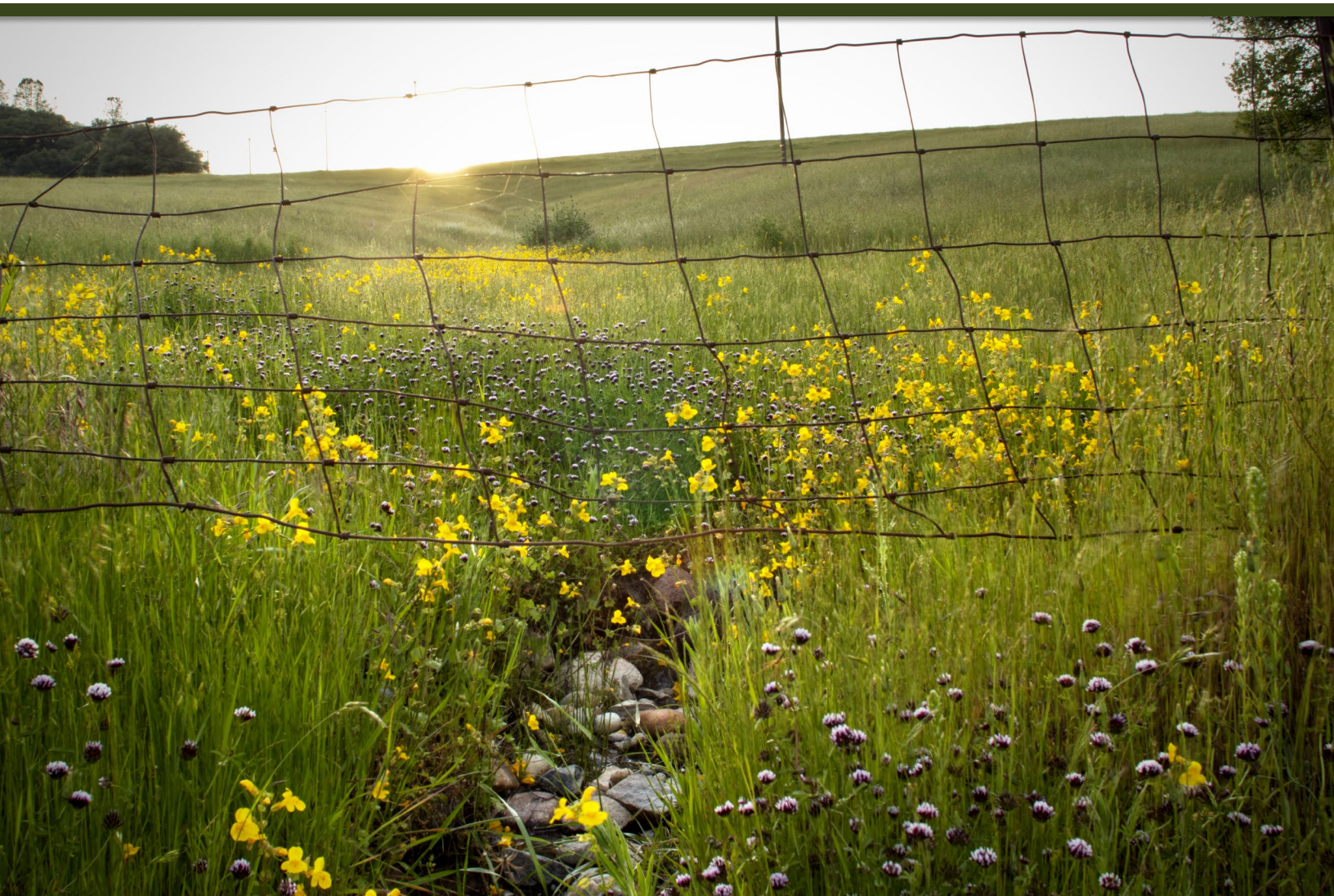
Calaveras County

Zoning Code

Adopted July 16, 2024

Effective August 15, 2024



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Subtitle I: Introductory Provisions

Chapter 17.01 Purpose and Effect of the Zoning Code

17.01.010 Title

Title 17 of the Calaveras County Municipal Code shall be known and cited as the "Calaveras County Zoning Code", "Zoning Code of the County of Calaveras", or "Zoning Code".

17.01.020 Authority

The Calaveras County Zoning Code is adopted pursuant to the authority contained in Section 65850 of the California Government Code.

17.01.030 Purpose

The purpose of this Zoning Code is to implement the County's General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the Code is adopted to achieve the following objectives:

A. Provide standards for the orderly growth and development of the County, and guide and control the use of land, consistent with the goals and policies of the General Plan.

B. To provide a means to classify, and ensure the potential for adequate development of, real property in the unincorporated portion of the County;

C. To ensure that there are adequate services available to meet the needs of residences, business, commerce, recreation and industry;

D. To establish fair, consistent development standards;

E. To provide a means of prompt, fair, project consideration and review.

F. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.

G. Define duties and powers of administrative bodies and officers responsible for implementation of the Code.

17.01.040 Relationship to the General Plan

This Zoning Code implements the goals and policies of the Calaveras County General Plan by regulating the use of land and structures within the County. This Zoning Code and the General Plan shall be consistent with one another. Any permit, license, or approval issued pursuant to this Zoning Code must be consistent with the General Plan and all applicable specific plans. In any case where there is a conflict between this Zoning Code and the General Plan, the General Plan shall control.

17.01.050 Applicability

A. **Applicability to Property.** This Zoning Code shall apply, to the extent permitted by law, to all property within the unincorporated areas of Calaveras County, including all uses, structures, and land owned by any private person, firm, corporation or organization, or Calaveras County or other local, State or federal agencies. Any governmental agency shall be exempt from the provisions of this Zoning Code only to the extent that such property may not be lawfully regulated by Calaveras County.

B. **Discretionary Approvals.** Where this Zoning Code provides for more discretion on the part of a County official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Zoning Code as may be necessary to promote orderly land use development and the purposes of this Zoning Code.

C. **Compliance with Regulations.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved in any zone, except in accordance with the provisions of this Zoning Code, including the development and performance standards herein, and any permit issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.

D. **Conflicting Regulations.** The regulations of this Zoning Code and requirements or conditions imposed pursuant to this Zoning Code shall not supersede any other regulations or requirements adopted or imposed by the Calaveras County Board of Supervisors, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Zoning Code. All uses and development authorized by this Zoning Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Code and any other County ordinance, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified or context so requires.

E. **Private Agreements.** This Zoning Code shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Zoning Code imposes greater restriction than imposed by an easement, covenant, or agreement, this Zoning Code shall control. Calaveras County shall not be responsible for monitoring or enforcing private agreements.

F. **Prior Ordinance.** The provisions of this Zoning Code supersede all prior ordinances codified in Title 17 of the Calaveras County Municipal Code and any amendments. No provisions of this Zoning Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Code, unless such validation is specifically authorized by this Zoning Code and is in conformance with all other regulations.

G. **Effect on Previously Approved Projects and Projects in Progress.**

1. ***Building Permit.*** Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications, and permits on which said Building Permit was granted.

2. ***Previously Approved Land Use Authorization.*** This Zoning Code shall not interfere with, repeal, abrogate, or annul any previously granted land use authorization. All allowances, requirements, and conditions of approval of previous land use authorizations shall apply until the applicable review authority specifically repeals the allowance, requirement, or condition.

3. ***Land Use Authorization in Process.*** An application for a discretionary land use authorization that has been accepted by the Planning Department as complete for processing prior to the adoption of this Code or any applicable amendment shall be processed according to the requirements of this Zoning Code or, upon written request from the project applicant, the prior Code.

H. **Application During Local Emergency.** The Board of Supervisors may authorize a deviation from a provision of this Zoning Code during a local emergency declared and ratified under the Calaveras County Municipal Code. The Board of Supervisors may authorize a deviation by resolution without notice or public hearing.

17.01.060 Responsibility for Administration

The Zoning Code shall be administered by the Calaveras County Board of Supervisors, Planning Commission, and Planning Director as established in Chapter 17.26, Planning Authorities.

17.01.070 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Zoning Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Zoning Code. The Calaveras County Board of Supervisors hereby declares that it would have passed this Zoning Code, and each section, subsection, sentence, clause, and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

17.01.080 Fees

The Board of Supervisors shall establish by resolution, and may amend and revise from time to time, fees for processing the discretionary entitlement applications and other permits authorized or required by this Zoning Code. All fees shall be paid at the time an application is filed, and no processing shall commence until the fees are paid in full.

Chapter 17.02Interpretation of the Zoning Code

17.02.010 Purpose

The purpose of this Chapter is to provide precision in the interpretation of the Zoning Code. The meaning and construction of words and phrases defined in this Chapter apply throughout the Code, except where the context indicates a different meaning.

17.02.020 Rules of Interpretation

In interpreting the various provisions of the Code, the following rules of interpretation shall apply:

A. General Rules. The following general rules apply to the interpretation and application of the Zoning Code.

1. The specific controls the general.
2. In case of conflict between the text and a figure, illustration, heading, caption, diagram, or graphic, the text controls.
3. Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
4. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
    a. "And" indicates that all connected words or provisions shall apply.
    b. "And/or" indicates that the connected words or provisions may apply singularly or in any combination.
    c. "Or" indicates that the connected words or provisions may apply singularly or in any combination.
    d. "Either… or" indicates that the connected words or provisions shall apply singularly but not in combination.
5. The words "shall", "will", "must", and "is to" are always mandatory and not discretionary. "Should" is a regulation that is not mandatory but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. "May" is permissive.
6. The present tense includes the past and future tenses, and the future tense includes the past.

7. The singular number includes the plural, and the plural, the singular.

8. All references to departments, committees, commissions, boards, or other public agencies are to those of the County of Calaveras, unless otherwise indicated.

9. All references to public officials are to those of the County of Calaveras, and include designated deputies of such officials, unless otherwise indicated.

B. **Calendar Days.** All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day or time when the County offices or receiving office are closed to the public, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period.

C. **State Law and Other Code or Regulation Requirements.** Where this Title refers to provisions of State law (e.g., the California Government Code, Subdivision Map Act, Public Resources Code), other ordinances of the Calaveras County Code, or any other statute, code, or regulation, the references shall be interpreted to be to the applicable provisions as they may be amended from time to time.

D. **Definitions.** The Director shall make the interpretation for any definition not expressly identified in this Zoning Code.

E. **Interpretation of Land Use Regulation Tables.** Land use regulations are established in the land use regulation tables for each zoning district and as specifically stated in any other part of this Zoning Code. Land uses are defined in Chapter 17.42, Use Classifications. In cases where a specific land use or activity is not defined, the Planning Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the tables or specifically allowed pursuant to this Code and not substantially similar to the uses that are allowed are prohibited. Section numbers in the right-hand column of the land use tables refer to other sections of this Zoning Code. Numbers in parentheses refer to specific limitations listed at the end of the table.

17.02.030 Rules of Measurement

For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Director.

A. **Fractions.** Whenever this Zoning Code requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

1. ***General Rounding.*** Fractions exceeding one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions equal to or less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.

2. ***Exception for State Affordable Housing Density Bonus.*** The calculation of fractions related to permitted bonus density units for projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute, shall be rounded up to the next whole number.

B. Measuring Distances.

1. ***Measurements are Shortest Distance.*** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

2. ***Distances are Measured Horizontally.*** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

3. ***Measurements Involving a Structure.*** Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances. See also Section 17.16.080, Setbacks.

4. ***Measurement of Vehicle Stacking or Travel Areas.*** Measurement of a minimum travel distance for vehicles, such as driveways, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

5. ***Measuring Radius.*** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

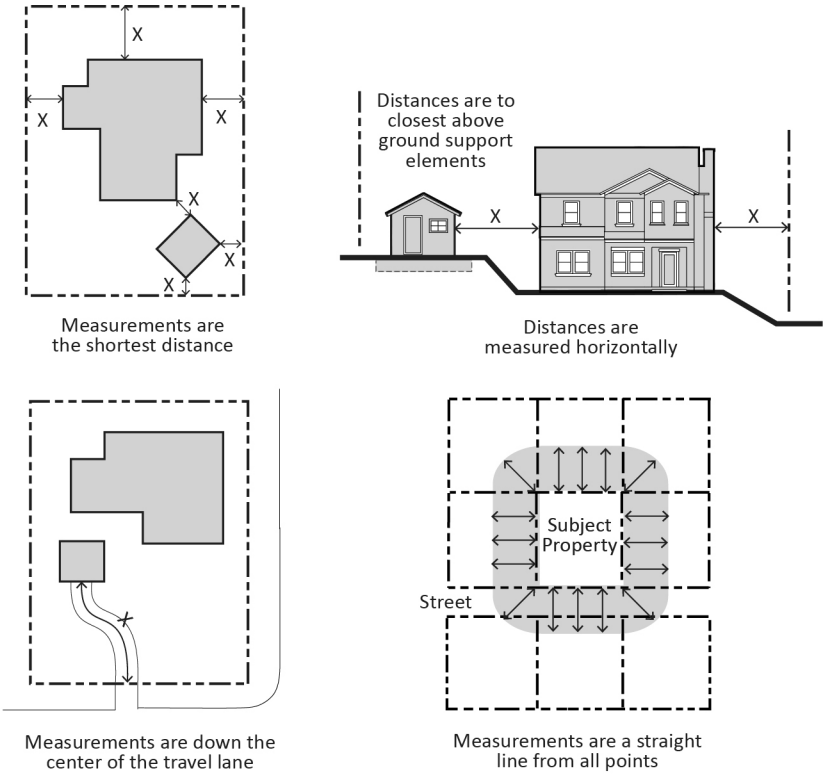


FIGURE 17.02.030.B: MEASURING DISTANCES

C. **Measuring Height.** Height is measured as the vertical distance from a point on the ground below a structure to a point directly above.

1. ***Measuring Building Height.*** Building height is measured from the average base elevation to the highest point on the roof. Average base elevation is determined by taking the elevation of the lowest point at the ground, and the elevation of the highest point at the ground, and finding the average.

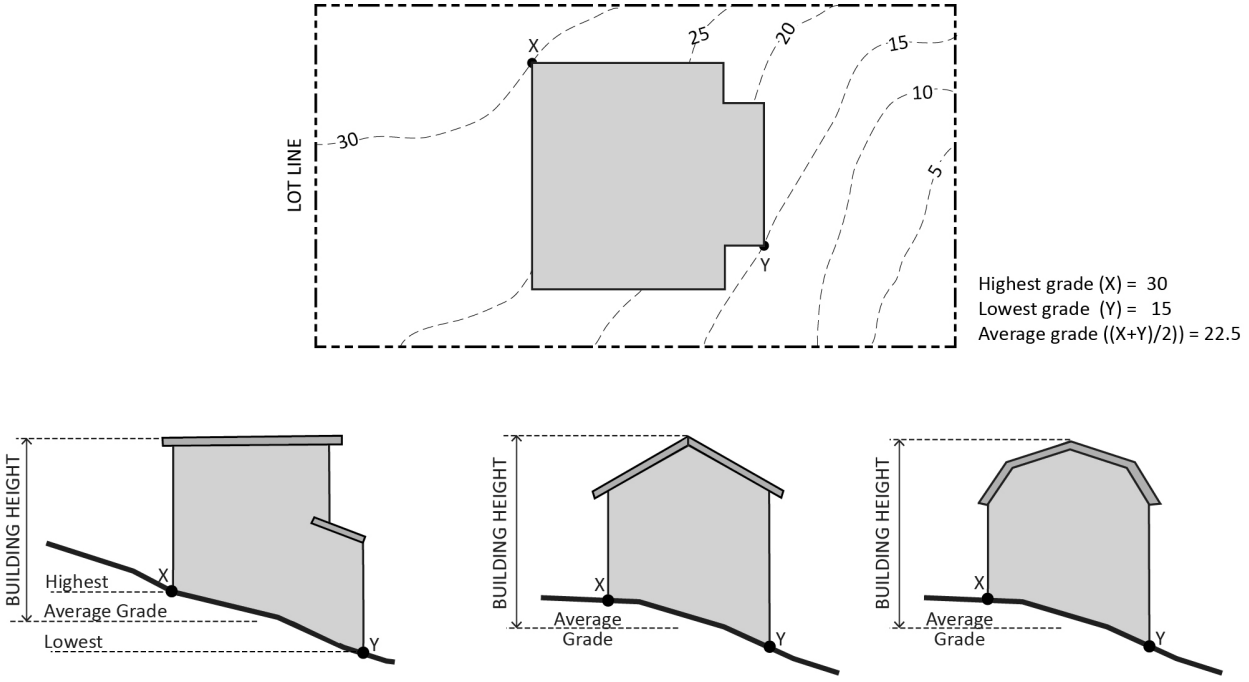


FIGURE 17.02.030.C.1: MEASURING BUILDING HEIGHT

2. *Measuring Height of Fences or Walls.* The height of a fence or wall is measured as the vertical distance from the ground level on the lowest external side of the fence or wall to the highest point of such fence or wall.

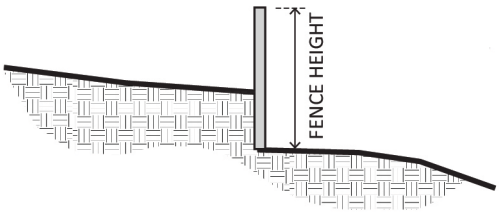


FIGURE 17.02.030.C.2: MEASURING HEIGHT OF FENCES OR WALLS

3. *Measuring the Height of Decks.* Deck height is determined by measuring from the ground to the top of the floor of the deck directly above the ground below.

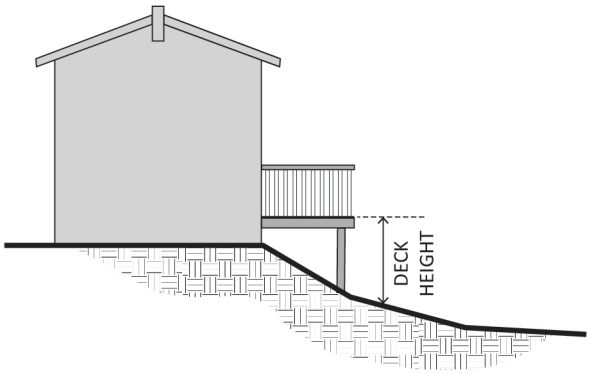


FIGURE 17.02.030.C.3: MEASURING HEIGHT OF DECKS

D. Measuring Lot Width and Depth.

1. ***Lot Width.*** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot along a straight line parallel to the front lot line.

2. ***Lot Depth.*** Lot depth is measured along a straight line from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

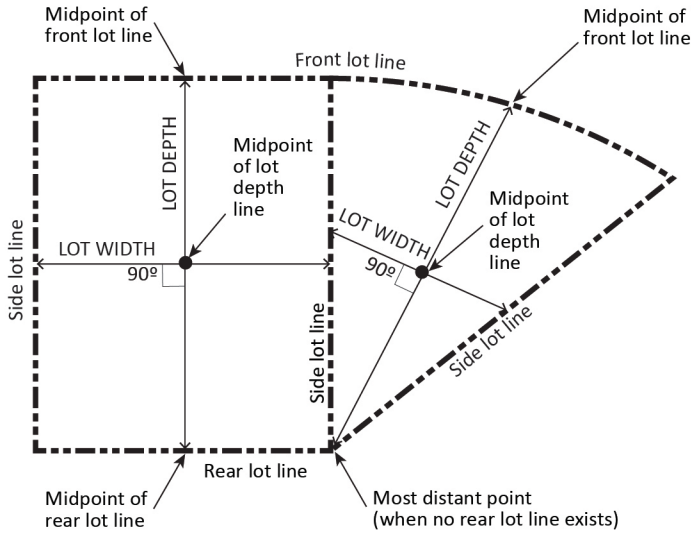


FIGURE 17.02.030.D: MEASURING LOT WIDTH AND DEPTH

E. Determining Average Slope. The average slope of a parcel is calculated using the following formula: S = 100(I)(L)/A, where:

1. S = Average slope (in percent)
2. I = Contour interval (in feet)
3. L = Total length of all contour lines on the parcel (in feet)
4. A = Area of subject parcel (in square feet)

F. Determining Floor Area. The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls and/or the centerline of interior walls.

1. *Included in Floor Area.* Floor area includes, but is not limited to, all habitable space (as defined in the California Building Code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells, or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.
2. *Excluded from Floor Area.* Floor area does not include the following:
    a. Mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's total floor area;
    b. Bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater;
    c. Covered porticoes, paseos, corridors, and courtyards designed for use by and accessible to the general public; and
    d. In non-residential buildings, areas used for off-street parking spaces or loading spaces, driveways, and maneuvering aisles.

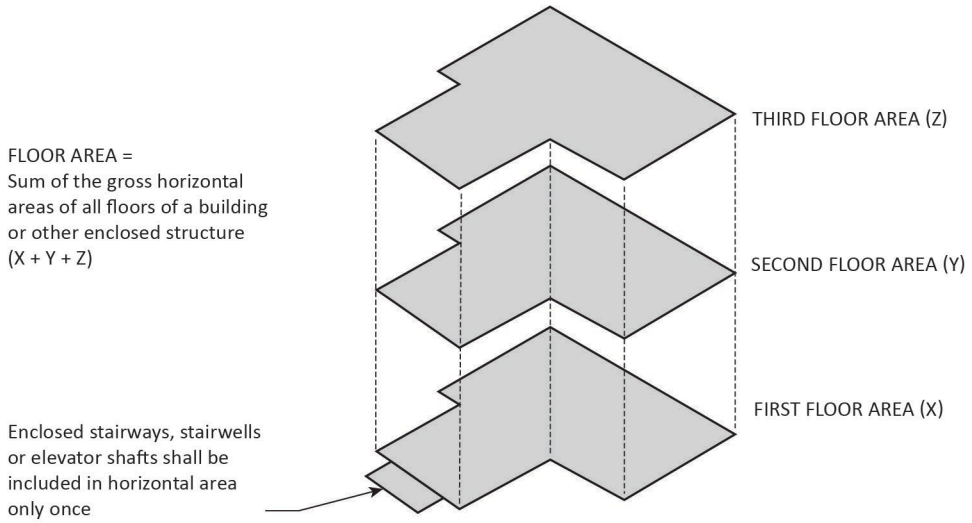


FIGURE 17.02.030.F: DETERMINING FLOOR AREA

G. **Determining Floor Area Ratio.** The floor area ratio (FAR) is the ratio of the floor area of all primary and accessory buildings on a site to the site area. To calculate the FAR, floor is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

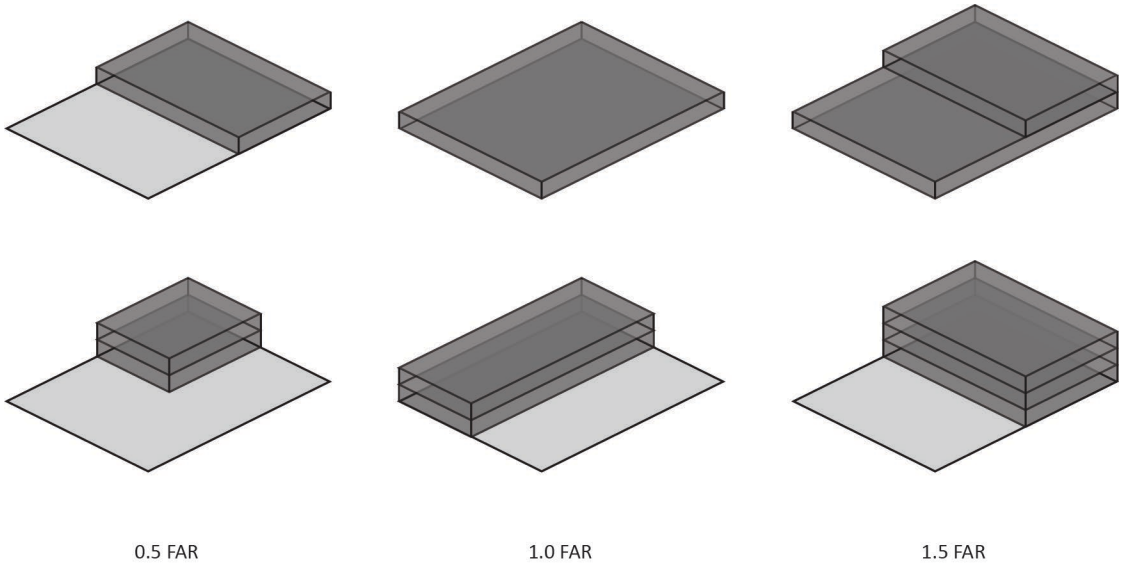


FIGURE 17.02.030.G: DETERMINING FLOOR AREA RATIO

H. **Determining Lot Frontage.**

1. ***Corner Lot.*** The front of a lot is the narrowest dimension of the lot with street frontage.

2. ***Through Lot.*** The front of a through lot abuts the street that neighboring lots use to provide primary access.

I. **Determining Setbacks.** A setback line defining a required setback is parallel to and at the specified distance from the corresponding front, side, or rear property line or other required measuring point. Required setbacks shall be unobstructed from the ground to the sky except where allowed pursuant to Section 17.16.080, Setbacks, subject to compliance with the Building Code.

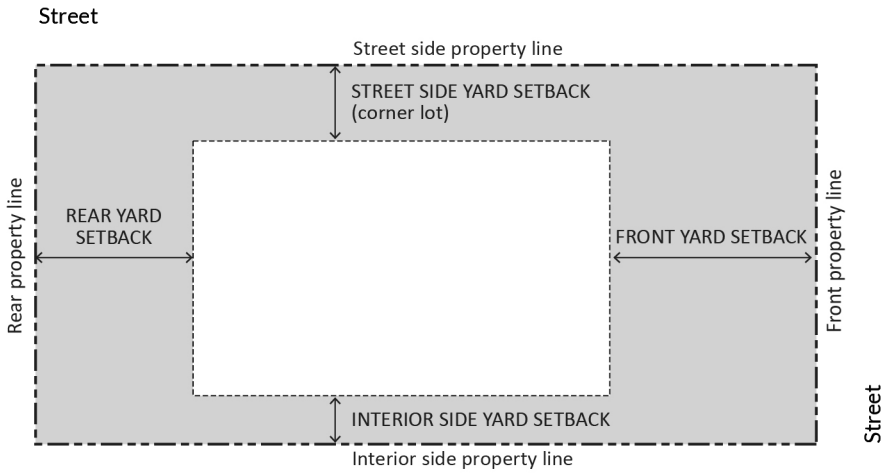


FIGURE 17.02.030.J: DETERMINING SETBACKS

J. **Measuring Signs.** The calculations of measurements related to signs are described in Chapter 17.24, Signs.

Chapter 17.03 Zoning Districts and Zoning Map

17.03.010 Establishment of Zoning Districts

The County shall be classified into zoning districts, the designation and regulation of which are set forth in this Zoning Code and as follows.

A. **Base Zones.** The County is divided into base zoning districts which are established as shown in Table 17.03.010, Base and Overlay Zoning Districts.

B. **Overlay Zones.** Overlay zoning districts, one or more of which may be combined with a base zone, are established as shown in Table 17.03.010, Base and Overlay Zoning Districts.

TABLE 17.03.010: BASE AND OVERLAY ZONING DISTRICTS

Zone Symbol	*Zone Name*
Base Zones	
Resource Zones	
GF	General Forest Zone
TP	Timber Production Zone
A1	General Agriculture Zone
AP	Agriculture Preserve Zone
RA	Residential Agriculture Zone
Residential Zones*	
RR	Rural Residential Zone
R1	Single-Family Residential Zone
R2	Two-Family Residential Zone
R3	Multiple-Family Residential Zone
* Where provided, numerical designators denote the maximum density allowed or minimum parcel size required. • A number in parentheses following the zoning district indicates the maximum number of dwelling units per acre. • A number of 999 or less hyphenated from the zoning district indicates a minimum parcel size in acres. • A number greater than 999 hyphenated from the zoning district indicates a minimum parcel size in square feet	
Commercial Zones	
HC	Historic Center Zone
C1	Local Commercial Zone
C2	General Commercial Zone
CP	Professional Office Zone

TABLE 17.03.010: BASE AND OVERLAY ZONING DISTRICTS	
Zone Symbol	*Zone Name*
Industrial Zones	
M1	Light Industrial Zone
M2	General Industrial Zone
M4	Business Park Zone
Public and Semi-Public Zones	
PS	Public Service Zone
REC	Recreation Zone
OS	Open Space Zone
Overlay Zones	
-AO	Airport Overflight Overlay Zone
-EP	Environmental Protection Overlay Zone
-DR	Design Review Overlay Zone
-X	Parcel Size Limitation Overlay Zone
-ME	Mineral Extraction Overlay Zone
-PD	Planned Development Overlay Zone
-SP	Specific Plan Overlay Zone

17.03.020 Official Zoning Map and District Boundaries

The boundaries of the zones established by this Zoning Code are not included in this Zoning Code but are shown on the Official Zoning Map maintained by the County. The Official Zoning Map, together with all legends, symbols, notations, references, zone boundaries, map symbols, and other information on the maps, have been adopted by the Board of Supervisors and are hereby incorporated into this Zoning Code by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

A. Uncertainty of Boundaries. If an uncertainty exists as to the boundaries of any zoning district shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of alleys, lanes, streets, highways, streams, or railroads shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following lot lines, city or county limits, or extraterritorial boundary lines shall be construed as following such lines, limits, or boundaries.

B. Parcels Containing Two or More Zoning Districts.

1. For parcels containing two or more zoning districts, the location of the zoning district boundary shall be determined by the Planning Director.

2. For parcels containing two or more zoning districts, the applicable regulations for each respective zone shall apply.

Subtitle II: Base Zones

Chapter 17.04Resource Zones

17.04.010 Purpose and Applicability

The purposes of the Resource Zones are as follows:

General Forest (GF) Zone. The GF Zone is intended to provide a resource production zone for commercial timber production and related uses. This Zone is compatible with the Resource Management, Resource Production, and Working Lands General Plan Land Use Categories.

Timber Production (TP) Zone. The purpose of the TP Zone is to implement the provisions of the Z'Berg, Warren, Collier Forest Taxation Reform Act as amended and stated in the California Government Code. Lands in the TP Zone are commonly known as timber preserves. Such land is intended for the primary and productive use of timber resources, including timber and wildlife management. While such lands also provide open space this secondary purpose is not to limit or constrain the ability of the property owners to utilize the land in an efficient and productive manner. No development found incompatible with the primary purposes of timber production shall be permitted in the TP Zone. This Zone is compatible with the Resource Management, Resource Production, and Working Lands General Plan Land Use Categories.

