP	CUP	CUP	CUP	CUP	—	
Contractor’s Office: Off-site	TUP	TUP	TUP	TUP	TUP	—	17.40.190
Commercial Kitchen	CUP	CUP	CUP	CUP	CUP	—	
Dining Facilities	CUP	CUP	CUP	CUP	CUP	—	
Distillery	CUP	CUP	CUP	CUP	CUP	—	
Home Occupation	See Table 17.40.160.2 (Use Matrix)					—	17.40.160
Lodging Facilities: Agriculture Lodging	See Table 17.40.170.1						
Bed and Breakfast Inn	CUP	CUP	CUP	CUP	CUP	—	17.40.170
Health Resort and Retreat Center	—	CUP	CUP	CUP	CUP	CUP	
Vacation Home Rental	A	A	A	A	A	—	17.40.370
Nursery, Plants: Commercial Retail	CUP	MUP	MUP	CUP	CUP	—	17.40.220
Outdoor Retail Sales: Garage Sales	P	P	P	P	P	—	
Temporary Outdoor	A/TUP	A/TUP	A/TUP ³	A/TUP ³	—	—	17.40.220
Permanent	CUP	CUP	CUP	CUP	CUP	CUP	
Industrial							
General	—	—	—	—	CUP	CUP	
Mineral Exploration, and Mining	See Table 17.29.070.1 in Chapter 17.29						
Storage Yard: Equipment and Material Permanent	P	P	P	P	P	P	17.40.320.C
Temporary	TUP	TUP	TUP	TUP	TUP	TUP	

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Allowed use A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional use permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Recreation and Open Space							
Campground	CUP	CUP	CUP	CUP	CUP	CUP	17.40.100
Golf Course	—	—	—	CUP	—	—	
Hiking and Equestrian Trail	P	P	P	P	P	P	
Hunting/Fishing Club or Farm	A	P	P	P	P	P	17.40.210.D
Hunting/Fishing Club or Farm Facility	CUP	CUP	CUP	CUP	CUP	CUP	17.40.170.B
Marina: Non-motorized Craft	—	CUP	CUP	CUP	CUP	CUP	
Off-Highway Vehicle Recreation Area	—	—	—	—	CUP	CUP	
Park, day use	—	—	—	CUP	CUP	—	17.40.210
Picnic Area	P	P	P	P	P	P	
Resource Protection and Restoration	P	P	P	P	P	P	
Ski Area	—	—	—	CUP	CUP	CUP	17.40.210
Snow Play Area	—	—	—	CUP	CUP	CUP	
Special Events, temporary	TUP	TUP	TUO	TUP	TUP	TUP	
Stable, commercial	CUP	CUP	CUP	CUP	CUP	CUP	17.40.210
Trail Head Parking or Staging Area	CUP	CUP	CUP	CUP	CUP	CUP	17.40.210
Civic Uses							
Cemetery	—	—	CUP	CUP	CUP	—	
Churches and Community Assembly	—	—	—	CUP	CUP	—	
Community Services: Minor	—	—	—	CUP	CUP	—	
Intensive	CUP	CUP	CUP	CUP	CUP	—	
Schools: College and University	—	—	—	CUP	—	—	17.40.230
Elementary and Secondary, Private	—	—	—	CUP	—	—	
Transportation							
Airports, Airstrips, and Heliports	CUP	CUP	CUP	CUP	CUP	CUP	17.40.070

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USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Utility and Communication							
Communication Facilities	A / CUP	A / CUP	A / CUP	A / CUP	A / CUP	CUP	17.40.130
Public Utility Service Facilities: Intensive	—	CUP	CUP	CUP	CUP	CUP	17.40.250
Minor	P	P	P	P	P	P	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)						17.40.390
NOTES:							
¹ In FR and TPZ only, logging camps and sawmills may be allowed by CUP.							
² Dogs used for herding or guardian purposes in commercial ranching or browsing operations are allowed by right subject to licensing requirements of Animal Control in compliance with Title 6.							
³ Subject to the issuance of an Administrative Permit, unless otherwise specified in 17.40.220							

17.21.030 Development Standards

Allowed uses and associated structures shall comply with the following development standards in addition to any other applicable requirements of this Title, unless a variance is obtained in compliance with Section 17.52.070 (Variance):

Table 17.21.030 Agricultural, Rural Lands and Resource Zones Development Standards

	LA	PA	AG	TPZ	FR	RL
Minimum Lot Size ^{1, 2}	10 acres_ or as designated	10 acres or as designated	40 acres or as designated	160 acres	40 acres below 3,000 ft. elev. or as designated; 160 acres 3,000 ft. and higher	10 acres or as designated
Setbacks: (in feet) Agricultural (ag) structure, Front, secondary front, sides, rear	50	50	50	50.	50	50
Non-ag structure, Front, secondary front, sides, rear	30	30	30	30	30	30
Building Height: (in feet) Ag structure	50	50	50	50	50	50
Non-ag structure	45	45	45	45	45	45
Lot Frontage (in feet)	200	150	200	200	200	150
<p>Notes:</p> <p>¹ An agricultural preserve may consist of a lot or adjacent lots of between 10 and 20 acres in compliance with Section 17.40.060 (Agricultural Preserves and Zones, etc.)</p> <p>² Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and width standards of the respective zones</p>						

CHAPTER 17.22 – COMMERCIAL ZONES

Sections:

- 17.22.010 Zones Established; Applicability
- 17.22.020 Matrix of Allowed Uses
- 17.22.030 Commercial Zone Development Standards

17.22.010 Zones Established; Applicability

- A. As provided in the General Plan Policy 2.2.1.2, this Chapter establishes a number of commercial zones to direct specific categories of commercial uses to the appropriate areas of the County.
- B. This Chapter lists the uses that may be allowed within the Commercial zones established by Section 17.12.020 (Zoning Map and Zones), describes the types of planning permit/approval required for each use and provides basic standards for site layout and building size.
- C. The various Commercial zones and the manner in which they are applied are as follows.
 - 1. **Commercial, Professional Office (CPO).** The CPO, Professional Office Commercial Zone is intended to regulate the development of land suitable for professional, administrative, and business offices and offices mixed with low to high intensity residential uses. It is intended that this zone be utilized as a transition between residential areas and higher intensity commercial uses by creating an environment which is compatible with surrounding residential uses while providing adequate economic incentive for development of such office space. Retail sales that are incidental to the primary office uses in this zone, are allowed subject to the provisions of the Ordinance.
 - 2. **Commercial, Limited (CL).** The CL, Limited Commercial Zone, designates areas suitable for low-intensity retail and office uses oriented to serving the surrounding residential area while minimizing conflicts with the residential uses and outside traffic into the area. Mixed use development compatible with surrounding uses would also be appropriate.
 - 3. **Commercial, Main Street (CM).** The CM, Main Street Commercial Zone, allows a wide range of pedestrian-oriented retail, office, and service uses, and mixed use development comprised of commercial and residential uses. Flexible development standards are applied to facilitate preservation of historic structures and to encourage new development compatible with the identity of each unique community. This zone is generally appropriate for historic downtown areas or town centers.

4. **Commercial, Community (CC).** The CC, Community Commercial Zone, provides for the retail sales, office, and service needs of the residents residing within the surrounding community and accommodates the commercial and service needs of visitors to the County. Mixed use development compatible with General Plan densities is appropriate in this zone.
5. **Commercial, Regional (CR).** The CR, Regional Commercial Zone, provides for large-scale retail services for a regional trade area. The CR zone applies to regional shopping centers that serve a market beyond the community and are located along arterials and at major intersections that provide convenient automobile access. Residential uses are generally inappropriate in the CR zone.
6. **Commercial, General (CG).** The CG, General Commercial Zone provides a mix of more intensive commercial uses, such as light manufacturing, automobile repair, and wholesale activity; where outdoor storage or activity commonly occurs; and where residential, civic, and educational uses are limited to avoid conflicts with allowed uses.
7. **Commercial, Rural (CRU).** The CRU, Commercial Rural Zone is utilized to provide limited commercial uses to support agricultural, tourism, recreational and resource based industry in the Rural Regions.

17.22.020 Matrix of Allowed Uses

Uses are allowed in commercial zones subject to the requirements of this Title as designated in Table 17.22.020 below:

Table 17.22.020 Allowed Uses and Permit Requirements for the Commercial Zones

CPO: Commercial, Professional Office CL: Commercial, Limited CM: Commercial, Main Street CC: Commercial, Community CR: Commercial, Regional CG: Commercial, General CRU: Commercial, Rural	P	Allowed use (Article 4)							Specific Use Regulation
	A	Administrative permit required (17.52.010)							
	TUP	Temporary use permit required (17.52.060)							
	CUP	Conditional Use Permit required/							
	MUP	Minor use permit required (17.52.020)							
	TMA	Temporary mobile home permit (17.52.050)							
	—	Use not allowed in zone							
Use Type								Specific Use Regulation	
	CPO	CL	CM	CC	CR	CG	CRU		
Commercial									
Agricultural Support Services	—	P	—	P	—	P	P/AP	17.40.070	
Animal Sales and Service: Grooming and Pet Stores	—	P	P	P	P	P	—		
Kennel, commercial	—	—	—	P	P	P	CUP		
Veterinary Clinic	—	P	P	P	P	P	P		

Use Type								Specific Use Regulation
	CPO	CL	CM	CC	CR	CG	CRU	
CPO: Commercial, Professional Office	P Allowed use (Article 4)							
CL: Commercial, Limited	A Administrative permit required (17.52.010)							
CM: Commercial, Main Street	TUP Temporary use permit required (17.52.060)							
CC: Commercial, Community	CUP Conditional Use Permit required/							
CR: Commercial, Regional	MUP Minor use permit required (17.52.020)							
CG: Commercial, General	TMA Temporary mobile home permit (17.52.050)							
CRU: Commercial, Rural	— Use not allowed in zone							
Automotive and Equipment: Fuel Sales	—	P	CUP	P	P	P	CUP	
Paint and Body Shops	—	—	—	CUP	—	P	CUP	
Repair	—	—	—	CUP	CUP	P	CUP	
Sales and Rental	—	—	—	CUP	CUP	P	CUP	
Vehicle Storage	CUP	—	—	CUP	—	P	CUP	17.40.320
Banks and Financial Services	P	P	P	P	P	P	P	
Bars and Drinking Establishments	CUP	P	P	P	P	P	P	
Brewery Large Commercial	—	—	CUP	P	CUP	P	CUP	
Micro Brewery	CUP	CUP	CUP	CUP	P	P	P	
Brewpub	CUP	P	P	P	P	—	P	
Broadcasting and Recording Studio	P	—	P	P	P	P	—	
Building Supply Store	—	—	—	P	P	P	P	17.40.220
Business Support Services	—	—	P	P	P	P	P	
Child Day Care Center	A	A	A	A	A	CUP	P	17.40.110
Commercial Recreation: Arcade	—	P	P	P	P	P	P	
Indoor Entertainment	—	—	P	P	P	—	—	
Indoor Sports and Recreation	—	P	—	P	P	P	—	
Large Amusement Complex	—	—	—	CUP	CUP	—	—	
Outdoor Entertainment	—	—	—	CUP	CUP	—	CUP	
Outdoor Sports and Recreation	—	—	—	—	CUP	—	CUP	17.40.210
Contractor's Office: On-site	A	A	A	A	A	A	A	17.40.190
Off-site	TUP	—	TUP	TUP	TUP	TUP	TUP	
Employer-sponsored Child Day Care Center	A	A	—	A	A	A	A	17.40.110
Food and Beverage Retail Sale	—	P	P	P	P	P	P	
Free Food Distribution Center	—	—	—	—	—	CUP	CUP	

Use Type								Specific Use Regulation
	CPO	CL	CM	CC	CR	CG	CRU	
CPO: Commercial, Professional Office CL: Commercial, Limited CM: Commercial, Main Street CC: Commercial, Community CR: Commercial, Regional CG: Commercial, General CRU: Commercial, Rural	P Allowed use (Article 4) A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional Use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone							
Funeral and Internment Services	—	P	CUP	P	—	P	CUP	
Lodging Facilities: Bed and Breakfast Inn	—	CUP	P	P	—	—	P	17.40.170
Health Resort and Retreat Center	—	—	—	P	—	—	P	
Hotel and Motel	CUP	—	P	P	P	—	P	
Maintenance and Repair	—	—	CUP	P	P	P	P	
Medical Services: Hospital	CUP	—	—	P	CUP	CUP	—	
Clinic	—	—	P	P	P	—	P	
Long-Term Care Facility	—	CUP	—	P	—	—	CUP	
Mobile/Manufactured Home Sales Lots	—	—	—	A	—	P	—	17.40.220
Offices: Professional	P	P	P	P	A	—	P	
Medical	P	P	P	P	CUP	—	P	
Recycling Facilities	—	—	—	P/A	—	P/A	CUP	17.40.280
Restaurant	CUP	P	P	P	P	—	P	
Retail Sales and Service: Indoor Sales	—	P	P	P	P	P	P	17.40.220
Permanent Outdoor Sales	—	CUP	CUP	P	P	P	P	
Temporary Outdoor Sales	A/ TUP	TUP ¹	TUP ¹	A/ TUP	A/ TUP	A/ TUP	A/ TUP	
Personal Services	—	P	P	P	P	P	P	
Property Services	—	P	—	P	—	P	P	
Specialized Education and Training	P	P	P	P	—	CUP	—	17.40.230
Storage, Self	—	—	—	CUP	—	P	CUP	17.40.320
Trade School: Indoor	CUP	CUP	—	CUP	—	P	CUP	
Outdoor	—	—	—	—	—	CUP	CUP	
Winery: Production	—	—	—	—	—	P	P	
Full-service Facility	—	P	CUP	P	—	—	P	