General Agriculture (A1) Zone. The A1 Zone is intended to be the main resource production zone. It is to classify areas for general farming and ranching practices and assign such uses the primary emphasis for the area. It is the purpose of the A1 Zone that residential uses are placed in a position of secondary importance when compared to the commercial scale production of food and fiber. This Zone is compatible with the Resource Management, Resource Production, and Working Lands General Plan Land Use Categories.

Agriculture Preserve (AP) Zone. The purpose of the AP Zone is to protect and preserve lands for intensive agriculture and ranching production. Agriculture preserve zoning applies to lands for which a Williamson Act contract has been executed. The AP Zone may also be utilized for open space protection and preservation under the Williamson Act. All the permitted and conditional uses allowed in the AP Zone, when developed and operated in conformance with this Title and County rules administering agricultural preserves and Williamson Act Contracts, are determined by the Board of Supervisors to be compatible with the definition of agricultural, recreational or open space use of the land and thus a use authorized in the AP Zone and for lands under a Williamson Act Contract. This Zone is compatible with the Resource

Management, Resource Production, and Working Lands, Rural Transition, and Rural Residential General Plan Land Use Categories.

Residential Agriculture (RA) Zone. The RA Zone is intended to be a zone that accommodates both residential and agricultural uses. The RA Zone is to provide lands for small-scale and personal-scale farming and ranching, as well as larger residential parcels. This Zone is compatible with the Working Lands and Rural Transition General Plan Land Use Categories.

17.04.020 Land Use Regulations

Land use regulations for the Resource Zones are established in Table 17.04.020: Land Use Regulations – Resource Zones, and as specifically stated in any other part of this Zoning Code. Land uses are defined in Chapter 17.42, Use Classifications. In cases where a specific land use or activity is not defined, the Planning Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or specifically allowed pursuant to this Code and not substantially similar to the uses that are allowed are prohibited. Section numbers in the right-hand column refer to other sections of this Title. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.04.020: LAND USE REGULATIONS – RESOURCE ZONES

"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed

Land Use Classification	*GF*	*TP*	*A1*	*AP*	*RA*	*Additional Regulations*
Residential Uses						
Residential Housing Types	See subclassifications below					
Single-Unit Dwelling, Detached	P	A	P	P	P	
Accessory Dwelling Unit	P	P	P	P	P	See Section 17.25.040, Accessory Dwelling Units
Employee Housing	P	A	P	P	P	See Section 17.25.120, Employee Housing (for Farmworkers)
Family Day Care	P	P	P	P	P	Must be located within an existing residential unit
Small Residential Care Facility	Small residential care facilities and transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district. 100 percent affordable developments that include a percentage of supportive housing units, either 25 percent or 12 units, whichever is greater, may qualify for expedited review pursuant to AB 2162 (2018) and AB 101.					
Supportive Housing						
Transitional Housing						
Public/Semi-Public Uses						
Cemetery	C	-	A(1)/C	A(1)	-	

TABLE 17.04.020: LAND USE REGULATIONS – RESOURCE ZONES						
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Land Use Classification	*GF*	*TP*	*A1*	*AP*	*RA*	*Additional Regulations*
Community Assembly	-	-	C	-	C	
Park and Recreation Facilities, Public	See subclassifications below					
Passive Recreation	P	P	P	P	P	
Active Recreation	C	-	C	-	C	
Public Safety Facilities	P	P	P	C	P	
Commercial Uses						
Animal Care and Boarding Services	See subclassifications below					
Animal Sanctuary	C	-	C	-	-	Limited to sites 100 acres or more in size
Animal Boarding	A(2)	-	A(2)	A(2)	-	See also Calaveras County Code Title 6, Animals
Kennel, Private or Commercial	P	P	P	P	P	Must be accessory to a residential use. See also Calaveras County Code Title 6, Animals
Veterinary Services	A	-	A	-	-	
Cannabis	See Chapter 17.17, Cannabis Retailers, and Chapter 17.18, Regulation of Commercial and Non-commercial Cannabis Cultivation and Commerce (Except for Cannabis Retailers Pursuant to Chapter 17.17)					
Commercial Entertainment and Recreation	See subclassifications below					
Agricultural Entertainment and Recreation	P/C(3)	-	P/C(3)	P/C(3)	P/C(3)	
Equestrian Facility, 20 acres or more in size and 15 or fewer clients	P	-	P	P	A	
Equestrian Facility, less than 20 acres in size or more than 15 clients	A	-	A	A	C	
Hunting/Fishing Club	P	-	P	P	-	Limited to sites 20 acres or more in size
Outdoor Entertainment	C	-	C	-	-	
Outdoor Sports and Recreation	C	-	C	-	-	
Eating and Drinking Establishments	See subclassifications below					

TABLE 17.04.020: LAND USE REGULATIONS – RESOURCE ZONES						
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Land Use Classification	*GF*	*TP*	*A1*	*AP*	*RA*	*Additional Regulations*
Tasting Rooms	P/C(3)	-	P/C(3)	P/C(3)	P/C(3)	
Event Center	C	-	C	-	C	
Home Occupation	P	P	P	P	P	See Section17.25.140, Home Occupations
Lodging	See subclassifications below					
Agricultural Homestays and Dude Ranches	-	-	P(3)	P(3)	A(3)	See Section 17.25.050, Agricultural Homestays and Dude Ranches
Bed and Breakfast Inns	A(6)	-	A(6)	A(6)	A(6)	
Campgrounds and RV Parks	C	-	C	-	-	See Section 17.25.090, Campgrounds and RV Parks
Resort and Retreat Centers	C	-	C	-	C	
Retail Sales	See subclassifications below					
Agricultural Product Sales	P/C(3)	-	P/C(3)	P/C(3)	P/C(3)	A minimum of 50 percent of customer area/selling space shall be dedicated to selling agricultural products grown on-site or value-added products made with ingredients grown on-site
Feed and Farm Supply Store	-	-	A	A	-	
Rural Home Industries	C	C	C	C	C	See Section 17.25.180, Rural Home Industry
Vehicle Sales and Services	See subclassifications below					
Large Vehicle and Equipment Sales, Service, and Rental	A	-	A	-	-	Limited to the service and rental of equipment, materials, supplies, and tools to serve farming or ranching.
Industrial Uses						
Agricultural, Food, and Beverage Processing	P/C(3)	-	P/C(3)	P/C(3)	P/C(3)	
Contractor and Materials Yards	C(4)	-	-	-		
Lumbermill/Sawmill	C	C	-	-	-	

TABLE 17.04.020: LAND USE REGULATIONS – RESOURCE ZONES

"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed

Land Use Classification	*GF*	*TP*	*A1*	*AP*	*RA*	*Additional Regulations*
Transportation, Communication, and Utility Uses						
Aviation	See subclassifications below					
Personal Landing Field	A	A	A	A	C	
Nonmunicipal Airstrips and Glider Ports	C	C	C	C	C	
Communication Facilities	See subclassifications below					
Telecommunication	A/C	A/C	A/C	A/C	A/C	See Section 17.25.210, Telecommunication Facilities
Public Works and Utilities	C	C	C	C	C	Biowaste/biosolids facilities are prohibited
Agricultural and Natural Resource Uses						
Agricultural Production	See subclassifications below					
Animal Production	P/A	P/A	P/A	P/A	P/A	See Section 17.25.070, Animal Production
Crop and Horticulture Production	P	P	P	P	P/A(2,5)	
Agricultural/Environmental Education Center	P	-	P	P	P/A(5)	
Feed Lot	-	-	C	C	-	
Forest Improvement Program	P	P	P	P	P	
Forestry	P	P	P	P	P	
Stockyards	-	-	P/A(5)	P/A(5)	-	
Mineral Extraction	C	C	C	C	-	
Nurseries and Greenhouses, Wholesale	P	-	P	P	P/A(2,5)	
Resource Management	P	P	P	P	P	
Slaughterhouse	-	-	C	C	-	
Accessory and Temporary Uses						
Accessory Uses, Activities, and Structures	P	P	P	P	P	See Section17.25.030, Accessory Uses, and Section 17.16.030, Detached Accessory Structures

TABLE 17.04.020: LAND USE REGULATIONS – RESOURCE ZONES						
"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed						
Land Use Classification	*GF*	*TP*	*A1*	*AP*	*RA*	*Additional Regulations*
Special Events	P/T/A/C	P/T/A/C	P/T/A/C	P/T/A/C	T/A/C	See Section 17.25.190, Special Events
Wind and Solar Energy Systems	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	See Section 17.25.230, Wind and Solar Energy Systems
Temporary Uses	P/T/A	P/T/A	P/T/A	P/T/A	P/T/A	See Section 17.25.220, Temporary Uses

Specific Limitations:

1. In the A1 and AP Zones, private burial plots used solely for the interment of the property's owners and members of the household are allowed subject to Administrative Use Permit approval. In the A1 Zone, public cemeteries may be allowed with Conditional Use Permit approval.

2. Requires operator or caretaker to reside full-time on site.

3. Permitted as accessory to a farm, as defined in Section 52262 of the Food and Agricultural Code, where no more than three percent of the total land of the agricultural operation or 10 acres, whichever is less, is dedicated to agricultural accessory uses. Otherwise, Conditional Use Permit approval is required.

4. Limited to logging contractor equipment and materials.

5. Administrative Use Permit approval is required for parcels less than 20 acres in size.

6. Must be located within a legal residential structure. Prohibited in Accessory Dwelling Units.

17.04.030 Development Standards

Table 17.04.030, Development Regulations—Resource Zones, prescribes the development regulations for the Resource Zones. Section numbers in the Additional Regulations column refer to other sections of this Title.

TABLE 17.04.030: DEVELOPMENT STANDARDS – RESOURCE ZONES						
Standard	*GF*	*TP*	*A1*	*AP*	*RA*	*Additional Regulations*
Maximum Density (dwelling unit/legal lot)	1	1	1	1	1	For lots with slopes of 50% or more, see Section 17.16.050, Slopes 50 Percent or More
Minimum Parcel Size	Subject to compliance with the General Plan, for lots with slopes of 50% or more, see Section 17.16.050, Slopes 50 Percent or More					
Maximum Building Height (ft)	35	35	35	35	35	See Section 17.16.090, Height Exceptions
		No maximum for agricultural buildings				

TABLE 17.04.030: DEVELOPMENT STANDARDS – RESOURCE ZONES						
Standard	*GF*	*TP*	*A1*	*AP*	*RA*	*Additional Regulations*
Minimum Setbacks (ft)	Measured in feet from property line unless otherwise stated. Construction must also meet the requirements for "Defensible Space" and "Fire Regulations for State Responsibility Areas" pursuant to Title 15 of Calaveras County Code and any other applicable fire safety requirements. See also Section 17.16.080, Setbacks					
Front	30 from property line or 60 from centerline of the road right-of-way or easement, whichever results in a greater setback from the road right-of-way or easement					See Section 17.16.140, Visibility at Intersections and Driveways
Street Side	30 from property line or 60 from centerline of the road right-of-way or easement, whichever results in a greater setback from the road right-of-way or easement					See Section 17.16.140, Visibility at Intersections and Driveways
Interior Side	30	30	30	30	30	
Rear	30	30	30	30	30	

17.04.040 Supplemental Standards

A. Road Maintenance. Road maintenance in Resource Zones is required as follows.

1. *Administrative Use Permit Required for Nonresidential Uses.* Any permitted use, beyond that legally existing at the time of adoption of the Ordinance codified in this Section, having legal access on or over roads maintained by a County Service Area, a Community Service District, a recorded road maintenance agreement or pursuant to Civil Code Section 845, may, to the extent allowed by the grant of access, generate additional traffic on those roads. Prior to commencing any nonresidential permitted use, the proponent of the nonresidential permitted use shall secure an Administrative Use Permit to address the permitted use's road impacts only, unless the proponent can demonstrate that the proposed use will not generate traffic in excess of permitted residential uses. To demonstrate the absence of any additional traffic, the proponent shall estimate the average daily traffic (ADT) that will be generated by the permitted use over a one-month time period. If this estimate indicates that traffic generated by such use is less than the ADT generated by a single-family residence (currently seven and one-half ADT), then an Administrative Use Permit will not be required.

2. *Road Maintenance Fee.* As a condition of approval of the Administrative Use Permit, the proponent of the use shall be required to pay a road maintenance fee to mitigate the

impacts caused by the use. This condition of approval is intended to protect the public health, safety and welfare. Such fees shall be paid as follows:

a. The fee shall be calculated based on the ADT of the use divided by the ADT generated by a single-family residence (seven and one-half ADT) and multiplying the annual fee paid by a single-family residence in the area by this proportional factor. Determination of the ADT generated by the use shall be supported by substantial evidence, as approved by the Public Works Department.

b. Road maintenance fees for uses having legal access on roads maintained by a County Service Area shall be paid to the County Auditor's office and deposited in the appropriate account, as specified in the condition of approval in the Administrative Use Permit. Evidence of such deposit shall be provided to the Planning Department prior to the commencement of the use.

c. Road maintenance fees for uses having legal access on roads maintained by a Community Service District shall be paid to the Community Service District, as specified in the condition of approval in the Administrative Use Permit. Evidence of such deposit shall be provided to the Planning Department prior to the commencement of the use.

3. *Private Roads.* Proponents of uses having legal access over private roads not maintained by the County, or a local agency, shall do one of the following:

a. Enter into any existing road maintenance agreement for the road(s) providing access to the use.

b. Amend any existing road maintenance agreement to which the proponent of the use is already a party to in order to provide for an additional road maintenance fee for the use.

c. If there is no existing road maintenance agreement, record a road maintenance agreement for that portion of the road located on the real property where the use is located.

d. Evidence of compliance with any of the above-stated options shall be provided to the Planning Department prior to the commencement of the use.

4. *Enforcement.* Failure to obtain an Administrative Use Permit under this Section may result in initiation of code compliance proceedings or other remedies, including, but not limited to, the remedies specified in Chapter 17.41, Enforcement, and may require the proponent of the permitted use to pay a road impact fee for the impact caused by the use that was conducted in violation of this Section.

B. **Agricultural Preserves, AP Zone.** All use of land within the AP Zone shall be developed and operated in conformance with this Title and County rules administering agricultural preserves and Williamson Act Contracts. Parcels within an agricultural preserve or Williamson Act contract may be subject to additional use restrictions under the County's Williamson Act program.

1. Use of land of parcels within an agricultural preserve or Williamson Act contract shall be consistent with compatible uses as established by Resolution of the Board of Supervisors, and as amended by subsequent resolution and/or ordinance.

2. Agricultural accessory uses are allowed where no more than three percent of the total land of the agricultural operation or 10 acres, whichever is less, is dedicated to a non-agricultural use. A Conditional Use Permit may be approved to allow additional agricultural accessory uses where the decision maker finds the accessory uses are clearly subordinate to a primary agricultural use on-site and the proposed use conforms with County rules administering agricultural preserves and Williamson Act Contracts.

C. **TP Zone.** The following standards and requirements apply to all land in, or proposed to be within, the TP Zone.

1. ***Timber Taxation Reform Act***. The following requirements authorized by the Timber Taxation Reform Act as amended shall apply:

   a. All parcels in the TP Zone shall meet the definition of "timberland" pursuant to Section 51104 (F) of the California Government Code.

   b. Use of land within the TP Zone shall be consistent with compatible uses as established by Resolution 76-373 of the Board of Supervisors, and as amended by subsequent resolution and/or ordinance.

   c. Upon the effective date of the Ordinance codified in this Section, any owner of record may make application to the Board of Supervisors to zone such land into the TP Zone.

   d. Application procedures shall be established in this Title and California Government Code Section 51113, including the following additional criteria:

      i. The application shall include a map showing the perimeter boundaries of the parcel(s) to be included in the TP Zone, with all assessor parcel numbers indicated on the map.

      ii. The application shall include a timber management plan prepared over the signature of a registered professional forester in conformance with the requirements of the Board of Forestry.

iii. The parcel(s) shall meet the requirements of the Forest Practices Act, and if applicable, the requirements of California Public Resources Code Section 4031.

iv. The land shall meet the requirements of Section 434 of the California Revenue and Taxation Code, the land area shall be dedicated to the growth, management and production of timber resources, or the land shall be within a program approved by the Board of Forestry under CFIP.

e. Parcels included in the TP Zone shall be zoned as such for a rolling period of ten years from the ordinance effective date. On the first, and all subsequent anniversary dates of the ordinance, the ten-year period shall be extended by one year, unless a notice of cancellation and rezoning is approved as provided in the Act, as amended.

2. *Subdivision.* Parcels in the TP Zone shall not be subdivided into lots of less than 160 acres unless a finding is substantiated that the timber management plan has been amended to include the proposed new parcels in a plan meeting the requirements of the Act, and further provided that such subdivision and plan amendment are approved by a four-fifths vote of the Board of Supervisors.

Chapter 17.05 Residential Zones

17.05.010 Purpose and Applicability

The purposes of the Residential Zones are as follows.

Rural Residential (RR) Zone. The RR Zone is intended to provide areas for large-lot residential development in a rural setting where the residential use is the primary land use and any ranching, agricultural, or farming activities are accessory and primarily for personal use. Typical uses include detached single-family homes, accessory dwelling units, accessory structures, public and quasi-public uses (e.g., school, library, park), and other similar and compatible uses. This Zone implements the Rural Residential and Rural Transition General Plan Land Use Categories.

Low Density Residential (R1) Zone. The R1 Zone is intended to provide land for low density residential neighborhoods where public water and sewage facilities are available. Typical uses include residential dwelling units, public and quasi-public uses (e.g., school, library, park), and other similar and compatible uses. This Zone implements the Residential Low Density General Plan Land Use Category.

Medium Density Residential (R2) Zone. The R2 Zone is intended to allow for a variety of housing types in a medium density setting where public water and sewage facilities are available. Typical uses include single- and multi-family units (e.g. duplexes, condominiums, townhouses, apartments), other residential communities (e.g., mobile home parks, cooperative housing, retirement communities), public and quasi-public uses (e.g., school, library, park), and other similar and compatible uses. This Zone implements the Residential Medium Density General Plan Land Use Category.

High Density Residential (R3) Zone. The R3 Zone is intended to provide lands with a mixture of housing types in a high-density setting where public water and sewage facilities are available. Typical uses include multi-family units (e.g. duplexes, condominiums, townhouses, apartments), other residential communities (e.g., mobile home parks, cooperative housing, retirement communities), public and quasi-public uses (e.g., school, library, park), and other similar and compatible uses. This Zone implements the Residential High Density General Plan Land Use Category.

17.05.020 Land Use Regulations

Land use regulations for the Residential Zones are established in Table 17.05.020: Land Use Regulations – Residential Zones, and as specifically stated in any other part of this Zoning Code. Land uses are defined in Chapter 17.42, Use Classifications. In cases where a specific land use or activity is not defined, the Planning Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or specifically allowed pursuant to this Code and not substantially similar to the

uses that are allowed are prohibited. Section numbers in the right-hand column refer to other sections of this Title. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.05.020: LAND USE REGULATIONS – RESIDENTIAL ZONES

"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed

Land Use Classification	*RR*	*R1*	*R2*	*R3*	*Additional Regulations*
Residential Uses					
Residential Housing Types	See subclassifications below				
Single-Unit Dwelling, Detached	P	P	P	P	
Single-Unit Dwelling, Attached	-	-	P	P	
Multi-Unit Dwelling	-	-	P	P	
Accessory Dwelling Unit	P	P	P	P	See Section 17.25.040, Accessory Dwelling Units
Co-housing	C	C	C	C	
Family Day Care	P	P	P	P	
Mobile Home Park	C	C	C	C	See Section 17.25.150, Mobile Home Parks
Residential Facility, Assisted Living	-	-	P	P	
Single Room Occupancy (SROs)	-	-	-	P	See Section 17.25.200, Single Room Occupancy (SROs)
Small Residential Care Facility	Small residential care facilities and transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district. 100 percent affordable developments that include a percentage of supportive housing units, either 25 percent or 12 units, whichever is greater, may qualify for expedited review pursuant to AB 2162 (2018) and AB 101.				
Supportive Housing					
Transitional Housing					
Public/Semi-Public Uses					
Community Assembly	C	C	C	C	
Community Garden	A	P	P	P	See Section 17.25.100, Community Gardens
Cultural Institution	C	C	C	C	
Park and Recreation Facilities	See subclassifications below				
Passive Recreation	A	A	A	A	
Active Recreation	A	A	A	A	
Public Safety Facilities	C	C	C	C	
Schools	C	C	C	C	

TABLE 17.05.020: LAND USE REGULATIONS – RESIDENTIAL ZONES					
"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed					
Land Use Classification	*RR*	*R1*	*R2*	*R3*	*Additional Regulations*
Commercial Uses					
Animal Care and Boarding Services	See subclassification below				
Kennel, Private or Commercial	A	A	A	-	Must be accessory to a residential use. See also Calaveras County Code Title 6, Animals
Commercial Entertainment and Recreation	See subclassifications below				
Agricultural Entertainment and Recreation	P/C(1)	-	-	-	
Equestrian Facility	C	-	-	-	Limited to parcels 20 acres or more in size
Outdoor Sports and Recreation	C	-	-	-	Limited to parcels 5 acres or more in size
Eating and Drinking Establishments	See subclassifications below				
Tasting Rooms	P/C(1)	-	-	-	
Home Occupation	P	P	P	P	See Section 17.25.140, Home Occupations
Lodging	See subclassifications below				
Bed and Breakfast Inns	A(2)	A(2)	A(2)	A(2)	
Retail Sales	See subclassifications below				
Agricultural Product Sales	P/C(1)	-	-	-	A minimum of 50 percent of customer area/selling space shall be dedicated to selling agricultural products grown on-site or value-added products made with ingredients grown on-site
Rural Home Industries	C	-	-	-	See Section 17.25.180, Rural Home Industry
Industrial Uses					
Agricultural, Food, and Beverage Processing	P/C(1)	-	-	-	
Transportation, Communication, and Utility Uses					
Communication Facilities	See subclassifications below				

TABLE 17.05.020: LAND USE REGULATIONS – RESIDENTIAL ZONES					
"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed					
Land Use Classification	*RR*	*R1*	*R2*	*R3*	*Additional Regulations*
Telecommunication	A/C	A/C	A/C	A/C	See Section 17.25.210, Telecommunication Facilities
Agricultural and Natural Resource Uses					
Agricultural Production	See subclassifications below				
Crop and Horticulture Production	P(3)/C	-	-	-	
Nurseries and Greenhouses, Wholesale	C	-	-	-	Limited to parcels 5 acres or more in size. Also requires the operator or caretaker to reside full-time on site.
Accessory and Temporary Uses					
Accessory Uses, Activities, and Structures	P	P	P	P	See Section 17.25.030, Accessory Uses, and Section 17.16.030, Detached Accessory Structures
Animal Keeping	P	P	-	-	See Section 17.25.060, Animal Keeping
Special Events	T/A/C	T/A/C	T/A/C	T/A/C	See Section 17.25.190, Special Events
Wind and Solar Energy Systems	P/A/C	P/A/C	P/A/C	P/A/C	See Section 17.25.230, Wind and Solar Energy Systems
Temporary Uses	P/T/A	P/T/A	P/T/A	P/T/A	See Section 17.25.220, Temporary Uses

Specific Limitations

1. Permitted on parcels 20 acres or more in size as accessory to a farm, as defined in Section 52262 of the Food and Agricultural Code, that produces agricultural products as its primary source of income and where no more than three percent of the total land of the agricultural operation or 10 acres, whichever is less, is dedicated to agricultural accessory uses. A smaller parcel size or greater agricultural accessory use area may be approved through a Conditional Use Permit.

2. Must be located within a legal residential structure. Prohibited in Accessory Dwelling Units.

3. Permitted as accessory to a residential use. Conditional Use Permit approval is required to allow as a primary use.

17.05.030 Development Standards

Table 17.05.030, Development Regulations—Residential Zones, prescribes the development regulations for the Residential Zones. Section numbers in the Additional Regulations column refer to other sections of this Title.

TABLE 17.05.030: DEVELOPMENT STANDARDS – RESIDENTIAL ZONES

Standard	*RR*	*R1*	*R2*	*R3*	*Additional Regulations*
Maximum Density	1 dwelling unit/legal lot	1 dwelling unit/legal lot	12 dwelling unit/acre	20 dwelling unit/acre	Subject to Environmental Health requirements for sewage disposal and water service. For lots with slopes of 50% or more, see Section 17.16.050, Slopes 50 Percent or More
			Or as designated for a specific parcel by a number separated by the zoning district in parentheses, indicating the maximum number of dwelling units per acre		
Minimum Density	None applicable	None applicable	6 dwelling unit/acre	12 dwelling unit/acre	Minimum density applies only to parcels with public water and public sewer
Minimum Parcel Size	Subject to compliance with the General Plan, or as designated for a specific parcel by a number hyphenated from the zoning district where a number of 999 or less indicates a minimum parcel size in acres and a number greater than 999 indicates a minimum parcel size in square feet. For lots with slopes of 50% or more, see Section 17.16.050, Slopes 50 Percent or More				
Maximum Building Height (ft)	35	35	35	45	See Section 17.16.090, Height Exceptions
Minimum Setbacks (ft)	Measured in feet from property line unless otherwise stated. Construction must also meet the requirements for "Defensible Space" and "Fire Regulations for State Responsibility Areas" pursuant to Title 15 of Calaveras County Code and any other applicable fire safety requirements. See also Section 17.16.080, Setbacks				
Front	20 from property line or 50 from centerline of the road right-of-way or easement, whichever results in a greater setback from the road right-of-way or easement				See Section 17.16.140, Visibility at Intersections and Driveways
Street Side	20 from property line or 50 from centerline of the road right-of-way or easement, whichever results in a greater setback from the road right-of-way or easement				See Section 17.16.140, Visibility at Intersections and Driveways
Interior Side	10	5	5	10	
Rear	20	20	20	20	

17.05.040 Supplemental Standards

A. Road Maintenance, RR Zone. In the RR Zone, road maintenance is required as follows.

1. *Administrative Use Permit Required for Nonresidential Uses.* Any permitted use, beyond that legally existing at the time of adoption of the Ordinance codified in this Section, having legal access on or over roads maintained by a County Service Area, a Community Service District, a recorded road maintenance agreement or pursuant to Civil Code Section 845, may, to the extent allowed by the grant of access, generate additional traffic on those roads. Prior to commencing any nonresidential permitted use, the proponent of the nonresidential permitted use shall secure an Administrative Use Permit to address the permitted use's road impacts only, unless the proponent can demonstrate that the proposed use will not generate traffic more than permitted residential uses. To demonstrate the absence of any additional traffic, the proponent shall estimate the average daily traffic (ADT) that will be generated by the permitted use over a one-month time. If this estimate indicates that traffic generated by such use is less than the ADT generated by a single-family residence (currently seven and one-half ADT), then an Administrative Use Permit will not be required.

2. *Road Maintenance Fee.* As a condition of approval of the Administrative Use Permit, the proponent of the use shall be required to pay a road maintenance fee to mitigate the impacts caused by the use. This condition of approval is intended to protect the public health, safety, and welfare. Such fees shall be paid as follows:

   a. The fee shall be calculated based on the ADT of the use divided by the ADT generated by a single-family residence (seven and one-half ADT) and multiplying the annual fee paid by a single-family residence in the area by this proportional factor. Determination of the ADT generated by the use shall be supported by substantial evidence, as approved by the Public Works Department.

   b. Road maintenance fees for uses having legal access on roads maintained by a County Service Area shall be paid to the County Auditor's office and deposited in the appropriate account, as specified in the condition of approval in the Administrative Use Permit. Evidence of such deposit shall be provided to the Planning Department prior to the commencement of the use.

   c. Road maintenance fees for uses having legal access on roads maintained by a Community Service District shall be paid to the Community Service District, as specified in the condition of approval in the Administrative Use Permit. Evidence of such deposit shall be provided to the Planning Department prior to the commencement of the use.

3. ***Private Roads.*** Proponents of uses having legal access over private roads not maintained by the County, or a local agency, shall do one of the following:

    a. Enter into any existing road maintenance agreement for the road(s) providing access to the use.

    b. Amend any existing road maintenance agreement to which the proponent of the use is already a party to in order to provide for an additional road maintenance fee for the use.

    c. If there is no existing road maintenance agreement, record a road maintenance agreement for that portion of the road located on the real property where the use is located.

    d. Evidence of compliance with any of the above-stated options shall be provided to the Planning Department prior to the commencement of the use.

4. ***Enforcement.*** Failure to obtain an Administrative Use Permit under this Section may result in initiation of code compliance proceedings or other remedies, including, but not limited to, the remedies specified in Chapter 17.41, Enforcement, and may require the proponent of the permitted use to pay a road impact fee for the impact caused by the use that was conducted in violation of this Section.

Chapter 17.06Commercial Zones

17.06.010 Purpose and Applicability

The purposes of the Commercial Zones are as follows:

Historic Center (HC) Zone. The HC Zone is intended to allow for a mix of compatible residential- and visitor-serving uses, sized and designed to reflect the scale and character of surrounding structures, reflect small-lot sizes, and preserve and protect the historic core of existing communities. This Zone implements the Historic Center General Plan Land Use Category.

Local Commercial (C1) Zone. The purpose of the C1 Zone is to provide areas for a mix of residential and commercial uses intended to serve the residents of and visitors to the community and the surrounding area. Typical commercial uses include: retail and service establishments, lodging, professional offices, eating establishments and other support services for residents and visitors. Residential uses, typically live-work units, second floor residential, and single and multi-family units; public and quasi-public uses; and similar uses in support of the community are also allowed. This Zone implements the Community Center General Plan Land Use Category.

General Commercial (C2) Zone. The purpose of the C2 Zone is to provide lands for general commercial or office uses in areas with adequate public infrastructure (water, sewer, roads). Typical uses include general commercial (e.g., retail, stores, and services), professional business offices, employment centers, service commercial (e.g. automotive-related, large equipment sales, building maintenance services, construction sales and services, and storage/warehousing), public and quasi-public, and other similar and compatible uses. This Zone implements the Commercial General Plan Land Use Category.

Professional Office (CP) Zone. The CP Zone is intended to provide locations for professional offices, administrative offices and conditionally permitted residential complexes in a compatible environment. This Zone implements the Commercial General Plan Land Use Category.