Use Type								Specific Use Regulation
	CPO	CL	CM	CC	CR	CG	CRU	
CPO: Commercial, Professional Office CL: Commercial, Limited CM: Commercial, Main Street CC: Commercial, Community CR: Commercial, Regional CG: Commercial, General CRU: Commercial, Rural	P	A	TUP	CUP	MUP	TMA	—	Allowed use (Article 4) Administrative permit required (17.52.010) Temporary use permit required (17.52.060) Conditional Use Permit required/ Minor use permit required (17.52.020) Temporary mobile home permit (17.52.050) Use not allowed in zone
Industrial								
Laundries, Commercial	—	P	—	CUP	—	P	P	
Light Manufacturing	—	—	CUP ²	CUP	—	P	CUP	
Ceramic products from compounded clay	—	—	CUP ²	CUP	—	P/CUP ³	CUP	
Lightweight nonferrous metal casting foundry	—	—	CUP ²	CUP	—	P/CUP ³	CUP	
Mineral Exploration and Mining	See Table 17.29.070.1 in Chapter 17.29							
Printing and Publishing	—	—	—	CUP	—	P	—	
Research and Laboratory Services	P	—	—	P	—	P	P	
Storage Yard, Equipment and Material:								
Permanent	—	—	—	—	—	P	CUP	17.40.320
Temporary	TUP	—	—	TUP	TUP	TUP	TUP	
Wholesale Storage and Distribution	—	—	—	CUP	—	P	CUP	
Agricultural								
Nursery, wholesale plant	—	—	—	CUP	—	P	P	
Packing: off -site products	—	CUP	—	—	—	P	P	
Residential								
Caretaker Unit:								
Permanent	A	A	A	A	A	A	A	17.40.120
Temporary	TMA	TMA	TMA	TMA	TMA	TMA	TMA	
Child Day Care Home ^{5,6}								
Small family day care home	—	A	—	A	—	—	A	17.40.110
Large family day care home	—	A	—	A	—	—	A	
Community Care Facility:								
Small or Large	CUP	P	—	P	—	—	P	
Dwelling (as part of a Mixed Use Development)	See 17.40.180							
Emergency Shelter	—	—	—	CUP	—	P	—	

CPO: Commercial, Professional Office	P	Allowed use (Article 4)						
CL: Commercial, Limited	A	Administrative permit required (17.52.010)						
CM: Commercial, Main Street	TUP	Temporary use permit required (17.52.060)						
CC: Commercial, Community	CUP	Conditional Use Permit required/						
CR: Commercial, Regional	MUP	Minor use permit required (17.52.020)						
CG: Commercial, General	TMA	Temporary mobile home permit (17.52.050)						
CRU: Commercial, Rural	—	Use not allowed in zone						
Use Type								Specific Use Regulation
	CPO	CL	CM	CC	CR	CG	CRU	
Employee Housing: Commercial Caretaker, permanent	A	A	A	A	A	A	A	17.40.120
Commercial Caretaker, temporary	TMA	TMA	TMA	TMA	TMA	TMA	TMA	
Construction	—	—	—	—	—	TUP	TUP	17.40.190
Home Occupation ⁴	See Table in 17.40.170							
Lodging: Vacation Home Renta ⁵⁶	—	P	P	P	—	—	—	17.40.370
Transitional Housing: Large, only	—	—	—	CUP	—	A	—	17.40.360
Recreation and Open Space								
Golf Course	—	—	—	CUP	—	—	CUP	
Marina: Motorized Craft	—	—	—	CUP	—	CUP	CUP	
Non-Motorized Craft	—	—	—	P	—	—	P	
Parks: Day Use	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶	—	P ⁶	17.40.210
Nighttime Use	CUP	CUP	CUP	CUP	CUP	—	—	
Snowplay Area	—	—	—	CUP	—	CUP	CUP	17.40.210
Special Events, Temporary	TUP	TUP	TUP	TUP	TUP	TUP	TUP	
Swimming Pool	—	CUP	—	CUP	—	—	—	
Tennis Courts	—	CUP	—	CUP	—	—	—	
Trail Head Parking and Staging Area	—	—	—	CUP	—	CUP	P	
Civic								
Cemeteries	—	—	—	CUP	—	CUP	—	
Churches and Community Assembly Indoor	P	CUP	P	P	—	CUP	CUP	
Outdoor	CUP	CUP	CUP	CUP	CUP	—	CUP	
Community Services: Intensive	—	—	—	CUP	CUP	CUP	CUP	
Minor	P	P	P	P	P	—	P	

CPO: Commercial, Professional Office	P	Allowed use (Article 4)							
CL: Commercial, Limited	A	Administrative permit required (17.52.010)							
CM: Commercial, Main Street	TUP	Temporary use permit required (17.52.060)							
CC: Commercial, Community	CUP	Conditional Use Permit required/							
CR: Commercial, Regional	MUP	Minor use permit required (17.52.020)							
CG: Commercial, General	TMA	Temporary mobile home permit (17.52.050)							
CRU: Commercial, Rural	—	Use not allowed in zone							
Use Type								Specific Use Regulation	
	CPO	CL	CM	CC	CR	CG	CRU		
Schools: College and University	P	—	CUP	P	CUP	—	—	17.40.230	
Elementary and Secondary, private	CUP	—	CUP	CUP	—	—	—		
Transportation									
Airports, Airstrips and Heliports	—	—	—	CUP	—	CUP	—		
Intermodal Facility	CUP	CUP	CUP	CUP	CUP	P	—		
Parking Lot	P	P	P	P	P	P	P		
Utility and Communications									
Communication Facilities	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	17.40.130	
Public Utility Service Facilities: Intensive	CUP	—	—	CUP	CUP	CUP	CUP	17.40.250	
Minor	P	P	P	P	P	P	P		
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)							17.40.390	
NOTES:									
¹ Excluding Subsections 17.40.220.E Garage Sales.									
² Limited to small-scale, artisanal production of goods (See Article 8: Light Manufacturing)									
³ CUP for larger scale, 'general industrial' use.									
⁴ As part of the residential component of a mixed use development.									
⁵ As a rental of an existing legal nonconforming residential structure.									
⁶ Allowed as an accessory use									

17.22.030 Commercial Zones Development Standards

Allowed uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Title unless a variance is obtained in compliance with Section 17.52.070 (Variance):

Table 17.22.030 Commercial Zones Development Standards

Development Attribute	CPO	CL	CM	CC	CR	CG	CRU
Minimum Lot Size ¹ (in square feet)	6,000	4,000	None	4,000	100,000 ²	10,000	10,000
Minimum Lot Width (in feet)	60	60	20	60	70	70	100
Residential Density Range for Mixed Use	See Section 17.40.180 (Mixed Use)				N/A		
Setbacks (in feet) Front and secondary front ³	10	10	Min. 0 Max. 10	10	20	10	30
Sides and Rear ⁴	0 or 5	0 or 5	0 or 5	0 or 5	0 or 5	0 or 5	30.
Sides and Rear (Abutting R, R1A, R2A, R3A, and RE Zoned Land) ⁵	10 or 30					30	
Maximum Building Height (in feet)	50	50	50	50	50	50	40
Floor Area Ratio ⁶	.85	.85	2.0	.85	.85	.85	.50
Notes:							
¹ Mixed use development and commercial condominiums subject to 17.040.180.							
² Does not limit the creation of new smaller lots within a regional commercial facility.							
³ Subject to Landscaping requirements in the site planning and design manual.							
⁴ Zero lot line with fireproof wall and no openings, meeting building and fire code requirements, otherwise the 5 foot setback applies.							
⁵ Subject to Landscaping Ordinance requirements in the site planning and design manual.							
⁶ Ratio of allowable floor area to lot area.							
⁷ Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and width standards of the respective zones							

CHAPTER 17.23 – INDUSTRIAL AND RESEARCH AND DEVELOPMENT ZONES**Sections:**

- 17.23.010 Zones Established; Applicability
- 17.23.020 Matrix of Allowed Uses
- 17.23.030 Development Standards
- 17.23.040 Design Standards

17.23.010 Zones Established; Applicability

- A. This Chapter establishes several Industrial zones to provide for a full range of light and heavy manufacturing, including manufacturing, processing, distribution and storage. In addition, a Research and Development Zone is established to provide areas for high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a rural or campus-like setting, such as a business park environment. [General Plan Policy 2.2.1.2]
- B. This Chapter further provides regulations applicable to each industrial zone established in Section 17.12.020 (*Zoning Maps and Zones*). The industrial zones are as follows:
 - 1. **Industrial – Light (IL).** The IL, Industrial – Light zone is applied to lands for manufacturing and associated retail or service activities, wholesaling, and other industrial uses, where the primary activity is conducted within a building or buildings, or in outdoor storage or activity areas. Conditional Use Permits shall be required for those uses which, by their nature, have the potential to produce or emit noise, odor, fumes, dust, smoke, vibrations, glare, heat, electrical interference or waste material beyond the confines of the property boundaries.
 - 2. **Industrial – Heavy (IH).** The IH zone is applied to areas which may also be suitable for more intensive industrial uses, including manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking. The uses associated with this district are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, poisons, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions. A Conditional uses permits is required for uses having the potential to pose a safety hazard or produce particulate matter. Heavy industrial districts are unsuitable adjacent to residential districts and some commercial uses. Dwellings, care centers, and certain commercial uses are not allowed. Uses allowed within IL (Light Industrial) districts are allowed, provided that the uses are subordinate to and do not restrict heavy industrial uses in the zone. Activity at heavy industrial sites consists predominantly of trucks, rather than passenger vehicles, and the road system is built to support truck traffic. Provisions for pedestrians are not required.

3. **Research and Development (R&D).** The R&D, Research and Development zone is intended to provide areas for the location of high technology, non-polluting manufacturing plants, research and development facilities, corporate and industrial offices, and support service facilities in a rural or campus-like setting, such as a business park environment.

17.23.020 Matrix of Allowed Uses

Uses are allowed in the following zones subject to the requirements of this Title as designated in Table 17.23.020 below:

Table 17.23.020 Industrial/R&D Zones Use Matrix

IL: Industrial Low IH: Industrial High R&D: Research & Development	P Allowed use (Article 4) A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone			
USE TYPE	IL	IH	R&D	Specific Use Reg.
Industrial				
Automotive and Equipment: Salvage and Wrecking Yard	CUP	CUP	—	
Hazardous Material Handling	CUP	CUP	CUP	
Industrial: General	P/CUP	P/CUP	CUP	
Specialized	CUP	CUP	—	
Laundries, Commercial	P	—	—	
Light Manufacturing	P	—	P	
Ceramic products from compounded clay	P	—	P/CUP ¹	
Lightweight nonferrous metal casting foundry				
Mineral Exploration and Mining	See Table 17.29.070.1 in Chapter 17.29			
Printing and Publishing	P	—	P	
Research and Laboratory Services	P	—	P	
Slaughterhouse	CUP	CUP	—	
Storage Yard: Equipment and Material Permanent	P	P	—	17.40.320
Temporary	P	P	TUP	
Wholesale Storage and Distribution	P	CUP	P	

IL: Industrial Low IH: Industrial High R&D: Research & Development	P Allowed use (Article 4) A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone			
USE TYPE	IL	IH	R&D	Specific Use Reg.
Commercial				
Adult Business Establishment	A	—	—	17.40.040
Agricultural Support Services	—	P	—	17.40.070
Animal Sales and Service: Veterinary Clinics	CUP	—	CUP	
Automotive and Equipment: Paint and Body Shops	P	—	—	
Repair Shop	P	—	—	
Vehicle Storage	P	CUP	—	17.40.320
Banks and Financial Services	—	—	P	
Bars and Drinking Establishments	CUP	—	—	
Brewery	P	—	CUP	
Building Supply Store	P	—	—	17.40.220
Business Support Services	—	—	P	
Distillery	P	—	CUP	
Commercial Recreation: Indoor Entertainment	—	—	A/CUP	
Indoor Sports and Recreation	CUP	—	P	
Outdoor Entertainment	—	—	CUP	17.40.210
Outdoor Sports and Recreation	—	—	P	
Child Day Care Center	A	—	A	17.40.110
Mobile/Manufactured Home Sales Lot	A	—	—	17.40.220
Offices: Professional and Medical	—	—	P	
Printing and Publishing	P	—	P	
Recycling Facilities	P/A	CUP	—	17.40.280
Restaurant	P ²	—	P	

IL: Industrial Low IH: Industrial High R&D: Research & Development	P Allowed use (Article 4) A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone			
USE TYPE	IL	IH	R&D	Specific Use Reg.
Retail Sales and Service: Indoor Sales	CUP	—	P	17.40.220
Permanent Outdoor Sales	A	CUP	A/CUP	
Temporary Outdoor Sales	A/TUP	A/TUP	A/TUP	
Personal Services	—	—	P	
Property Services	P	—	P	
Specialized Education and Training	—	—	P	
Trade School, indoor or outdoor	P	—	—	
Wineries ³ Production Facilities	P	P	CUP	17.40.400
Residential				
Contractor's Office: On-site	A	A	A	17.40.190
Off-site	TUP	TUP	TUP	
Employee Housing: Commercial Caretaker, permanent	A	CUP	A	17.40.120
Commercial Caretaker, temporary	TMA	—	TMA	
Construction	TUP	TUP	—	17.40.190
Civic				
Cemetery	CUP	—	—	
Churches and Community Assembly Indoor only	—	—	CUP	
Community Services: Intensive	P	—	P	
Schools: College and University	—	—	CUP	17.40.230
Elementary and Secondary, private	—	—	CUP	
Transportation				
Airports, Airstrips, and Heliports	CUP	CUP	CUP	
Intermodal Facility	P	—	P	
Parking Lot, Public	P	—	P	

IL: Industrial Low IH: Industrial High R&D: Research & Development	P Allowed use (Article 4) A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone			
USE TYPE	IL	IH	R&D	Specific Use Reg.
Utility and Communication				
Communication Facilities	P/A	CUP	P/A	17.40.130
Public Utility Service Facilities: Intensive	CUP	CUP	—	17.40.250
Minor	P	—	P	
Wind Energy Conversion System		See Table 17.40.390.1 (WECS Use Matrix)		17.40.390
Recreation and Open Space				
Special Events, temporary	TUP	—	TUP	
Agricultural				
Crop Production	—	P	—	
Grazing	—	P	—	
Livestock, High Density	CUP	CUP	—	
Nursery, plants: Wholesale	P	P	—	
Orchards and Vineyards	—	P	—	
Packing: On-site products	—	P	—	
Off-site products	P	P	—	
Produce Sales	—	CUP	—	
Timber	—	P	—	
	NOTES: ¹ CUP for larger, general industrial-scale use. ² On-site for employee use, only. ³ Not subject to Winery Ordinance (Section 17.40.400).			

17.23.030 Development Standards

Allowed uses and associated structures shall comply with the following development standards, in addition to those under Section 17.23.040, and any other applicable requirements of this Title unless a variance is obtained in compliance with Section 17.52.070 (Variance).

Table 17.23.030 Industrial/R& D Zones Development Standards

Development Attribute ⁵	IL	IH	R&D	
Minimum Lot Size (in square feet)	20,000.	20,000	10,000	
Minimum Lot Width (in feet)	60	60	60	
Setbacks: (in feet)	10	30	20	
Front and secondary front ¹				
Sides	0 ² or	30	0 ² or 5	
Rear	10	30	10	
Sides and Rear (Abutting residentially zoned land) ³	10 or 30	50	10 or 30	
Maximum Building Height (in feet)	50	50	50	
Floor Area Ratio (FAR) ⁴	0.85	0.85	0.50	
<p>Notes:</p> <p>¹ Subject to Landscaping requirements in the site planning and design manual.</p> <p>² Zero lot line with fireproof wall and no openings meeting building and fire code requirements, otherwise the 5 ft. setback applies.</p> <p>³ Subject to Landscaping requirements in the site planning and design manual.</p> <p>⁴ Ratio of allowable floor area to site area.</p> <p>⁵ Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and width standards of the respective zones</p>				

17.23.040 Design Standards

A. **Research and Development Zones.** Design standards for the Research and Development Zone are contained in the County’s adopted site planning and design manual. The Design Review process shall determine whether the structure is in compliance with the adopted design standards.

CHAPTER 17.24 — RESIDENTIAL ZONES**Sections:**

- 17.24.010 Zones Established; Applicability
- 17.24.020 Matrix of Allowed Uses
- 17.24.030 Residential Zone Development Standards

17.24.010 Zones Established; Applicability

- A. This Chapter establishes residential zones as provided in the General Plan to accommodate a range of housing types, including single-family and multi-family housing for households of various income levels.
- B. This Chapter lists the uses that may be allowed within the residential zones established by Section 17.12.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. The manner in which the single-unit and multi-unit residential zones are applied are as follows:
 - 1. **Multi-unit Residential (RM).** The RM, Multi-unit Residential Zone identifies those lands which are most capable of supporting the highest density of development within the County, based on topography, infrastructure, and circulation availabilities and constraints, as well as proximity to employment centers, public facilities, recreation, and shopping. It is applied to regulate and promote the development of multi-unit dwellings, including apartments, condominiums, and townhouses, while ensuring compatibility with surrounding lower density residential neighborhoods. Detached or attached residential dwellings are allowed in accordance with the standards set forth in this Chapter, and providing the minimum density of at least 5 dwelling units per acre is met.. This zone is utilized in Community Regions and Rural Centers to meet affordable housing goals identified in the Housing Element of the General Plan. Mobile home and manufactured home land lease development shall also be allowed within this zone (see GP Policy 2.2.1.2). This zone is applicable to lands designated as Multi-Family Residential (MFR) in the General Plan.
 - 2. **Single-unit Residential (R).** The Single-unit Residential Zone is used to promote and regulate the development of higher density, single-unit dwellings, and accessory structures and uses. Minimum lot size designations of R1 and R20K are applied to this zone based on surrounding use compatibility, and physical and infrastructural constraints. Said designations represent the minimum lot size of 6,000 and 20,000 square feet, respectively. This zone is applicable to lands designated as High Density Residential (HDR) in the General Plan.

3. **One-acre Residential (R1A).** The R1A, One-acre Residential Zone, is used to create a more dispersed suburban residential character to an area by providing for and regulating medium density residential development at the highest range of one dwelling unit per acre. Accessory structures and uses and low-intensity commercial agricultural pursuits (crop lands, orchards, raising and grazing of domestic farm animals) are considered compatible with this zone. This zone is applicable to lands designated as Medium Density Residential (MDR) in the General Plan and may be applied to High Density Residential lands where infrastructure to serve higher densities is not yet available.
4. **Two-acre Residential (R2A).** The R2A, Two-acre Residential Zone, is utilized to create a more dispersed suburban residential character to an area by providing for and regulating medium density residential development at the mid-range of one dwelling unit per two acres. Accessory structures and uses and low-intensity commercial agricultural pursuits (crop lands, orchards, raising and grazing of domestic farm animals) are considered compatible with this zone. This zone is applicable to lands designated as Medium Density Residential (MDR) in the General Plan.
5. **Three-acre Residential (R3A).** The R3A, Three-acre Residential Zone, is utilized to create a more dispersed residential character to an area by providing for and regulating the development of medium density residential development at the lowest range of one dwelling unit per three acres. Agricultural structures and low-intensity commercial agricultural pursuits (crop lands, orchards, raising and grazing of domestic farm animals) are considered compatible with this zone. This zone is applicable to lands designated as Medium Density Residential (MDR) in the General Plan.
6. **Residential Estate (RE).** The RE, Residential Estate Zone is intended to preserve the rural character of an area by providing for and regulating the development of low density and rural residential development at a range of densities to include one dwelling unit per five acres and one dwelling per 10 acres. Minimum lot size designations of —5 and —10 are applied to this zone based on surrounding use compatibility, physical and infrastructural constraints, and General Plan use designation. Said designations represent the minimum number of acres allowed for each lot. Agricultural structures and uses are considered compatible with this zone.

17.24.020 Matrix of Allowed Uses

Uses are allowed in the following zones subject to the requirements of this Title as designated in Table 17.24.020 below:

Table 17.24.020 Residential Zone Use Matrix

RM: Multi-unit Residential	P	Allowed use					
R1, R20K: Single-unit Residential	PD	Planned Development Permit required (17.52.040)					
R1A: One-acre Residential	A	Administrative Permit required (17.52.010)					
R2A: Two-acre Residential	CUP	Conditional Use Permit /					
R3A: Three-acre Residential	MUP	Minor use Permit required (17.52.020)					
RE: Residential Estate	TMA	Temporary Mobile Home Permit required (17.52.050)					
NS: Neighborhood Service	TUP	Temporary use permit required (17.52.060)					
	—	Use not allowed in zone					
USE TYPE							Specific Use Regulation
	RM	R1, R20K	R1A	R2A	R3A	RE	
Residential							
Child Day Care Home: Small Family Day Care Home	P	P	P	P	P	P	17.40.110
Large Family Day Care Home	CUP	A	A	A	A	A	
Community Care Facility: Small (serving 6 or fewer)	P	P	P	P	P	P	
Large (serving 7 or more)	CUP	CUP	CUP	CUP	CUP	CUP	
Dwelling: Multi-unit	P	—	—	—	—	—	
Single-unit, attached	P	P	—	—	—	—	
Single-unit, detached	P ¹	P	P	P	P	P	
Temporary During Construction	—	P	P	P	P	P	17.40.190
Employee Housing: Agricultural- Six or fewer	—	P	P	P	P	P	17.40.120
Seasonal Worker in compliance with standards	—	—	A	A	A	A	
Seasonal Worker not in compliance with standards	—	—	CUP	CUP	CUP	CUP	
Construction	TUP	TUP	TUP	TUP	TUP	TUP	17.40.190
Guest House	—	P	P	P	P	P	17.40.150
Hardship Mobile Home	—	TMA	TMA	TMA	TMA	TMA	17.40.190
Kennel, private	—	—	—	—	—	CUP	17.40.080
Mobile/Manufactured Home Park	CUP	CUP	CUP	CUP	CUP	CUP	
Room Rental: One bedroom, only	—	P	P	P	P	P	

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate NS: Neighborhood Service	P	Allowed use						
	PD	Planned Development Permit required (17.52.040)						
	A	Administrative Permit required (17.52.010)						
	CUP	Conditional Use Permit /						
	MUP	Minor use Permit required (17.52.020)						
	TMA	Temporary Mobile Home Permit required (17.52.050)						
	TUP	Temporary use permit required (17.52.060)						
	—	Use not allowed in zone						
USE TYPE							Specific Use Regulation	
	RM	R1, R20K	R1A	R2A	R3A	RE		
Secondary Dwelling	—	P	P	P	P	P	17.40.300	
Transitional Housing: Small (serving 6 or fewer)	P	P	P	P	P	P	17.40.360	
Large (serving 7 or more)	CUP	CUP	CUP	CUP	CUP	CUP		
Agricultural								
Animal Keeping	See Table in 17.40.080							
Barn/Stable, private; Storage structure	—	—	P	P	P	P	17.40.030	
Crop Production	—	—	—	—	P	P		
Grazing	—	—	—	—	P	P		
Nursery, plants: Wholesale	—	—	—	—	—	P		
Orchards and Vineyards	—	—	—	—	P	P		
Packing, on-site products	—	—	—	—	P	P		
Processing, on-site products	—	—	—	—	CUP	CUP		
Produce Sales Sale of produce grown on-site	—	A	P	P	P	P	17.40.240	
Commercial								
Child Day Care Center	—	—	—	—	—	—	17.40.110	
Contractor’s Office: On-site	TUP	TUP	T	TUP	TUP	TUP	17.40.190	
Home Occupation	See Table in 17.40.160							
Lodging Facilities	P	CUP	CUP	CUP	CUP	CUP	17.40.170	
Vacation Home Rental	A	A	A	A	A	A	17.40.370	
Mixed Use Development	P ²	—	—	—	—	—	17.40.180	
Outdoor Retail Sales: Garage Sales	P	P	P	P	P	P	17.40.220	
Seasonal Sales	—	—	—	—	—	A		
Temporary Real Estate Sales Office	A	A	A	A	A	A	17.40.330	
Wineries	—	—	—	—	—	CUP	17.40.400	

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate NS: Neighborhood Service	P	Allowed use					
	PD	Planned Development Permit required (17.52.040)					
	A	Administrative Permit required (17.52.010)					
	CUP	Conditional Use Permit /					
	MUP	Minor use Permit required (17.52.020)					
	TMA	Temporary Mobile Home Permit required (17.52.050)					
	TUP	Temporary use permit required (17.52.060)					
	—	Use not allowed in zone					
USE TYPE							Specific Use Regulation
	RM	R1, R20K	R1A	R2A	R3A	RE	
Industrial							
Mineral Exploration	A	A	A	A	A	A / CUP	Chapter 17.29
Mining	CUP	CUP	CUP	CUP	CUP	CUP	
Storage Yard: Equipment and Material Temporary	TUP	TUP	TUP	TUP	TUP	TUP	
Recreation and Open Space							
Golf Course	CUP	CUP	CUP	CUP	CUP	CUP	17.40.210
Hiking and Equestrian Trail	P	P	P	P	P	P	
Marina, Non-motorized Craft	—	—	—	—	—	CUP	
Parks (Public): Day Use	P	P	P	P	P	P	
Nighttime Use	CUP	CUP	CUP	CUP	CUP	CUP	
Picnic Area	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	
Private Recreation Area	PD/ CUP	PD/CUP	PD/CUP	PD/ CUP	PD/ CUP	PD/ CUP	
Resource Protection and Restoration	P	P	P	P	P	P	
Swimming Pool, public	CUP	CUP	CUP	CUP	CUP	CUP	17.40.210
Tennis Court, public	CUP	CUP	CUP	CUP	CUP	CUP	
Trail Head Parking or Staging Area	—	CUP	CUP	CUP	CUP	CUP	
Civic							
Cemetery	CUP	CUP	CUP	CUP	CUP	CUP	
Churches and Community Assembly	CUP	CUP	CUP	CUP	CUP	CUP	
Community Services: Minor	CUP	CUP	CUP	CUP	CUP	CUP	
Schools: Elementary and Secondary, private	CUP	CUP	CUP	CUP	CUP	CUP	17.40.230

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate NS: Neighborhood Service	P	Allowed use					
	PD	Planned Development Permit required (17.52.040)					
	A	Administrative Permit required (17.52.010)					
	CUP	Conditional Use Permit /					
	MUP	Minor use Permit required (17.52.020)					
	TMA	Temporary Mobile Home Permit required (17.52.050)					
	TUP	Temporary use permit required (17.52.060)					
	—	Use not allowed in zone					
USE TYPE							Specific Use Regulation
	RM	R1, R20K	R1A	R2A	R3A	RE	
Utility							
Communication Facilities	A / CUP	A / CUP	A / CUP	A / CUP	A / CUP	A / CUP	17.40.130
Public Utility Service Facilities: Intensive	CUP	CUP	CUP	CUP	CUP	CUP	17.40.250
Minor	P	P	P	P	P	P	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)						17.40.390
NOTES:							
¹ Requires minimum General Plan density to be met. Planned Development application required unless in compliance with adopted Traditional Neighborhood Design standards found in the site planning and design manual.							
² Allowed as part of a Mixed Use Development, residential component meets minimum General Plan density requirement and is subject to Section 17.40.180.							