17.06.020 Land Use Regulations

Land use regulations for the Commercial Zones are established in Table 17.06.020: Land Use Regulations – Commercial Zones, and as specifically stated in any other part of this Zoning Code. Land uses are defined in Chapter 17.42, Use Classifications. In cases where a specific land use or activity is not defined, the Planning Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or specifically allowed pursuant to this Code and not substantially similar to the uses that are allowed are prohibited. Section numbers in the right-hand column refer to other sections of this Title. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.06.020: LAND USE REGULATIONS – COMMERCIAL ZONES

"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed

Land Use Classification	*HC*	*C1*	*C2*	*CP*	*Additional Regulations*
Residential Uses					
Residential Housing Types	See subclassifications below				
Single-Unit Dwelling, Detached	P/C(1)	P/C(1)	-	P/C(1)	See Section 17.06.030, Residential Uses in Commercial Zones
Single-Unit Dwelling, Attached	P/C(1)	P/C(1)	C	P/C(1)	See Section 17.06.030, Residential Uses in Commercial Zones
Multi-Unit Dwelling	P/C(1)	C	C	P/C(1)	See Section 17.06.030, Residential Uses in Commercial Zones
Accessory Dwelling Unit	P	P	P	P	See Section 17.25.040, Accessory Dwelling Units
Employee Housing	P	P	P	P	See Section 17.25.120, Employee Housing (for Farmworkers)
Family Day Care	P	P	P	P	
Residential Facility, Assisted Living	C	C	C	C	
Single Room Occupancy (SROs)	P/C(1)	P/C(1)	-	-	See Section 17.25.200, Single Room Occupancy (SROs)
Small Residential Care Facility	Small residential care facilities and transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district. 100 percent affordable developments that include a percentage of supportive housing units, either 25 percent or 12 units, whichever is greater, may qualify for expedited review pursuant to AB 2162 (2018) and AB 101.				
Supportive Housing					
Transitional Housing					
Public/Semi-Public Uses					
Colleges and Trade Schools	-	P	P	P	
Community Assembly	P	P	P	P	
Community Garden	P	P	P	P	See Section 17.25.100, Community Gardens
Cultural Institution	P	P	A	A	
Day Care Centers	P	P	A	A	
Emergency Shelter	-	-	C	-	See Section 17.25.110, Emergency Shelter
Government Office	P	P	P	P	
Hospitals and Clinics	See subclassifications below				
Clinics	-	P	P	P	
Hospitals	-	-	C	-	

TABLE 17.06.020: LAND USE REGULATIONS – COMMERCIAL ZONES					
"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed					
Land Use Classification	*HC*	*C1*	*C2*	*CP*	*Additional Regulations*
Skilled Nursing Facility	-	C	C	C	
Instructional Services	P	P	P	P	
Park and Recreation Facilities	See subclassifications below				
Passive Recreation	P	P	P	P	
Active Recreation	P	P	P	P	
Parking Lots	P	P	P	P	
Public Safety Facilities	P	P	P	P	
Schools, Private	P	P	P	C	
Social Service Facilities	P	P	P	P	
Commercial Uses					
Animal Care and Boarding Services	See subclassifications below				
Animal Boarding	P/A(6)	P/A(6)	P/A(6)	P/A(6)	
Veterinary Services, no overnight boarding	P	P	P	P	
Veterinary Services, with overnight boarding of animals in care	-	C	C	C	
Banks and Financial Institutions	P	P	P	P	
Business Support Services	P	P	P	P	
Cannabis	See Chapter 17.17, Cannabis Retailers, and Chapter 17.18, Regulation of Commercial and Non-commercial Cannabis Cultivation and Commerce (Except for Cannabis Retailers Pursuant to Chapter 17.17)				
Commercial Entertainment and Recreation	See subclassifications below				
Indoor Entertainment and Recreation	P	P	P	-	
Outdoor Sports and Recreation	-	-	A/C(2)	-	
Drive-Through Facility	-	A	A	-	

TABLE 17.06.020: LAND USE REGULATIONS – COMMERCIAL ZONES

"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed

Land Use Classification	*HC*	*C1*	*C2*	*CP*	*Additional Regulations*
Eating and Drinking Establishments	See subclassifications below				
Bars/Night Clubs/Lounges	A	A	P	-	
Restaurants	P	P	P	-P	
Tasting Rooms	P	P	P	-	
Event Center	C	C	C	-	
Farmer's Markets	P	P	P	P	See Section 17.25.130, Farmer's Markets
Food Preparation	P	P	P	P	
Funeral Parlor	-	A	P	A	
Home Occupation	P	P	P	P	See Section 17.25.140, Home Occupations
Lodging	See subclassifications below				
Bed and Breakfast Inns	A(3)	A(3)	-	-	
Hotels and Motels	C	C	C	C	
Offices	P	P	P	P	
Personal Services	P	P	P	P	
Repair and Maintenance Services	C	P	P	-	
Retail Sales	See subclassifications below				
Building Material Stores	C	C	P	-	
Feed and Farm Supply Store	C	C	P	-	
Food and Beverage Sales	P	P	P	P	
General Retail	P	P	P	-	
Garden Shop	P	P	P	-	
Sexually Oriented Business	-	-	C	-	Shall be located a minimum of 1,000 feet from any other Sexually Oriented Business use and a minimum of 1,000 feet from any park, school providing instruction in kindergarten or any grades 1 through 12, day care center, youth center, or county central library and its branches.
Smoking Lounge	A	A	A	-	
Vehicle Sales and Services	See subclassifications below				

TABLE 17.06.020: LAND USE REGULATIONS – COMMERCIAL ZONES					
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Land Use Classification	*HC*	*C1*	*C2*	*CP*	*Additional Regulations*
Automobile Rental	-	-	P	-	
Automobile/Vehicle Sales and Leasing	-	-	P	-	
Automobile/Vehicle Service and Repair, Minor	A	A	P	-	
Automobile/Vehicle Repair, Major	C	C	P	-	
Large Vehicle and Equipment Sales, Service, and Rental	-	-	P	-	
Service Stations	C	C	C	-	
Washing	C	-	P	-	
Industrial Uses					
Agricultural, Food, and Beverage Processing, less than 10,000 square feet of floor area	A(4)	A(4)	A	-	
Agricultural, Food, and Beverage Processing, 10,000 square feet or more of floor area	-	-	C	-	
Contractor and Materials Yards	-	C(5)	C	-	
Custom Manufacturing	A	A	P	-	
Light Industrial	-	-	P	-	
Research and Development	-	-	P	P	
Warehousing and Storage	See subclassifications below				
Indoor	-	-	P	-	
Boat and RV Storage	-	-	C	-	See Section 17.16.110, Non Residential Outdoor Storage
Personal Storage	-	-	P	-	
Woodyard	-	-	P	-	
Transportation, Communication, and Utility Uses					
Communication Facilities	See subclassifications below				

TABLE 17.06.020: LAND USE REGULATIONS – COMMERCIAL ZONES

"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed

Land Use Classification	*HC*	*C1*	*C2*	*CP*	*Additional Regulations*
Facilities within Buildings	-	P	P	P	
Telecommunication	P/A	P/A	P/A	P/A	See Section 17.25.210, Telecommunication Facilities
Freight/Truck Terminals and Distribution	-	-	C	-	
Light Fleet-Based Services	-	-	P	-	
Recycling Facility	See subclassifications below				
Reverse Vending Machine	-	-	P	-	
Recycling Collection Facility	-	-	A	-	
Agricultural and Natural Resource Uses					
Nurseries and Greenhouses, Wholesale	-	-	P	-	
Accessory and Temporary Uses					
Accessory Uses, Activities, and Structures	P	P	P	P	See Section 17.25.030, Accessory Uses, and Section 17.16.030, Detached Accessory Structures
Outdoor Dining and Seating	A	A	A	A	See Section 17.25.160, Outdoor Dining and Seating
Outdoor Display and Sales	P	P	P	P	See Section 17.25.170, Outdoor Display and Sales
Special Events	P/T/A/C	P/T/A/C	P/T/A/C	P/T/A/C	See Section 17.25.190, Special Events
Wind and Solar Energy Systems	P/A/C	P/A/C	P/A/C	P/A/C	See Section 17.25.230, Wind and Solar Energy Systems
Temporary Uses	P/T/A	P/T/A	P/T/A	P/T/A	See Section 17.25.220, Temporary Uses

TABLE 17.06.020: LAND USE REGULATIONS – COMMERCIAL ZONES					
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Land Use Classification	*HC*	*C1*	*C2*	*CP*	*Additional Regulations*

Specific Limitations:

1. Permitted if existing or located on upper stories or behind commercial uses and developed in accordance with Section 17.06.030, Residential Uses in Commercial Zones. Conditional Use Permit approval is required for ground floor residential units along the street frontage.

2. Conditional Use Permit approval required for facilities more than one acre in combined floor and use area. Shooting and archery ranges and motocross/ATV parks are prohibited.

3. Must be located within a legal residential structure. Prohibited in Accessory Dwelling Units.

4. Must have a minimum of 500 square feet dedicated to retail sales and/or food and beverage tasting or serving.

5. Must have a minimum of 500 square feet dedicated to retail sales and/or customer service area. Outdoor storage of materials is prohibited unless expressly allowed pursuant to Conditional Use Permit approval where the review authority finds that the outdoor storage area is appropriately designed, located, and screened.

6. Permitted if located completely within an enclosed structure. Administrative Use Permit approval is required to allow any outdoor activity or use.

17.06.030 Residential Uses in Commercial Zones

Residential uses in Commercial Zones shall comply with the following:

A. Location and Configuration Requirements.

1. Residential units shall be located on upper stories or behind commercial uses.

2. Commercial uses shall occupy the ground floor of buildings for a minimum of 40 feet or 25 percent of the development site frontage, whichever is greater. These areas shall extend the entire depth of the building or a minimum of 65 feet, whichever is less.

3. These requirements may be waived through Conditional Use Permit approval where the Planning Commission finds that the configuration of the site and/or the character of the surrounding area is such that commercial street frontage is not appropriate or warranted.

B. Detached Single Unit Size Limitation. Detached single dwelling units shall be limited to 1,500 square feet of living area.

17.06.040 Development Standards

Table 17.06.040, Development Regulations—Commercial Zones, prescribes the development regulations for the Commercial Zones. Section numbers in the Additional Regulations column refer to other sections of this Title.

TABLE 17.06.040: DEVELOPMENT STANDARDS – COMMERCIAL ZONES

Standard	*HC*	*C1*	*C2*	*CP*	*Additional Regulations*
Maximum Density	12 dwelling unit/acre	20 dwelling unit/acre	6 dwelling unit/acre	12 dwelling unit/acre	Subject to Environmental Health requirements for sewage disposal and water service. For lots with slopes of 50% or more, see Section 17.16.050, Slopes 50 Percent or More
Minimum Parcel Size	Subject to compliance with the General Plan, for lots with slopes of 50% or more, see Section 17.16.050, Slopes 50 Percent or More				
Maximum Floor Area Ratio (FAR), non-residential portion of development	2.0	2.0	1.0	1.0	See Section 17.02.030.G, Determining Floor Area Ratio
Maximum Building Height (ft)	35	35	45	35	See Section 17.16.090, Height Exceptions
Minimum Setbacks (ft)	Measured in feet from property line unless otherwise stated. Construction must also meet the requirements for "Defensible Space" and "Fire Regulations for State Responsibility Areas" pursuant to Title 15 of Calaveras County Code and any other applicable fire safety requirements. See also Section 17.16.080, Setbacks				
Front	0 from property line or 30 from centerline of the road right-of-way or easement, whichever results in a greater setback from the road right-of-way or easement				See Section 17.16.140, Visibility at Intersections and Driveways
Street Side	0 from property line or 30 from centerline of the road right-of-way or easement, whichever results in a greater setback from the road right-of-way or easement				See Section 17.16.140, Visibility at Intersections and Driveways
Interior Side	5 adjacent to any zone other than a Commercial Zone; otherwise 0	5 adjacent to any zone other than a Commercial Zone; otherwise 0	5 adjacent to any zone other than a Commercial Zone; otherwise 0	5 adjacent to any zone other than a Commercial Zone; otherwise 0	

TABLE 17.06.040: DEVELOPMENT STANDARDS – COMMERCIAL ZONES					
Standard	*HC*	*C1*	*C2*	*CP*	*Additional Regulations*
Rear	20 adjacent to Residential Zone; otherwise 0	20 adjacent to Residential Zone; otherwise 0	20 adjacent to Residential Zone; otherwise 0	20 adjacent to Residential Zone; otherwise 0	

Chapter 17.07Industrial Zones

17.07.010 Purpose and Applicability

The purposes of the Industrial Zones are as follows:

Light Industrial (M1) Zone. The M1 Zone is intended to provide locations for a diverse range of light industrial and workplace uses in proximity to commercial and residential areas. Typical uses include light industrial activities such as processing, packaging, distribution, warehousing and storage, research and development, public and quasi-public, and other similar and compatible uses. This Zone implements the Industrial General Plan Land Use Category.

General Industrial (M2) Zone. The M2 Zone is intended to provide areas for manufacturing, processing, storage, and similar industrial uses, including those which may create some objectionable conditions, subject to regulations needed to protect the surrounding area or adjoining premises. This Zone provides for manufacturing, processing, assembly, research, wholesale, and storage uses, trucking terminals, and public and quasi-public uses, and similar and compatible uses. This Zone implements the Industrial General Plan Land Use Category.

Business Park (M4) Zone. The M4 Zone is intended to provide a zone for a comprehensive employment-generating development and provide areas to accommodate business parks that center around basic employment-generating businesses and accessory and support services. This Zone implements the Industrial General Plan Land Use Category.

17.07.020 Land Use Regulations

Land use regulations for the Industrial Zones are established in Table 17.07.020: Land Use Regulations – Industrial Zones, and as specifically stated in any other part of this Zoning Code. Land uses are defined in Chapter 17.42, Use Classifications. In cases where a specific land use or activity is not defined, the Planning Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or specifically allowed pursuant to this Code and not substantially similar to the uses that are allowed are prohibited. Section numbers in the right-hand column refer to other sections of this Title. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.07.020: LAND USE REGULATIONS – INDUSTRIAL ZONES				
"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed				
Land Use Classification	*M1*	*M2*	*M4*	*Additional Regulations*
Residential Uses				
Caretaker Unit	P	P	P	
Public/Semi-Public Uses				
Colleges and Trade Schools	P	-	P	
Crematories	P	P	-	
Emergency Shelter	A	-	P	See Section 17.25.110, Emergency Shelters
Government Office	-	-	P	
Hospitals and Clinics	See subclassifications below			
Clinics	A	-	P	
Hospitals	-	-	C	
Skilled Nursing Facility	-	-	P	
Park and Recreation Facilities, Public	See subclassifications below			
Passive Recreation	A	A	A	
Active Recreation	A	A	A	
Public Safety Facilities	P	P	P	
Commercial Uses				
Animal Care and Boarding Services	See subclassifications below			
Animal Shelter	P	P	P	
Animal Boarding	P	P	P	See Calaveras County Code Title 6, Animals
Veterinary Services	-	-	P	
Banks and Financial Institutions	-	-	P	
Business Support Services	P	P	P	
Cannabis	See Chapter 17.17, Cannabis Retailers, and Chapter 17.18, Regulation of Commercial and Non-commercial Cannabis Cultivation and Commerce (Except for Cannabis Retailers Pursuant to Chapter 17.17)			
Commercial Entertainment and Recreation	See subclassifications below			
Indoor Entertainment and Recreation	-	-	P	
Outdoor Sports and Recreation	-	-	A/C(1)	
Eating and Drinking Establishments	See subclassifications below			
Restaurants	P	-	P	

TABLE 17.07.020: LAND USE REGULATIONS – INDUSTRIAL ZONES				
"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed				
Land Use Classification	*M1*	*M2*	*M4*	*Additional Regulations*
Tasting Room	P	P	P	
Food Preparation	P	P	P	
Funeral Parlors	-	-	P	
Offices	-	-	P	
Personal Services	-	-	P	
Repair and Maintenance Services	P	P	P	
Retail Sales	See subclassifications below			
Building Material Stores	P	-	P	
Feed and Farm Supply Store	P	-	P	
Food and Beverage Sales	P	-	P	
General Retail	P	-	P	
Garden Shop	P	-	P	
Sexually Oriented Business	-	-	P	Shall be located a minimum of 1,000 feet from any other Sexually Oriented Business use and a minimum of 1,000 feet from any park, school providing instruction in kindergarten or any grades 1 through 12, day care center, youth center, or county central library and its branches
Vehicle Sales and Services	See subclassifications below			
Automobile Rental	P	P	P	
Automobile/Vehicle Sales and Leasing	P	P	P	
Automobile/Vehicle Service and Repair, Minor	P	P	P	
Automobile/Vehicle Repair, Major	P	P	P	
Large Vehicle and Equipment Sales, Service, and Rental	P	P	P	
Service Stations	C	C	C	
Towing and Impound	C	C	C	
Washing	P	P	P	
Industrial Uses				
Contractor and Materials Yards	P	P	P	

TABLE 17.07.020: LAND USE REGULATIONS – INDUSTRIAL ZONES				
"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed				
Land Use Classification	*M1*	*M2*	*M4*	*Additional Regulations*
Custom Manufacturing	P	P	P	
Food and Beverage Manufacturing	See subclassifications below			
Small Scale	P	P	P	
Large Scale	P	P	P	
Light Industrial	P	P	P	
General Industrial	C	P	C	
Intensive Industrial	-	C	C	
Lumbermill/Sawmill	C	P	-	
Research and Development	P	P	P	
Salvage and Wrecking	C	C	-	See Section 17.16.110, Non Residential Outdoor Storage
Warehousing and Storage	See subclassifications below			
Indoor	P	P	P	
Boat and RV Storage	P	P	C	See Section 17.16.110, Non Residential Outdoor Storage
Outdoor	C	P	C	See Section 17.16.110, Non Residential Outdoor Storage
Personal Storage	P	P	P	
Chemical, Mineral, Explosives	C	C	C	
Woodyard	P	P	-	
Transportation, Communication, and Utility Uses				
Aviation	See subclassifications below			
Airports	C	C	C	
Heliports	C	C	C	
Communication Facilities	See subclassifications below			
Facilities within Buildings	P	P	P	
Telecommunication	A/C	A/C	A/C	See Section 17.25.220, Telecommunication Facilities
Freight/Truck Terminals and Distribution	P	P	P	
Light Fleet-Based Services	P	P	P	

TABLE 17.07.020: LAND USE REGULATIONS – INDUSTRIAL ZONES				
"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed				
Land Use Classification	*M1*	*M2*	*M4*	*Additional Regulations*
Public Works and Utilities	C	C	C	Biowaste/biosolids facilities are prohibited
Recycling Facility	See subclassifications below			
Recycling Collection Facility	C	P	-	
Recycling Processing Facility	C	C	-	
Agricultural and Natural Resource Uses				
Feed Lot	-	C	-	
Stockyards	-	C	-	
Mineral Extraction	C	C	-	
Nurseries and Greenhouses, Wholesale	P	P	P	
Slaughterhouse	-	C	-	
Other Uses				
Accessory Uses, Activities, and Structures	P	P	P	See Section 17.25.030, Accessory Uses, and Section 17.16.030, Detached Accessory Structures
Outdoor Dining and Seating	A	A	A	See Section 17.25.160, Outdoor Dining and Seating
Outdoor Display and Sales	P	P	P	See Section 17.25.170, Outdoor Display and Sales
Special Events	P/T/A/C	P/T/A/C	P/T/A/C	See Section 17.25.190, Special Events
Wind and Solar Energy Systems	P/A/C	P/A/C	P/A/C	See Section 17.25.230, Wind and Solar Energy Systems
Temporary Uses	P/T/A	P/T/A	P/T/A	See Section 17.25.220, Temporary Uses

Specific Limitations

1. Conditional Use Permit approval required for facilities more than one acre in combined floor and use area. Shooting and archery ranges and motocross/ATV parks are prohibited.

17.07.030 Development Standards

Table 17.07.030, Development Regulations—Industrial Zones, prescribes the development regulations for the Industrial Zones. Section numbers in the Additional Regulations column refer to other sections of this Title.

TABLE 17.07.030: DEVELOPMENT STANDARDS – INDUSTRIAL ZONES				
Standard	*M1*	*M2*	*M4*	*Additional Regulations*
Maximum Density	1 caretaker unit	1 caretaker unit	1 caretaker unit	
Maximum Floor Area Ratio (FAR)	See below			
Individual well and/or on-site sewage disposal	.5	.5	.5	See Section 17.02.030.G, Determining Floor Area Ratio
Public water and public sewage disposal	.75	.75	.75	See Section 17.02.030.G, Determining Floor Area Ratio
Minimum Parcel Size	Subject to compliance with the General Plan, for lots with slopes of 50% or more, see Section 17.16.050, Slopes 50 Percent or More			
Maximum Building Height (ft)	45	45	45	See Section 17.16.090, Height Exceptions
Minimum Setbacks (ft)	Measured in feet from property line unless otherwise stated. Construction must also meet the requirements for "Defensible Space" and "Fire Regulations for State Responsibility Areas" pursuant to Title 15 of Calaveras County Code and any other applicable fire safety requirements. See also Section 17.16.080, Setbacks			
Front	30 from property line or 60 from centerline of the road right-of-way or easement, whichever results in a greater setback from the road right-of-way or easement			See Section 17.16.140, Visibility at Intersections and Driveways
Street Side	30 from property line or 60 from centerline of the road right-of-way or easement, whichever results in a greater setback from the road right-of-way or easement			See Section 17.16.140, Visibility at Intersections and Driveways
Interior Side	20	20	20	
Rear	30	30	20	

Chapter 17.08Public and Semi-Public Zones

17.08.010 Purpose and Applicability

The purposes of the Public and Semi-Public Zones are as follows:

Public Service (PS) Zone. The purpose of the PS Zone is to classify lands that are used for public purposes, public utilities, and for public agencies. Typical uses include public buildings and grounds, schools, community centers, libraries, airports, cemeteries, fire stations, sewer and water treatment facilities, solid and liquid waste disposal facilities, power substations, and other similar and compatible uses. This Zone implements the Public and Institutional General Plan Land Use Category.

Recreation (REC) Zone. The REC Zone is intended to serve as a zone for local and visitor-oriented recreation activities. Typical uses include destination resorts, regional recreational developments, parks and playgrounds, sports fields, recreation facilities, outdoor activity areas, and visitor and recreation-oriented retail and support services. This Zone implements the Commercial Recreation General Plan Land Use Category.

Open Space (OS) Zone. The OS Zone is intended for lands dedicated to open space purposes for managing unique, important, or significant natural and cultural resources, including undeveloped park lands, visually significant open lands, water areas, and wildlife habitat. These areas are typically set aside as permanent open space preserves and may include trails, trail heads, and other facilities for low-impact recreational or agricultural uses.

17.08.020 Land Use Regulations

Land use regulations for the Public and Semi-Public Zones are established in Table 17.08.020: Land Use Regulations – Public and Semi-Public Zones, and as specifically stated in any other part of this Zoning Code. Land uses are defined in Chapter 17.42, Use Classifications. In cases where a specific land use or activity is not defined, the Planning Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or specifically allowed pursuant to this Code and not substantially similar to the uses that are allowed are prohibited. Section numbers in the right-hand column refer to other sections of this Title. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.08.020: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC ZONES				
"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed				
Land Use Classification	*PS*	*REC*	*OS*	*Additional Regulations*
Residential Uses				
Caretaker Unit	P	P	-	
Public/Semi-Public Uses				
Cemetery	P	-	-	
Colleges and Trade Schools	P	-	-	
Community Assembly	P	C	-	
Community Garden	P	P	-	See Section 17.25.100, Community Gardens
Cultural Institution	P	C	-	
Day Care Centers	P	-	-	
Detention Facility	C	-	-	
Emergency Shelter	P	-	-	See Section 17.25.110, Emergency Shelters
Government Office	P	-	-	
Hospitals and Clinics	See subclassifications below			
Clinics	P	-	-	
Hospitals	C	-	-	
Skilled Nursing Facility	P	-	-	
Park and Recreation Facilities	See subclassifications below			
Passive Recreation	P	P	P	
Active Recreation	P	P	-	
Parking Lots	P	C	-	
Public Safety Facilities	P	C	C	
Schools, Private	P	-	-	
Social Service Facilities	P	-	-	
Commercial Uses				
Animal Care and Boarding Services	See subclassifications below			
Animal Shelter	C	-	-	
Commercial Entertainment and Recreation	See subclassifications below			
Equestrian Facility	-	C	-	

TABLE 17.08.020: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC ZONES				
"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed				
Land Use Classification	*PS*	*REC*	*OS*	*Additional Regulations*
Hunting/Fishing Club	-	C	-	
Indoor Entertainment and Recreation	-	A	-	
Outdoor Entertainment	-	C	-	
Outdoor Sports and Recreation	-	C	-	
Eating and Drinking Establishments	See subclassifications below			
Bars/Night Clubs/Lounges	-	C	-	
Restaurants	-	C	-	
Event Center	-	C	-	
Farmer's Markets	P	P	-	See Section 17.25.130, Farmer's Markets
Lodging	See subclassifications below			
Campgrounds and RV Parks	-	C	-	See Section 17.25.090, Campgrounds and RV Parks
Hotels and Motels	-	C	-	
Resort and Retreat Centers	-	C	-	
Transportation, Communication, and Utility Uses				
Aviation	See subclassifications below			
Airports	C	-	-	
Heliports	C	-	-	
Communication Facilities	See subclassifications below			
Facilities within Buildings	P	P	-	
Telecommunication	A/C	A/C	-	See Section 17.25.210, Telecommunication Facilities
Light Fleet-Based Services	P	-	-	
Public Works and Utilities	P	-	-	Biowaste/biosolids facilities are prohibited
Recycling Facility	See subclassifications below			
Recycling Collection Facility	P	-	-	
Recycling Processing Facility	C	-	-	
Agricultural and Natural Resource Uses				
Resource Management	P	P	P	

TABLE 17.08.020: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC ZONES				
"P" =Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed				
Land Use Classification	*PS*	*REC*	*OS*	*Additional Regulations*
Other Uses				
Accessory Uses, Activities, and Structures	P	P	A	See Section 17.25.030, Accessory Uses, and Section 17.16.030, Detached Accessory Structures
Outdoor Dining and Seating	A	A	-	See Section 17.25.160, Outdoor Dining and Seating
Special Events	P/T/A/C	P/T/A/C	-	See Section 17.25.190, Special Events
Wind and Solar Energy Systems	P/A/C	P/A/C	-	See Section 17.25.230, Wind and Solar Energy Systems
Temporary Uses	P/T/A	P/T/A	-	See Section 17.25.220, Temporary Uses

17.08.030 Development Standards

Table 17.08.030, Development Regulations—Public and Semi-Public Zones, prescribes the development regulations for the Public and Semi-Public Zones. Section numbers in the Additional Regulations column refer to other sections of this Title.

TABLE 17.08.030: DEVELOPMENT STANDARDS – PUBLIC AND SEMI-PUBLIC ZONES				
Standard	*PS*	*REC*	*OS*	*Additional Regulations*
Maximum Floor Area Ratio (FAR)	See below			
Individual well and/or on-site sewage disposal	None applicable	.25	.1	See Section 17.02.030.G, Determining Floor Area Ratio
Public water and public sewage disposal	None applicable	.5	.1	See Section 17.02.030.G, Determining Floor Area Ratio
Minimum Parcel Size and Dimensions	Subject to compliance with the General Plan, for lots with slopes of 50% or more, see Section 17.16.050, Slopes 50 Percent or More			
Maximum Building Height (ft)	None applicable	35	24	See Section 17.16.090, Height Exceptions

TABLE 17.08.030: DEVELOPMENT STANDARDS – PUBLIC AND SEMI-PUBLIC ZONES				
Standard	*PS*	*REC*	*OS*	*Additional Regulations*
Minimum Setbacks (ft)	Measured in feet from property line unless otherwise stated. Construction must also meet the requirements for "Defensible Space" and "Fire Regulations for State Responsibility Areas" pursuant to Title 15 of Calaveras County Code and any other applicable fire safety requirements. See also Section 17.16.080, Setbacks			
Front	20 from property line or 50 from centerline of the road right-of-way or easement, whichever results in a greater setback from the road right-of-way or easement	30 from property line or 60 from centerline of the road right-of-way or easement, whichever results in a greater setback from the road right-of-way or easement		See Section 17.16.140, Visibility at Intersections and Driveways
Street Side	20 from property line or 50 from centerline of the road right-of-way or easement, whichever results in a greater setback from the road right-of-way or easement	30 from property line or 60 from centerline of the road right-of-way or easement, whichever results in a greater setback from the road right-of-way or easement		See Section 17.16.140, Visibility at Intersections and Driveways
Interior Side	10	30	30	
Rear	20	30	30	

Subtitle III: Overlay Zones

Chapter 17.09 Airport Overflight (AO) Overlay Zone

17.09.010 Purpose

The purpose of the Airport Overflight (AO) Overlay Zone is to assure that construction, maintenance, or establishment of structures, uses or objects of natural growth will not constitute hazards to air navigation; to minimize public exposure to airport-related hazards; and to assure the compatibility of land uses within the vicinity of airports in the County.

17.09.020 Applicability

The standards of this Chapter apply to areas within the Airport Influence Area of the Calaveras County Airport.

17.09.030 Use Restrictions

Notwithstanding any other provisions of this Chapter, no use may be made of land or water within the AO Overlay Zone in such a manner that would:

A. Create a "Hazard to Air Navigation" as determined by the FAA;

B. Result in glare in the eyes of pilots using the airport;

C. Make it difficult for pilots to distinguish between airport lights and others;

D. Impair visibility in the vicinity of the airport;

E. Create steam or other emissions that cause thermal plumes or other forms of unstable air;

F. Create electrical interference with navigation signals or radio communication between the airport and aircraft;

G. Create an increased attraction for wildlife. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds that pose bird strike hazards to aircraft in flight; or

H. Otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

17.09.040 Allowed Land Use

Those uses permitted in the base zoning district, subject to the limitations and conditions set forth therein and consistent with the Calaveras County Airport Land Use Compatibility Plan.

17.09.050 Development Standards

In addition to the development standards of the base zoning district, development in the AO Overlay Zone is subject to the requirements, limitations and conditions set forth therein and consistent with the Calaveras County Airport Land Use Compatibility Plan.

17.09.060 Interior Noise Level Reduction

New development exposed to CNEL above 55 dB shall comply with the following standards:

A. Single-Unit Residential Dwellings. New single-unit dwellings shall incorporate noise reduction design measures to achieve and maintain an interior noise level of CNEL 45 dB.

B. Other Development. For new hotels, motels, apartment houses, and dwelling units except single-unit dwellings, an acoustical study shall be prepared by a Board Certified Acoustical Engineer demonstrating that the proposed structure or structures have been designed to meet the noise reduction requirements and standards set forth in 21 CCR § 5012.

17.09.070 Height Limitations

The criteria for determining the acceptability of a project with respect to height shall be based upon the standards set forth in Federal Aviation Regulations (FAR) Part 77, Subpart C, Objects Affecting Navigable Airspace. Additionally, where an FAA aeronautical study of a proposed object is required in accordance with FAR Part 77, Subpart C, the results of that study shall be taken into account by the County.

A. No object, including a mobile or temporary object such as construction crane, shall have a height that would result in penetration of any obstruction surface depicted in the Calaveras County Airport Land Use Compatibility Plan.

B. Within the primary surface and beneath the approach or transitional surfaces, objects shall be limited in height consistent with the airspace protection surfaces defined by FAR Part 77.

C. Nothing in this Chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 35 feet above the surface of the land.

17.09.080 FAA Notification

Any person proposing construction or alteration within the Airport Overflight Overlay District shall submit notification of the proposal to the FAA if such construction or alteration exceeds any of the following height standards:

A. 200 feet above ground level.

B. The plane of an imaginary surface extending outward and upward at a slope of 100 to 1 for a distance of 20,000 feet from the nearest point of any runway.

17.09.090 Avigation Easement Dedication

An avigation easement shall be required as specified in the Calaveras County Airport Land Use Compatibility Plan.

17.09.100 Overflight Notification

If an avigation easement is not required, residential development within the primary or secondary overflight area indicated in the Calaveras County Airport Land Use Compatibility Plan, an overflight notification shall be recorded and made evident to prospective purchasers of the property as specified in the Calaveras County Airport Land Use Compatibility Plan.

17.09.110 Nonconforming Uses

Nonconforming land uses which were in existence prior to the effective date of this Chapter may continue pursuant to the requirements of the Calaveras County Airport Land Use Compatibility Plan.

Chapter 17.10Environmental Protection (EP) Overlay Zone

17.10.010 Purpose

The purpose of the Environmental Protection (EP) Overlay Zone is to identify what protective measures may be necessary before new development can be approved on parcels or portions of parcels previously identified by the County as environmentally sensitive or flood-prone in environmental documents prepared by the County to comply with the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA).

17.10.020 Applicability

The EP Overlay Zone may only be applied to areas previously identified as environmentally sensitive through a site-specific discretionary approval process or legislative action.

17.10.030 Zoning Map Designation

An Environmental Protection (EP) Overlay Zone shall be noted on the Zoning Map by adding the designation "-EP" to the base zone.

17.10.040 Development within the EP Overlay Zone

No use of land, development, or ground disturbance shall occur within the EP Overlay Zone except as follows.

A. All use, development, and disturbance of land within the EP Overlay Zone shall be designed and sited to avoid disruption or degradation of the resource identified for environmental protection.

B. All use, development, and disturbance of land within the EP Overlay Zone shall be consistent with all mitigation or resource protection plans previously prepared for the area. If no such plan exists, a resource protection plan shall be prepared by the applicant and approved by the reviewing department based on a site-specific assessment prepared by a qualified professional expert in the relevant field(s) that contains the following:

   1. An evaluation of the impact the use, development, or disturbance may have on the floodplain, inundation area, habitat, cultural resource, or other reason for application of the EP Overlay Zone and whether the proposed use, development, or disturbance will be consistent with the protection of the environmental resource.

2. Feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures. Mitigation measures shall be sufficient to reduce identified potentially significant impacts to a level of insignificance.

3. If a new resource protection plan is required to be prepared under this Section, the County department considering the application shall comply with CEQA (and, if applicable, NEPA) before approving the plan. The cost of the County's compliance shall be borne by the applicant.

17.10.050 Required Findings

Approval of the use, development, or disturbance of a site located within the EP Overlay Zone shall not occur unless the applicable review body first finds that:

A. The review of the proposed use, development, or disturbance was undertaken in compliance with this Chapter.

B. A resource protection plan or mitigation plan as described in 17.10.040 has been approved for this project.

C. To the extent a new resource protection plan or mitigation plan was approved for this project, its review and approval was undertaken in compliance with the California Environmental Quality Act and, if applicable, the National Environmental Policy Act.

D. The proposed use, development, or disturbance complies with the approved resource protection plan or mitigation plan, and a copy of this approved plan is attached to these findings.

Chapter 17.11Design Review (DR) Overlay Zone

17.11.010 Purpose

The purpose of this Chapter is to identify specific areas where Design Review pursuant to Chapter 17.29, Design Review, is required.

17.11.020 Applicability

Design Review pursuant to Chapter 17.29, Design Review, is required for uses and development within the boundaries of the Design Review (DR) Overlay Zone mapped on the official Zoning Map, including the following:

A. Mokelumne Hill. Prescribed areas of Mokelumne Hill for which design review standards have been adopted by the Board of Supervisors.

B. Other Areas. Other areas identified by the Board of Supervisors where, with community concurrence, design review standards have been developed and adopted with community input.

17.11.030 Zoning Map Designation

A Design Review (DR) Overlay Zone shall be noted on the Zoning Map by adding the designation "-DR" to the base zone.

Chapter 17.12 Parcel Size Limitation (X) Overlay Zone

17.12.010 Purpose

The purpose of the Parcel Size Limitation (X) Overlay Zone is to identify specific areas where minimum parcel size for a specific parcel is different than that of the zoning district in which the parcel is located.

17.12.020 Applicability

The X Overlay Zone shall be applied to parcels subject to a specific parcel size limitation and prohibited from future subdivision. The X Overlay zone may be used to identify the following:

A. Density Transfer. Parcels for which the density has been transferred as a part of a planned unit development to other parcels.

B. Common Area. Common area parcels that are a part of a planned unit development or subdivision map.

C. Other. Parcels established for the purpose of mitigating or protecting biological, cultural, or other resources as a part of a planned development or subdivision map that is not intended to be further developed.

17.12.030 Zoning Map Designation

A Parcel Size Limitation (X) Overlay Zone shall be noted on the Zoning Map by adding the designation "-X" to the base zone.

Chapter 17.13 Mineral Extraction (ME) Overlay Zone

17.13.010 Authority

This title is adopted pursuant to the California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA," Public Resources Code (PRC) 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 (CCR), Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.)

17.13.020 Purpose

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. Calaveras 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 operations and the specifications therefore may vary accordingly. The purpose and intent of this Chapter is to ensure that:

A. There is continued availability of important mineral resources, while regulating surface mining operations.

B. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

C. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

D. Residual hazards to the public health and safety are eliminated.

17.13.030 Applicability

A. Except as provided in this Chapter, no person shall conduct surface mining operations or land reclamation projects unless a permit, reclamation plan, and financial assurances for reclamation have first been approved by the County. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the County, including but not limited to, the application of CEQA, the requirement of development review, conditional use permits or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law.

B. The provisions of this Chapter shall apply to all lands within the jurisdiction of the County. It is the intent of the Board of Supervisors to apply the ME Overlay Zone to all existing and future mining operations requiring a reclamation plan. The County will initiate rezoning those operations currently subject to SMARA without the ME zone, and will require any future operation to concurrently apply for the ME zone with the reclamation plan.

C. This Title shall be continuously reviewed and revised as necessary in order to ensure that it is in accordance with SMARA.

17.13.040 Exemptions

This Chapter shall not apply to the following activities:

A. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.

B. Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

1. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA," Public Resources Code, Division 13, Section 21000 et seq.).

2. The County's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA.

3. The approved construction project is consistent with the general plan or zoning of the site.

4. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

C. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:

1. The plant site is located on lands designated for industrial uses in the Calaveras County general plan.

2. The plant site is located on lands zoned industrial or commercial.

3. None of the minerals being processed are being extracted onsite.

4. All reclamation work has been completed pursuant to an approved reclamation plan for any mineral extraction activities that occurred onsite after January 1, 1976.

D. Prospecting for, exploration of, or extraction of minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand cubic yards in any one location of one acre or less. The limitation on surface disturbance does not include the clearing or removal of brush and vegetation for access road, or erosion control. The limits are cumulative for any period of time and for any assessor parcel or contiguous ownership of surface rights and/or mineral rights, no matter what size parcel.

1. Exploration operators shall prior to commencement of exploration activities submit a letter to the Director of the Planning Department indicating the extent of exploration activities planned, the assessor parcel number(s), and the section, township and range to the property upon which the activities will occur. Accompanying the letter the operator shall submit a USGS quadrangle map and applicable assessor parcel map(s) indicating the location of the activities.

2. Exploration operators shall be responsible for notifying all local, state, and federal agencies and obtaining all permits as otherwise required for their proposed activities.

3. Exploration operators shall backfill and reseed, with a seed mixture approved by the agricultural commissioner, all excavations they create; eliminate any noxious weeds introduced by the operator; and cover and seal all drill holes they create.

E. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

F. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.

G. The solar evaporation of sea water or bay water for the production of salt and related minerals.

H. Emergency excavations or grading conducted by the 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.

I. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if 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 and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of

Forestry and Fire Protection. This exemption does not apply to onsite excavation or grading that occurs within 100 feet of a class one watercourse or 75 feet of a class two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes.

17.13.050 Definitions

The definitions set forth in this Section shall govern the construction of this Chapter.

A. "Area of regional significance" means an area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the state within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.

B. "Area of statewide significance" means an area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

C. "Borrow pits" means excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

D. "Compatible land uses" means land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing and open space.

E. "Haul road" means a road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.

F. "Idle" means surface mining operations curtailed for a period of one year or more, by more than ninety percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

G. "Incompatible land uses" means land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high-density residential, low-density residential with high unit value, public facilities, geographically limited but impact intensive industrial and commercial.

H. "Mined lands" means the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, 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.

I. "Minerals" means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

J. "Operator" means any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.

K. "Reclamation" means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

L. "Stream bed skimming" means excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.

M. "Surface mining operations" means 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. Surface mining operations include, but are not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, stream bed skimming, and segregation and stockpiling of mined materials (and recovery of same).

17.13.060 Incorporation by Reference

The provisions of SMARA (PRC Section 2710 et seq.), PRC Section 2207, and State regulations CCR Section 3500 et seq., as those provisions and regulations 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, excepting that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.

17.13.070 Vested Rights

No person who obtained a vested right to conduct surface mining operations 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, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, they shall obtain Calaveras County approval of a reclamation plan 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 the Act (January 1, 1976). All other requirements of State law and this Chapter shall apply to vested mining operations.

17.13.080 Procedures

A. Applications for a development review, conditional use permit and/or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the Planning Department. Said application shall be filed in accord with this Chapter and procedures to be established by the Planning Department. The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA (Sections 2772-2773) and state regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, to be established at the discretion of the Planning Director.

B. As many copies of a reclamation plan application as may be required shall be submitted in conjunction with all applications for development review or conditional use permit for surface mining operations. For surface mining operations that are exempt from a conditional use permit pursuant to this Chapter, the reclamation plan application shall include information concerning the mining operation that is required for processing the reclamation plan. All documentation for the reclamation plan shall be submitted to the Calaveras County Planning Department at one time.

C. Applications shall include all required environmental review forms and information prescribed by the Planning Department.

D. Upon completion of the environmental review procedure and filing of all documents required by the Planning Department, consideration of the reclamation plan and, if required, a development review or conditional use permit, for the proposed or existing surface mine shall made be pursuant to Chapter 17.27, Common Procedures, at a public hearing before the Planning Commission, and pursuant to Section 2774 of the Public Resources Code.

E. Within 30 days of acceptance of an application as complete for a reclamation plan and, if required, a development review or conditional use permit, the Planning Department shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are

proposed in the 100-year flood plain of any stream, as shown in zone A of 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 Planning Department shall also notify the State Department of Transportation that the application has been received.

F. The Planning Department shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the Calaveras County's CEQA Guidelines.

G. Subsequent to the appropriate environmental review, the Planning Department shall prepare a staff report, including all comments received, with recommendations for consideration by the Planning Commission.

H. The Planning Commission shall hold at least one noticed public hearing on the reclamation plan and, if required, the conditional use permit.

I. Prior to final approval of a reclamation plan, financial assurances (as provided in this Chapter), or any amendments to the reclamation plan or existing financial assurances, the Planning Commission shall certify to the State Department of Conservation that the reclamation plan and/or financial assurance complies with the applicable requirements of state law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. If a conditional use permit is being processed concurrently with the reclamation plan, the Planning Commission may simultaneously approve the conditional use permit. However, the Planning Commission may defer action on the conditional use permit until taking final action on the reclamation plan and financial assurances. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the conditional use permit with the condition that the Planning Department shall not issue the conditional use permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken by the Planning Commission on the reclamation plan and financial assurances.

J. Pursuant to PRC 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 Planning Department shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the state for the Planning Commission's approval. When the Planning 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 Planning Department shall be promptly forwarded to the operator/applicant.

K. The Planning Commission shall then take action to approve, conditionally approve, or deny the reclamation plan and, if required, the conditional use permit, and to approve the financial assurances pursuant to PRC Section 2770(d).

L. The Planning Department shall forward a copy of each approved reclamation plan and, if required, development review or conditional use permit, and a copy of the approved financial assurances to the State Department of Conservation. By July 1st of each year, the Planning Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the development review, conditional use permit or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year.

17.13.090 Standards for Reclamation

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

B. The County may impose additional performance standards either during review of individual projects, as warranted, or through the formulation and adoption of county-wide performance standards.

C. 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 all of the following:

1. The beginning and expected ending dates for each phase.
2. All reclamation activities required.
3. Criteria for measuring completion of specific reclamation activities.
4. Estimated costs for completion of each phase of reclamation.

17.13.100 Statement of Responsibility

The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said statement shall be kept by the Planning Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Department for placement in the permanent record.

17.13.110 Findings for Approval

A. **Site Approvals.** In addition to any findings required by the Calaveras County zoning code, conditional use permit for surface mining operations shall include a finding that the project complies with the provisions of SMARA and state regulations.

B. **Reclamation Plans.** For reclamation plans, the following findings shall be required:

1. That the reclamation plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;

2. That the reclamation plan complies with applicable requirements of state regulations (CCR Sections 3500-3505, and Sections 3700-3713).

3. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter and the Calaveras County General Plan and any applicable resource plan or element.

4. That the reclamation plan has been reviewed pursuant to CEQA and the Calaveras County environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

5. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.

6. That the reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the general plan and applicable resource plan.

7. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the County position is at variance with the recommendations and objections raised by the State

Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

17.13.120 Financial Assurances

A. To ensure that reclamation will proceed in accordance with the approved reclamation plan, the County shall require as a condition of approval security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the County and the State Mining and Geology Board as specified in state regulations, and which the County reasonably determines are adequate 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.

B. Financial assurances will be required to ensure compliance with elements of the 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, and other measures, if necessary.

C. Cost estimates for the financial assurance shall be submitted to the Planning Department for review and approval prior to the operator securing financial assurances. The Planning Department 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 forty-five 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 Planning Department shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and state regulations.

D. 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. Cost estimates should be prepared by a California registered professional engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Planning Department. 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. 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, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent shall be added to the cost of financial assurances.

E. 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, consequently, the County or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

F. 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).

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

H. Revisions to financial assurances shall be submitted to the Planning Department each year prior to the anniversary date for approval of the financial assurances. 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 writing, why revisions are not required.

17.13.130 Interim Management Plans

A. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning 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 conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP detailing the proposed changes from the approved plan shall be submitted on forms provided by the Planning Department, and shall be processed as a minor amendment to the reclamation plan to be reviewed by the Planning Department.

B. Upon receipt of a complete proposed IMP the Planning Department shall:

1. Review the IMP for deviations from the original plan. Deviations determined by the Planning Director to be substantial shall require Planning Commission approval.

2. 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 the County taking any action on the IMP.

C. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Planning Director and the operator, the Planning Director, or the Planning Commission if deemed the reviewing body by the Planning Director pursuant to subsection (B)(1) of this Section, shall review and approve or deny the IMP in accordance with this Chapter. The operator shall have thirty days, or a longer period mutually agreed upon by the operator and the Planning Director, to submit a revised IMP. The revised IMP shall be approved or denied within sixty days of receipt. If the IMP is denied, the operator may appeal that action to the appropriate body pursuant to Section 17.27.140, Appeals.

D. An approved IMP for idle operations shall maintain the operation status of "active" for the purposes of Section 17.27.110, Effective Dates; Expiration and Extension.

E. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.

F. The IMP may remain in effect for a period not to exceed five years, at which time the Planning 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.

17.13.140 Annual Report Requirements

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Planning 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.

17.13.150 Inspections

A. The Planning Department shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in the previous section, annual report requirements, to determine whether the surface mining operation is in compliance with the approved development review or conditional use permit 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 other qualified specialists, as selected by the Planning Department. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

B. The Planning 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. The operator shall be solely responsible for the reasonable cost of such inspection.

17.13.160 Violations and Penalties

If the Planning Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable development review or conditional use permit, any required permit and/or the reclamation plan, Calaveras County shall follow the procedures set forth in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of the County Code for revocation and/or abandonment of permits which are not preempted by SMARA.

17.13.170 Appeals

Any person aggrieved by an act or determination of the Planning Department in the exercise of the authority granted herein, shall have the right to appeal. An appeal shall be filed to the appropriate body pursuant to Section 17.27.140, Appeals.

17.13.180 Fees

The Board of Supervisors shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the County, at the time of filing of the development review or conditional use permit application, reclamation plan application, and at such other times as are determined by the Calaveras County to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the mining operator.

17.13.190 Mineral Resource Protection

A. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the Calaveras County General Plan.

B. In accordance with PRC Section 2762, the Calaveras County General Plan and resource maps will be updated to reflect updated mineral information (classification and/or designation reports) within twelve months of receipt from the State Mining and Geology Board of such information. Land use decisions within the County will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of 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.

17.13.200 Severability

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter.

Chapter 17.14Planned Development (PD) Overlay Zone

17.14.010 Purpose

The purpose of this Chapter is to establish a Planned Development (PD) Overlay Zone that provides for one or more properties to be developed under a PD plan that provides for better coordinated development and incorporates development standards crafted to respond to site conditions to:

A. Promote cohesive and aesthetically pleasing development;

B. Provide for greater flexibility in the design of the developments than is otherwise possible through the strict application of zone regulations; and

C. Promote innovation and creativity in building design and development concepts.

17.14.020 Zoning Map Designation

A Planned Development (PD) Overlay Zone shall be noted on the Zoning Map by adding the designation "-PD" to the base zone.

17.14.030 Prohibited Zones

A PD Overlay Zone shall not be applied to a GF, TP, A1, or AP Zone.

17.14.040 Land Use Regulations

No use other than an existing use is permitted in a PD Overlay Zone except in compliance with a valid PD Plan.

A. Any permitted or conditional use authorized by this Title may be included in an approved PD Plan consistent with the General Plan land use designation(s) for the property.

17.14.050 Development Standards

A. Minimum Area. The minimum area of a PD Overlay Zone shall be five acres, except as provided below.

1. *Exception to Minimum Area Requirement.* The Board of Supervisors may approve a smaller area if it finds that a PD Overlay Zone would provide greater benefits to the general welfare of the County residents and property owners than development under conventional zoning because of unique characteristics of the site or the proposed use.

B. **Residential Unit Density.** Except where a density bonus is granted in compliance with Section 17.16.070, Density Bonus, the total number of dwelling units in a PD Overlay Zone shall not exceed the maximum number permitted by the General Plan density for the total area of the planned development designated for residential use.

C. **Other Development Standards.** Other development standards shall be as prescribed by the PD Overlay Zone. Where the PD Overlay Zone is silent regarding particular development standards, the development standards of the applicable base zoning district shall apply.

17.14.060 Project Review

Plans for a project in a PD Overlay Zone shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Plan and any conditions of approval or the PD Overlay Zone development standards. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PD Plan and PD Overlay Zone.

Chapter 17.15Specific Plan (SP) Overlay Zones

17.15.010 Purpose

The purposes of this Chapter are to:

A. Identify areas where Specific Plans are required.

B. Identify all the adopted Specific Plans that apply in the County and reference the regulations that apply.

17.15.020 Applicability

The provisions of this Chapter apply to all land designated Future Specific Plan on the General Plan Land Use Map and all areas within plan boundaries of Specific Plans adopted by the County.

A. Adopted Specific Plans. Once adopted pursuant to Chapter 17.40, Specific Plans, a Specific Plan shall govern all use and development of properties within the bounds of that Specific Plan.

1. Where a Specific Plan is silent regarding development standards, the provisions of this Title shall govern.

2. When a use is not specifically listed as permitted in the Specific Plan, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the Specific Plan as permitted or not found to be substantially like a permitted use are prohibited.

3. No discretionary entitlement applications or other permits may be approved, adopted, or amended within an area covered by a Specific Plan, unless found by the Planning Director to be consistent with the adopted Specific Plan.

17.15.030 Future Specific Plan Areas

No subdivision of land is permitted and no new or expanded use shall be approved on land designated Future Specific Plan on the General Plan Land Use Map unless it conforms to the provisions of an adopted Specific Plan.

A. Land within designated Future Specific Plan areas are intended to provide for mixed use, recreational-based development consistent with the maximum density and intensity limitations established in the General Plan.

B. Future specific plans are expected to include open space, buffers and other measures to preserve and protect biological and cultural resources, enhance public access to recreational assets and

include a diverse range of housing types including multi-family housing where appropriate, consistent with the General Plan.

17.15.040 Adopted Specific Plans

The following is a list of the County's adopted Specific Plans, as enacted at effective date of this Ordinance.

A. **Copper Mill Specific Plan.** See the Copper Mill Specific Plan on file with the County.

B. **Saddle Creek Specific Plan.** See the Saddle Creek (Calaveras County Club) Specific Plan on file with the County.

Subtitle IV: Countywide Regulations

Chapter 17.16General Site Regulations

17.16.010 Purpose

The purpose of this Chapter is to ensure development is consistent with the General Plan, complies with the regulations of this Chapter, and produces an environment that is compatible with existing and future development.

17.16.020 Applicability

The regulations in this Chapter shall apply to all zones, structures, and additions to structures specified in this Chapter.

17.16.030 Detached Accessory Structures

A. Applicability. The provisions of this Section apply to roofed structures, including but not limited to garages, carports, barns, sheds, workshops, gazebos, and covered patios which are detached from and accessory to a primary building on the site. These provisions also apply to open, unroofed structures such as decks, and trellises, that are over 24 inches in height and are detached from and accessory to a main building on the site.

1. *Accessory Dwelling Units.* These provisions do not apply to Accessory Dwelling Units, attached or detached, which are subject to the standards of Section 17.25.040, Accessory Dwelling Units.

B. Relation to Existing Uses. A detached accessory structure may only be constructed on a lot on which there is a permitted main use to which the accessory structure is related except as follows.

1. A maximum of one detached accessory structure with a maximum size of 120 square feet plus one detached accessory structure with a maximum size of 576 square feet may be allowed on a lot without a permitted main use provided neither is plumbed or electrified.

C. **Living Quarters Prohibited.** The use of detached accessory structures as a dwelling unit is prohibited.

D. **Development Standards.** Detached accessory structures shall meet the development standards of the zone in which they are located.

17.16.040 Access

A. **Proof of Legal Access Required.** Proof of legal access from the nearest public road, as indicated by recorded deed, parcel or subdivision map, or other document determined adequate by the Planning Director, shall be provided for all new construction and site alteration.

B. **Construction Standards.** Required access shall be constructed in compliance with County standards and all applicable fire safety requirements of Title 15.

17.16.050 Slopes 50 Percent or More

A proposed residential development that is located on slopes of 50 percent or more may be subject to one or more of the following requirements per the Planning Director:

A. Increased lot size.

B. Provisions for alternate access.

C. Engineered or enlarged site plans showing slope; soil stabilization.

D. Implementation of methods of erosion control.

E. Grading plans prepared by a registered civil engineer.

F. Permit denial until necessary requirements to ensure a stable, safe, and adequate building site are taken.

17.16.060 Historic Buildings and Structures

A. **Purpose.**

1. Calaveras County contains many historic structures that are integral to the history of the County, the central Sierra foothill region, and the state of California, including several buildings that are listed or eligible for listing on national and/or state lists of historic resources.

2. The conservation and open space element of the Calaveras County General Plan adopted in 2019 includes goals, policies, and implementation measures calling for the preservation

of the County's historic resources, including but not limited to Implementation Measures COS-8G & 8H.

3. General Plan Implementation Measure COS-8G requires the County to develop a cultural resources management ordinance that includes, among other requirements, the establishment of a county register of historic resources, utilization of the California State Historical Building Code, and a cultural resource study prior to demolition of buildings 75 years or older.

4. General Plan Implementation Measure COS-8H requires the use of the Secretary of the Interior's Standards for Treatment of Historic Properties (1992) as a guide for evaluating development proposals involving cultural resources.

5. To prevent irreversible destruction of the County's historic resources pending the adoption of a permanent cultural resources management ordinance, this interim ordinance is intended to:

    a. Serve as the county's interim local register of historically important buildings and structures for purposes of determining what buildings or structures in the county qualify for application of the alternative standards set forth in the State Historical Building Code (California Health and Safety Code §18950 et. seq.)

    b. Serve as the County's interim local register of historically important buildings and structures for purposes of determining which proposals to demolish such buildings or structures require further review before a demolition permit is issued by the County.

    c. Set forth interim standards for reviewing and, if applicable, protecting qualifying historical buildings and structures pending the adoption of a permanent ordinance implementing Measures COS-8G and COS-8H of the County's General Plan.

B. Local Register of Historical Buildings.

1. This Section applies to buildings or structures at least 75 years old that are either:

    a. Listed the National Register of Historic Places or the California Register of Historic Places, or

    b. Have been determined by the state historical resources commission to be eligible for listing in the California Register of Historical Resources.

    If this subsection applies to a building or structure, that building or structure shall be deemed a "listed" building or structure for purposes of this Section.

2. The Planning Director shall be responsible for determining whether a building or structure meets the criteria of Section 17.16.060.B.1.

3. Notwithstanding any other provision of this Title, any appeal of the Planning Director's determination under this Section shall be limited to determining whether or not the Director correctly identified the building or structure as qualifying under Section 17.16.060.B.1.

C. Additional Review Required for Demolition of Listed Historical Buildings; Application of State Historical Building Code.

1. Prior to issuing a demolition permit, the Chief Building Official shall request the Planning Director's determination of whether or not the parcel on which the demolition is proposed contains a listed building or structure as described in Section 17.16.060.B.

2. If the parcel contains a listed building or structure as described in Section17.16.060.B, the Chief Building Official shall not issue a demolition permit until a conditional use permit as described in Section 17.16.060.D has first been approved by the Planning Commission concerning the proposed demolition activity.

3. If the parcel contains a listed building or structure as described in Section 17.16.060.B, the Chief Building Official shall apply the State Historic Building Code (California Health and Safety Code §18950 et. seq.) to its review of any demolition permit pertaining to that building or structure.

D. Limited Scope Conditional Use Permit.

1. Unless the proposed demolition activity is part of a land use project that independently requires a discretionary land use approval by the County, review of the application for a conditional use permit under this Section shall be limited to a review of potentially significant impacts to the listed historical building or structure as described in Section 17.16.060.E.

2. If, upon the review described in Section 17.16.060.E, it is determined that carrying out the proposed demolition activity will result in one or more potentially significant impacts to the listed historical building or structure, conditions of approval may be required.

3. If, upon the review described in Section 17.16.060.E, it is determined that conditions of approval will not suffice to reduce the potential impacts to the listed historical building or structure to less than significant, the application may be denied.

4. Review under the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) prior to approval of a conditional use permit under this Section shall, to the extent allowable by law, be limited in scope to reflect the limited scope

of discretionary review authorized by this Section. CEQA and/or NEPA compliance shall be the responsibility of the Planning Director.

5. If the proposed demolition activity is part of a land use project that independently requires a discretionary land use approval through the planning department, the Planning Commission, or other county department, the review required pursuant to this Section shall be added to the review required for this other discretionary land use approval and subsection d shall not apply. All discretionary use permit applications that trigger the application of this Section shall be processed as conditional use permits under Chapter 17.31 of the County Code, with review by the Planning Commission.

6. Except as otherwise stated in this Section, the application, review, and hearing procedures for permits issued under this Section shall be the same as those described in Chapter 17.27 of this Title.

E. Panel Review of Limited Scope Conditional Use Permit applications under this Section.

1. After an application for a limited scope conditional use permit under this Section has been submitted to the planning department and deemed complete, the application shall be reviewed and reported on within thirty days by a panel consisting of the following:

   a. The Planning Director or their designee.

   b. The Chief Building Official or their designee.

   c. A designee of the Calaveras County Historical Society.

2. The panel shall be charged with the following tasks, which shall culminate in a written report to the Planning Director:

   a. Determine in writing whether the proposed demolition activity will result in one or more potentially significant impacts to the listed historical building or structure pursuant to Section 17.16.060.D. In making this determination, the panel shall utilize the significance criteria described in 14 Cal. Code Regs. Sections 15064.5(b)1—3.

   b. If potentially significant impacts are identified pursuant to Section 17.16.060.E.2.a, describe them in writing.

   c. If potentially significant impacts are identified pursuant to Section 17.16.060.E.2.a, the panel shall describe in writing what, if any, requirements or conditions can be feasibly imposed as a condition of the County's approval of the proposed activity that will reduce impacts to the point of insignificance.

i. In developing these requirements and conditions, the panel shall consider the guidelines in the U.S. Secretary of the Interior's Standards for Treatment of Historic Properties (1992).

ii. The panel shall not impose conditions that exceed those necessary to reduce the identified impacts to the point of insignificance.

iii. If the panel identifies more than one potential condition that could feasibly be imposed to reduce an identified impact to the point of insignificance, the panel shall present these as options that the applicant may choose from.

iv. A requirement or condition that would result in a violation of this Title or of other local, state, or federal laws, ordinances, or regulations, including but not limited to the State Historical Building Code, cannot be feasibly imposed.

d. State in writing whether or not the imposition of the requirements or conditions described in Section 17.16.060.E.2.c will mitigate all identified impacts to the point of insignificance.

3. After receiving the panel's report, the Planning Director shall develop and submit their recommendations for CEQA compliance and permit issuance to the Planning Commission for review. The staff report developed for the Planning Commission hearing on the limited scope conditional use permit shall include the report of the panel described in Section 17.16.060.E.1.