17.24.030 Residential Zone Development Standards

Allowed uses and associated structures shall comply with the following development standards in Table 17.24.030 below, in addition to any other applicable requirements of this Title, unless a variance is obtained in compliance with Section 17.52.070 (Variance):

Table 17.24.030 Residential Zones Development Standards

Development Attribute²	RM	R1	R20K	R1A	R2A	R3A	RE
Minimum Lot Size for Interior Lot	2,000 sq ft	6,000 sq ft	20,000 sq ft	1 acre	2 acre	3 acre	5 acres or 10 acres as designated
Minimum Lot Size for Corner Lot	3,500 sq ft	7,500 sq ft	20,000 sq ft	1 acre	2 acre	3 acre	5 acres or 10 acres as designated
Minimum Lot Width for Interior Lot (in feet)	60 or 20	60	100	100	150	150	100
Minimum Lot Width for Corner Lot (in feet)	75 or 35	75	100	100	150	150	100
Residential Density Range	See G.P. Policy 2.2.1.2 (MFR)	1 primary plus 2 nd dwelling unit per lot					
Setbacks ¹ : (in feet) Front	20	20	30	30	30	30	30
Secondary Front	15	15	20	25	30	30	30
Side*	5	5	10	15	20	30	30
Rear	15	15	30	30	30	30	30
Agricultural Structure	—	—	—	50	50	50	50
Maximum Height (in feet)	50	40	40	45	45	45	45
<p>NOTES: ¹ May be subject to agricultural setbacks under Section 17.30.030 if adjacent to agricultural zones or fire safe setbacks if over one acre in lot size. ² Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and width standards of the respective zones</p>							

CHAPTER 17.25 – SPECIAL PURPOSE ZONES

Sections:

- 17.25.010 Zones Established; Applicability
- 17.25.020 Matrix of Allowed Uses
- 17.25.030 Special Purpose Zone Development Standards

17.25.010 Zones Established; Applicability

- A. Special purpose zones are used to provide for, promote and regulate certain recreational, transportation and open space uses.
- B. This Chapter lists the uses that may be allowed within the special purpose zones established by Section 17.12.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. Special purpose zones and the manner in which they are applied is as follows:
 - 1. **Recreational Facilities, Low-Intensity (RFL).** The RFL, Low-Intensity Recreational Facilities Zone is applied to regulate and promote dispersed recreational and tourist accommodating uses and activities primarily in Rural Regions or Rural Centers of the County where such uses are compatible with adjacent or nearby rural residential, agricultural or resource development. Uses include but are not limited to camping, picnicking, equestrian staging, and river put-in and take-out.
 - 2. **Recreational Facilities, High-Intensity (RFH).** The RFH, High-Intensity Recreational Facilities Zone applies to regulate and promote recreational uses and activities with high concentrations of people or activities of a more urban nature, such as recreational vehicle parks, sports fields and complexes, and amusement parks or facilities that are primarily located in Community Regions and Rural Centers.
 - 3. **Transportation Corridor (TC).** The TC, Transportation Corridor Zone, is intended to protect and preserve established and identified future transportation corridors within the County, including corridors for motor vehicle, bicycle, hiking, equestrian, and rail transportation.
 - 4. **Open Space (OS).** The OS, Open Space Zone, is applied to set aside for primarily open space purposes including, but not limited to, the protection of rare and endangered plant or animal habitat; wildlife habitat, such as critical winter deer range and migration corridors; sensitive riparian areas; oak woodlands; visual resources as a part of a development plan or along a designated scenic corridor; and watersheds and groundwater recharge areas. Intensive agriculture is not compatible, although low intensity agriculture such

as seasonal grazing may be compatible. Recreational uses that have little impact and do not require substantial permanent structures or facilities are also compatible.

The OS Zone can also designate land set aside to protect agricultural lands covered by an open space easement or as a part of a development plan in an Agricultural District, as identified on the General Plan land use maps, or on other identified agricultural lands.

Where the OS Zone is applied as part of a development plan, the uses allowed under the development plan permit are allowed, including a full range of recreational facilities.

Where the County determines it is necessary or in the public interest, limited infrastructure, including but not limited to, roads, water, wastewater, drainage facilities and other utilities are expressly allowed in the OS zone.

17.25.020 Matrix of Allowed Uses

Uses are allowed in Special purpose zones subject to the requirements of this Title as designated in Table 17.25.020 below:

Table 17.25.020 Special Purpose Zones Use Matrix

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Allowed use A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional Use Permit / MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone				
USE TYPE	RFL	RFH	TC	OS	Specific Use Regulation
Agricultural					
Grazing	P	—	—	P	
Timber	P	—	—	CUP	
Recreation and Open Space					
Campground	CUP	CUP	—	—	17.40.100
Golf Course	CUP ¹	CUP	—	CUP ¹	17.40.210
Hiking and Equestrian Trail	P	P	P	P	
Hunting/Fishing Club, Farm	A	A	—	A	

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Allowed use A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional Use Permit / MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone				
USE TYPE	RFL	RFH	TC	OS	Specific Use Regulation
Hunting/Fishing Club, Farm Facilities	CUP	CUP	—	CUP	
Marina, motorized craft	CUP	CUP	—	—	
Marina, non-motorized craft	A	A	—	CUP	
Off-road Vehicle Recreation Area	CUP	CUP	—	—	
Parks: Day Use	P	P	—	CUP	
Nighttime Use	A	A	—	—	
Picnic Area	P	P	P	P	
Private Recreation Area	P ²	P ²	—	P ¹	
Recreational Vehicle Park	—	CUP	—	—	17.40.100
Resource Protection and Restoration	P	P	P	P	
River Put-in and Take-out	A	A	—	CUP	17.40.210
Ski Area	CUP	CUP	—	—	
Snow Play Area	A	A	—	CUP	
Special Events, Temporary	TUP	TUP	—	TUP	
Stable, commercial	A	A	—	—	17.40.210
Swimming Pool, public	A	A	—	—	
Tennis Court, public	A	A	—	—	
Trail Head Parking or Staging Area	A/CUP	A	A	A/ CUP	
Residential					
Employee Housing: Commercial Caretaker Permanent	A—	A	—	—	17.40.120
Temporary	TMA—	TMA	—	—	
Commercial					
Automotive and Equipment: Fuel Sales	CUP ²	CUP ²	—	—	

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Allowed use A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional Use Permit / MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone				
USE TYPE	RFL	RFH	TC	OS	Specific Use Regulation
Commercial Recreation: Arcade	—	P	—	—	
Indoor Entertainment	A	P	—	—	
Large Amusement Complex	—	CUP ³	—	—	
Outdoor Entertainment	CUP	A	—	—	
Outdoor Sports and Recreation	A/CUP	A	—	—	17.40.210
Contractor's Office: On-site	A	A	—	—	17.40.190
Off-site	TUP	TUP	—	—	
Lodging Facilities: Dude Ranch	A	—	—	—	17.40.170
Health Resort and Retreat Center	A	A	—	—	
Hotels and Motels	—	CUP ³	—	—	
Retail Sales:			—	—	17.40.220
Food, Beverage & General Merchandise Sales	MUP/ TUP	P/ TUP	—	—	
Seasonal Sales	—	A	A	A	
Specialized Education and Training	—	CUP	—	—	17.40.230
Industrial					
Storage Yard: Equipment and Material Permanent	—	—	A	—	17.40.320
Temporary	—	TUP	TUP	—	
Mineral Exploration	A/ CUP	A/ CUP	—	—	Chapter 17.29
Mining, Subsurface	CUP	CUP	—	—	
Civic					
Community Services: Minor	CUP	CUP	—	—	
Transportation					
Intermodal Facility	—	CUP	P	—	

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Allowed use A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional Use Permit / MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone				
USE TYPE	RFL	RFH	TC	OS	Specific Use Regulation
Parking Lot, Public	—	—	P	—	
Utility and Communication					
Communication Facilities	A/ CUP	A/ CUP	CUP	CUP	17.40.130
Public Utility Service Facilities: Intensive	—	—	CUP	CUP	17.40.250
Minor	P	P	CUP	CUP	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)				17.40.390
Notes:					
¹ As part of an approved development plan or subdivision.					
² Accessory to motorized vehicle recreational uses					
³ In Community Regions, only.					

17.25.030 Special Purpose Zone Development Standards

Allowed uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Title, unless a variance is obtained in compliance with Section 17.52.070 (Variance):

Table 17.25.030 Special Purpose Zone Development Standards

	RFL	RFH	TC	OS
Minimum Lot Size	5 acres	20,000 sq. ft.	None	None
Setbacks: (in feet)				
Front and secondary front	50	50	None	50
Sides	50	50	None	50
Rear	50	50	None	50
Maximum Height (in feet)	35	35	None	25
¹ Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and width standards of the respective zones				

CHAPTER 17.26— MEYERS COMMUNITY PLAN (MCP) ZONE

Sections:

- 17.26.010 Zones Established
- 17.26.020 Applicability
- 17.26.030 Zone Designations
- 17.26.040 Uses Allowed by Right or by Conditional Use Permit
- 17.26.050 Matrix of Allowed Uses
- 17.26.060 Development Standards

17.26.010 Zone Established

The MCP Zone is applied to implement the policies of the Meyers Community Plan by setting forth separate and distinct uses and standards which apply to each of the five areas of the Meyers Community. As noted in the Sections which follow, the allowed uses and development standards may vary for each designated area as a means of implementing the policies of the adopted Meyers Community Plan.

17.26.020 Applicability

The regulations set forth in this Chapter shall apply to the Meyers Community Plan (MCP) Zone. Where applicable, the standards of this Title shall apply. Additionally, the provisions of the Tahoe Regional Planning Agency (TRPA) Code of Ordinances shall apply to all projects within the MCP Zone. Where there is a conflict with the TRPA Ordinances and this Ordinance, the most restrictive standard shall apply.

17.26.030 Zone Designations

In order to differentiate the variable uses and development standards required for each area, the MCP Zone will be designated on the official zone map as follows:

- A. MCP-1 Yanks Station Use District
- B. MCP-2 Lake Valley Use District
- C. MCP-3 West Meyers Use District
- D. MCP-4 Industrial Tract Use District
- E. MCP-5 Upper Truckee River Use District

17.26.040 Uses Allowed by Right or by Conditional Use Permit

- A. The resource management uses of timber, wildlife/fisheries, vegetation protection and watershed improvements are allowed uses in any of the MCP zones as long as such practices are consistent with the Meyers Community Plan.
- B. Tahoe Regional Planning Agency Code of Ordinances, Chapter 18, Section 18.4, *Definition of Uses*, is adopted by reference for the uses listed under Table 17.26.050.

17.26.050 Matrix of Allowed Uses

Uses are allowed in the following zones subject to the requirements of this Title as designated in Table 17.26.050 below:

Table 17.26.050 Allowed, Conditional Uses, and Prohibited Uses

Only those uses listed on the following table and otherwise noted in this Section shall be allowed by right or by Conditional Use Permit within the zones specified. The table has the following designations:

- “P” Allowed use;
- “CUP” Conditional Use Permit required (17.52.020);
- (—) Use not allowed in zone.

USE	MCP-1	MCP-2	MCP-3	MCP-4	MCP-5
Residential					
Employee Housing	CUP	CUP	CUP	—	—
Multiple Unit Dwelling	CUP	—	CUP	—	—
Multiple Person Dwelling (i.e., dormitories, etc.)	CUP	—	—	—	—
Nursing and Personal Care	P	—	—	—	—
Single Family Dwelling	—	CUP	CUP	—	P
Tourist Accommodation					
Time-share units	CUP	—	—	—	—
Bed and Breakfast Facilities	CUP	P	CUP	—	CUP
Hotels/Motels	CUP	—	—	—	—
Commercial (Retail)					
Auto/Mobile Homes/Vehicle Dealers	—	—	—	CUP	—
Building Materials/Hardware	P	—	CUP	P	—
Eating and Drinking Places	P	—	P	P	—

USE	MCP-1	MCP-2	MCP-3	MCP-4	MCP-5
Food and Beverage Sales	P	—	P	CUP	—
Furniture/Home Furnishings/Equipment	P	—	P	CUP	—
General Merchandise Stores	P	—	P	CUP	—
Mail Order and Vending	CUP	—	CUP	P	—
Nursery	P	—	CUP	P	—
Outdoor Retail Sales	CUP	CUP	—	CUP	—
Service Stations	CUP	—	CUP	—	—
Commercial (Entertainment)					
Amusements and Recreation Services	P	CUP	P	—	—
Privately Owned Assembly and Entertainment	CUP	CUP	CUP	—	—
Outdoor Amusements	CUP	CUP	CUP	—	—
Commercial (Services)					
Animal Husbandry Services	P	—	CUP	P	—
Broadcasting Studios	P	—	P	P	—
Business Support Services	P	—	P	P	—
Contract Construction Services	CUP	—	—	P	—
Financial Services	P	—	P	CUP	—
Health Care Services	P	—	P	CUP	—
Personal Services	P	P	P	CUP	—
Professional Offices	P	—	P	CUP	—
Repair Services	CUP	—	CUP	P	—
Schools-Business and Vocational	CUP	—	CUP	—	—
Sales Lots	—	—	—	CUP	—
Secondary Storage	CUP ⁽¹⁾	—	—	CUP	—
Auto Repair and Service	CUP	—	—	CUP	—
Laundries and Dry Cleaning	—	—	CUP	CUP	—
Commercial (Light Industrial)					
Food and Kindred Products	CUP	—	CUP	P	—
Fuel and Ice Dealers	—	—	—	P	—

USE	MCP-1	MCP-2	MCP-3	MCP-4	MCP-5
Industrial Services	—	—	—	CUP	—
Printing and Publishing	CUP	—	CUP	P	—
Commercial (Wholesale/Storage)					
Recycling and Scrap	—	—	—	CUP	—
Small Scale Manufacturing	CUP	—	—	CUP	—
Storage Yards	—	—	—	CUP	—
Vehicle/Freight Terminals	—	—	—	CUP	—
Vehicle Storage and Parking	CUP	—	CUP	P	—
Warehousing	CUP ⁽¹⁾	—	CUP	P	—
Wholesale and Distribution	CUP	—	CUP	P	—
Public Services (General)					
Churches	CUP	CUP	CUP	—	—
Collections Stations	CUP	—	CUP	P	—
Child Day Care Facilities and Preschools	P	P	P	CUP	CUP
Government Offices	P	P	P	CUP	—
Hospitals	CUP	CUP	—	—	—
Local Assembly and Entertainment	CUP	P	CUP	CUP	—
Local Post Office	CUP	CUP	P	—	—
Local Public Health and Safety Facilities	CUP	CUP	CUP	P	CUP
Membership Organizations	P	P	P	—	—
Publicly Owned Assembly and Entertainment	CUP	CUP	CUP	—	—
Public Utility Centers	CUP	CUP	CUP	CUP	—
Regional Public Health and Safety Facilities	CUP	CUP	CUP	CUP	—
Social Service Organizations	P	P	CUP	—	—
Schools (K-12)	CUP	—	—	—	—
Cultural Facilities	CUP	P	P	CUP	CUP
Schools/Colleges	CUP	—	—	—	—
Public Service (Linear Facilities)					
Pipelines and Power Transmission	CUP	CUP	CUP	CUP	CUP

USE	MCP-1	MCP-2	MCP-3	MCP-4	MCP-5
Transit Stations and Terminals	CUP	CUP(2)	P	P	CUP
Transportation Routes	CUP	CUP	CUP	CUP	CUP
Transmission and Receiving Facilities	CUP	CUP	CUP	CUP	CUP
Recreation					
Cross Country Ski Courses	P	P	P	P	CUP
Day Use Areas	P	P	P	—	CUP
Golf Courses	—	—	—	—	—
Group Facilities	—	—	—	—	—
Outdoor Recreation Concessions	CUP	P	P	CUP	—
Participant Sport Facilities	CUP	CUP	P	CUP	—
Recreation Centers	CUP	P	P	—	—
Riding and Hiking Trails	P	P	P	P	CUP
Rural Sports	—	—	—	CUP	—
Snowmobile Courses	—	—	—	—	—
Sport Assembly	CUP	—	—	—	—
Visitor Information Center	CUP	CUP	P	—	CUP
Developed Campgrounds	—	—	—	—	—
⁽¹⁾ Applies only to lots on Santa Fe Road.					
⁽²⁾ Maintenance facilities not allowed within any new transit facilities.					