F. Planning Commission Review of Limited Scope Conditional Use Permit.

1. The Planning Commission shall not approve the limited scope conditional use permit without:

a. A finding that CEQA has been complied with.

b. A finding that the approval of the permit is consistent with the General Plan and any applicable community plan.

c. A finding that the proposed activity involves a structure or building described in County Code Section 17.16.060.B.

d. A finding that the commission has read and considered the report prepared by the review panel pursuant to County Code Section 17.16.060.E.

e. An explanation of what conditions of approval, if any, will be imposed and why they are required to reduce potential impacts to the historical characteristics of the building or structure to the point of insignificance.

2. Conditions of project approval shall be limited to those measures or requirements that are necessary to reduce or eliminate the impacts to the historical characteristics of the building or structure as described in this Section. No conditions shall be imposed for which there is not a reasonable relationship between the condition and the direct effects of the project on the historical characteristics of the building or structure.

3. The Planning Commission's determination shall be final unless timely appealed to the Board of Supervisors pursuant to Section 17.27.140 of this Title.

G. Nuisance Declared; Revocation; Enforcement; Abatement Costs; Fines.

1. Failure to comply with this Section is unlawful in all zones and constitutes a public nuisance that may be abated as described in Chapter 8.06 of the County Code.

2. The Planning Director may revoke a permit issued under this Section at any time that there has been noncompliance with one or more of the provisions of this Section and/or the conditions of the permit. The county's written determinations shall be served by mail to the last permittee address provided by the permittee, with a statement of factual and/or legal reasons for the determination. If the owner of the property on which the building or structure at issue exists is not the applicant, a copy of this determination shall also be sent to the owner of the property. Permit revocation is not required prior to the County taking action to enforce violations.

3. Inspections of the building or structure at issue and the surrounding premises and grounds may be conducted by the Planning Director, the Chief Building Official, or their designees during business hours to investigate the condition of the building or structure at issue, the feasibility of potential permit conditions, and to ensure ongoing compliance with this Section and permit conditions. Such inspections may be conducted without prior notice and may be conducted prior to the permit being granted. Failure to consent to the inspection may result in the county seeking an inspection warrant from the Superior Court.

4. Whenever any County enforcement official determines that a public nuisance as described in this Section exists within the unincorporated county, he or she is authorized to utilize the enforcement, abatement, cost recovery, and administrative hearing provisions described in Chapter 8.06 of the County Code, including, as necessary, the summary abatement provisions of that Chapter. The County shall also have the right to utilize any injunction, enforcement, cost recovery, abatement or other administrative, criminal or civil

remedy available to the county under applicable laws, including but not limited to all available civil, criminal and administrative remedies.

5. In any enforcement action brought to enforce the provisions of this Section, each parcel owner, permittee, and/or occupant who causes, permits, allows, or maintains activities in violation of this Section shall be jointly and severally liable for all resulting administrative fines and for any and all actual costs of enforcement incurred by the County, including all allowable attorneys' fees, in the event the county brings and prevails in any administrative proceeding, civil suit, or any other action to enforce the provisions of this Section. If the parcel owner is not the occupant, the parcel owner is responsible to notify the occupant of the requirements of this Section and to require their compliance.

6. Each activity that violates this Section shall be an infraction. Each day that a violation of this Section continues unabated shall constitute an independent violation. Every violation shall be punishable as a "local building and safety code" violation as described in Government Code Section 25132(c). Fines imposed for a second or additional violation of this Section within a one-year period shall be reduced to 200 dollars for a second violation or 500 dollars for an additional violation only if the chief building official, upon receiving a written request for a hardship waiver by the responsible party accompanied by all supporting documentation, makes the following findings:

    a. The responsible party has made a bona fide effort to comply after the first violation, and

    b. Payment of the full amount of the fine would impose an undue financial burden on the responsible party.

H. Duration; Renumbering

1. This Section shall remain in effect until it is replaced with a permanent cultural resource management ordinance as described in General Plan Implementation Measure COS-8G or until it otherwise expires as required by law.

2. This Section may be renumbered as necessary to accommodate the County's upcoming comprehensive zoning code update. Any such renumbering for this purpose, including any necessary amendments to the citations in this Section to County Code, shall be deemed clerical corrections that may be implemented without need for a formal ordinance amendment procedure.

17.16.070 Density Bonus

A. **Purpose.** The purpose of this Section is to implement the State Density Bonus Law, California Government Code Section 65915.

B. **Applicable Zoning Districts.** This Section shall be applicable in all zones that allow residential uses.

C. **Qualifications.** All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915, as may be amended.

D. **Density Bonus, Incentives and Concessions.** The County shall grant qualifying housing developments and qualifying land transfers a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.

E. **Application.** An application for a density bonus or other incentive under this Section for a housing development shall be submitted in writing to the Planning Department to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this Section, and in connection with the project for which the request is made, including, but not limited to, the following:

1. A brief description of the proposed housing development; and
2. The total number of housing units proposed in the development project, including unit sizes and number of bedrooms; and
3. The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site; and
4. The total number of units to be made affordable to or reserved for sale or rental to, very low, low, or moderate income households, or senior citizens, or other qualifying residents; and
5. The zoning, general plan designations and assessor's parcel number(s) of the project site; and
6. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout; and

7. A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.

F. **Review and Consideration.** The application shall be considered by the Planning Commission or Board of Supervisors at the same time the project for which the request is being made is considered. If the project is not to be otherwise considered by the Planning Commission or the Board of Supervisors, the request being made under this Section shall be considered by the Planning Director. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.

G. **Continued Affordability.** Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density bonus or other incentives being approved for a project, the County and the applicant shall agree to an appropriate method of assuring the continued availability of the density bonus units.

17.16.080 Setbacks

A. **Setback Requirements.** Setbacks required by zoning district standard, subdivision approval, specific use standard, development approval, or other regulation or approval pursuant to this Title shall be unobstructed from the ground to the sky except where allowed pursuant to a specific development approval or identified as an allowed encroachment below.

1. ***Allowed Encroachments into Required Setbacks.*** Unless limited by another regulation or permit requirement, the following may encroach into required setback areas subject to all applicable requirements of the Building Code, fire safety codes, and other applicable codes and regulations.

   a. *Eaves and Overhangs.* Eaves, overhangs, and similar architectural features may project up to 1/3 the required setback, but shall project no closer than three feet from the property line.

   b. *Accessways and Utilities.* Roads, driveways, or walkways; parking areas; utility poles and lines; guy wires; and similar features.

   c. *Landscaping and Incidental Furnishings.* Flag poles, landscaping, planters, incidental yard furnishings, and similar features.

   d. *Fences and Walls.* Fences, retaining walls, decorative walls, arbors, trellises, and similar features, subject to applicable requirements of Title 15, Building and Construction.

   e. *Docks.* Docks permitted by Tri-Dam Authority or other applicable authorities.

f. *Mechanical Equipment.* Mechanical equipment such as heating and air conditioning units, and generators no closer than three feet from property line. All mechanical equipment located within the required front setback must be screened with landscaping or a solid fence.

g. *Propane Tanks.* Propane tanks may encroach provided they are located in compliance with Section 6104 of the California Fire Code. All propane tanks located within the required front setback must be screened with landscaping or a solid fence.

h. *Water Tanks (less than 5,000 gallons).* Water tanks with a capacity under 5,000 gallons.

i. *Structures to Ensure Safe Access.* In sloped areas, parking decks, staircases, and other structures determined necessary by the Planning Director may encroach into the required front setback in order to provide safe access.

j. *Small Shed.* One shed less than 120 square feet in size and less than 12 feet in height, and not requiring a building permit, may encroach within the required interior side and rear setback areas.

B. Stream and Wetland Setbacks. All new development shall be setback a minimum 50 feet from the top of bank line of an intermittent or perennial stream and from the outer edge of wetland habitat determined by a field survey. This required setback may be adjusted with Administrative Use Permit approval where the Planning Director determines, based on a qualified biologist's recommendation, that a different setback is appropriate to adequately protect the stream or wetland from degradation, encroachment, or loss.

1. ***Development.*** For the purposes of this Section, development is as defined in Chapter 17.43, Definitions, and includes structures, buildings of any type, swimming pools, driveways, parking areas, patios, platforms, decks, liquid storage tanks, and broken concrete rubble, earth fill or other structural debris or fill.

2. ***Exceptions.*** The only activities and development allowed within the required setback are the following when located, developed, and conducted consistent with the General Plan, other County policy documents, or environmental documents and, where applicable, approved by the County and any other governmental agency having jurisdiction over them.

a. Agricultural activities that utilize best management practices (BMPs), as recommended by the Agriculture Commission.

b. Fencing that does not interfere with the flow of waters or identified wildlife migration corridors.

c. Access necessary for the maintenance of the property and/or allowed uses and development.

d. Drainage facilities designed to eliminate or minimize increases in the rate and amount of stormwater discharge.

e. Vegetation cutting or removal for normal maintenance, related to restoration and enhancement of the stream and riparian habitat, and/or to permit adequate flow of water, facilitate drainage, prevent flooding, and/or comply with fire safe regulations. Such cutting or removal of vegetation shall be limited to the minimum amount necessary, with special care to avoid removal of vegetation immediately adjacent to the banks of the stream or wetland.

f. Fill, grading, or excavating for purposes of low intensity, passive recreation or conservation uses designed and executed to minimize erosion, sedimentation, or runoff in or into the stream or wetland.

g. Minor restoration or maintenance necessary to prevent flooding, reduce siltation, remove debris, and minor weed abatement activity necessary to protect life or property or otherwise provide for the public health and safety.

3. ***Dedication of Drainage and Scenic Easements.*** The County may, as a condition of a development permit or subdivision, require the dedication of a drainage and/or scenic easement over and maintenance of each stream channel within the top of each bank or such other distance as specified by the review authority to avoid excavation, filling, development or construction that could adversely affect the public health and safety by aggravating drainage flows during flooding conditions or interfering with the stream or wetland habitat.

C. Agricultural Buffers

1. ***Purpose.*** The purpose of the agricultural buffer requirement is to provide for the long-term viability of agricultural operations and minimize potential conflicts between agricultural uses and new, non-agricultural development and uses.

2. ***Required Buffer.*** New residential dwellings, residential dwelling building sites, and structures or outdoor areas designed for residential habitable space shall maintain a buffer separation from any lot line of any lot in the Resource Production General Plan Land Use Category.

3. ***Buffer Size.*** The size of the buffer separation shall be a minimum of 400 feet. This buffer requirement may be adjusted with Administrative Use Permit approval where the Planning Director determines, in consultation with the Agricultural Commissioner that:

a. Specific site characteristics exist such as topography, prevailing winds, vegetation, and other site features provide adequate buffering such that the required setback is not necessary to promote and protect agriculture and protect public health and safety; or

b. Site constraints such as size and configuration are such that the required buffer is infeasible, and the reduced setback provides the maximum feasible buffer from the agricultural use.

4. *Use of Buffers.*

a. Agricultural buffers shall not be used for dwellings, structures designed for human occupancy, or outdoor areas designed for intensive human use.

b. The agricultural buffer shall incorporate vegetative or other physical barriers as determined necessary to minimize potential land use conflicts.

c. Agricultural buffers may accommodate drainage, trails, roads, other facilities or infrastructure, landscaping, and other uses that would be compatible with ongoing agricultural operations.

17.16.090 Height Exceptions

Antennae, chimneys, poles, silos, stair towers, roof top mechanical equipment and associated screening, and safety devices may exceed the maximum permitted height for the Zoning District in which they are located, subject to limitations within the Airport Overflight Overlay Zone and other limitations within this Title. Stair towers and mechanical equipment shall not exceed the maximum permitted height for the Zoning District in which they are located by more than 10 feet.

17.16.100 Lighting and Illumination

A. Purpose. The purpose of this Section is to enhance the character of our communities and rural areas by minimizing light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures or luminaires. The intent of the following standards is to ensure that outdoor lighting does not constitute a hazard or danger to persons or vehicular travel and to prevent glare and light trespass on adjacent properties and light pollution in the night sky. To ensure a continued ability to enjoy the night sky and minimize conflicts with neighbors, it is necessary to adopt standards for outdoor lighting to accomplish the following objectives:

1. Encourage a less light-oriented nighttime environment for residents, businesses, and visitors, consistent with the concurrent need for nighttime safety, security, and productivity.

2. Require a reduction in unnecessary light intensity and glare, while minimizing light pollution and trespass onto adjacent properties.

3. Protect the ability to view the night sky by restricting unnecessary upward projections of light.

4. Promote energy conservation and a reduction in greenhouse gas emissions that can result from excessive or unwanted outdoor lighting.

B. Applicability. The standards of this Section apply to all new or replaced outdoor luminaires, light fixtures, and/or systems and to existing lighting as provided below unless specifically exempted below or required pursuant to any other applicable code or regulation.

1. ***Existing Lighting.*** Adjustable light fixtures that can be redirected without requiring replacement or reconstruction of the fixture shall be redirected to prevent glare and light spillover onto adjacent properties consistent with the requirements of this Section.

2. ***New and Replaced Lighting.*** The standards of this Section apply to all new or replaced outdoor luminaires, light fixtures, and/or systems, except as specifically exempted pursuant to Subsection B.3, Exemptions.

3. ***Exemptions.*** The following lighting is exempt from the provisions of this Section.

   a. Lighting not under the jurisdiction of the County

   b. *Safety and Security Lighting.* Security lighting necessary for public safety facilities.

   c. *Construction and Emergency Lighting.* All construction or emergency lighting fixtures, provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.

   d. *Temporary Seasonal Lighting.* Temporary seasonal lighting displays related to cultural or religious celebrations.

   e. Luminaries with a maximum output of 60 lumens, including solar lights.

   f. Underwater lights used to illuminate swimming pools, spas, fountains, and other water features.

   g. Temporary lighting for agricultural activities of a limited duration.

C. Prohibitions. The following types of exterior lighting are prohibited.

1. ***Searchlights.*** The operation of searchlights and/or laser lights for advertising purposes.

2. ***Mercury Vapor.*** The operation of mercury vapor lights for any purpose.

3. ***Low Pressure Sodium.*** Low pressure sodium lights in Residential and Commercial Zones.

4. Any lights operated in such a manner as to constitute a hazards or danger to persons or vehicular travel.

D. General requirements.

1. Compliance With State Codes & Regulations. All lighting installations shall comply with the currently adopted versions of the California Energy Code, California Green Building Standards Code, and all other codes, regulations, & laws applicable to lighting projects with respect to efficiency, lighting controls, minimum & maximum light levels, and other considerations governed by such codes.

2. *Maximum Light Levels at Property Lines.* The light level at property lines shall not exceed 0.1 foot-candles, except as provided below or where allowed through the approval of a Conditional Use Permit.

   a. *Abutting or Within a Commercial or Industrial Zone.* Where a property is located within a Commercial or Industrial Zone and the neighboring property is located within a Commercial or Industrial Zone, the maximum lighting level at the shared property line shall be 0.25 foot-candles.

3. *Shielding.* All outdoor light fixtures shall be fully shielded or full cut off, except as provided below or as specifically stated in another part of this Code.

   a. Decorative string lights are not required to be shielded.

   b. Outdoor light fixtures used for outdoor recreational facilities shall be fully shielded except when such shielding would cause impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and downward lighting methods shall be utilized to limit light pollution, glare, and light trespass.

   c. Partially shielded light fixtures are allowed provided the light source is obscured by translucent glass or other means, the light fixture does not exceed 850 lumens, and the lighting complies with all other provisions of this Section.

   d. Unshielded light fixtures may be allowed provided the light source is obscured by translucent glass or other means, the light fixture does not exceed 600 lumens, and the fixture is located within a covered porch or under a roofed area where no upward directed lighting may escape.

4. *Glare Prevention.* All lights shall be selected, directed, and oriented to prevent light spillover and glare onto adjacent properties. No unobstructed beam of exterior light shall be directed off-site.

5. ***Timing Controls.*** All outdoor lighting in nonresidential development shall utilize a time clock, photo-sensor, motion controls, and/or other lighting control systems to prevent operation during daylight hours, when the building or site is not in use, and when the lighting is not required for security except as follows.

    a. *Code Required Lighting.* Building, emergency, or other construction and safety code required lighting for steps, stairs, walkways, entrances, parking areas, and other building and site features that is dimmed to the minimum light level necessary to meet code requirements.

6. ***Kelvin.*** Light fixtures for outdoor security lighting shall not exceed 5,000 Kelvin. All other outdoor light fixtures shall not exceed 3,500 Kelvin.

7. ***Maximum Height.*** Lighting fixtures shall be installed at the lowest height required to achieve the design purpose of the lighting fixture.

    a. *Building Mounted.* Light fixtures shall not exceed the height of the building upon which it is attached.

    b. *Freestanding Light Fixtures.* The maximum height of freestanding light fixtures and lighting fixtures mounted on a structure or feature other than a building is as follows:

        i. Within and/or within 25 feet of a Residential Zone: 16 feet from finished grade.

        ii. Other Locations: 30 feet from finished grade.

    c. *Exceptions:* The Director may allow additional height of up to 20 percent of the allowed height for activities, uses, or development with unique lighting needs where the additional light fixture height will not appreciably interfere with the enjoyment of the night sky on nearby properties.

8. ***Uplighting***. Uplighting is allowed for government flags and commemorative objects such as statues and plaques with a narrow beam focused on the top of the flagpole or commemorative object, subject to the following standards.

    a. Flagpoles less than 50 feet in height: maximum 400 lumens.

    b. Flagpoles 50 feet or more in height: maximum 500 lumens.

    c. Statues, plaques, and other commemorative objects: maximum 300 lumens.

9. ***Sign Illumination***. Sign illumination shall be in compliance with Section 17.24.090, Illumination

E. **Submittal of Plans and Evidence of Compliance.** Any application for a permit that includes outdoor light fixtures subject to the standards of this Section shall include evidence that the proposed outdoor lighting will comply with all the standards of this Section. The application shall include:

1. Plans showing the location and height of all outdoor lighting fixtures.
2. Description of the outdoor lighting fixtures including luminaire, lamp or bulb type, wattage, lumen output, temperature rating, and shielding.
3. Photometric plans showing foot-candle readings every ten feet within the property or site and ten feet beyond the property lines, except as provided below.
    a. Applications for outdoor lighting associated with residential development and property-owner installed lighting are not required to submit photometric plans unless requested by the Director due to project location, size, use, and proposed lighting.
4. The above plans and descriptions shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this Section have been met.

17.16.110 Non Residential Outdoor Storage

A. **Applicability.** The standards of this Section shall apply to storage of goods, materials, machines, equipment, and inoperable vehicles or parts outdoors for more than 72 hours.

B. **Location.** Outdoor storage shall be located entirely within the parcel and outside of pedestrian ways, parking, and circulations areas, and required landscaped areas.

C. **Perimeter Fencing Required.** There shall be a minimum six-foot-high, minimum 80 percent solid fence around the perimeter of outdoor storage areas located within, or within 50 feet of, a Residential or Commercial Zoning District.

17.16.120 Right to Farm

Any legally existing agriculture land use (farming, ranching, orchard, livestock, row crops, food processing) is considered to have a right to enjoy the productive and economic fruits of labors without fear of infringement on this right by encroaching residential or other non-agriculture development on adjoining parcels and lands in the general vicinity. The right to farm shall take precedence over all other adjoining and nearby land uses.

17.16.130 Swimming Pools and Spas

Swimming pools, spas, and any manmade body of water having a depth of more than 18 inches and related equipment shall comply with the following standards.

A. **Location of Swimming Pool or Spa.** The inside wall of the water-containing portion of any swimming pool or spa shall be located a minimum of five feet from any property line.

B. **Location of Pool or Spa Related Equipment.** Aboveground pool or spa related equipment, including, but not limited to motors, filters, slides, shall comply with the standard setbacks of the zoning district or be located a minimum of five feet from the property line, whichever results in a lesser required setback.

C. **Location of Pool or Spa Related Structures.** Awnings, outbuildings, and other structures associated with the swimming pool or spa, are required to comply with the standard setbacks of the zone district.

17.16.140 Visibility at Intersections and Driveways

A. **Purpose.** The purpose of this Section is to reduce potential vehicle conflicts at public intersections and private driveways through the regulation of obstructions that may interfere with the view of approaching traffic.

B. **Applicability.** The regulations in this Section shall apply to all corner parcels and to all parcels containing or abutting a parcel containing a right of way easement, or driveway.

C. **Measurement of Visual Clearance Area.** The required visual clearance area shall be determined as follows:

1. ***Corner Parcels.*** On corner parcels, the visual clearance area shall consist of a triangle having two sides 35 feet long, running along each right of way or roadway, said length beginning at their intersection, and the third side formed by a straight line connecting the two ends. See Figure 17.16.140, Visual Clearance Area.

2. ***Parcels Containing or Abutting a Right of Way Easement or Driveway.*** On parcels containing or abutting a parcel containing a right of way easement or driveway, the visual clearance area shall consist of a triangle having two sides 35 feet long, running along each side of the driveway/right of way easement and the edge of the roadway, said length beginning at their intersection, and the third side formed by a line connecting the two ends. See Figure 17.16.140, Visual Clearance Area.

3. ***Obstructions in Visual Clearance Area.*** It is unlawful to install or maintain any view obstructing structure, fence, wall, hedge, or other obstacle between two feet, six inches

and eight feet above the nearest roadway surface or right of way easement within the required visual clearance area.

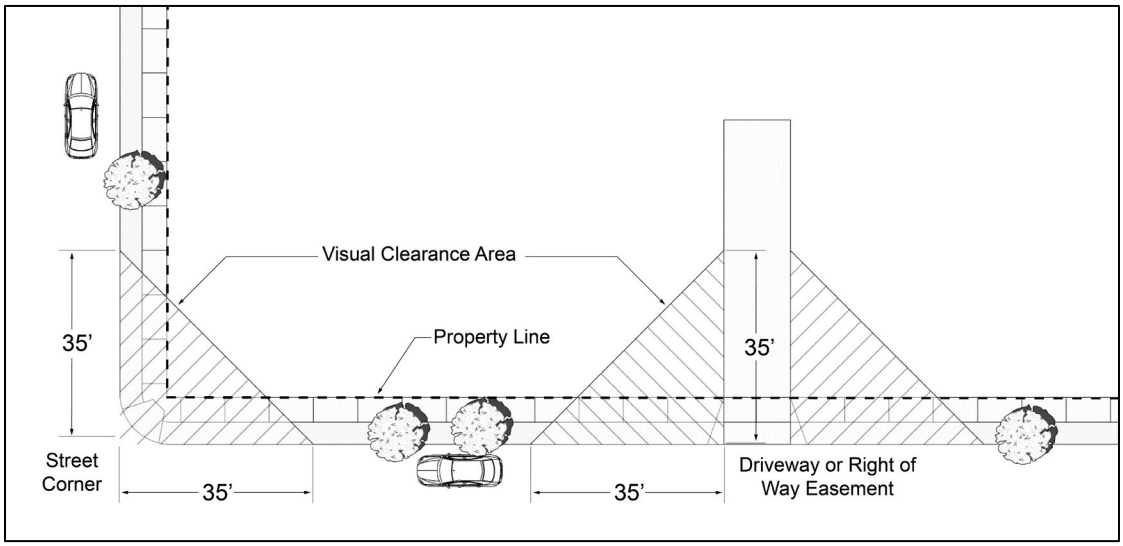


FIGURE 17.16.140: VISUAL CLEARANCE AREA

Chapter 17.17Cannabis Retailers

17.17.010 Purpose and Intent

A. It is the purpose and intent of this Chapter to regulate, in compliance with the Medicinal and Adult Use of Cannabis Regulation and Safety Act (hereinafter "MAUCRSA", Section 26000 et seq. of the California Business and Professions Code), the retail sales of cannabis from licensed cannabis retailers within the unincorporated area of Calaveras County to consumers of non-medical cannabis and to qualified patients, persons with an identification card and/or primary caregivers of medical cannabis.

B. The purpose and intent of this Chapter is also to regulate, permit, and control cannabis retailers within the County in order to protect the public health, safety, and welfare of County residents; and to reduce or eliminate any adverse public health, safety, welfare, and environmental effects of new and existing cannabis retailers in the County.

C. The purpose and intent of this Chapter is also to reduce conditions that create public nuisances by enacting reasonable regulations including, without limitation, restrictions as to the location and type of cannabis retailers to more effectively control the potential adverse impacts associated with cannabis retailers.

D. Any ambiguity in this Chapter should be construed in whatever manner best effectuates this intent.

17.17.020 Applicability and Interpretation

A. The regulations in this Chapter shall apply to the location, permitting, and operation of cannabis retailers in zoning districts where such use is authorized under the Calaveras County Code.

B. The current provisions of this Chapter shall supersede any prior provisions of this Chapter, and the provisions of this Chapter shall apply regardless of whether any of the activities they regulate existed or occurred prior to the adoption of this Chapter.

C. Nothing in this Chapter is intended, nor shall it be construed, to exempt any cannabis retailer from compliance with any other applicable County zoning and land use regulations or any other applicable provisions of the Calaveras County Code.

D. Nothing in this Chapter is intended, nor shall it be construed, to exempt cannabis retailers from any and all applicable local and State environmental, structure or land use standards or permitting requirements.

E. Nothing in this Chapter shall be construed to authorize any use, possession, cultivation, sale, transfer, transport, or distribution of cannabis or cannabis products in interstate commerce or that

is in violation of State law, Chapter 17.18, Regulation of Commercial and Non-commercial Cannabis Cultivation and Commerce (Except for Cannabis Retailers Pursuant to Chapter 17.17), of this Title.

F. Nothing in this Chapter is intended nor shall it be construed to preclude a landlord from limiting or prohibiting cannabis use, cultivation, retail sales, or other related activities by tenants within the limits of State and local law, whether the cannabis activity is commercial or non-commercial.

G. A separate permit pursuant to this Chapter is required for each premises on which an applicant proposes to own or operate a cannabis retailer within the County, and there shall be no more than one cannabis retailer premises per parcel.

H. Except when citing to various sections or past versions of this Chapter, all references to laws and ordinances shall be interpreted as applying equally to any subsequent amendments made to such laws and ordinances.

17.17.030 Definitions

Unless defined separately in this Chapter, or unless it is apparent from the context that they have a different meaning, all terms shall have the same meaning as they do in Chapter 17.43, Definitions.

A. "Applicant" means a person or entity who has submitted a cannabis retailer Administrative Use Permit in accordance with this Chapter.

B. "Cannabis accessories" shall have the same meaning as it does in B&P Section 26001.

C. "Cannabis products" shall have the same meaning as it does in B&P Section 26001.

D. "Licensed cannabis retailers" means cannabis retailers that have a state-issued "retailer" license as described in B&P Section 26070.

E. "Landowner", "land owner", "parcel owner" or "property owner" means the person or entity identified as the owner on the recorded deed for the parcel.

F. "Permittee" or "permit holder" means a person or entity with an Administrative Use Permit issued under this Chapter.

G. "Premises" shall have the same meaning as it does in B&P Section 26001.

H. "Pre-existing permitted medical cannabis retailers" means cannabis retailers that have been operating as medical cannabis dispensaries under an administrative use permit issued pursuant to the 2005 version of this Chapter.

I. "Self-distribution license" refers to the subtype of 'transport only' distributor license described in 16 C.C.R.§ 5315.

J. "State-issued license" means a license issued by the state under MAUCRSA.

K. "State licensing authority" shall have the same meaning as "licensing authority" as defined in B&P Section 26001.

L. "Type 10 state retailer license" is a state-issued cannabis retailer license for retailers who have storefronts that are open to the public. It is distinguishable from a "Type 9" retailer license, which is issued to non-storefront retailers which are not open to the public and which conduct sales exclusively via delivery.

M. "Validated", in the context of a permit issued under this Chapter, shall mean an action of the Planning Director indicating compliance with all provisions of this Chapter and that an appropriate cannabis license has been issued by the state of California.

17.17.040 Nuisance Declared; Non-compliant Cannabis Retail Activities Prohibited

All cannabis retailers, except as provided in this Chapter, are unlawful in all zoning districts and a public nuisance that may be abated and subject to enforcement pursuant to Section 17.17.130, Enforcement; Fines; Liability to Pay Costs and Fines, and Chapter 8.06, Property Maintenance and Administrative Enforcement Procedures, of the Calaveras County Code, or, without limitation, as otherwise permitted by law.

17.17.050 Cannabis Retailer Administrative Use Permit; General Provisions and Minimum Requirements

A. Before a person or entity initiates operations for a new cannabis retailer the person or entity shall apply to the Planning Department and receive from the County a cannabis retailer Administrative Use Permit, pursuant to Chapter 17.30, Administrative Use Permits, on the terms and conditions set forth in this Chapter. New cannabis retailers shall not begin operations before the Administrative Use Permit is approved and validated.

B. Cannabis retailers shall be located only in the CP (Professional Office) zoning district.

C. Cannabis retailers shall provide separation of one 1,000 feet from the property line from any of the following uses in existence at the time the initial application is deemed complete. The distance shall be measured in a straight line from the property line of the use to the closest property line of the parcel containing the premises.

1. A park.

2. A school providing instruction in kindergarten or any grades one through 12, as defined by Health and Safety Code Section 11362.768(h).

3. A day care center, as defined by Health and Safety Code Section 1596.76, or a family day care home, as defined by Health and Safety Code Section 1596.78.

4. A youth center, as defined by Health and Safety Code Section 11353.1(e)(2).

5. The County Central Library and its branches.

D. The fact that an applicant possesses other types of State or County permits, licenses, or other entitlements does not exempt the applicant from the requirement of obtaining an Administrative Use Permit from the County to operate a cannabis retailer within the jurisdiction of the County.

E. A commercial cannabis retailer shall be limited to the following commercial cannabis activities, and no commercial cannabis activities, other than the following, shall be permitted on a parcel containing a cannabis retailer:

1. Self-distribution of cannabis cultivated on the parcel in compliance with California Code of Regulations, Title 16 Section 5315 and pursuant to a State license.

2. Cannabis cultivation pursuant to a permit issued under Chapter 17.18, Regulation of Commercial and Non-commercial Cannabis Cultivation and Commerce (Except for Cannabis Retailers Pursuant to Chapter 17.17), and pursuant to a conforming State license.

3. Cannabis retail sales pursuant to this Chapter and pursuant to a Type 10 state retailer license.

4. Deliveries in conformance with MAUCRSA for a Type 10 licensee.

F. Non-storefront retailers, as described in California Code of Regulations, Title 16 Section, 5414, are prohibited.

G. No cannabis retailer permit will be issued or renewed for a parcel until the parcel is cleared of all violations described under Chapter 8.06, Property Maintenance and Administrative Enforcement Procedures, of the Calaveras County Code.

17.17.060 Cannabis Retailer Application Requirements; Processing; Changes

A. All applicants for cannabis retailer Administrative Use Permits shall submit a complete application on a form(s) provided by the Planning Director.