17.26.060 Development Standards

- A. The following provisions shall apply in all MCP zones unless a variance is obtained in compliance with Section 17.52.070 (Variance), or a modification is approved by the Advisory Committee for the front yard setback as further described herein.

The following table sets forth the applicable lot area, lot width and setback requirements for each MCP zone. Land coverage, building height, development density, and sign standards are further regulated under the TRPA Code of Ordinances and Appendix B of the Meyers Community Plan.

Table 17.26.060 Meyers Community Plan Development Standards

Commercial/Industrial	MCP-1	MCP-2	MCP-3	MCP-4	MCP-5
Lot Area (Sq. Ft.)	5,000	5,000	5,000	10,000	5,000
Lot Frontage (Ft.)	50	50	50	100	50
Setbacks:					
Front (Ft.)	20 ¹	20 ¹	20 ¹	20 ¹	20 ¹
Side (Ft.)	0	0	0	0	0
Rear (Ft.)	0	0	0	10	0
Adjacent to residential	25	25	25	25	25
Residential					
Lot Area (Sq. Ft.)	6,000	6,000	6,000	NA	6,000
Lot Frontage (in feet)	0	60	60	NA	60
Setbacks: (in feet)					
Front	20 ²	20 ²	20 ²	NA	20 ²
Side	5	5	5	NA	5
Rear	15	15	15	NA	15
Notes:					
¹ The front setback may be reduced upon review by the Advisory committee as part of the design review application when such reduction supports the policies of the Meyers Community Area Plan.					
² Second story cantilever living space not more than 4 feet into front yard.					

- B. Any new development, additions to existing development, change in use, or exterior modifications to existing development shall be subject to a Design Review Permit in compliance with Section 17.52.030.

CHAPTER 17.27 — COMBINING ZONES**Sections:**

17.27.010	Combining Zones Established; Applicability
17.27.020	Airport Safety (-AA)
17.27.030	Avalanche Hazard (-AV)
17.27.040	Dam Failure Inundation (-DFI)
17.27.050	Design Review - Community (-DC)
17.27.060	Design Review - Historic (-DH)
17.27.070	Design Review - Scenic Corridor (-DS)
17.27.080	<i>Reserved</i>
17.27.090	Manufactured/Mobile Home Park (-MP)
17.27.100	Airport Noise Contour (-NC)
17.27.110	<i>Reserved</i>
17.27.120	Tahoe Basin (-T)

17.27.010 Combining Zones Established; Applicability

- A.** The Combining Zones described in this Chapter are established to implement provisions of the General Plan, to regulate certain uses, provide for innovative design solutions, and to protect the public health and safety from natural and man-made hazards.
- B. Applicability.** The Combining Zones identified in this Chapter apply to development and uses in addition to all other applicable requirements of this Title, including the requirements of the base zone. In the event of a conflict between the provisions of this Chapter and any other provision of this Title, the more restrictive provision shall apply.
- 1. Mapping of Combining Zones.** The combining zone is shown by the combining zone symbol being appended as a suffix to the symbol for the base zone. The combining zones are applied to property through the zone change process in compliance with Chapter 17.63 (*Amendments and Rezoning*) and to any specific rezoning requirements of the applicable combining zone.
 - 2. Allowed Uses, Permit Requirements, Development Standards.** Except as may be otherwise provided by this Chapter for a specific combining zone:
 - a. Any use normally allowed in the base zone by this Chapter may be allowed within a combining zone, subject to any additional requirements of the combining zone;
 - b. Development and uses within a combining zone are subject to the development permits required by this Chapter for the base zone and the combining zone, as applicable, except where a proposed use requires a similar permit but with a different level of review (Administrative

Permit versus Conditional Use Permit), in which case the more stringent permit requirements shall apply; and

- c. Development and uses within a combining zone shall comply with all applicable development standards of the base zone and the combining zone, except as modified by this Chapter.

17.27.020 Airport Safety (-AA) Combining Zone

- A. **Combining Zone Established.** This Section establishes regulations to implement General Plan Policies 6.5.2.2 and 6.8.1.2
- B. **Applicability.** The regulations set forth in this Section shall be combined with existing base zones and shall apply to areas designated Airport Safety (—AA), on the zoning maps. The —AA Combining Zone shall be applied to all lots that encroach into areas identified in the airport comprehensive use and compatibility plan in compliance with General Plan Policy 6.5.2.1. All uses and development standards of the base zone shall apply in the combining zone except when they are inconsistent with or modified by the use airport comprehensive use and compatibility plan.
- C. **Airport Comprehensive Use and Compatibility Plan Use Plan (ACUCP).** New development, development approval, or any expansion of existing uses shall be consistent with the criteria of the use compatibility guidelines for safety contained in the applicable airport ACUCP.
- D. **Airport Use Commission Review.** No discretionary permit, or ministerial permit for a new or expanded structure or the replacement of a nonconforming structure, as defined in the ACUCP, shall be approved for development or use under this Section until the following has occurred:
 - 1. The County has forwarded the application to the agency responsible for the administration of the ACUCP for review as to consistency with the plan; and
 - 2. The County has received any recommended conditions or restrictions including, but not limited to the requirement for an appropriate avigation and/or noise easement, in order to ensure the public health, safety, and general welfare.

17.27.030 Avalanche Hazard (-AV) Combining Zone

- A. **Combining Zone Established.** This Section implements regulations required by General Plan policies 6.3.2.2 through 6.3.2.5.
- B. **Applicability.** These regulations shall be combined with existing base zones and shall apply to areas designated on the zoning maps as -AV, Avalanche Hazard, signifying lands that have an avalanche potential as identified in compliance with Subsection E. Nothing in these regulations is intended to prohibit the development of any lot, with the

exception of any future subdivision in the area around Fallen Leaf Lake (Policy 6.3.2.2), provided proper design and construction practices are undertaken to safeguard against potential avalanches.

C. Exemptions. The following activities shall be exempt from the requirements of this section:

1. Any agricultural use that does not involve a building.
2. Alterations, additions or improvements to an existing structure that do not meet the definition of a “substantial improvement”.

D. Avalanche Hazard Areas Identified. The Board shall designate, upon recommendation by the Planning Commission, those lands identified as having an avalanche potential based on approved studies that designate a minimum probability of occurrence greater than 1 in 100 (one percent) per year, or where avalanche damage is documented. Those lands shall be identified on an Avalanche Hazard Map based on hazard severity, as follows:

1. **High Hazard (Red) Zones.** Areas in which an avalanche can produce impact pressures of 600 lbs/ft² or more on flat, rigid surfaces normal to the avalanche flow, or that have return periods of less than ten years, or a combination of both. Avalanches in the red zone are designated by “R” on the Avalanche Hazard Map.
2. **Moderate Hazard (Blue) Zones.** Areas in which an avalanche can produce impact pressures of less than 600 lbs/ft² or more on flat, rigid surfaces normal to the avalanche flow and have return periods between ten and 100 years. Both of the above conditions must be satisfied or the area is classified as a red zone. Avalanches in the blue zone are designated by “B” on the Avalanche Hazard Map.

E. Development in Avalanche Hazard Zones.

1. Red Zone Development Requirements.

- a. Residential development shall require a Conditional Use Permit subject to the requirements of Subsection H.
- b. Any development that concentrates human activity, (such as ski-lift terminals, ticket areas, parking lots, trail heads, skating ponds, and public buildings) shall require a Conditional Use Permit subject to the requirements of Subsection H.
- c. Private road construction will require a Conditional Use Permit subject to the requirements under Subsection H. Roadways through some red zones may be allowed based on the frequency of avalanches in the specific area of proposed development.

- d. Utilities shall be placed underground when feasible.

2. Blue Zone Development Requirements.

- a. Construction of private buildings shall be allowed by right, provided the structure is reinforced or protected for design avalanche loads.
- b. Construction of public buildings shall require a Conditional Use Permit as provided in Subsection H.
- c. Other public facilities such as parking lots and ski-lift terminals shall be located near the outer limits of the blue zone, and the area must be posted as potentially hazardous.
- d. Road construction is allowed by right.
- e. Utilities shall be placed underground when feasible.

F. Construction Standards within Avalanche Hazard Zones. The requirements of this Subsection shall apply to any building permit for new construction, reconstruction, or other improvements that meet the definition of a “substantial improvement” when located within the Avalanche Hazard combining zone.

1. Prior to issuance of a building permit, the plans shall be certified by an architect or civil engineer who is licensed in the state of California, that the structure is designed to withstand the avalanche forces that it will be subjected to.
2. A Conditional Use Permit is required for structural avalanche control in the blue zone when the design avalanche cannot be completely avoided. Structural avalanche control can take the form of direct-protection structures, deflecting structures, retarding mounds, catching dams, or other forms that meet the certification requirements in Paragraph G.1, above.

G. Discretionary Permit Requirements.

1. Prior to the approval of any discretionary permit, the applicant shall submit a study prepared by a certified engineering geologist, licensed civil engineer (as to soils engineering), or recognized avalanche expert approved by the Director as appropriate, that identifies at a minimum the location, potential frequency, impact pressure, and return period of a potential avalanche.
2. No new lots or increase in General Plan use or zoning density or intensity may be allowed within the red zone.
3. Subdivision lots may be created immediately adjacent to both the red and blue zones, including the clustering of lots, except that no density bonuses allowed under Chapter 17.28 [Planned Development (-PD) Combining Zone] shall be granted for land set aside for avalanche hazard protection.

4. Land within the red and blue zones may be utilized for density transfers, as part of development plans that are located in more urbanized areas outside of and not adjacent to the avalanche hazard zones.

H. Notice Requirements. Each owner of real property containing any structure or building within the Avalanche Hazard Combining Zone shall post the following notice at a prominent location within the main winter entry area of such structure or building. Such notice may be augmented by the owner to include whether the property is in a red (high) or blue (moderate) hazard zone, as long as this information is consistent with the official records retained by the County.

NOTICE TO OCCUPANT

1. *This building is located within a Potential Avalanche Hazard Area.*
2. *Avalanche control work is carried out in some areas. Explosives are commonly used for this purpose. You may receive special advisories or instructions from avalanche control personnel during periods when such control work is being performed.*
3. *During times of severe snow storms or other weather conditions which may produce high avalanche hazards, authorities may attempt to contact property owners to advise them of current conditions in avalanche zones. You must stay informed of weather conditions and rely ultimately on your own judgment.*
4. *Tune to local radio stations on your home or car radio for information.*
5. *For location information concerning avalanche control or local road closures, you may call:*

*Office of Emergency Services
Local Fire Department
Sheriff's Office*

I. Notice to Tenants and Purchasers. All persons who sell, rent, lease, or sublet any structure or building within an Avalanche Hazard Combining Zone, either as an owner, agent of such owner, or real estate salesperson or broker representing such owner, shall provide:

1. A copy of the notice specified by Subsection I to each tenant prior to occupancy.
2. Full disclosure of the information contained in the notice specified by Subsection I to any prospective buyer prior to sale of the property.

J. Violations — Penalty. In addition to the regulations under Section 17.67.040 (Code Enforcement: Abatement of Nuisance and Penalty for Violation), penalties for violations of the provisions of this Section may include:

1. Making null, void, and unenforceable any agreement by an owner to sell, rent, lease, or sublet any structure within an avalanche hazard area; and/or

2. Assuming liability for damages in the manner provided by law.

K. Disclaimer. Because avalanches occur naturally and unpredictably, the location of the Avalanche Hazard Combining Zone is based on limited scientific evidence and is not definitive. There is no intent to imply that compliance with the requirements of this Section will fully protect property from avalanche danger, nor is it implied that property located outside of the Avalanche Hazard Combining Zone boundaries are free from avalanche danger.

17.27.040 Dam Failure Inundation (-DFI) Combining Zone

A. Combining Zone Established. This Section implements General Plan Policy 6.4.2.1 to advise of the potential hazard in the event of dam failure and to protect public health and safety by establishing regulations that minimize public exposure to such hazards. Nothing in this Section is intended to preclude the development of any lot.

B. Applicability. The Dam Failure Inundation Combining Zone (-DFI) shall be combined with existing base zones and shall be designated by the Board on the zone maps. The designation shall apply to lands that are located within identified areas susceptible to flooding in the event of the failure or collapse of a dam within the following jurisdictions:

1. State Department of Water Resources Division of Dam Safety, which the California Office of Emergency Services has determined poses a risk of injury or loss of life in the event of failure or collapse; or,
2. Federally-controlled dams not under state jurisdiction.

C. Uses Prohibited. The following critical or high occupancy uses or structures shall not be located within a Dam Failure Inundation Combining Zone:

1. Schools.
2. Churches and other places of assembly.
3. Child day care facilities.
4. Mobile home parks.
5. Community care facilities.
6. Hospitals.

17.27.050 Design Review - Community (-DC) Combining Zone

A. Combining Zone Established. This Section implements the General Plan by establishing a Design Review – Community (-DC) Combining Zone which includes standards and site review procedures.

B. Applicability. This Section shall apply to all areas designated Design Review-Community Combining Zone (-DC) that are adjacent to or visible from designated State Scenic Highway corridors, located within community design review areas established by the Board. No area shall be designated with the – DC Combining Zone until such time as design standards have been adopted by the Board.

The requirements of this Section shall be combined with the provisions of the base zone as designated on the zoning map.

C. Design Review Permit Application. Prior to development of any multi-unit residential, commercial, mixed-use, or industrial zoned property within a -DC Combining Zone, a Design Review Permit application shall be processed in compliance with 17.52.030.

1. The requirements for a Design Review permit as set forth by this Subsection are in addition to, and not a substitute for, the requirements pertaining to building permits.
2. If the development requires a discretionary permit, such as a Conditional Use or Development Plan Permit, said discretionary permit will satisfy the Design Review Permit requirement.

D. Exemptions. With the exception of the Meyers Community Plan Design Review Area (Subsection E), the following structures shall be exempt from the design review process required in this Section, but must still comply with all other applicable provisions of this Title and adopted community design guidelines and standards:

1. Structures and site development within a research and development zone that is combined with a -DC designation, if said base zone has been expanded to include architectural style and site design requirements which are more specific in nature and satisfy the intent of the design review concept;
2. Wall signs;
3. Change in text on existing signs;
4. Internal changes within an existing structure, including changes in the use of the existing structure, where no external changes or alterations are proposed;
5. Minor additions to existing structures wherein the total floor area increase is ten percent or less, and where compliance to the appearance of the existing

structure is demonstrated, providing the existing structure has been reviewed and approved under a previous Design Review Permit or other discretionary application;

6. Fencing;
7. Detached single-unit residences and accessory structures;
8. Structures accessory to temporary uses in compliance with Section 17.52.060 (Temporary Use Permit); and
9. Modifications to bring a structure into conformance with the Americans with Disabilities Act.

E. Meyers Community Plan Design Review Exemptions and Requirements.

1. Any new development or additions and modifications to existing development on properties designated -DC on the Zoning Map within the Meyers Community Plan, shall be processed as a Design Review Permit. All design review applications shall be subject to applicable zone provisions and to the Meyers Community Plan Design Guidelines as noted within Appendix A of the Meyers Community Plan. The following activities, however, are exempt from the design review process:
 - a. Internal changes within an existing structure where no external changes or alterations are proposed;
 - b. Change in text on existing signs;
 - c. Those activities listed as being "exempt" or "qualified exempt" in Chapters 4 and 26 of the TRPA Code of Ordinances;
 - d. Modifications to bring a structure into conformance with the Americans with Disabilities Act;
 - e. Fencing six feet or less in height if not located in a front yard setback.
2. The following minor applications are also exempt from the procedures provided in this Subsection, but are subject to applicable zone regulations and the Design Guidelines as noted in Appendix A of the Meyers Community Plan, and shall be reviewed and approved, conditionally approved, or denied by the Department based on those provisions:
 - a. Wall signs;
 - b. Internal changes within an existing structure where such changes require additional parking;

- c. Fencing greater than six feet in height;
 - d. Freestanding and monument signs;
 - e. Minor increases to existing floor area that do not exceed five percent of the existing floor area or 500 square feet, whichever is less; and
 - f. Those projects which are located within a -DC Combining Zone but are located on lots which do not have frontage on either U.S. Highway 50 or State Route 89, or are so situated on the site that the project will not be visible from either highway.
3. All activities subject to this Subsection, which are not exempt as noted therein, shall be processed as a Design Review Permit in compliance with this Section. The Department shall review the application for compliance with the Design Guidelines for Meyers Community Plan and applicable zone regulations, and shall forward recommendations to the Commission. The Commission shall approve, conditionally approve, or deny the application based on the Design Guidelines and applicable zone regulations.

F. Establishment of Community Design Review Areas and Standards.

- 1. The Board, following consideration by the Commission, may establish new community design review areas upon making the following findings:
 - a. It is the desire of the majority of residents in the affected community to impose such restrictions and standards; and
 - b. The establishment of a community design review area would enhance the character of the community by establishing a community identity that would protect property values while promoting economic development.
- 2. Upon creation of a new community design review area, the Board shall adopt by resolution the boundaries of the area, shall designate the members of the design review committee, and delineate the procedural requirements for design review in the community for which it is adopted.
- 3. The following procedures shall be followed in adopting community design guidelines and standards for both existing and newly created design review areas:
 - a. The design review committee designated by the Board, whether an advisory committee, community service district, or some other entity recognized by the County, shall draft a document containing design guidelines and standards based on their establishment of a community identity through public outreach and consensus, and shall submit said

- draft to the Director. The design guidelines and standards shall be objective and measurable, rather than subjective and vague.
- b. The Director shall review the draft community design guidelines and standards, and provide comments as to its consistency with the standards and findings provided in this Section, as well as its overall utility and effectiveness. The draft community design guidelines and standards shall be revised by the Department to incorporate those comments.
 - c. The Commission shall hold a hearing to review the draft community design guidelines and standards and shall transmit its action to the Board in the form of a written recommendation.
 - d. The Board shall hold a hearing to review and adopt the community design guidelines and standards.
 - (1) This hearing may be held in conjunction with the adoption of the respective community design review area.
 - (2) The manner of adoption of the community design guidelines and standards (i.e., by ordinance or resolution) shall be at the discretion of the Board.
 - e. Adoption of the community design guidelines and standards constitutes a directive to the Department for their use in reviewing projects located in the specific community design review area. However, adoption does not constitute a granting of any authority to any local design review committee not otherwise granted formal authority by the Board in compliance with Section 17.60.070 (Community Design Review Advisory Committees).
4. Until such time as new design guidelines and standards are adopted in compliance with Paragraph 3 above, design review of projects located within a community design review area shall utilize the guidelines set forth in the Community or Historic Design Guides where applicable, adopted by the Board on April 13, 1982. Projects located within the Missouri Flat Road Corridor shall utilize the guidelines set forth in the Missouri Flat Design Guidelines adopted by the Board on June 3, 2008. Projects located in the Pollock Pines design review area shall utilize the guidelines set forth in the Sierra Design Guide, adopted by the Board on October 26, 1982.

17.27.060 Design Review - Historic (-DH) Combining Zone

A. Combining Zone Established. This Section establishes a Design Review – Historic (-DH) Combining Zone to identify and protect historic structures, sites, and districts, and establishes procedures and regulations for the review of projects that may affect such resources.

B. Designation of Design Review - Historic (-DH) Combining Zones.

1. Following consideration by the Planning Commission, the Board may designate a -DH Combining Zone upon determining that it is consistent with General Plan Objective 7.5.2 (Maintenance of the Visual Integrity of Historic Resources).
2. The boundaries of each -DH zone shall be specifically identified at the time of its creation. Said boundaries may be amended by a zone change in compliance with Chapter 17.63 (Amendments and Zone Changes).

C. Development Requirements within -DH Combining Zones.

1. Development on multi-unit residential, commercial, or industrial zoned property within the -DH Combining Zone shall be reviewed for consistency with standards adopted under Subsection D by Design Review Permit (17.52.030). If the development requires another discretionary permit, such as a Conditional Use or Development Plan Permit, said discretionary permit will satisfy the Design Review Permit requirement. For discretionary projects requiring public hearing, staff shall make a recommendation to the review authority based on the determination of consistency.
2. Prior to issuance of a building permit for single-unit residential development, consistency with design and development standards under Subsection D shall be determined by Administrative Permit (17.52.010) subject to the guidelines and standards adopted for the specific -DH Combining Zone in which the development is located.

D. Adoption of Historic Design Guidelines. The Board shall adopt, by resolution, guidelines and standards that shall delineate the requirements for design review within each historic district. Until such time as design guidelines and standards are adopted, the Historic Design Guides adopted by the Board on April 13, 1982 shall be applied.

17.27.070 Design Review — Scenic Corridor (-DS) Combining Zone *Reserved*

17.27.080 *Reserved*

17.27.090 Mobile/Manufactured Home Parks (-MP) Combining Zone

A. Combining Zone Established. The Mobile/Manufactured Home Park (-MP) Combining Zone is established to provide consistent standards for mobile/manufactured home parks, hereinafter referred to as “mobile home park(s)”.

- B. Applicability.** The following standards shall apply to new mobile home parks or proposed revisions to an existing mobile home park, where allowed in the use matrices for the zones.
- C. Compliance with State Law.** All mobile home parks shall comply with the minimum standards of the Mobile Home Parks Act (Health and Safety Code 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the Department of Housing and Community Development (Code of Regulations, Title 25) to include, but not be limited to lot size and setback standards, infrastructure requirements, operations, maintenance, and inspections within a mobile home park.
- D. Development Standards.** New mobile home parks shall comply with the standards found in the site planning and design manual.

17.27.100 Airport Noise Contour (-NC) Reserved

17.27.120 Tahoe Basin (-T) Combining Zone

- A. Combining Zone Established.** The Tahoe Basin (-T) Combining Zone identifies lands under the jurisdiction of both the County and the Tahoe Regional Planning Agency (TRPA), and provides for the coordination of planning and permitting activities between both agencies.
- B. Applicability.** The Tahoe Basin Combining Zone (-T) shall apply to all lands within the Lake Tahoe drainage basin, except for those zoned Meyers Community Plan (MCP).
- C. Development Review.** In addition to the standards required under the base zone, all use and development shall be subject to any additional permitting requirements, development standards, and regulations adopted by the TRPA Plan Area Statement and other TRPA regulations, as amended from time to time.
- D. Development Standards.** The following development standards in Table 17.27.120.A shall supersede the development standards of the base zone for all lots within the -T Combining Zone. Where a dash (—) is designated, the standard shall comply with the base zone.

Table 17.27.120.A Tahoe Basin Combining Zone Development Standards

Development Attribute	RM	R1	R1A	RE	TPZ	CC	I
Min. Lot Width	60 ft, only	—	—	—	—	—	—
Setbacks	2 nd floor cantilevered living space can extend 4 ft into the front yard. No zero lot lines for common walls.	2 nd floor cantilevered living space can extend 4 ft into the front yard.	Residential: Front = 20ft Side = 10ft Rear = 30ft 2 nd floor cantilevered living space can extend 4 ft into the front yard.	Residential: Front = 20ft Side = 10ft Rear = 30ft	—	—	—
Parking¹		Requirements under Table 17.35.030.1 may be in tandem.					
Lot Coverage	Subject to: Bailey Use Scoring System (Development prior to 7/1/87); or Individual Parcel Evaluating System (IPES)						
Max. Height	25 feet at natural grade. Additional height subject to: TRPA Code of Ordinances, Chapter 22						
NOTES:							
¹ Subject to Chapter 17.35 (Parking and Loading), except where noted.							

CHAPTER 17.28 — PLANNED DEVELOPMENT (-PD) COMBINING ZONE

Sections:

- 17.28.010 Planned Development (-PD) Combining Zone Established
- 17.28.020 Applicability
- 17.28.030 Combination with Other Zones
- 17.28.040 Zone Change and Development Plan Requirements
- 17.28.050 Residential Development Requirements
- 17.28.060 Residential Density Bonuses for On-site Open Space
- 17.28.070 Condominium Conversions

17.28.010 Planned Development (-PD) Combining Zone Established

The Planned Development (-PD) Combining Zone implements the General Plan by providing innovative planning and development techniques that allow the use of flexible development standards; provide for a combination of different land uses which are complimentary, but may not in all aspects conform to the existing zoning regulations; allow clustering of intensive land uses to minimize impacts on various natural resources; avoid cultural resources where feasible; promote more efficient utilization of land; reflect the character, identity and scale of local communities; protect suitable land for agricultural uses; and minimize use compatibility issues and environmental impacts.

17.28.020 Applicability

The provisions of this Chapter shall apply to the following:

- A. Lands zoned or required by the General Plan to be zoned with the Planned Development (-PD) Combining Zone;
- B. All newly constructed residential and non-residential condominium projects when design standards and Condominium Plans are not available, in compliance with Section 17.28.070.

17.28.030 Combination with Other Zones

- A. The -PD Combining Zone may only be added to a base zone through a zone change application in compliance with Chapter 17.63 (Amendments and Zone Changes).
- B. Residential development density shall be that allowed in the base zone, except as provided in Section 17.28.060 (Residential Density Bonuses for On-site Open Space) and Chapter 17.31 (Affordable Housing Requirements and Incentives). Where the base zone is designated as open space, the density shall be calculated based on the maximum density allowed under the General Plan land use designation.

- C. Allowed uses of a Development Plan shall only be those allowed in the base zone, as provided in Chapters 17.21 through 17.26 (Zones, Allowed Uses, and Zoning Standards), except for common area recreational facilities and similar uses.

17.28.040 Zone Change and Development Plan Requirements

- A. A Development Plan Permit application may be submitted with a zone change application to add the –PD Combining Zone, in which case the applications shall be processed concurrently in compliance with Section 17.52.040 (Development Plan Permit) and Chapter 17.63 (Amendments and Zone Changes). The review authority shall consider the zone change and development plan applications on their own merits and may consider approval of the zone change without approving the development plan.
- B. No use shall be allowed on lands zoned with the –PD Combining Zone unless a Development Plan Permit is approved by the Commission or Board. All subsequent permits for building, grading, or other development approvals must be found consistent with the approved Development Plan Permit.

17.28.050 Residential Development Requirements

All residential development projects in the –PD Combining Zone shall be subject to the following:

- A. **Open Space.** Except as provided in 17.28.050.B, below, thirty percent of the total site shall be set aside for open space that is commonly owned or publicly dedicated. Commonly owned open space, as defined in Article 8 (Open Space: Common) shall not include space occupied by infrastructure such as roads, parking lots, or above ground components of sewer and water treatment plants, or area set aside for the sole use of individual residents, such as private balconies and patios. Commonly owned Open Space may include land developed or set aside for:
 - 1. Recreational purposes, such as parks, ball fields, golf courses, or picnic areas;
 - 2. Passive purposes, such as gathering places, community gardens and landscaped areas;
 - 3. Aesthetic purposes, such as naturally scenic areas;
 - 4. Protection of agricultural or natural resources;
 - 5. Pedestrian circulation, in compliance with Subsection D below; or
 - 6. Natural or man-made lakes, ponds and other water features, which are included in the calculation of open space, but excluded from the calculation of base units and bonus density.