B. The Planning Director, in consultation with the Division of Cannabis Control, shall develop criteria for what information and documents shall be submitted to constitute a complete cannabis retailer Administrative Use Permit application but, at a minimum, shall include:

1. Contact information for the permittee and, if different, the landowner.

2. An emergency contact who can be reached on a 24/7 basis and who can quickly provide access to the premises in the event of an emergency.

3. Written landowner consent.

4. A fully executed indemnification agreement as described in Section 17.17.120, Indemnification.

5. The premises diagram submitted to or to be submitted to the state pursuant to California Code of Regulations, Title 16, Section 5006.

6. The operating procedures submitted to or to be submitted to the state as part of the cannabis retailer application pursuant to California Code of Regulations, Title 16, Section 5002, including but not limited to the transportation, inventory, quality control, security, and delivery procedures described in Forms BCC-LIC-015, 016, 017, 018, and 020.

7. Written consent to inspections by enforcement officials, which may be conducted randomly without prior notice or by first notifying the permittee.

8. For an entity applicant or entity landowner, adequate evidence of signature authority.

C. Regardless of whether or not an Administrative Use Permit has already issued pursuant to this Chapter, any changes to the information provided in the application required under this Chapter shall be reported in writing to the Planning Department within three business days.

D. Applications submitted under this Chapter shall be processed pursuant to Chapter 17.30, Administrative Use Permits, and shall be subject to the payment of applicable fees.

E. For the purpose of informing the State that a licensure applicant and their associated premises is eligible to qualify to participate in the County's cannabis retailer program as described in this Chapter, a letter of conditional authorization from the County may be issued by the Planning Department in conjunction with a permit. A letter of conditional authorization is not a substitute for a permit under this Chapter and does not itself authorize any commercial cannabis activities to take place in the County. If the permit is not timely validated, or if it is revoked, the County will issue a subsequent letter rescinding the conditional authorization and informing the State that permittee is no longer eligible to engage in commercial cannabis retailer activities in the County.

F. The burden of proving the accuracy of parcel, premises, or cultivation site boundaries for the purpose of establishing whether or not a parcel, premises, or cultivation site meets the setback, separation, size, or locational requirements, or any other provision of this Chapter for which a determination of parcel, premises, or cultivation site boundaries might be determinative shall be borne by the applicant/permittee and not by the County. In the event of a dispute, evidence sufficient to satisfy the burden of proof shall require, at a minimum, a survey performed by a person licensed to practice surveying in the State.

17.17.070 Validation and Revocation of Cannabis Retailer Administrative Use Permits

A. An Administrative Use Permit for a cannabis retailer and/or self-distribution may be issued by the Planning Department to an eligible applicant with an eligible premise who has not yet received a State license; but the permit will not be validated, and commercial cannabis activities will remain prohibited on the premises, until:

1. The Planning Department receives a copy of the applicant's State retailer and/or transport only self-distribution license for the premises, including any conditions or restrictions imposed by the State, and

2. The Planning Department verifies that all permit eligibility criteria and, if applicable, permit conditions have been met.

B. Permit applications under this Chapter may be denied, and permits issued pursuant to this Chapter may be revoked, for failure to comply with the conditions of project approval and/or with Title 17 of the County Code, including this Chapter, and/or for any of the following reasons:

1. The applicant, after receiving a permit, fails or refuses to inform the County of alterations to the property or operations that would compromise the original permit approval, has submitted false or misleading information as part of the application, fails to comply with the permit conditions, or either fails to obtain or loses through revocation any other required local, County, regional, or State permit or license that is related to the property where the Administrative Use Permit is issued.

2. After issuance of the permit, the County discovers that approving the permit violated a County, State, or local law or regulation, or the permit was otherwise issued in error.

3. Failure to timely pay fees established in this Chapter.

4. Failure to pay the tax as described in Chapter 3.56, Commercial Cannabis Cultivation and Cannabis Wholesale and Retail Activity Tax, of the County Code or to comply with all provisions of that Chapter that apply to the cannabis activities occurring on the parcel.

C. The Planning Director’s written determination shall be served by mail to the last permittee address provided by the permittee, with a statement of factual and/or legal reasons for the determination.

D. If a permit is revoked pursuant to this Section, the Planning Director’s shall notify the State Bureau of Cannabis Regulation pursuant to Business and Professions Code Section 26200 as well as the Calaveras County Sheriff.

E. Revocation of a permit under this Chapter does not in any way operate to limit any existing power of the County to simultaneously or subsequently enforce County ordinances, to abate any and all nuisances, or employ any remedy available at law or equity with respect to the parcel, including

but not limited to the nuisance abatement and enforcement provisions of Title 8, Health and Safety, of the County Code, or Chapter 17.41, Enforcement.

17.17.080 Appeals

The Planning Director's decision on an application for an Administrative Use Permit or renewal of an Administrative Use Permit under this Chapter may be appealed pursuant to Chapter 17.30, Administrative Use Permits.

17.17.090 Operating Restrictions for Cannabis Retailers

A. Administrative Use Permits for cannabis retailers will be issued with specific premises indicated on the permit, with the same boundaries as the premises for which the State retailer license is issued.

B. The permitted premises shall, at all times, be in full compliance with MAUCRSA, State regulations implementing MAUCRSA, and all conditions of the permittee's state commercial cannabis license for the same premises.

C. All owners and workers, as these terms are defined in Chapter 9.22, Cannabis background Clearance Badge, of the County Code, shall have and maintain a current, valid cannabis background clearance badge whenever engaging in any commercial cannabis activity on the premises and shall comply with all provisions of Chapter 9.22, of the County Code.

D. The parcel on which the cannabis retailer is located shall remain in compliance with all applicable laws and regulations.

E. Permittees shall not sublet any portion of the permitted premises.

F. A cannabis retailer shall at all times be operated in such a way as to ensure the health and safety of employees, independent contractors, vendors, distributors, visitors, customers, neighboring property owners, and end users of cannabis and to safeguard against the diversion of cannabis across State lines or to any other market or end user deemed unlawful under MAUCRSA.

G. A cannabis retailer shall have and maintain at all times a current, valid Type 10 state license in good standing. Permittees shall have a continuing duty to notify the Planning Department and the Calaveras County Sheriff within three business days of:

   1. Any modification of their State-issued commercial cultivation license or of any denial, suspension, revocation, or non-renewal of the license.

   2. Any modification to any of the information provided in the application materials provided to the Planning Department pursuant to Section 17.17.060, Cannabis Retailer Application Requirements; Processing; Changes.

H. Any citation issued to a retailer under B&P Section 26134, or any seizure of cannabis or cannabis products from a retailer under B&P Section 26135, shall be reported to the Planning Department and the Calaveras County Sheriff within three business days of the permit holder receiving the citation.

I. Permittees shall notify the Calaveras County Sheriff's Office of any theft, loss, or criminal activity as required under California Code of Regulations, Title 16, Section 5036.

J. The operator shall provide the name, physical address, mailing address, contact phone number and written consent, on a form provided by the Planning Department, of a willing, competent, adult individual who permanently resides within 30 miles of the site to serve as a 24 -hour emergency contact for law enforcement, fire, utility, and County personnel and who has the means and authorization to provide these personnel access to the site in an emergency. Changes to this contact person and/or information shall be reported in writing to the Planning Department within three business days of any change.

K. The permit holder shall possess and maintain a current, valid Business License issued by the County pursuant to Title 5, Business Taxes, License and Regulations, of the Calaveras County Code.

L. The permit holder shall not allow cannabis in any form to be smoked, ingested, vaped, or otherwise consumed on the premises of the retailer.

M. Pursuant to B&P Section 26160(c), the permit holder shall comply with any request by a County enforcement official to inspect the premises or the records of the retailer.

N. The permit holder shall secure the premises in accordance with the security plan submitted to and approved by the state as part of his/her/its licensure application, a copy of which shall be submitted to the Calaveras County Sheriff.

O. The retailer and any cannabis cultivation on the parcel shall be in a lawful, permitted structure(s) that is enclosed by four walls and a roof, and which has window coverings or screens that reasonably prevent all cannabis and cannabis products from being viewed by members of the public present on public roads, public lands, or public properties.

P. The permit holder shall not, without the written pre-approval of the Planning Director (and, as required by law, the State licensing body), materially or substantially change or alter the premises, the usage of the premises, or the mode or character of business operation conducted from the premises. A "material or substantial" physical change to or change in use of the premises shall include, but not be limited to, a substantial increase or decrease in the total area of the licensed premises previously diagrammed, or any other physical modification resulting in substantial change in the mode or character of business operation. Should a modification or alteration require a change to the permit holder's state license, the revised license shall be provided to the Planning Director within three business days of its issuance.

Q. Any armed security personnel employed by the permittee to patrol the parcel shall be registered by the California Bureau of Security and Investigative Services. Notice that armed security is or will be employed on the parcel shall be provided to the Calaveras County Sheriff.

R. If the Planning Department receives a written revocation of landowner consent to a cannabis retailer permit, the Planning Department shall send written notice to the permittee at the mailing address provided on the permit application. The cannabis retailer permit shall be automatically revoked 30 days after the Planning Department mails this notice.

S. A permit holder shall not engage in interstate commerce as it relates to cannabis and shall be in compliance with State law and Chapter 17.18, Regulation of Commercial and Non-commercial Cannabis Cultivation and Commerce (Except for Cannabis Retailers Pursuant to Chapter 17.17).

17.17.100 Pre-Existing Permitted Medical Cannabis Retailers

A. Pre-existing permitted medical cannabis retailers may continue to engage in all medical cannabis activities allowed under that permit until it expires, so long as the activities are in full compliance with State law.

B. In order to continue cannabis sales and, if applicable, cultivation after expiration of a pre-existing medical cannabis dispensary permit, retailers shall comply with the terms of this Chapter.

C. Before the expiration of their current Administrative Use Permits, pre-existing permitted medical cannabis retailers may apply under this Chapter for modified Administrative Use Permits to engage in the broader range of retail cannabis activities allowed under the current version of this Chapter, including retail sales of non-medical cannabis. Any pre-existing Administrative Use Permits shall expire as of the date of the validation of the new Administrative Use Permits.

17.17.110 Cannabis Cultivation and Self-Distribution on Same Parcel as Cannabis Retailer

A. Cultivation.

1. No commercial cannabis cultivation shall occur on a parcel containing a cannabis retailer without the cannabis retailer also obtaining and maintaining a separate commercial cannabis cultivation permit under Chapter 17.18, Regulation of Commercial and Non-commercial Cannabis Cultivation and Commerce (Except for Cannabis Retailers Pursuant to Chapter 17.17). The cultivation shall occur on a premises that is separated from the retail premises by walls in accordance with State law. The cannabis cultivation premises must always comply with Chapter 17.18, Regulation of Commercial and Non-commercial Cannabis Cultivation and Commerce (Except for Cannabis Retailers Pursuant to Chapter 17.17).

2. To continue any cannabis cultivation activities on the parcel after the expiration of their current permit, pre-existing permitted medical cannabis retailers must file a complete application for a commercial cultivation permit pursuant to Chapter 17.18, Regulation of Commercial and Non-commercial Cannabis Cultivation and Commerce (Except for Cannabis Retailers Pursuant to Chapter 17.17). If the commercial cultivation permit is denied or revoked, all cultivation shall cease on the parcel.

B. Self-Distribution. A person or entity who receives a commercial cannabis cultivation permit under Chapter 17.18, Regulation of Commercial and Non-commercial Cannabis Cultivation and Commerce (Except for Cannabis Retailers Pursuant to Chapter 17.17), and who also receives a state self-distribution license as described in California Code of Regulations, Title 16, Section 5315, may engage in the activities allowed under the self-distribution license so long as these activities involve only that cannabis lawfully cultivated pursuant to the applicant's County cannabis cultivation permit.

17.17.120 Indemnification

As a condition of issuing a permit pursuant to this Chapter, the applicant and, if different, the parcel owner shall execute a standard agreement provided by the County to defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding brought against the County, its agencies, boards, Planning Commission or Board of Supervisors arising from the County's review and issuance of a permit for the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the County, its agents, officers, and employees in connection with such action.

17.17.130 Enforcement; Fines; Liability to Pay Costs and Fines

A. Inspections of the premises shall be conducted by County enforcement officials at least yearly, and may be conducted randomly, without prior notice, or by first notifying the permittee. The county may conduct additional inspections if determined necessary by enforcement officials. Inspections may continue to be conducted after denial of an application and during the pendency of any appeals to ensure compliance with the provisions of the Chapter.

B. Any commercial cannabis retail activity, except as authorized pursuant to this Chapter, shall be a misdemeanor that shall be subject to injunction, abatement or any other administrative, criminal or civil remedy available to the County under applicable State and County laws, including but not limited to Government Code Sections 25845 and 53069.4, Business and Professions Code Section 26038, and Chapters 8.06, Property Maintenance and Administrative Enforcement Procedures, of the County Code, and Chapter17.30, Administrative Use Permits.

C. Each person or entity violating this Chapter shall be liable for a separate violation for every day during which a storefront is open for retail business or delivery service is available after a notice of violation and order to abate is served upon the property owner and/or the person or business entity responsible for the violation.

D. The operator of the illegal retailer and the owner(s) of the parcel on which the violation is found to exist shall be jointly and severally liable for all administrative costs and actual abatement costs incurred by the County in enforcing the provisions of this Chapter.

E. In addition to costs of administrative enforcement and costs of abatement incurred by the County in enforcing this Chapter, any person or business entity, and property owner that has been served a notice of violation and fails to comply with an order to abate shall be assessed a fine in the amount of 1,000 dollars per day.

F. Nothing herein shall be read, interpreted, or construed in any manner to limit any existing right or power of the County to enforce County ordinances and regulations, to abate all nuisances, or to employ any remedy available at law or equity.

G. Notwithstanding the fact that this Chapter involves retailer premises rather than cultivation premises, citations for violations of this Chapter may be issued and served in accordance with the expedited cannabis cultivation enforcement procedures under Section 8.06.700, Alternative Notice of Violation, Citation, and Appeal Procedure for Violations Related to Cannabis Cultivation On a Property; Establishment of Office of County Hearing Officer, et seq. of the Count Code, and these expedited procedures shall apply to violations of this Chapter.]

H. Issuance of a warning shall not be a requirement prior to enforcement of any provision of this Chapter.

17.17.140 Fees

The County may impose by Board of Supervisors resolution such fees as are reasonably necessary to recoup the County's cost in administering and implementing the provisions of this Chapter, including, but not limited to capital expenses and staff costs for processing applications, issuing permits, administrative adjudication of staff decisions, and administrative enforcement.

Chapter 17.18 Regulation of Commercial and Non-commercial Cannabis Cultivation and Commerce (Except for Cannabis Retailers Pursuant to Chapter 17.17)

17.18.010 Purpose and Intent

A. It is the purpose and intent of this Chapter to allow limited regulated cannabis cultivation and other commercial cannabis activities, the goal being to preserve the public peace, health, safety, and general welfare of the citizens of Calaveras County and the environment while retaining the ability of cannabis consumers to have access to cannabis in the County.

B. It is also the purpose and intent of this Chapter to develop reasonable regulations to prevent commercial cannabis cultivation in higher-density residential zones and to minimize its impact on residents but to also provide those state-compliant commercial medical cannabis cultivators who complied with the May 10, 2016 version of this Chapter an opportunity to apply for a commercial cannabis cultivation permit under this current Chapter and, if necessary, to either apply for compatible zoning districts for their parcels, relocate to available parcels with compatible zoning, or transfer their permit or right to apply for their permit to another qualified person or entity with an eligible and compliant site.

C. It is also the purpose and intent of this Chapter to reduce conditions that create public nuisances by enacting regulations including, without limitation, restrictions as to location, type, size, and operation of cannabis cultivation premises to more effectively control the adverse impacts on County residents and the environment associated with cannabis cultivation and other commercial cannabis activities.

D. It is also the purpose and intent of this Chapter to develop reasonable regulations for non-commercial cannabis cultivation protected under State law to preserve the public peace, health, safety, and general welfare of the citizens of the County and the environment.

E. It is also the purpose and intent of this Chapter to promote a robust and well-regulated cannabis industry in Calaveras County by regulating the testing, and distribution of cannabis and cannabis products.

F. Any ambiguity in this Chapter should be construed in whatever manner best effectuates this intent.

G. Except when citing to various sections or past versions of this Chapter, all references to laws and ordinances shall be interpreted as applying equally to any subsequent amendments made to such laws and ordinances.

17.18.020 Definitions

Unless the context clearly indicates a different meaning, the definitions in this Section are intended to apply to this Chapter only. Any term which is not specifically defined for purposes of this Chapter shall have the definition, if any, provided by Title 17 of the Calaveras County Code or elsewhere within the County Code.

A. "A-type" has the same meaning as "A-license" in B&P § 26001.

B. "Accessory use" or "accessory" has the same meaning as in County Code Chapter 17.43.

C. "Adoption of this Chapter" means the day on which the Board of Supervisors votes to adopt this Chapter.

D. "Applicant" means a person who has submitted an application for a cannabis activity permit pursuant to this Chapter.

E. "B&P" means California Business and Professions Code.

F. "Cannabis" shall have the same meaning as it does in B&P § 26001. "Cannabis" shall also include "cannabis products" as defined in B&P § 26001, which includes both "edible cannabis products" as defined in B&P § 26001 and topical cannabis, meaning a cannabis product that is applied to the skin.

G. "Cannabis activity permit" means a permit issued under this Chapter authorizing cannabis commerce in the form of distribution or testing, or a permit authorizing cannabis cultivation, each as defined and provided for in this Chapter.

H. "Cannabis distribution" shall have the same meaning as "distribution" in B&P § 26001.

I. "Cannabis manufacturing" shall have the same meaning as "manufacture" in B&P § 26001.

J. "Cannabis processing" shall have the same meaning as "processing" in 3 CCR § 8000.

K. "Canopy" shall have the same meaning as it does in 3 CCR § 8000 except that it shall also apply to immature cannabis cultivated by nurseries.

L. "Carbon dioxide equivalent" or "CO2e" means the number of metric tons of CO2 emissions with the same global warming potential as one metric ton of another greenhouse gas, and is calculated using Equation A-1 in 40 CFR Part 98.

M. "Caregiver" or "primary caregiver" shall have the same meaning as it does in H&S § 11362.7.

N. N. "CCR" means California Code of Regulations.

O. "Child resistant" shall have the same meaning as it does in B&P § 26001.

P. "Clerk" shall mean, unless otherwise specified, clerk of the office of county hearing officer.

Q. "Code" or "County Code" means the Calaveras County Municipal Code.

R. "Co-location" means multiple premises on a single parcel.

S. "Commercial cannabis activity," or "cannabis activity," refers to the cultivation, manufacture, distribution, laboratory testing, transport, storage, possession, processing, labeling, dispensing, sale, or other activities involving cannabis that are subject to state licensure under the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), state regulations implementing MAUCRSA, and their subsequent amendments.

T. "Cannabis cultivation permit" or "cultivation permit" means a permit issued under this Chapter to state-licensed commercial cannabis premises within the county, thereby allowing the cultivation to occur at that location by an applicant.

U. "Costs of enforcement" or "enforcement costs" means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts required pursuant to the enforcement of this Chapter, which include but are not limited to: Administrative overhead, salaries and expenses incurred by county officers and enforcement officers, site inspections, investigations, evidence storage, notices, telephone contacts and correspondence, as well as time expended by county staff in calculating the above expenses. The costs also include the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from any decision rendered by any hearing body, hearing officer or court, the costs of executing an abatement warrant, and all costs associated with removing, correcting or otherwise abating any violation, including costs of collecting administrative penalties of this Chapter.

V. "County" means the county of Calaveras.

W. "Cultivation" shall have the same meaning as it does in B&P § 26001, whether referring to commercial or non-commercial cannabis.

X. "Cultivation activity" means activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, whether referring to commercial or non-commercial cannabis.

Y. "Cultivation site" shall have the same meaning as it does in 3 CCR § 8000.

Z. "Delivery" shall have the same meaning as it does in B&P § 26001.

AA. "Dispensing," "dispensary," or "cannabis dispensary" refers to the premises from which a cannabis retailer, as defined in B&P § 26070, conducts commercial activities related to the retail sales and delivery of cannabis, as well as the actions involved in conducting such activities. "Cannabis dispensary" also has the same meaning as it does in Chapter 17.43 of the Calaveras County Code.

BB. "Distribution" shall have the same meaning as it does in B&P § 26001.

CC. "Distributor permit" or "cannabis distributor permit" shall mean and refer to a local permit issued under this Chapter authorizing distribution of cannabis under a state license. This permit type is distinct from the authorization provided in Section 17.18.050.E for activities allowed under a state issued self-distribution license as described in 16 CCR § 5315(c). A county issued Distributor Permit may be "general" (allowing the full scope of activities the state allows under a Type 11 license), "transport only" (allowing the full scope of activities the state allows under a Type 13 license) or "limited" (as further described in Section 17.18.050.F.8, authorizing the full scope of activities the state allows under a Type 11 license but restricting the permittee to distribution only of his/her own cannabis cultivated under a separate cultivation permit.

DD. "Distributor" shall have the same meaning as it does in B&P § 26070.

EE. "Division of cannabis control" shall mean the county Division of Cannabis Control charged with implementation of this Chapter.

FF. "Dwelling," for purposes of this Chapter, means a building intended for human habitation that has been legally established, permitted, constructed, and for which a certificate of occupancy has been issued as a single-family or multi-family dwelling.

GG. "Effective date" means the date on which the ordinance adopted by the Board of Supervisors goes into effect pursuant to the Government Code § 25123. However, "effective date," when referring to a fee, means the date on which the fee is in effect and can be collected pursuant to Government Code § 66016 et seq.

HH. "Enforcement officer" or "enforcement official" means a County Code Enforcement Officer, the County Agricultural Commissioner, the County Sheriff, or a department head who is authorized by County Code to enforce this Title or other title of the Calaveras County Code, or the authorized deputies or designees of any of these officials, each of whom is independently authorized to enforce this Chapter.

II. "H&S" means California Health and Safety Code.

JJ. "Immature" has the same meaning as it does in 3 CCR § 8000.

KK. "Indoor cultivation" shall have the same meaning as it does in 3 CCR § 8000.

LL. "Labeling" shall have the same meaning as it does in B&P § 26001.

MM. "Land disturbance" shall have the same meaning as it does in Attachment A to the State Water Resources Control Board's Cannabis Cultivation Policy.

NN. "M-type" shall have the same meaning as "M-license" in B&P § 26001.

OO. "Manufacture" or "manufacturing," when referring to medical cannabis, has the same meaning as it does in B&P § 26001.

PP. "Mature" has the same meaning as it does in 3 CCR § 8000.

QQ. "MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

RR. "Medical cannabis" shall have the same meaning as "medicinal cannabis" as defined in B&P § 26001.

SS. "Minor" or "minors" means a person or people under twenty-one years of age. "Minor" or "minors" does not include a person or people between eighteen and twenty years of age who use medical cannabis in compliance with the Compassionate Use Act (CUA), Medical Marijuana Program Act (MMPA), and MAUCRSA.

TT. "Mixed-light cultivation" shall have the same meaning as it does in 3 CCR § 8000.

UU. "Multi-family dwelling" is a "dwelling" containing multiple private residences.

VV. "Non-commercial cannabis" or "non-commercial," as used in this Chapter, refers to any cannabis cultivation within the restrictions of Section 17.18.050.C.

WW. "Non-medical cannabis" refers to all cannabis that is not "medical cannabis".

XX. "Nursery," when referring to cannabis, shall have the same meaning as it does in 3 CCR § 8000.

YY. "Outdoor cultivation" shall have the same meaning as it does in 3 CCR § 8000.

ZZ. "Owner," or "landowner" when referring to the owner of the parcel, means the person(s) identified as the owner on the recorded deed for the parcel.

"Owner," when referring to a person holding an ownership interest in a cannabis operation, shall have the same meaning as it does in B&P § 26001.

AAA. "Parcel" means any unit of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with § 66410 of the Government Code).

BBB. "Park" means a parcel or parcels of land owned and operated by a public agency, fraternal organization, or non-profit organization, which contains an outdoor area that is open to the public and devoted to recreational uses such as sports fields, picnic areas, and playgrounds.

CCC. "Permittee" means a person that has been issued a permit under this Chapter to engage in a cannabis activity within the unincorporated areas of Calaveras County.

DDD. "Person" means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group, combination, or business entity acting as a unit, whether organized as a non-profit or for-profit entity, and includes the plural as well as the singular number.

EEE. "Personal cultivation" means that cultivation of cannabis for personal use that is allowed under MAUCRSA and the provisions of this Chapter.

FFF. "Plant" has the same meaning as "live plants" in B&P § 26001 and its subsequent amendments.

GGG. "Possessing" or "possession," when referring to cannabis, has the same meaning as it does for purposes of the Health and Safety Code.

HHH. "Premises" has the same meaning as it does in B&P § 26001.

III. "Primary caregiver" shall have the same meaning as it does in H&S § 11362.7.

JJJ. "Private residence" means a "dwelling" as defined in this Chapter; or an individual unit of a multi-family dwelling; or a temporary dwelling as provided in Chapter 17.23 of the County Code to the extent it houses victims eligible for relief due to a currently declared disaster.

KKK. "Processor" shall have the same meaning as it does in 3 CCR § 8201.

LLL. "Retailer" shall have the same meaning as it does in B&P § 26070.

MMM. "Security fencing" means fencing at least six feet in height with a lockable gate that is reasonably designed and installed to prevent unauthorized entry by trespassers and children. Security fencing made of plastic material shall not be penetrable by a knife.

NNN. "Separation" means the horizontal distance that is required between a cultivation site or parcel and the parcel boundary of a sensitive use, as required in Section 17.18.090.Q.

OOO. "Setback" means the horizontal distance that is required between a cannabis cultivation site and the nearest property line of a parcel that is not owned or leased by the permittee.

PPP. "State" means the state of California.

QQQ. "State license," shall mean a state license issued pursuant to California Business and Professions Code Section 26000 et seq.

RRR. "Testing" or "laboratory testing," when referring to cannabis, has the same meaning as "testing laboratory" as defined in B&P § 26001.

SSS. "Testing permit," or "cannabis testing permit," shall mean a local permit issued under this Chapter authorizing testing of cannabis under a state license.

TTT. "Total canopy area" means the gross area of all canopy on the premises.

UUU. "Transport," "transporting," or "transportation," refers to the transporting of cannabis and cannabis products between holders of state-issued licenses under MAUCRSA.

VVV. "Utility-provided water" means water service provided to the parcel by a water district or similar entity providing water from a surface or ground water source and regulated by the state of

California or the county of Calaveras. It does not mean an entity that uses vehicles to transport water to a property.

WWW. "Validated" means the Division of Cannabis Control has determined and noted on the commercial cannabis activity permit that a permittee has met all permit conditions to the point where commercial activities may commence or be re-activated on the premises as described in Section 17.18.080. With respect to use permits, it also refers to the permit validation process described in Chapter 17.27 of the County Code.

17.18.030 Relationship to Other Local and State Laws

A. It is intended that the provisions of this Chapter will supersede any other provisions of the Calaveras County Code found to be in conflict and shall apply regardless of whether the activities existed or occurred prior to the adoption of this Chapter.

B. For the purpose of informing the applicable state agencies that a licensure applicant and their associated premises are eligible to participate in the County's cannabis cultivation and commerce program as described in this Chapter, a letter of conditional authorization from the County shall be issued by the Division of Cannabis Control if the applicant currently meets all eligibility criteria in Section 17.18.050.D except for subsections 8 and 9 for cultivation and Section 17.18.050.F, except for subsections 3 and 4 for testing and distribution. A letter of conditional authorization is not a substitute for a permit under this Chapter and does not itself authorize any commercial cannabis activities to take place in the County. If the permit is not timely validated, or if it is revoked, the County will issue a subsequent letter rescinding the conditional authorization and informing the State that permittee is no longer eligible to participate in the commercial cannabis cultivation or commerce activity in the County.

C. Nothing in this Chapter is intended nor shall it be construed to preclude a landlord from limiting or prohibiting cannabis cultivation, smoking, or other related activities by tenants within the limits of State and local law, whether the cannabis activity is commercial or non-commercial. If the Division of Cannabis Control receives a written revocation of landowner consent to a commercial cannabis activity permit, the Planning Department shall send written notice to the permittee at the mailing address provided on the permit application. The commercial cannabis activity permit shall be automatically revoked 30 days after the Planning Department mails this notice.

D. No cannabis cultivation activity or premises (or any portion thereof) shall be deemed "agriculture," "agricultural," "agriculturally," "agribusiness," "agritourism," "farm," or "farming" for any purpose in which these words are used—either alone or in conjunction with other words or phrases—in any portion of Titles 6, 14, 15, 16, or 17 of the Calaveras County Code except as expressly provided in

this Chapter. In addition, no cannabis cultivation premises shall be deemed a "home occupation" as that term is used in this Title 17.

E. Cannabis cultivation shall not form the basis for any person to apply with the County to enter into a Williamson Act contract pursuant to California Government Code Section 51200 et seq.; however, a landowner who otherwise qualifies for a Williamson Act contract due to another qualifying agricultural operation on the property at issue shall not be denied a Williamson Act contract solely because cannabis is also cultivated on the property.

F. The burden of proving the accuracy of parcel, premises, or cultivation site boundaries for the purpose of establishing whether or not a parcel, premises, or site at which a cannabis activity will be conducted meets the setback, separation, size, or locational requirements, or any other provision of this Chapter for which a determination of parcel or cultivation site boundaries might be determinative shall be borne by the applicant/permittee and not by the County. In the event of a dispute, evidence sufficient to satisfy this burden of proof shall require, at a minimum, a survey performed by a person licensed to practice surveying in the State of California.

17.18.040 Nuisance Declared; Cannabis Cultivation and Commercial Cannabis Activities Prohibited

All cannabis cultivation and all commercial cannabis activities, except as provided in Section 17.18.050, Allowable Cannabis Activities, as well as other standards of this Chapter, are unlawful in all zones and a public nuisance that may be abated and subject to enforcement pursuant to Section 17.18.160, Enforcement; Fines; Liability to Pay Costs and Fines, and Chapter 8.06, Property Maintenance and Administrative Enforcement Procedures, of the County Code. This Section shall not affect the right to use or possess cannabis as authorized by State law.

17.18.050 Allowable Cannabis Activities

The following cannabis activities are allowed:

A. Dispensaries/retailers. A lawful, permitted cannabis dispensary (retailer) operating in compliance with MAUCRSA and Chapter 17.17, Cannabis Retailers.