B. Exemptions and Alternatives to the Onsite Open Space Requirement. To facilitate and encourage development of higher density housing types, including those serving moderate and lower income households, exemptions and alternatives to the 30 percent onsite open space requirement are identified below.

1. Exempt Projects. The following projects are exempt from the open space requirement:
 - a. Residential planned developments consisting of five or fewer lots or units;
 - b. Condominium conversions;
 - c. Projects within Community Regions or Rural Centers on existing sites three acres or less in size;
 - d. Residential Multi-Family (RM) zoned projects or the residential component of Mixed Use Developments.
2. Alternatives for Improved Open Space. The common open space requirement may be reduced to 15 percent of the total site for Planned Developments in the R1 and R20K zones, where:
 - a. The common open space is improved for active recreational uses, including but not limited to swimming pools, sport courts or sport fields, tot lots, clubhouse or meeting room facilities, and community gardens, or for passive recreational uses such as landscaped buffers or greenbelts; and
 - b. In addition to the common open space, additional area equal to 15 percent of the total site is devoted to open space areas reserved for the exclusive use of individual residents, such as private yards and patios.
3. Open Space requirements for Planned Developments within Agricultural Districts. In order to conserve and promote agricultural activities and uses within the County, planned developments within Agricultural Districts may set aside open space for agricultural uses. The resulting agricultural area reserved for open space and may be used for any allowed agricultural use, include raising and grazing of animals, orchards, vineyards, community gardens and crop lands. The minimum size of the clustered residential lots in a planned development within an Agricultural District shall be not less than 20 acres.

C. Clustering. Residential lots shall be clustered , where feasible, to promote integrated site design that considers natural features of the site, creates more area for open space and recreation, , avoids cultural resources, minimizes aesthetic impacts, maintains opportunities for commercial grazing, and minimizes loss of important agricultural lands.

- D. **Pedestrian Circulation.** Pedestrian connections shall be provided to allow internal circulation for the residents of the development to access surrounding commercial, recreational, residential, and civic uses, or on-site open space areas. Said connections can be counted toward the open space requirement in Subsection A, above.

17.28.060 Residential Density Bonuses for On-site Open Space Dedication

Density bonuses may be earned where a new minimum of 30percent of the land area within a residential development project is set aside for commonly owned or publicly dedicated open space , as defined in Article 8 (“Open Space: Public”).

- A. The amount of bonus units earned shall be based on the amount of developable land within the open space. For purposes of this Section, “developable land” excludes the following:
 - 1. Lakes, rivers, and perennial streams.
 - 2. Areas encumbered by road and/or public utility improvements.
- B. The number of base units for the project shall be based on the amount of gross acreage, excluding water bodies, and the maximum density provided by the existing or proposed zones. Base units may be based on proposed zoning if the proposed zoning is approved concurrently with the project. Where the existing or proposed zone is Open Space (OS), density calculation shall be based on the maximum density allowed by the General Plan land use designation.
- C. **Calculating Total Project Density with a Density Bonus.** The formula for calculating base units, bonus units, and total project density is as follows:
 - 1. Base units are calculated by subtracting the area of lakes, rivers, and perennial streams from the gross acreage and multiplying the difference by the maximum density allowed in the zone(s). Where there is more than one zone, total base units shall be the sum of each zone calculation.
 - 2. Bonus units are calculated by multiplying the acreage of developable land set aside as open space by 1.5 times the density allowed in its existing or proposed zone(s). Where there is more than one zone, total bonus units shall be the sum of each zone calculation. Where the existing or proposed zone is Open Space (OS), the density bonus calculation shall be based on the maximum density allowed by the General Plan land use designation.
 - 3. Fractions of base units and bonus units resulting from the calculations above shall be rounded down to the next whole number.
 - 4. Total maximum project density is the sum of the total base units and total density bonus units.

- D. Density Bonus for Affordable Housing.** The open space density bonus provided under this Section is in addition to any bonus that may be applicable in compliance with Chapter 17.31 (Affordable Housing Requirements and Incentives).

17.28.070 Condominium Conversions

Condominium conversions shall meet the following requirements:

- A. Conformance with applicable building code standards;
- B. All private streets, driveways, walkways, parking areas, landscaped areas, storage areas, utilities, open space, recreational facilities, drainage facilities, and other infrastructure and improvements not dedicated to a public entity shall be maintained by the property owners and incorporated in the CC&Rs for the project;
- C. The units shall be individually metered or provisions contained in the CC&Rs to provide for a single meter billed to the property owners' association;
- D. Applications for conversion of multi-unit residential dwellings shall be reviewed by the Public Housing Authority for a determination of the impact of the project on the availability of affordable housing stock and a recommendation on options for preserving said housing stock;
- E. Multi-unit residential dwellings shall not be converted to a condominium, stock cooperative, or timeshare until the following time periods have expired:
 - 1. 10 years from the date of issuance of the certificate of occupancy for the affected building that was not income restricted; or
 - 2. 20 years from the date of issuance of the certificate of occupancy for building(s) for which density bonuses were granted in compliance with Chapter 17.31 (Affordable Housing Requirements and Incentives), or that contain any units restricted to households earning 120 percent or less of the area median family income; and
- F. Notice to the California Department of Housing and Community Development and the existing tenants shall be provided, in compliance with Government Code Section 66427.1, at least two years prior to the conversion of any affordable residential housing units which met any of the following criteria at the time of construction:
 - 1. The units were built with the aid of government funding;
 - 2. The project was granted an affordable housing density bonus in compliance with Chapter 17.31; or
 - 3. The project received other incentives based on the inclusion of affordable housing.

**CHAPTER 17.29 — MINERAL RESOURCE (-MR) COMBINING ZONE:
EXPLORATION, MINING, RECLAMATION, AND PROTECTION****Sections:**

17.29.010	Mineral Resource (- MR) Combining Zone Established
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17.29.010 Mineral Resource (-MR) Combining Zone Established

The County recognizes that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The County also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation projects and their operational specifications may vary accordingly. This Chapter:

- A. Identifies those areas that are designated as Mineral Resource Zone 2 (MRZ 2xx) on the State Classification Reports, where the likely extraction of the resource through surface mining methods will be compatible with surrounding uses, in compliance with General Plan Policies 2.2.2.7 and 7.2.2.2;
- B. Provides standards and regulations that promote and ensure the continued availability and development of the County's important mineral resources;
- C. Provides erosion control, groundwater protection, and otherwise protection of the environment;
- D. Regulates surface mining operations as required by the State of California to ensure that mined lands are reclaimed to a usable condition that is readily adaptable for alternative uses; and
- E. Protects the public health, safety, and welfare from residual hazards due to surface and sub-surface mining operations.

17.29.020 Definitions

As used within this Chapter, the terms below will mean the following:

“Mined Lands” shall mean an area in which surface mining operations will be, are being, or have been conducted, including private roads appurtenant to any such area, land excavations, workings, mining waste, groundwater resources, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from or are used in surface mining operations are located.

“Surface Mining Operations” shall mean all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine.

17.29.030 Applicability

The regulations in this Chapter shall be combined with those of the base zone and shall apply to all public and private lands within the County designated as the Mineral Resource (–MR) Combining Zone on the zoning maps. All uses and development standards of the base zone shall apply in the combining zone except when they are incompatible with or modified by the uses and development standards set forth in this Chapter. Removing the –MR Combining Zone from the base zone shall be considered by the County only when specific studies similar in nature to State Classification Reports prove that a significant mineral deposit no longer exists (Policy 7.2.3.12).

17.29.040 Exemptions

The following activities are exempt from the requirements of this Chapter:

- A. Agricultural grading permit issued by the Agriculture Department.
- B. On-site and-off site excavation and grading activities under an approved grading permit or that are exempt from the requirement for a grading permit. These exempt activities may include processing of materials generated by the grading operation, including rock crushing, stockpiling, aggregate washing, screening and drying.
- C. Operation of a plant site for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials; and on-site stockpiling and recovery of mined materials, subject to all of the following conditions:
 1. The plant site is located on lands designated Industrial or Commercial in the General Plan.

2. The plant site is located on lands zoned for industrial or commercial use, or on land subject to an active Conditional Use Permit for mineral processing.
 3. None of the minerals being processed are being extracted on-site.
 4. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred on-site after January 1, 1976.
- D. Emergency excavations or grading conducted by the State Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.
- E. Excavations or grading for the exclusive purpose of obtaining materials for road construction and maintenance for timber or forest operations with an approved timber harvest plan, if:
1. The land is owned by the same person or entity, and
 2. The excavation is conducted adjacent to timber or forest operation roads.
- This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations. Upon closure of the site, the person closing the site shall implement necessary revegetation measures and post-closure uses in consultation with the State Department of Forestry and Fire Protection. This exemption does not apply to on-site excavation or grading that occurs within 100 feet of a Class One watercourse or within 75 feet of a Class Two watercourse, or to excavations for materials that are or have been sold for commercial purposes.
- F. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions:
1. The operations are consistent with the General Plan and zone requirements of the site;
 2. The operations are being conducted in accordance with the California Public Resources Code Division 3, Section 3000 et seq;
 3. The earthmoving activities are within oil or gas field properties under a common owner or operator; and
 4. No excavated materials are sold for commercial purposes.
- G. Recreational mining or prospecting, as defined in Article 8 (See “Mining”).

17.29.050 General Requirements

- A. Reclamation Plan and Financial Assurances.** All mining operations, as defined in Article 8 (see "Mining"), whether existing or proposed after the effective date of this ordinance, shall be subject to the provisions of this Title, along with the California Surface Mining and Reclamation Act of 1975 [California Public Resources Code Section 2710 et seq., as amended, (hereinafter referred to as "SMARA")], California Public Resources Code Section 2207 relating to annual reporting requirements, and State Mining and Geology Board regulations (hereinafter referred to as "State regulations") for surface mining and reclamation practice (California Code of Regulations, Title 14, Division 2, Section 8, Subsection 1, Section 3500 et seq.).
- B. Statute Incorporation by Reference.** The provisions of SMARA, California Public Resources Code Section 2207, and State regulations, as may be amended from time to time, are made a part of this Chapter by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein. When the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.
- C. Vested Rights.** No person who has established a vested right to conduct surface mining operations as a nonconforming use in conformance with State regulations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, applicable State law, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, said person shall obtain County approval of a reclamation plan and financial assurances covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of January 1, 1976. All other requirements of State law and this Subsection shall apply to vested mining operations.

17.29.060 Minimum Lot Size. *(Setbacks and relief provisions have been moved to 17.30.030.F)*

The information required under this Section for lands within the –MR Combining Zone shall be forwarded to the State Geologist in compliance with SMARA Sections 2762-2763. The subdivision of lands within or adjacent to the –MR Combining Zone into lots less than 20 acres shall be prohibited, except when the following occurs:

- A.** The applicant has submitted to the County an evaluation of the area in order to ascertain the significance of the mineral resources located on the subject property;
- B.** The review authority finds that the proposed subdivision will not threaten the potential to extract minerals in the area; and

- C. The review authority shall specifically state the reasons for permitting the proposed subdivision, and how it will not adversely affect the ability to utilize the resource, including its effect on the regional market for the mineral resource.

17.29.070 Mineral Exploration

- A. Exploration for economic mineral or ore deposits shall be allowed in compliance with Chapter 15.14 (Grading, Erosion, and Sediment Control Ordinance) when applicable and the permit requirements in Table 17.29.070.1 below, subject to the levels of disturbance in Subsection B.

Table 17.29.070.1 Mineral Exploration and Mining

For zone nomenclature, refer to Chapters 17.21 through 17.25.	A CUP —	Administrative Permit required (17.52.010) Conditional Use Permit required (17.52.020) Use not allowed in zone	
Zones	Level A	Level B	Level C
RM, R1, R1A, R2A, R3A, CPO, CL, CM	A	—	—
RE, RL, AE, AP, PA, AG, FR, TPZ	A	CUP	CUP
IL, R&D, CC, CR, CG, RFL, RFH, TC, OS	A	CUP	CUP
IH	A	A	CUP

- B. For the purpose of this Chapter, the levels of disturbance for mineral exploration are defined as follows:

- 1. Level A.

- a. Methods of geological survey, geophysical, or geochemical prospecting are used;
- b. Bore holes and trial pits not exceeding 100 cubic yards of overburden or other mineral disturbance may be created; and
- c. No explosives shall be used, and no drifting, tunneling, de-watering, or water discharge shall be allowed.

- 2. Level B.

- a. One thousand cubic yards or less of overburden or mineral deposits are disturbed;
- b. The operation disturbs one acre or less in any one location; and

- c. No de-watering will occur and water will not be discharged from the site as a result of the operation.
- 3. Level C.
 - a. More than 1,000 cubic yards of overburden or mineral deposits are disturbed;
 - b. The operation disturbs more than one acre in any one location; or
 - c. De-watering will occur or water will be discharged from the site as a result of the operation.
- C. Level C operations are considered mining under criteria (3.a) and (3.b) above, and shall be subject to the approval of a reclamation plan under the requirements of Section 17.29.090 (Mining and Reclamation) and SMARA, as well as buffer requirements in compliance with Section 17.29.080 (Measure A Initiative Ordinance).

17.29.080 Measure A Initiative Ordinance

- A. Policy.** It is the policy of the County that use conflicts between rural and rural residential uses and mining uses must be minimized by the creation of adequate buffer zones between such potentially conflicting uses. Furthermore, it is essential to the County to preserve the rural residential and residential character of the County and that mining and exploration for mining be allowed to proceed only with adequate buffering between mining and residential uses. It is a further policy of the County that managing these conflicting uses will aid in deterring adverse environmental impacts, including, but not limited to, wildlife, groundwater, flora, fauna, traffic, dust, air quality, and adverse impacts on public health, safety, and welfare and will result in mutual benefit to both future mining and residential uses.
- B. Implementation.** In addition to any other requirements set forth in any applicable zone, all projects for any kind of open pit mining or strip mining for purposes of exploration or extraction which require the removal of overburden in a total amount of more than 1,000 cubic yards on any lot shall require issuance of a Conditional Use Permit. However, prior to issuing the Conditional Use Permit, in addition to any other necessary findings, the review authority shall make the finding that all boundaries of the proposed project for open pit mining or strip mining shall be greater than a linear distance of 10,000 feet from any existing residential, hospital, church, or school use, including, but not limited to, nursery or day care uses or any residential, hospital, church or school use as designated in the General Plan or any community or specific plan, or as allowed by this Title. This finding shall not apply to a detached, single-unit residential dwelling located on the lot for which the Conditional Use Permit is sought.
- C. Exception.** An exception to this Section shall be granted only under limited circumstances after a public hearing properly noticed to all land owners within 10,000 feet of the proposed project boundaries and upon findings by the review authority on

the basis of substantial evidence in the record that: (1) the proposed project will not have any adverse impact on the environment or upon public health, safety, and/or welfare; and that (2) the project will not discourage residential use so designated in the General Plan or any community or specific plan or as allowed by this Title within 10,000 feet of the project boundaries.