B. Transportation by State-licensed out-of-county distributors to and from locally permitted cannabis dispensaries and commercial cannabis cultivators.

1. The lawful transportation of cannabis by an out-of-county licensed cannabis distributor (holding a current, valid Type 11, Type 12, or Type 13 license or similar temporary or provisional license pursuant to MAUCRSA) to or from a State-licensed and locally permitted

cannabis dispensary (retailer) in compliance with MAUCRSA and with Chapter 17.17, Cannabis Retailers.

2. The lawful transportation of cannabis by an out-of-county licensed cannabis distributor (holding a current, valid Type 11, Type 12, or Type 13 license or similar temporary license pursuant to MAUCRSA) to or from a State-licensed and locally permitted cannabis cultivation premises in compliance with MAUCRSA and this Chapter.

C. Non-Commercial Cannabis Cultivation. The non-commercial cultivation of non-medical cannabis by person(s) aged 21 or older, or the non-commercial cultivation of medical cannabis by person(s) aged 18 years or older in compliance with state law is exempt from the permit requirements of this Chapter, provided that such cultivation complies with State law and with all the following requirements:

1. Not more than six live cannabis plants may be cultivated per private residence, regardless of:

   a. Whether the cannabis is medical or non-medical;

   b. Whether the cannabis is grown inside the private residence or in an accessory structure thereto or outdoors on the grounds of a residence;

   c. The size or maturity of the plant(s); or

   d. The number of non-medical users, medical users, or primary caregivers residing together in the private residence.

2. An outdoor non-commercial cannabis cultivation site shall be set back a minimum of 75 feet from the closest property line separating parcels that are not contiguously owned.

3. Indoor non-commercial cannabis cultivation sites shall be in full compliance with all other applicable requirements of the County Code, the lighting requirements of Section 17.18.090, Commercial Cannabis Cultivation Operating Restrictions, California Building Standards Code, and applicable State laws and local fire district ordinances.

4. No cultivation is permitted within the common areas of a multi-unit dwelling, residential development, mobile home park, or similar residential arrangement.

5. The cannabis plants and any cannabis produced by the plants shall be kept in a space fully enclosed by security fencing or a structure, and securely locked, using a child resistant lock, in a manner designed to reasonably prevent access to the cannabis by trespassers and children. The plants shall not be visible by normal unaided vision from a public place, as required by Health and Safety Code Section 11362.2.

6. There shall be at least one dwelling as defined in this Chapter (or a temporary dwelling as provided in Chapter 17.23, Post-Disaster Recovery, on any parcel on which non-commercial cannabis is cultivated.

7. Each person cultivating non-commercial cannabis shall maintain their residence in a dwelling on the parcel on which the cultivation occurs.

D. **Commercial Cannabis Cultivation.** The commercial cultivation of cannabis by applicants who meet all the following criteria:

1. The applicant:

   a. Timely submitted an application for commercial cannabis cultivation registration under the terms of the May 10, 2016 version of this Chapter, or held a medical cannabis dispensary use permit under Chapter 17.17, Cannabis Retailers, as enacted in 2005;

   b. Did not withdraw the application or have it denied or revoked by the County;

   c. Applied for a temporary cultivation license from the state by June 7, 2018 for the cultivation site identified in Section 17.18.050.D.1(a), and either received that license or was denied the license only because of the County's subsequent cultivation ban; and

   d. Never had the temporary license for that premises suspended or revoked by the State.

2. The applicant, if applying for an outdoor or mixed-light cultivation permit, owns a parcel or contiguous parcels, or leases all or part of a parcel on which they apply to cultivate, conforming to the following requirements:

Zone	*Parcel Size*	*Permit Type*	*Allowable State License Types (Can be A-Type or M-Type)*
A1, AP, GF	20+ acres	Ministerial Cannabis Cultivation Permit Max per permit: 1 acre of total canopy area for outdoor cultivation, or 22,000 sq. ft. of total canopy area for mixed light cultivation, per 20 acres.	• Specialty Cottage Outdoor • Specialty Cottage Mixed Light (Tiers 1 and 2) • Specialty Outdoor • Specialty Mixed Light (Tiers 1 and 2) • Small Outdoor • Small Mixed Light (Tiers 1 and 2) • Medium Outdoor • Medium Mixed Light (Tiers 1 and 2) • Processor • Nursery

Zone	*Parcel Size*	*Permit Type*	*Allowable State License Types (Can be A-Type or M-Type)*
RA	20+ acres	Ministerial Cannabis Cultivation Permit (Max: 1 Per Parcel)	Same as above
A1, AP, GF, RA	10—19.99 acres	Conditional Use Permit per Chapter 17.31 AND Ministerial Cannabis Cultivation Permit (Max: 1 Per Parcel)	Same as above

3. The applicant, if applying for an indoor cultivation permit, owns or leases a parcel conforming to the following requirements:

Zone	*Parcel Size*	*Permit Type*	*Allowable State License Types (Can be A-Type or M-Type)*
A1, AP, GF, RA	Same as above		• Specialty Cottage Indoor • Specialty Indoor • Small Indoor • Processor
M1, M2, M4	Any	Ministerial Cannabis Cultivation Permit (Up to 5 permits per parcel)	• Specialty Cottage Indoor • Specialty Indoor • Small Indoor • Processor
CP (Only if permittee is also a permitted retailer pursuant to Chapter 17.17 and premises are located on same parcel as the permittee's retail operation)	Any	Ministerial Cannabis Cultivation Permit (No co-location)	• Specialty Cottage Indoor • Specialty Indoor • Small Indoor

4. The applicant has and maintains notarized written landowner consent to engage in commercial cannabis cultivation activities on the parcel.

5. The applicant has never owned or leased a parcel at a time when cannabis was eradicated from it by the County pursuant to a warrant issued by the Superior Court.

6. The applicant has never:

   a. Received a citation from the County for unlawful cultivation pursuant to Section 8.06.700, of the County Code, or

b. Provided written consent for some other person or entity to cultivate cannabis on a parcel owned or co-owned by the applicant, followed by that other person or entity receiving a citation from the County for unlawful cultivation pursuant to Section 8.06.700, of the County Code.

c. This does not apply if the person or entity who received the citation was subsequently exonerated by the County or an appropriate appellate authority.

7. The person or entity is not delinquent in paying any County taxes, fees, or penalties due on any commercial cannabis activity within the County.

8. The person or entity applies for and receives the appropriate type of commercial cannabis cultivation permit required under this Chapter.

9. The person or entity has and maintains a County Business License for the premises.

10. The person or entity and the premises are and remain in compliance with all applicable provisions of the County Code.

11. The person or entity is and remains in compliance with all applicable provisions of MAUCRSA and all applicable State regulations implementing MAUCRSA.

12. The premises are able to meet the operating restrictions described in Section 17.18.090, Commercial Cannabis Cultivation Operating Restrictions, for the type of permit applied for.

13. If cultivating indoors on a parcel with zoned Professional Office (CP), the person or entity has a current, valid permit pursuant to Chapter 17.17, Cannabis Retailers, and is and remains in compliance with all provisions of that Chapter.

14. The number of cultivation permits any one person or entity may apply for under this Chapter shall be restricted to the number of premises for which that person or entity met the criteria described in Section 17.18.090, Commercial Cannabis Cultivation Operating Restrictions, except that:

a. The person or entity may transfer some or all their rights to apply as described in this Section to a successor-in-interest who qualifies, and whose premises qualifies, with all provisions of this Chapter except for Section 17.18.090, Commercial Cannabis Cultivation Operating Restrictions; or

b. The person or entity may acquire additional rights to apply from those who have them but do not wish to exercise them; and

c. The applicant shall have the burden of establishing to the satisfaction of the Division of Cannabis Control how many premises he/she/it has a right to apply for pursuant to this Section.

15. Any person who meets the eligibility criteria under Section 17.18.050.D or who has acquired eligibility pursuant to Section 17.18.050.D.14 or Section 17.18.100 may, in addition to applying for these permit types, also apply for one cannabis processor permit from the Division of Cannabis Control.

16. Any unexercised right to apply for a cultivation permit, whether held by an applicant who meets the eligibility criteria under Section 17.18.050.D.1 or an applicant who has acquired eligibility pursuant to Section 17.18.050.D.14, that has not been utilized as part of a complete application submitted under Section 17.18.060 on or before October 22, 2024, shall expire as of that date. This sunset date does not affect any other portion of Chapter 17.18, now or as may be amended, including but not limited to transfer of permits (Section 17.18.100), alterations or expansion of premises (Section 17.18.110), relocation of permitted premises or changes to parcel boundaries (Section 17.18.120).

E. Self-Distribution of Commercial Cannabis.

1. A person who receives a commercial cannabis cultivation permit under this Chapter, and who also receives a state self-distribution license as described in 16 C.C.R. § 5315, may engage in the activities allowed under the self-distribution license so long as these activities involve only that cannabis lawfully cultivated pursuant to the applicant's County cannabis cultivation permit.

2. The premises for which the state self-distribution license is obtained shall be located on the same parcel for which a County commercial cannabis cultivation permit has been issued.

3. Self-distribution activities may only be conducted by a permittee whose commercial cannabis cultivation permit has been and remains validated.

4. A permittee engaging in self-distribution activities as provided in this Section shall provide to the Calaveras County Sheriff all transport vehicle information to the full extent that it shall be provided to the state under 16 C.C.R. § 5312.

5. A permittee engaging in self-distribution activities as provided in this Section shall comply with all transport personnel requirements of California Code of Regulations, Title 16, Section 5313 and with all shipping manifest requirements of California Code of Regulations, Title 16, Section 5314.

6. A permittee engaging in self-distribution activities as provided in this Section shall comply with all transport personnel requirements of 16 C.C.R. § 5313 and with all shipping manifest requirements of 16 C.C.R. § 5314.

F. Testing or Distribution of Commercial Cannabis Cultivation. The testing and distribution of cannabis by applicants who meet all of the following criteria:

1. The applicant owns or leases a parcel conforming to the following requirements:

Use	*Zone*	*Permit Type*	*Allowable State License Types (Can be A-Type or M-Type)*
Testing			
	M1, M2, M4	Ministerial Cannabis Testing Permit	8
Distribution (Transport Only)			
	M1, M2, M4	Ministerial Cannabis Distributor Permit	13
Distribution (general)	M1	CUP	11
	M2, M4	AUP	11
Distribution (limited to own cannabis in conjunction with a commercial cannabis cultivation permit)	A1, AP, GF, RA, CP (with a retailer permit)	Ministerial Cannabis Activity Permit	11

2. The premises utilized for cannabis testing and/or distribution meets the separation requirements set forth in Section 17.18.090.Q, with the terms "testing" or "distribution" substituted for "cultivation" for purposes of this Subsection.

3. The person applies for and receives the appropriate type of commercial cannabis distributor or testing permit required under this Chapter.

4. The person has and maintains a county business license for the premises.

5. The person and the premises are and remain in compliance with all applicable provisions of the County Code.

6. The person is and remains in compliance with all applicable provisions of MAUCRSA and all applicable state regulations implementing MAUCRSA.

7. The premises are able to meet the operating restrictions described in Section 17.18.080 for the type of permit applied for.

8. A limited distributor permit may be issued on parcels zoned A1, AP, GF, RA, and CP only under the following circumstances:

a. A commercial cannabis cultivation permit has been issued and validated by the County on the same parcel for which the limited distributor permit application has been made.

b. Distribution is limited to the cannabis cultivated on the same parcel or on an adjacent parcel or parcels by the same permittee who has applied for the distributor permit.

c. The limited distribution premises shall meet the setback requirements of [Section] 17.18.090.I.

d. Notwithstanding subsections a. and b., if a limited distributor has permits for additional cannabis cultivation sites in the County, the limited distributor may engage in limited distribution activities between all of his/her sites under a single limited distribution permit.

9. No more than five general distribution permits will be issued by the County at any one time. Applications will be processed on a first-come, first-served basis pursuant to an application process developed by the Division of Cannabis Control.

17.18.060 Commercial Cannabis Activity Permit Application

A. All applicants for a cannabis activity permit pursuant to this Chapter shall submit a complete application on a form(s) developed by the County's Division of Cannabis Control. The Division of Cannabis Control shall develop criteria for what information and documents shall be submitted to constitute a complete application for a commercial cannabis activity permit, but at a minimum, the application shall conform to the requirements of this Section.

B. Cultivation. An applicant for a commercial cannabis cultivation permit shall submit an application demonstrating compliance with the provisions of this Chapter, including the following requirements and information:

1. Contact information for the permittee and, if different, the landowner.

2. An emergency contact who can be reached on a 24/7 basis and who can quickly provide access to the premises in the event of an emergency.

3. Written landowner consent.

4. A fully executed indemnification agreement as described in Section 17.18.210.

5. The property diagram submitted, or to be submitted, to the state pursuant to 3 CCR § 8105.

6. The premises diagram submitted to or to be submitted to the state as part of the cultivation plan pursuant to 3 CCR § 8106, for each state-licensed premises to be included as part of the County permit.

7. Written consent to inspections by enforcement officials.

8. An application fee.

9. For an applicant requiring a conditional use permit pursuant to Section 17.18.050.D.2, a complete conditional use permit application and application fee, which shall be processed as a separate application, pursuant to Chapter 17.31, in addition to the application required under this Chapter.

10. For an applicant or landowner other than an individual, adequate evidence of signature authority.

11. Greenhouse Gas (GHG) Emissions Offsets.

    a. For outdoor or mixed light cultivation, evidence of a reduction in annual GHG emissions equivalent to a one-time offset of 17.2 metric tons of CO2e (carbon dioxide equivalent) for construction-related emissions for each twenty-two thousand square feet or portion thereof of total canopy area.

    b. For indoor cultivation, evidence of a reduction in annual GHG emissions equivalent to a one-time offset of 11.3 metric tons of CO2e for construction-related emissions.

    c. As an alternative to subsection a or b, above, evidence of a reduction equivalent to the construction GHG emissions associated with the specific cultivation site, as calculated using an ARB-accepted model/technique. Evidence of the offsets required may include, but is not limited to, the following, in order of preference:

        i. Evidence of photovoltaic panels on structures on the premises along with a written determination by a qualified professional that solar is a feasible means of generating power on the applicant's premises (based on factors such as roof orientation and shade).

        ii. Evidence that a well pump used to supply irrigation water to the premises is powered by photovoltaic cells.

        iii. Documentation that offset credits of metric tons of CO2e associated with construction of the new outdoor commercial grow site have been obtained, including the loss of carbon-sequestering vegetation. The offset credit must be issued by an ARB approved offset project registry.

12. For applicants who are exempt or conditionally exempt from State Water Resources Control Board's Cannabis Cultivation General Order No. WQ 2019-0001-DWQ or its subsequent amendments because land disturbance on the premises does not exceed two thousand square feet, a complete administrative use permit application and administrative use permit application fee, which shall be processed as a separate application in addition to the application required under this Chapter. This provision shall not apply to applicants proposing to cultivate cannabis indoors or to applicants for a processor permit in existing, permitted structures.

C. Distribution and Testing. An applicant for a cannabis distributor permit or cannabis testing permit shall submit an application demonstrating compliance with the provisions of this Chapter, including the following requirements and information:

1. Contact information for the permittee and, if different, the landowner.

2. An emergency contact who can be reached on a 24/7 basis and who can quickly provide access to the premises in the event of an emergency.

3. Written landowner consent.

4. A fully executed indemnification agreement as described in Section 17.18.210.

5. The premises diagram submitted to or to be submitted to the state pursuant to 16 CCR 5006.

6. The operating procedures submitted to or to be submitted to the state as part of the cannabis distribution or testing application pursuant to 16 CCR § 5002, including but not limited to the transportation, inventory, quality control, security, and delivery procedures.

7. Written consent to inspections by enforcement officials, which may be conducted randomly without prior notice or by first notifying the permittee.

8. For an applicant or landowner other than an individual, adequate evidence of signature authority.

9. The person has and maintains a County business license for the premises and cannabis activity.

10. For an applicant requiring a use permit pursuant to Section 17.18.050.F.1, a complete conditional use permit or administrative use permit application and application fee, which shall be processed as a separate application within the County Planning Department, pursuant to Chapter 17.31 or 17.30, in addition to the application required under this Chapter.

11. Applications for commercial cannabis distributor and testing permits shall not be accepted by the Division of Cannabis Control until the effective date of the applicable permit application fee.

17.18.070 Commercial Cannabis Activity Permit Issuance and Validation

A. No permit for commercial cannabis activities shall be issued until the Division of Cannabis Control receives:

1. A complete application pursuant to Section 17.18.060.

2. Evidence of a site inspection conducted by an enforcement official resulting in a finding that the premises and parcel satisfactorily comply with the provisions of this Chapter.

3. If applicable, a conditional or administrative use permit.

4. For a commercial cannabis cultivation permit, the following additional requirements apply:

a. If the applicant is seeking a permit for a premises located on a different parcel than the one that cultivation had been authorized on under the May 10, 2016 version of this Chapter, evidence that the former cultivation site has been fully remediated in compliance with Section 17.18.130.

b. No premises located on a former cannabis cultivation site, as defined in Section 17.18.130 shall be permitted under this Chapter until remediation per Section 17.18.130 is complete.

c. If the applicant is relying on one or more wells as a water source for the commercial cannabis activity, a written report shall be prepared on behalf of the applicant by a state licensed A-1 general contractor, C-57 well drilling contractor, 6-61/D-21 limited specialty contractor — machinery and pumps, registered environmental health specialist, registered geologist, hydrogeologist, or professional civil engineer. The report shall estimate the average daily water use of the operation during the months of July through September and demonstrate adequate water utilizing a 24-hour, or as recommended by a state certified hydrologist or registered geologist, pumping test of the well(s) conducted after a minimum of eight hours of non-operation of the well pump. The report shall provide an assessment of the well's static water level, production capacity, and recovery rate. To demonstrate an adequate supply of water, the well shall recover within twenty-four hours. Recovery means that the water level has returned to within ninety percent of the static water level measured prior to the test.

d. A cash deposit or surety bond of five thousand dollars to cover the costs of destruction of cannabis or cannabis products, and clean-up of the site of trash, debris, or other wastes from the commercial cannabis operation if necessitated by a violation of permit requirements.

e. Payment of the road impact mitigation (RIM) fee pursuant to Chapter 12.10 of the County Code.

B. A cannabis activity permit may be issued by the Division of Cannabis Control to an eligible applicant with an eligible premises who has not yet received a state license; but the permit will not be validated, and commercial cannabis activities will remain prohibited on the premises, until:

1. The Division of Cannabis Control receives a copy of the applicant's state license to conduct cultivation, distribution, or testing of cannabis on the premises, including but not limited to any conditions or restrictions imposed by the state, and

2. The Division of Cannabis Control verifies that all permit eligibility criteria and, if applicable, permit conditions have been met.

17.18.080 Cannabis Testing Permit and Cannabis Distributor Permit Operating Restrictions

The following requirements apply to all cannabis testing or distribution in the County:

A. Cannabis permits for testing or distribution will be issued for premises rather than parcels, and a permitted premises shall have the same boundaries as the premises for which the state license is issued.

B. A permitted premises shall, at all times, be in full compliance with MAUCRSA, state regulations implementing MAUCRSA, and all conditions of the permittee's state cannabis license for the same premises. Permittees shall have a continuing duty to notify the Division of Cannabis Control and sheriff within three business days of:

1. Any modification of their state-issued distributor or testing license or of any denial, suspension, revocation, or non-renewal of the license.

2. Any modification to any of the information provided in the application materials provided to the Division of Cannabis Control pursuant to Section 17.18.060.C.

C. All owners and workers, as these terms are defined in Chapter 9.22 of the County Code, shall have and maintain a current, valid cannabis background clearance badge, as defined in Chapter 9.22, whenever engaging in any commercial cannabis activity on the premises and shall comply with all provisions of Chapter 9.22.

D. A physical copy of the shipping manifest shall be maintained during transportation and shall be made available upon request to law enforcement or any agents of the state or County charged with enforcement of this Chapter. The shipping manifest shall be sufficiently detailed and include all of the information required by 16 CCR § 5314, and a physical copy must be made available to an enforcement officer upon request during the transport of cannabis.

E. Distribution facilities shall maintain appropriate records of transactions and shipping manifests. An organized and clean method of storing and transporting cannabis and cannabis products shall be provided to maintain a clear chain of custody.

F. The driver of a vehicle transporting cannabis and cannabis products shall be the permittee themselves, or directly employed by the permitted cannabis distributor pursuant to 16 CCR § 5313(b).

G. All vehicles utilized by a permitted distributor for transportation of cannabis shall be registered with the Calaveras County Sheriff's Office, together with the vehicle description and plate numbers, and California driver's license information for individuals transporting cannabis. The Division of Cannabis Control shall provide a registration form for this purpose.

H. The permittee shall provide the name, physical address, mailing address, contact phone number and written consent, on a form provided by the Division of Cannabis Control, of a willing, competent adult individual who permanently resides within thirty miles of the site to serve as a twenty-four-hour emergency contact for law enforcement, fire, utility, and County personnel and who has the means and authorization to provide these personnel access to the site in an emergency. Changes to this contact person and/or information shall be reported in writing to the Division of Cannabis Control within three business days of any change.

I. Permittees shall notify the Calaveras County Sheriff's Office of any theft, loss, or criminal activity as required under 16 CCR § 5036.

J. The permit holder shall secure the premises in accordance with the security plan submitted to and approved by the state as part of their licensure application, a copy of which shall be submitted to the sheriff.

K. The permit holder shall not, without the written pre-approval of the director of cannabis control (and, as required by law, the state licensing body), materially or substantially change or alter the premises, the usage of the premises, or the mode or character of business operation conducted from the premises. A "material or substantial" physical change to or change in use of the premises shall include, but not be limited to, a substantial increase or decrease in the total area of the licensed premises previously diagrammed, or any other physical modification resulting in substantial change in the mode or character of business operation. Should a modification or

alteration require a change to the permit holder's state license, the revised license shall be provided to the Division of Cannabis Control within three business days of its issuance.

L. Any armed security personnel employed by the permittee to patrol the parcel shall be registered by the California Bureau of Security and Investigative Services. Notice that armed security is or will be employed on the parcel shall be provided to the County Sheriff's Office.

M. All lighting provided in conjunction with facility security or other lighting not associated with the cultivation of live plants shall be installed, directed downward and away from nearby property lines, and shielded to confine all direct rays of light within the boundaries of such facilities.

N. Storage facilities for cannabis distribution activities in CP, C2, M1, M2 and M4 zones shall use a filtered ventilation system which relies on activated carbon filtration, negative ion generation, and/or other odor control mechanism demonstrated to be effective in reducing cannabis odors, and which is installed and maintained so that cannabis odors cannot be detected by a person of average sensitivity outside the structure in which cannabis is stored.

O. If the Division of Cannabis Control receives a written revocation of landowner consent to a cannabis activity permit, the division shall send written notice to the permittee at the mailing address provided on the permit application. The cannabis commerce permit shall be automatically revoked thirty days after the Division of Cannabis Control mails this notice.

P. For a permittee authorized to conduct cannabis distribution who is required to comply with Section 17.18.050.F.8, continued and strict compliance with said provision shall be an operating restriction on the permit.

Q. The posting requirements of Section 17.18.090.X shall apply to all distribution premises.

17.18.090 Commercial Cannabis Cultivation Operating Restrictions

The following requirements apply to all commercial cannabis cultivation in the County:

A. Commercial cannabis cultivation permits will be issued for premises rather than parcels, and a permitted premises shall have the same boundaries as the premises for which the state commercial cultivation license is issued.

B. A permitted premises shall, at all times, be in full compliance with MAUCRSA, state regulations implementing MAUCRSA, and all conditions of the permittee's state commercial cannabis license for the same premises.

C. An outdoor cultivation permittee shall not have more than one acre of total canopy area per permit, regardless of whether the permittee's state license allows for more.

D. A mixed-light cultivation permittee shall not have more than 22,000 square feet of total canopy area per permit, regardless of whether the permittee's state license allows for more.

E. An indoor cultivation permittee shall not have more than 10,000 square feet of total canopy area per permit regardless of whether the permittee's state license allows for more.

F. Co-location of multiple permitted premises on a parcel is permissible if the following criteria are met:

1. For outdoor or mixed light cultivation, there shall be no more than one acre of total canopy size per20 acres of parcel size.

2. For indoor cultivation, there shall be no more than five premises per parcel.

3. The premises and parcel shall meet all conditions of this Chapter.

4. The parcel is zoned A1, AP, GF, M1, M2 or M4.

5. Co-location setbacks.

a. For co-located cultivation in excess of one acre of total cultivation area, the cultivation sites within the parcel shall be at least 150 feet from the closest property line of parcels that are not owned or leased by the owner(s) of the parcel containing the co-located cultivation sites. Setbacks shall be measured from the perimeter of the co-located premises to the closest property line of parcels that are not contiguously owned or leased by the permittee.

b. The setback requirement described in subsection a., above, shall not apply to the first permitted premises on a parcel so long as the cultivation permit for that premises was issued prior to the County having received any applications for cultivation permits for additional premises to be located on the same parcel.

c. The cultivation sites of a "first permitted premises" as described in subsection b., above, shall be at least 75 feet from the closest property line of parcels that are not owned or leased by the owner(s) of the parcel containing the co-located cultivation sites.

6. Co-location of processor premises outside of industrial (M) zones is prohibited.

G. All owners and workers, as these terms are defined in Chapter 9.22 of the County Code, shall have and maintain a current, valid cannabis background clearance badge, as defined in Chapter 9.22, whenever engaging in any commercial cannabis activity on the premises and shall comply with all provisions of Chapter 9.22.

H. The premises shall be in full compliance with all other applicable requirements of state law and the County Code, including but not limited to the building, safety, sanitation, labor, and technical codes

and requirements relevant to obtaining necessary building, plumbing, electrical, mechanical, grading, or other permits, inspection of structures requiring permits, and, as appropriate, the issuance of certificates of occupancy. All structures on the premises shall be permitted as required by Title 15 of the County Code. "Structures," for purposes of this paragraph, shall have the same meaning as it does in California Health and Safety Code § 18908.

I. The following minimum setback shall apply to all cultivation sites located on A1, AP, GF, and RA zoned land:

1. Seventy-five feet;

2. Notwithstanding subsection (I)(1), 150 feet for co-location of cultivation sites as provided in Section 17.18.090.F, and for parcels adjacent to parcels of less than 20 acres zoned RR, R1, R2 and R3;

3. Setbacks shall be measured from the perimeter of the cultivation sites to the closest property line of parcels that are not contiguously owned or leased by the permittee.

J. Indoor cultivation premises located on M1, M2, M4 and CP zoned land shall comply with the setback requirements and measurement criteria of the parcel's zone.

K. No cultivation is permitted within the common areas of a multi-family dwelling, residential development, mobile home park, or other similar residential arrangements.

L. Whenever the premises contains cannabis, the cultivation site shall be fully enclosed by security fencing or a structure and shall be securely locked, using a child resistant lock, in a manner designed to reasonably prevent access to the cannabis by trespassers and children. Unaccompanied minors shall not be allowed on or within cultivation site at any time cannabis is present there. If there is both medical and non-medical cannabis on the cultivation site, the more restrictive definition of "minor" shall apply.

M. Lighting.

1. Lighting used for the purpose of growing live plants shall comply with state and local law requirements, and shall be covered at all times between sunset and sunrise in a manner that wholly prevents light from escaping.

2. All lighting provided in conjunction with facility security or other lighting not associated with the cultivation of live plants shall be installed, directed downward and away from nearby property lines, and shielded to confine all direct rays of light within the boundaries of such facilities.

N. Generators.

1. No generator shall be used for any cultivation activities, including pumping, except as an emergency backup to another power source. The term "emergency," for purposes of this provision, means a temporary outage of the primary power source due to circumstances that are verifiably beyond the permittee's control and unrelated to non-payment of a utility or other vendor providing or servicing the primary power source.
2. The permittee shall have the burden of establishing that there was a verifiable "emergency" requiring the use of a generator.
3. Any generator providing temporary, emergency power to the premises shall be:
    a. Set back a minimum of 75 feet from the closest property line separating parcels that are not contiguously owned or leased;
    b. In compliance with the County's noise ordinance; and
    c. Permitted by the Building Department if required by a County or state standard. Permitted installations shall be inspected for compliance prior to any use.

O. Soil amendments, pesticides, herbicides, rodenticides, fungicides, fertilizers and other hazardous materials shall be used, stored, and disposed of in full compliance with federal, state, and local laws.

P. Permittees shall comply with all laws, including but not limited to all federal, tribal, state, regional, district, and local laws and regulations relating to water, wetlands, riparian issues, stream, timber, wildlife waste and wastewater disposal, weights and measures, and fire safety.

Q. Commercial cultivation shall provide separation of 1,000 feet from the cultivation site or 600 feet from the property line, whichever is greater, from any of the following sensitive uses in existence at the time the permit is issued:

1. A park.
2. A school providing instruction in kindergarten or any grades 1 through 12, as defined by state law.
3. A day care center, as defined by state law.
4. A youth center, as defined by state law.
5. For an outdoor or mixed-light premises, a state scenic highway or national scenic byway.
6. The County central library and its branches.

Depending on which measurement is used, the distance shall be measured in a straight line from the property line of the sensitive use to the closest premises cultivation site boundary or to the closest property line of the parcel containing the premises.

R. The premises shall be located within a single designated area of the parcel(s) on which it is located.

S. There shall be no camping or sheltering in violation of County Code Section 17.25.080, on any parcel on which cannabis is cultivated pursuant to this Chapter except as provided in Chapter 17.23 of the County Code (to the extent the camping or sheltering houses victims eligible for relief due to a currently declared disaster).

T. Permittees shall not sublet any portion of the permitted premises.

U. Permittees shall have a continuing duty to notify the Division of Cannabis Control and sheriff within three business days of:

1. Any modification of their state-issued commercial cultivation license or of any denial, suspension, revocation, or non-renewal of the license.

2. Any modification to any of the application materials provided to the Division of Cannabis Control pursuant to Section 17.18.060.

V. Permittees shall notify the Calaveras County Sheriff's Office of any theft, loss, or criminal activity as required under 3 C.C.R. § 8409.

W. Outdoor Cultivation Posting Requirements.

1. Outdoor cultivation permittees shall ensure that the most current permit issued by the Division of Cannabis Control is weatherproofed and visibly and clearly posted within ten feet of the ingress to the premises.

2. The permit shall be posted between four and six feet above the ground on a durable, rigid, and rectangular signboard of no less than eighteen inches per side containing reflective material sufficient to allow an enforcement official to readily locate it with a flashlight after dark.