- D. Incorporation of These Policies into the General Plan Text and Maps.** Upon passage of the ordinance codified in this Section, the County shall amend the General Plan text and maps to incorporate and conform to the provisions of this Section.
- E. Implementation and Consistency.** Upon passage of the ordinance codified herein, the General Plan and this Title shall be interpreted so as to give effect to the provisions of this Section. The provisions of this Section shall prevail over any revisions to the General Plan and any specific plans. Any amendments to the General Plan and this Title made subsequent to the passage of the ordinance codified in this Section shall be consistent with the provisions of this Section.
- F. Referendum.** This Section may be amended or repealed only by a majority of the voters of El Dorado County.
- G. Severability.** If any portion of this Section is declared invalid, the remaining portions are to be considered valid. (Adopted 11/20/84)

17.29.090 Mining and Reclamation

- A. Subsurface mining shall be allowed in any zone subject to issuance of a Conditional Use Permit, and only after impacts to the environment and affected surface uses have been adequately reviewed and found to be in compliance with CEQA. Of particular importance shall be the impact of the operation on surface uses, water quantity and quality, and noise and vibration impacts associated with surface access.
- B. Surface access to subsurface mines shall only be allowed in those zones which permit Levels B and C activities under Table 17.29.070.1, subject to a Conditional Use Permit.
- C. Vent and escape shafts may be allowed in any zone subject to an Administrative Permit.
- D. A Conditional Use Permit for mining activities shall consider the following:
1. Natural vegetation and topography for buffering;
 2. Central location of processing equipment and equipment storage;
 3. Dust control;
 4. Circulation and construction standards for access roads;

5. Erosion control;
 6. Revegetation and re-establishment of natural appearing features on the site following mining activities;
 7. Hours of operation;
 8. Night lighting;
 9. Security fencing;
 10. Noise impacts on adjacent and nearby lands, and control of noise pursuant to standards adopted in the General Plan;
 11. Protection of water quality, sensitive wildlife habitat, and/or sensitive plant communities;
 12. Phased reclamation that proceeds concurrently with surface mining; and
 13. Ultimate uses.
- E. Applications for a Conditional Use Permit and/or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the Department. Said applications shall be filed in accordance with Sections 17.52.020 (Conditional Use Permit) and 17.29.100 (Standards for Reclamation). The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA (Sections 2772 and 2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, as established at the discretion of the Director.
- F. For surface mining operations that are exempt from a Conditional Use Permit in compliance with this Chapter, the reclamation plan application shall include the following:
1. All information concerning the mining operation that is required by the Director for processing the reclamation plan. All documentation for the reclamation plan shall be submitted to the County at one time.
 2. The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said response shall be kept by the Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed and notarized statement of responsibility to the Department for placement in the permanent record.
- G. Within 30 days of accepting a Conditional Use Permit application as complete for a surface mining operation and/or a reclamation plan, the Department shall notify the

State Department of Conservation of the filing of the application in compliance with SMARA Section 2774(d).

- H. The Director shall review the reclamation plan and financial assurance cost estimate (Subsection 17.29.100.B) within 60 days. Said review shall be limited to whether the reclamation plan and financial assurance cost estimate substantially meets the applicable requirements of SMARA (Sections 2772, 2773, and 2773.1), the State regulations (Sections 3500 through 3505, and Sections 3700 through 3713), and this Chapter. The operator shall have 60 days to submit the revised reclamation plan and financial assurance cost estimate addressing the identified deficiencies to the County for review and approval.
- I. Upon completion of the environmental review procedure and filing of all documents required by the Director, consideration of the Conditional Use Permit and/or reclamation plan for the proposed or existing surface mine shall be completed in compliance with State regulations at a public hearing pursuant to SMARA Section 2774. The Commission shall be the review authority of original jurisdiction for the Conditional Use Permit or reclamation plan, or when multiple applications such as a reclamation plan, Conditional Use Permit, and/or zone change are filed.
- J. The Conditional Use Permit application and/or reclamation plan shall be subject to review by State as follows:
 - 1. In compliance with SMARA Section 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurance. The Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods.
 - 2. Whenever mining operations are proposed in the 100-year floodplain of any stream, shown as Special Flood Hazard Areas on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also notify the State Department of Transportation.
 - 3. The Department shall prepare a written response describing the disposition of the major issues raised by the State for the Commission's approval. In particular, when the Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Commission shall be promptly forwarded to the operator/applicant.
- K. Subsequent to the appropriate environmental review, the Department shall prepare a staff report with recommendations for consideration by the Commission. The Commission shall hold at least one public hearing on the Conditional Use Permit application and/or reclamation plan.

- L. Prior to rendering a decision to approve the Conditional Use Permit application and/or reclamation plan and in addition to making findings of consistency with the requirements and standards of this Title, including those under 17.52.020.C (Specific Findings for Conditional/Minor Use Permits), the Commission shall make the following findings:
1. Conditional Use Permit approvals for surface mining operations shall include a finding that the project complies with the provisions of the SMARA, as amended, and the State regulations.
 2. For reclamation plans, the following findings shall be required:
 - a. The reclamation plan complies with SMARA Sections 2772 and 2773; and the applicable requirements of the State regulations (Sections 3500 through 3505, and Sections 3700 through 3713).
 - b. The reclamation plan restores the mined lands to a usable condition that is readily adaptable to alternative uses pursuant to the plan consistent with this Chapter, the General Plan, and any applicable specific plan or community plan.
 - c. The reclamation plan is not considered detrimental to the public health, safety, and welfare.
 - d. The County's written response to the State Department of Conservation has been prepared and considered by the decision-making body. Said response adequately describes the disposition of major issues raised by the Department of Conservation and where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation the County's response addresses, in sufficient detail, why the recommendations and objections were not accepted.
- M. Prior to final approval of a reclamation plan or any amendments to the reclamation plan, the Commission shall certify to the State Department of Conservation that the reclamation plan complies with the applicable requirements of State law, and shall submit the plan, or amendments to the State Department of Conservation for review.
1. If a Conditional Use Permit application is being processed concurrently with the reclamation plan, the Commission may also simultaneously conceptually approve the Conditional Use Permit. However, the Commission may defer action on the Conditional Use Permit until taking final action on the reclamation plan.
 2. If necessary to comply with permit processing deadlines, the Commission may conditionally approve the Conditional Use Permit so that it shall not become effective until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the

reclamation plan and financial assurances by the County. The Commission shall then take action to approve, conditionally approve, or deny the Conditional Use Permit and/or reclamation plan pursuant to SMARA Section 2770(d).

- N. Time limits may be set on any Conditional Use Permit for mining operations based on a determination by the review authority that such a time limit is necessary to protect the public health and safety, and to protect the welfare of nearby property owners. Said time limit shall be set on a case-by-case basis, based on the reasonably expected life of the mine and potential conflicts with neighboring uses.
- O. The Department shall forward a copy of each approved Conditional Use Permit for the mining operations and/or approved reclamation plan, and a copy of the approved financial assurances to the State Department of Conservation within 30 days following the approval. By July 1 of each year, for each active or idle mining operation, the Department shall submit to the State Department of Conservation a copy of the Conditional Use Permit or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year.
- P. Amendments to an approved reclamation plan may be submitted detailing proposed changes from the original plan. Substantial deviations from the approved reclamation plan shall not be undertaken until the amendment has been filed with, and approved by, the Commission. Minor deviations from the approved reclamation plan may be approved by the Director where a finding can be made that the minor deviation substantially conforms to the approved reclamation plan.
- Q. Each Conditional Use Permit for a mining operation shall be reviewed periodically for compliance with the requirements of the permit. The costs of said review shall be funded by the holder of the Conditional Use Permit. The time period for said review shall be set by a condition of approval, but in no case shall it exceed five years.
- R. Recordation on property titles of the presence of important mineral resources within the –MR Combining Zone may be a condition of approval for any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

17.29.100 Standards for Reclamation

- A. **Compliance with Regulations.** All reclamation plans shall comply with the provisions of SMARA Sections 2772 and 2773, and State regulations (Sections 3500 through 3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial deviations to previously approved reclamation plans, shall also comply with the requirements for reclamation performance standards under State regulations (Sections 3700 through 3713).

1. **Additional Standards.** The Commission may impose additional performance standards developed either in review of individual projects, as warranted, or through the formulation and adoption of County-wide performance standards.
 2. **Phasing.** Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the County. Each phase of reclamation shall be specifically described in the reclamation plan and shall include:
 - a. The beginning and expected ending dates for each phase;
 - b. All reclamation activities required;
 - c. Criteria for measuring completion of specific reclamation activities; and
 - d. Estimated costs for completion of each phase of reclamation.
- B. Financial Assurances.** To ensure that reclamation will proceed in accordance with the approved reclamation plan, the County shall require security, as a condition of approval, which shall be released upon satisfactory performance. The applicant may post security in the form of a surety bond, a trust fund, cash deposits, escrowed negotiable securities, or an irrevocable letter of credit from an accredited financial institution in a form and manner acceptable to the County and the State Mining and Geology Board as specified in State regulations. In reviewing the method of security, the County shall make a reasonable determination of its adequacy to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the County and the State Department of Conservation.
1. **Compliance Required.** Financial assurances will be required to ensure compliance with all elements of the approved reclamation plan, including, but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, removal of structures and equipment, and other measures if necessary.
 2. **Cost Estimates.** Cost estimates for the financial assurance shall be submitted to the Department for review and approval prior to the operator securing financial assurances. The Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The

Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State regulations.

- 3. Basis For Assurance Amount.** The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year.

 - a. Cost estimates should be prepared by a California licensed professional engineer and/or other similarly licensed and qualified professional retained by the operator and approved by the Director.
 - b. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs.
 - c. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, reasonable profit by a commercial operator other than the permittee, and inspections and administration by the County and/or persons under contract by the County.
 - d. A contingency factor of 10 percent shall be added to the cost of financial assurances.
- 4. Abandonment of Operations.** In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, as a consequence, the County or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.
- 5. Effective Period.** The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed, including any maintenance required.
- 6. Annual Adjustment.** The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the operator

may not claim credit for reclamation scheduled for completion during the coming year.

7. **Revisions.** Revisions to financial assurances shall be submitted to the Director each year prior to the anniversary date for approval of the financial assurances. Said revisions shall be forwarded to the State Department of Conservation for review in accordance with this Chapter. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain in written detail why revisions are not required.
- C. **Public Records.** Reclamation plans, reports, applications, and other documents submitted in compliance with this Chapter are public record, unless it can be demonstrated to the satisfaction of the lead agency that the release of the information, or part thereof, would reveal production, reserves, or rate of depletion, and title to protection as proprietary information. The review authority shall identify such proprietary information as a separate part of the application. Proprietary information shall be made available only to the State Department of Conservation and to persons authorized in writing by the operator.
- D. **Documents Furnished to State.** A copy of all reclamation plans, reports, applications, and other documents submitted in compliance with this Chapter shall be furnished to the State Department of Conservation by the review authority upon request.
- E. **Succession of Interest.** Whenever one operator succeeds to the interest of another in any uncompleted surface mining operation by sale, assignment, transfer, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved Conditional Use Permit and/or reclamation plan and the provisions of this Chapter.
- F. **Appeals.** Any person shall have the right to appeal to the Board an act or determination of the Department or the Commission in the exercise of the authority granted in this Section, in compliance with Section 17.52.090 (Appeals).
- G. **Violations and Penalties.** If the Director determines, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, that a surface mining operation is not in compliance with this Chapter, an approved Conditional Use Permit, and/or approved reclamation plan, the County shall follow the procedures set forth in SMARA Sections 2774.1 and 2774.2 concerning violations and penalties, such as administrative fines, as well as procedures for revocation of the Conditional Use Permit (Section 17.54.090), which is not preempted by SMARA.

17.29.110 Interim Management Plans

- A. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP). The proposed IMP

shall fully comply with the requirements of SMARA including, but not limited to, all Conditional Use Permit approval conditions and measures the operator will implement to maintain the site in a stable condition for public health and safety. The proposed IMP shall be submitted on forms provided by the Department, and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project pursuant to CEQA.

- B. Financial assurances for idle operations shall be maintained as though the operation were active.
- C. Upon receipt of a complete proposed IMP, the Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Director.
- D. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Director shall review and approve or deny the IMP in accordance with this Section. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The Director shall approve or deny the revised IMP within 60 days of receipt.
- E. The IMP may remain in effect for a period not to exceed five years, at which time the Director may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.
- F. The approved Conditional Use Permit shall be considered active and not subject to Subsection 17.54.060.C (Permit Expiration) on operations for which an IMP has been approved by the Director or submitted to the Director for review.

17.29.120 Annual Report Requirements

- A. Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.
- B. The Department shall arrange for an inspection of a surface mining operation within six months of receipt of the annual report to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit conditions and/or reclamation plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a State-registered geologist, State-registered civil engineer, State-licensed

landscape architect, or State-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or by other qualified specialists, as selected by the Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

1. The Department shall notify the State Department of Conservation within 30 days of completion of the inspection that said inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator.
2. The operator shall be solely responsible for the reasonable cost of such inspection, including the cost of persons under contract to the County to perform such inspections.
3. Failure by the operator to allow such required inspections by the Department or other responsible County agency shall constitute grounds for revocation of the Conditional Use Permit or termination of the vested mining activity.