3. If multiple premises are contained within a single fenced cultivation site, all permittees with premises on that cultivation site shall additionally post the permit within their premises boundaries per subsections 1 and 2, above.

X. Indoor Cultivation and Processor Posting Requirements.

1. Indoor cultivation and processor permittees shall ensure that the most current permit issued by the Division of Cannabis Control is visibly and clearly posted in the structure containing the premises so that it can be readily noticed by an inspector entering the structure.

2. If multiple premises are contained within a single indoor cultivation site, all permittees with premises in that cultivation site shall additionally post the permit within their premises boundaries per subsection 1, above.

Y. Any armed security personnel employed by the permittee to patrol the parcel shall be registered by the California Bureau of Security and Investigative Services and shall not operate within the setback areas established by this Chapter. Notice that armed security is or will be employed on the parcel shall be provided to the County's designee.

Z. Indoor commercial cultivation sites shall use a filtered ventilation system which relies on activated carbon filtration, negative ion generation, and/or other odor control mechanism demonstrated to be effective in reducing cannabis odors, and which is installed and maintained so that cannabis odors cannot be detected by a person of average sensitivity outside the structure in which cannabis is cultivated.

AA. If a sulfur burner or carbon dioxide enhancement equipment will be used at an indoor or mixed light commercial cultivation site, a warning to this effect shall be prominently posted beside all exterior doors into the structure containing the cultivation site.

BB. Permittees shall maintain enrollment for coverage as required under the State Water Resources Control Board's Cannabis Cultivation General Order No. WQ 2019-0001-DWQ or its subsequent amendments based on the maximum land disturbance that will potentially occur on the premises under the permit. Permittees who are exempted or conditionally exempted from the general order based on land disturbance under two thousand square feet shall be required to apply for and receive an administrative use permit. This provision shall not apply to applicants proposing to cultivate cannabis indoors in existing, permitted structures.

CC. The permittee shall notify the Division of Cannabis Control within seventy-two hours of any change to the permittee's or emergency contact's contact information.

DD. The permittee shall not burn any cannabis waste, as that term is defined in 3 CCR § 8108, and shall comply with all cannabis waste provisions described therein.

EE. The permittee shall, one time each year for the first five years after receiving the initial permit, and one time in the seventh year after receiving the initial permit, repeat the well testing procedure described in Section 17.18.070.A.4(c) for each well serving as a source of water for the commercial cannabis activity and obtain reports as described in that section for each well, which shall be submitted to the County's designee as a condition of permit continuation under [Section] 17.18.140. Ground water adequacy tests conducted pursuant to this Section shall be conducted between August 1 and October 31 of each year. Reports submitted to the County's designee shall be made available for public inspection and copying consistent with state law. If the County determines that a report or any portion thereof cannot be publicly disclosed, it shall explain the authority and reasons for withholding it from disclosure.

FF. The use of vehicles to transport water to a parcel for cultivation shall be prohibited except as an emergency backup to another water source. The term "emergency," for purposes of this provision,

means a temporary outage of the primary water source due to circumstances that are verifiably beyond the permittee's control and unrelated to non-payment of a utility or other vendor providing or servicing the primary water source.

GG. All premises boundaries shall be clearly demarcated so that an enforcement official inspecting the parcel and/or cultivation site can readily determine where each premises begins and ends, and the demarcation shall be maintained so that it remains clearly visible by an enforcement official at any time of day and in any season.

17.18.100 Transfers of Commercial Cannabis Activity Permits

A. Commercial cannabis activity permits issued pursuant to this Chapter may be transferred to a permittee's successor-in-interest only in accordance with this Section, only with respect to the same premises, and only provided that the successor-in-interest is, except for the specifications set forth in Section 17.18.050.D.1 when concerning a cultivation permit, otherwise eligible under this Chapter for the permit being transferred.

B. The successor-in-interest shall submit a complete cannabis activity permit transfer application developed by the Division of Cannabis Control and have the application approved and permit validated by the Division of Cannabis Control before the successor-in-interest may commence commercial cannabis activities on the premises.

C. The commercial cannabis activity permit transfer application shall be processed ministerially and shall apply to transfers of commercial cannabis activity permits regardless of whether or not a conditional use permit (CUP) or administrative use permit (AUP) was required for the permit. The terms of any CUP or AUP that had been required for the initial permit shall be transferred as-is to the successor-in-interest unless the successor-in-interest proposes a change in the use of the premises that requires an amendment to the CUP or AUP.

D. If the successor-in-interest's property and/or premises diagram submitted to or to be submitted to the state per 3 CCR § 8106 differs from the property and/or premises diagram submitted by the prior permittee pursuant to Section 17.18.060, the successor-in-interest shall be required to additionally apply for an alteration of premises pursuant to Section 17.18.110.

E. The Board of Supervisors shall, by resolution, establish fees for processing cannabis cultivation, distributor, and testing permit transfer applications, and no transfer application shall be accepted by the Division of Cannabis Control until the effective date of the applicable fee.

17.18.110 Alteration or Expansion of Premises; Change in Permit Type

A. If a permittee wishes to expand the size of an existing premises or alter the existing premises in a way that will require a change to the property diagram and/or premises diagram submitted pursuant to Section 17.18.060, the permittee shall, before commencing the alteration or expansion:

1. Submit a complete application to alter/expand premises or change permit type developed by the Division of Cannabis Control and have that application approved and validated.

2. If an alteration or expansion of the premises will require the permittee to obtain state approval of a physical modification pursuant to 3 CCR § 8205 or 16 CCR § 5027, submit a complete copy of the state's notification of approval.

B. If a permittee wishes to change from one type of commercial cannabis activity permit to another while keeping the premises located on the same parcel, the permittee shall, before commencing any activities that require a different permit:

1. Submit a complete application to alter/expand premises or change permit type developed by the Division of Cannabis Control and have that application approved and validated.

2. If a change in permit type will require the permittee to obtain state approval of a physical modification to the premises pursuant to 3 CCR § 8205 or 16 C.C.R. § 5027, submit a complete copy of the state's notification of approval.

3. If a change in permit type will require the permittee to obtain a new or amended state license for the premises, submit a complete copy of the new or amended license, including but not limited to any additional restrictions or conditions imposed on it by the state.

C. The application to alter/expand premises or change permit type shall be processed ministerially. However, if a cannabis activity on the premises is subject to a conditional or administrative use permit, and the requested change to the premises or permit type exceeds the scope of the existing conditional or administrative use permit, the application to alter/expand premises or change permit type shall not be approved until the permittee applies for and receives a modification to the conditional or administrative use permit.

D. The Board of Supervisors shall, by resolution, establish a fee for processing an application to alter/expand premises or change permit type, and no application to alter or expand the premises shall be accepted by the Division of Cannabis Control until the effective date of this fee.

17.18.120 Relocation of Permitted Premises or Changes to Parcel Boundaries

A. If a cannabis activity permittee wishes to relocate the premises to a new parcel, or if the permittee wishes to alter or expand the premises in a manner that requires a change to the parcel boundaries, the permittee shall apply for, and, if qualified under this Chapter, receive and have validated a new commercial cannabis activity permit under this Chapter.

B. A new commercial cannabis cultivation permit shall not be issued to an applicant seeking to relocate a premises to a new parcel until the applicant's existing permitted premises has been fully remediated and restored as required by Section 17.18.130.

17.18.130 Remediation and Restoration of Former Cannabis Cultivation Sites

A. A "former cannabis cultivation site" or "site" for purposes of this Section is that portion of a parcel on which any cannabis cultivation or related activities, whether legal or illegal, have occurred since May 10, 2016, regardless of whether or not anyone is or was lawfully residing on the parcel and regardless of whether or not the original cannabis cultivator retains physical or legal possession of the parcel.

B. The current legal owner(s) and former cultivator(s) of a parcel containing a former cannabis cultivation site, whether or not cannabis cultivation on the site was authorized under any version of this Chapter, shall have a joint and several duty to take immediate steps to restore the site in a manner which prevents soil erosion and sediment run-off; visual blight; illegal diversion of water supply; contamination of soil; contamination of waters of the state from soil additives such as soil and mulch, amendments, and fertilizers; improper keeping, storage and/or disposal of rodenticides, fungicides, herbicides and pesticides; and improper keeping, generation, storage, or disposal of household waste, fuel and chemical containers, and/or other hazardous waste or materials which may cause harm to public health or the environment.

C. The current owner(s) of a parcel and former cultivator(s) on a parcel containing a former cannabis cultivation site shall additionally have a joint and several duty to take all of the following actions to remediate and restore the former cannabis cultivation site prior to approval of a commercial cannabis cultivation permit on the same parcel or by the same permittee on a different parcel:

   1. All preparation and/or development of the site for future cannabis cultivation or related activities that are not permitted under this Chapter shall cease, regardless of whether or not a grading permit, building permit, or other similar permit has been issued.

   2. To the extent an unexpired permit exists for earthmoving activity, water diversion activity, waste discharge, timber harvesting, construction, or any other activity, and to the extent

such unexpired permit imposes conditions for the site upon cessation of cannabis cultivation activity, these conditions shall be fully complied with.

3. To the extent that earthmoving activity, water diversion activity, timber harvesting, construction, or any other activity occurred on the site which requires a permit under local, state, or federal law, but for which a permit was never applied for or received, a permit shall be applied for and received, and its conditions shall be fully complied with, regardless of whether or not the unpermitted activity has ceased.

4. All remediation and restoration activities shall be performed in compliance with all applicable local, state, and federal rules and regulations.

5. Best management practices shall be employed to control soil erosion and protect water quality on the site.

6. Any unlawful diversion or use of water for cannabis cultivation on the site shall cease, and both the site and the streambed(s) or waterway(s) impacted by the diversion shall be restored to their pre-diversion state in compliance with all laws.

7. Soil amendments, pesticides, herbicides, rodenticides, fungicides, fertilizers and other hazardous materials shall be properly disposed of or stored as required by law.

8. All temporary structures placed on the site for purposes of cannabis cultivation or related activities, including but not limited to hoop houses and unpermitted greenhouses, recreational vehicles, outhouses, temporary structures for storage of equipment or supplies, and temporary fencing shall be removed and properly disposed of or permitted for permanent use.

9. All waste, including but not limited to household, commercial, and agricultural waste, fuel and chemical containers, and any other hazardous waste shall be properly collected and removed from the site in accordance with all laws to prevent a nuisance and public health hazard.

D. Former cannabis cultivation sites that existed prior to the adoption of the current version of this Chapter shall be fully remediated and restored in compliance with this Chapter by February 9, 2020.

E. The provisions of subsection C do not require restoration of the site to its pre-cannabis-cultivation condition but require the site to be remediated to a condition that allows for suitable subsequent use of the property.

17.18.140 Annual Permit Continuation Fee

A. After receiving validation of an initial cannabis activity permit under this Chapter, all cannabis activity permittees shall submit payment in full to the Division of Cannabis Control of an annual

permit continuation fee at least thirty days before the anniversary of the permit validation the amount of which shall be determined by resolution of the Board of Supervisors.

B. Cultivation permits continuations shall be subject to the following additional requirements upon application for continuation under this Section:

1. Submit evidence of an annual offset of 5.9 metric tons of CO2e for each twenty-two thousand square feet or portion thereof for outdoor or mixed light operations and 56.5 metric tons of CO2e for indoor operations for one year of operational emissions or a reduction equivalent to the annual operational GHG emissions associated with the specific cultivation site, as calculated using an ARB-accepted model/technique, and in the manner described in Section 17.18.060.B.11.

2. If applicable, submit the annual well report required per Section 17.18.090.EE demonstrating that either:

   a. An adequate supply of water, as specified in Section 17.18.070.A)(4)(c), continues to be available for the operation; or

   b. Provide evidence that an alternative water source has been procured for each well that is not determined to provide an adequate supply of water pursuant to Section 17.18.070.A.4(c).

   c. Submit evidence that the surety required in Section 17.18.070.A.4(d) has been renewed or remains otherwise fully collectable by the County if the permittee failed to perform the covered obligations.

17.18.150 Revocation of Cannabis Activity Permits

A. The Division of Cannabis Control may revoke a cannabis activity permit issued under this Chapter, and the County Planning Department may revoke an accompanying conditional or administrative use permit upon a determination at any time that there has been noncompliance with one or more of the provisions of this Chapter and/or the conditions of the permit. The County's written determinations shall be served by mail to the last permittee address provided by the permittee, with a statement of factual and/or legal reasons for the determination.

B. Failure to timely pay fees established in this Chapter shall be grounds for revocation of the cannabis activity permit.

C. If the permit is revoked pursuant to this Section, the County's designee shall notify the applicable state agency pursuant to Business and Professions Code § 26200 as well as the Calaveras County Sheriff.

17.18.160 Enforcement; Fines; Liability to Pay Costs and Fines

A. Inspections of the premises shall be conducted by County enforcement officials at least yearly, and may be conducted randomly, without prior notice, or by first notifying the permittee. The County may conduct additional inspections if determined necessary by enforcement officials. Inspections may continue to be conducted after denial of an application and during the pendency of any appeals to ensure compliance with the provisions of the Chapter.

B. Whenever any enforcement official determines that a public nuisance as described in this Chapter exists within the unincorporated County, he or she is authorized to utilize the enforcement, abatement, cost recovery, and administrative hearing provisions described in Chapter 8.06 of the County Code, including, as necessary, the summary abatement provisions of that Chapter. The County shall also have the right to utilize any injunction, enforcement, cost recovery, abatement or other administrative, criminal or civil remedy available to the County under applicable laws, including but not limited to the civil, criminal and administrative remedies provided in this Chapter, Chapter 17.41 of the County Code, Government Code § 25845, and MAUCRSA.

C. Any person that owns or occupies a residence or parcel upon which cannabis is cultivated, manufactured, tested, distributed or transported in violation of this Chapter, or which otherwise violates any of the provisions of this Chapter, may be subject to any and all remedies legally available to the County.

D. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the County to enforce County ordinances and regulations, or to employ any remedy available at law or equity.

E. In any enforcement action brought to enforce the provisions of this Chapter, each parcel owner, permittee, and/or occupant who causes, permits, allows, or maintains unlawful cannabis activities shall be jointly and severally liable for all resulting administrative fines and for any and all actual costs of enforcement incurred by the County, in the event the County brings and prevails in any administrative proceeding, civil suit, or any other action to enforce the provisions of this Chapter.

F. Cannabis activities in violation of this Chapter shall be an infraction. Each plant found on any unlicensed premises in excess of that which is allowed for personal use pursuant to Section 17.18.050.C, and each plant found on any licensed premises that exceeds the amount allowed on the premises under this Chapter, shall constitute an independent violation. Every violation shall be punishable as described in Government Code § 25132.

G. Each person violating this Chapter shall be guilty of a separate offense for each and every day on which any violation of any portion of this Chapter is committed, continued, or permitted by any such person.

H. In addition to fines for violations incurred under this Section, parcel owners, permittees, and occupants shall be jointly and severally liable for administrative costs of enforcing abatement orders. Costs of enforcement, if not paid upon request, shall be the basis of an abatement lien recorded against the subject parcel pursuant to Government Code § 25845 and Chapter 8.06 of the County Code.

I. Citations for violations of this Chapter may be issued and served in accordance with expedited cannabis enforcement procedures under Section 8.06.700 et seq. of the County Code.

J. Issuance of a warning shall not be a requirement prior to enforcement of any provision of this Chapter. Cultivation of cannabis and other cannabis activities in violation of this Chapter and any code violation that exists to facilitate the cultivation of cannabis in violation of this Chapter may be subject to the immediate imposition of fines in accordance with Government Code § 53069.4. Citations for cannabis related code violations shall be served concurrently with citations for cannabis activities in accordance with § 8.06.700 et seq. of the County Code.

17.18.170 Appeal of Application Denial or Permit Revocation

A. This Section applies to the denial or revocation of any permit described in this Chapter except for appeals from such determinations involving conditional or administrative use permits, to which Section 17.27.140 of the County Code or Section 17.18.050 of the County Code would apply.

B. After an application has been denied or a permit revoked, an applicant wishing to appeal shall, within 15 days after service of the County's designee's written determination, submit a written request for an appeal to the Division of Cannabis Control.

C. Any request to appeal submitted under the previous subsection shall be submitted on an appeal form approved by the County's designee. The appellant's written appeal shall state the alleged facts, considerations, or mitigating factors that warrant reversal of the County's designee's decision. The appeal form shall require, at a minimum, the following information:

1. The name of the appellant;

2. The primary telephone number of the appellant and/or the counsel for the appellant;

3. The mailing address of the appellant and/or counsel of the appellant;

4. The email address of the appellant and/or appellant's counsel, together with a notification that the appellant may elect to receive electronic service in lieu of service by mail of all documents associated with the appeal including staff reports, documents and evidence to be used by the County, correspondence from the clerk and orders after hearing; and

5. The factual and/or legal grounds for reversal of the County's designee's decision.

D. Appellants may attach additional briefs, documents, or other relevant matters, as needed, to the appeal form. The appeal form and attachments may be delivered in person, by mail, or electronically to the Division of Cannabis Control, pursuant to procedures promulgated by the County's designee.

E. An appellant shall, concurrently with submission of the appeal, submit an appeal fee with the Division of Cannabis Control in an amount calculated to recover the costs of the administrative hearing and the costs borne by Division of Cannabis Control in preparing for and appearing at the hearing. The amount of the appeal fee shall be set by resolution of the Board of Supervisors. No appeal shall be processed without receipt of the appeal fee.

F. Further Consideration; Hearing Date.

1. Upon receiving a request for an appeal, the County's designee may, in his or her discretion, ask for additional documents or information from the applicant and may choose to reverse his or her decision. If the decision is reversed, the appeal fee shall be returned, less a processing fee, to the applicant and no hearing shall be scheduled.

2. If the County's designee chooses not to reverse the decision to deny an application or to revoke a permit after receiving the request for appeal, the Division of Cannabis Control shall have the clerk set a hearing not less than twenty-one days and not more than forty-five days after the request for appeal was received by the Division of Cannabis Control. The request for a hearing shall be made via email to the clerk.

G. Staff Reports and Appellants' Briefs.

1. The County's designee shall serve on the clerk and the appellant, at least ten days before the hearing, a staff report which states the factual and legal basis of the decision, a copy of the denial letter, appellant's appeal request, and any further documents or pleadings the County's designee wishes to provide in support of his or her decision to deny the application or revoke the permit.

2. Appellants may submit additional information for consideration of the hearing officer, with receipt no less than five days before the scheduled hearing, by:

a. Submitting it to the clerk in person at the County Administrative Office,

b. Mailing it to:

Clerk of the Office of County Hearing Officer

c/o County Administrative Office

891 Mountain Ranch Road

San Andreas, CA 95249, or

c. Emailing it to:

hearingofficer@co.calaveras.ca.us

<mailto:hearingofficer@co.calaveras.ca.us>

d. Providing a copy to the County's designee.

H. If a party requests an appeal and fails to appear, the hearing shall be vacated and the decision of the County's designee shall become final. Failure to appear at an appeal hearing shall constitute failure to exhaust administrative remedies. The appeal fee shall not be refundable.

17.18.180 Appeals Shall be Heard by the Office of the County Hearing Officer

A. Except as specified in Section 17.18.170.A, appeals of application denials, permit revocations, and of enforcement actions pursuant to this Chapter shall be heard before office of County hearing officer, which was established in Chapter 8.06 of the County Code.

B. In addition to the powers enumerated in Government Code Sections 27721, 27722 and those powers specifically enumerated in Chapter 8.06 of the County Code, a hearing officer shall have the power to:

1. Undertake de novo review of staff decisions and enforcement actions;

2. Reverse or uphold the assessment of administrative fines assessed pursuant to Section 17.18.160;

3. Reverse or uphold a decision by the County's designee to deny a cannabis application or revoke a permit.

4. Hearings shall be open to public observation, however, the hearing officer, in his or her discretion, may order closure of a hearing or make other protective orders to the extent necessary or proper for any of the following purposes:

a. To satisfy the United States Constitution, the California Constitution, federal or state statute, or other law, including but not limited to laws protecting privileged, confidential, or other protected information.

b. To conduct the hearing, including the manner of examining witnesses, in a way that is appropriate to protect a minor witness or a witness with a developmental disability, as defined in § 4512 of the Welfare and Institutions Code, from intimidation or other harm, taking into account the rights of all persons.

c. To ensure a fair hearing in the circumstances of the particular case.

5. Where a hearing is closed to public observation, the record of the proceedings shall be subject to the Public Records Act and no portion of the proceeding or any of the materials made part of the proceeding shall be exempt from public disclosure except as provided by law.

6. A hearing officer shall have the power in his or her discretion to grant continuances upon a showing of good cause.

    a. A request for a continuance should be made in writing and received by the clerk at least five days before the scheduled hearing. The clerk shall forward the request to the hearing officer that has been assigned to the case, to staff and staff's assigned counsel, so that they may have an opportunity to agree to or object to the continuance and state grounds for any such objection. Objection shall be sent, in writing, and provided to the appellant, appellant's counsel and the hearing officer assigned to the case. All objections or communication with hearing officer shall be made through the clerk and no requests for continuance or objections to a continuance may be made ex parte to the hearing officer.

    b. A fee, which shall be set by resolution of the Board of Supervisors, shall be assessed to recover the administrative and staff costs of rescheduling a hearing if a request for a continuance is not received by the clerk at least five days before the hearing and the request for continuance is granted.

17.18.190 Administrative Hearing Procedures

A. Those parties who file a timely request to appeal, shall be given an opportunity, at an administrative hearing, to present and elicit testimony to contest any portion or all of the findings and orders made by the County's designee or code compliance officers in support of the decision or determination that is the subject of the appeal hearing. An attorney authorized to practice law in the state of California may represent any party to the appeal.

B. Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply. The hearing officer may admit into the record all relevant evidence, including but not limited to incident reports, correspondence between County staff and applicants or permittees, the case notes of enforcing officers, affidavits of witnesses, and other materials deemed appropriate by the hearing officer. The hearing officer is not required to accept into the record evidence that is irrelevant to the matter before him or her. Where such documents or exhibits are rejected, the hearing officer may, in his or her discretion either:

    1. Have the exhibits or documents briefly described in the record and returned to the party who proffered such evidence; or

2. Have such materials entered into the record as evidence not considered by the hearing officer.

C. Witnesses shall be sworn. The hearing officer may question witnesses at any time and recall them as necessary for further testimony.

D. All participants, including parties, counsel, and witnesses, will be expected to maintain a civil demeanor and to present only relevant evidence.

E. The hearing officer shall consider the matter de novo, shall exercise independent judgment in reviewing the evidence, and may affirm, reverse, or modify the decision or determination of the County's designee, or enforcing officers.

F. Ex parte communications, meaning communications between a hearing officer and a party to an administrative proceeding, shall be restricted as follows:

1. While the proceeding is pending, except as provided in subsection (F)(5) below, there shall be no communication, direct or indirect, regarding any issue in the proceeding, to the hearing officer from any party or employee or agent of the Division of Cannabis Control or other County staff that participated in the pre-adjudicative stage of a proceeding without notice and an opportunity for all parties to participate in the communication.

2. While the proceeding is pending, there shall be no communication direct or indirect regarding any issue in the proceeding to the assigned hearing officer by an appellant or other interested party without notice and an opportunity for all parties to participate in the communication.

3. For the purpose of this Section, a proceeding is pending from the initiation of any County or department enforcement action or submittal of any request for appeal to the issuance of a final written decision by the hearing officer.

4. Communications concerning matters of procedure, practice, and requests for continuances shall be directed to the clerk. The clerk shall refuse to provide legal advice to appellants.

5. Notwithstanding subsection (F)(1), communications to a hearing officer from an employee or agent of the County are permissible in any of the following circumstances:

a. A written communication that is served on all parties to the hearing;

b. Any communication made on the record at the hearing in which the matter is being heard;

c. The communication involves a technical issue in the proceeding and the advice is necessary for, and is not otherwise reasonably available to, the hearing officer,

provided the content of the advice is disclosed on the record and all parties are given an opportunity to address it in a manner required by subsection (F)(6).

6. If a hearing officer received a communication in violation of this Section, the hearing officer shall make all of the following part of the record in the proceeding:

   a. If the communication is written, the writing and any written response of the hearing officer; or

   b. If the communication is oral, a memorandum stating the substance of the communication, any response made by the hearing officer, and the identity of each person from whom the hearing officer received the communication.

7. Documents described in subsections (F)(6)(a) and (F)(6)(b), shall be delivered by mail or email to the clerk, the clerk shall disseminate the writing and any written response to all parties, and copies of the writing and any written response shall be scanned and placed in the case file.

G. Disqualification. A party to an appeal hearing may file a motion to disqualify a hearing officer where he or she has reason to believe that the assigned hearing officer is biased or prejudiced against the party or has a personal interest in the subject matter of the hearing.

1. A hearing officer has a disqualifying bias in the matter if any of the following conditions apply:

   a. The hearing officer has represented one of the parties in the hearing in his or her capacity as a lawyer and the subject matter of the representation is relevant to hearing;

   b. The party is a close friend or immediate family member of the hearing officer; or

   c. The hearing officer has a direct pecuniary interest in the outcome of the hearing.

2. Without further evidence of bias, prejudice, or personal interest, the following shall not, alone, be grounds for disqualification:

   a. The hearing officer is or is not a member of a particular racial, ethnic, religious, sexual, or similar group, and the proceeding involves the rights of a member of that group.

   b. The hearing officer has experience, technical competence, or specialized knowledge of, or has, in any capacity, expressed a view on, a legal, or policy issue presented in the proceeding.

3. If a hearing officer has direct, personal, and specific knowledge of disputed material facts in a matter before him or her, and these facts are not generally known or publicly available,

the hearing officer shall either disclose to the parties, on the record, the nature, scope, and source of such knowledge or recuse himself or herself from hearing the matter. If after receiving a motion for disqualification, the hearing officer denies the motion and declines to recuse himself or herself, he or she shall state the reason for such a decision into the record and include, in the final written decision, the grounds for denying the motion for disqualification.

17.18.200 Decisions of the Hearing Officer

A. The decision shall be in writing and shall include a statement of the factual and legal basis for the decision.

B. The statement of the factual basis for the decision may be in the language of, or by reference to, the staff reports or pleadings of the party(ies). If the statement is no more than mere repetition or paraphrase of the relevant statute or regulation, the statement shall be accompanied by a concise and explicit statement of the underlying facts of record that support the decision. If the factual basis for the decision includes a determination based substantially on the credibility of a witness, the statement shall identify any specific evidence of the observed demeanor, manner, or attitude of the witness that supports the determination.

C. Nothing in this Section limits the information that may be contained in the decision, including a summary of evidence relied on.

D. Prior decisions of hearing officers are not binding and may not be relied upon, in and of themselves, as precedent limiting future decisions. Each matter should be determined on its own merits within the framework of applicable statutes, ordinances, or controlling published appellate court cases.

17.18.210 Indemnification

As a condition of issuing a permit for a commercial cannabis activity pursuant to this Chapter, the applicant and, if different, the parcel owner shall execute a standard agreement provided by the County to defend, indemnify and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding brought against the County, its agencies, boards, Planning Commission or Board of Supervisors arising from the County's review and issuance of a permit for the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the County, its agents, officers and employees in connection with such action.

Chapter 17.19Groundwater Management

17.19.010 Declaration of Findings and Purpose

The Board of Supervisors hereby finds and declares:

A. Adequate supplies of water are vital to the economy of the County and the health and well-being of its citizens.

B. The ground water underlying the County has been and will continue to be an important source of water for the people and lands of the County for agricultural, domestic, municipal, and other purposes.

C. Under California case law, water may be appropriated from a ground water basin if the ground water supply is surplus and exceeds the reasonable and beneficial needs of overlying users.

D. It is essential for the protection of the health, welfare, and safety of the residents of the County, that the ground water resources of the County be protected from harm resulting from the extraction of ground water for use on lands outside of the County until such time as needed additional surface water supplies are obtained for use on lands of the County, or as further and more accurate quantification of ground water resources within the County is developed and ground water management plans for affected basins have been adopted.

E. California courts have recognized and upheld the ability of counties, through the exercise of their police powers, to regulate ground water extraction and transfer from basins within their boundaries. See, e.g., Baldwin, et al. Tehama County (1994) I Cal. App. 4th 166.

F. Because of the need for increased water supply to meet future needs within the County, and because surface water supplies obtained in the future may be used conjunctively with available local ground water for reasonable and beneficial local uses, it is vital that the County's ground water supply and quantity be preserved.

G. It is essential for information gathering and monitoring purposes, and for the protection of the County's ground water resources, that the County adopt a permit process addressing the extraction of ground water for use outside the County, or in place of surface water used similarly. In adopting and codifying this Chapter, the County does not intend to limit other authorized means of managing the County ground water and intends to work cooperatively with interested local public agencies to further develop and implement joint ground water management practices.

17.19.020 Title

This Chapter shall be known and may be cited as the Calaveras County Ground Water Management Ordinance.

17.19.030 Definitions

The terms used in this Chapter shall have the following meanings:

A. "Aquifer" means an aquifer as defined in Chapter 8.20.

B. "Basin" means an underground aquifer or the land immediately overlying such an aquifer.

C. "District" means any special district wholly or in part located within the boundaries of the County, which is a purveyor of waters for agricultural domestic, or municipal use.

D. "Domestic water well" means a well devoted exclusively to the residential and associated uses on a parcel of land.

E. "Ground water Management Act" means ground water management as defined in California Water Code Section 10750 et seq.

F. "Ground water" for the purposes of this Chapter and as defined in California Water Code Section 10752(a), means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water which flows in known and definite channels.

G. "Ground water extraction" means removal of ground water by a well, a pump or other artificial means from an underground aquifer.

H. "Ground water transfer, transferring, transferred" means the intentional transfer by a person of ground water through any type of method of conveyance, including but not limited to pipes, drainages, ditches, canals, streams, rivers or motor vehicles. Ground water transfer as defined in this Chapter shall not include transfers which take place internal to the County.

I. "Hard rock formation" means an impermeable geologic formation, including but not limited to, igneous, including granitic and metamorphic, including serpentine rocks.

J. "Historical practice" means the consistent or predominant practice of an applicant within seven years preceding the operative date of this Chapter.

K. "Hydraulic gradient" means the slope of the water table.

L. "Hydrology" means the origin, distribution and circulation of water through precipitation, stream flow, infiltration, ground water storage and evaporation.

M. "Overdraft" means the condition of a ground water supply in which the amount of water withdrawn by pumping exceeds the amount of water replenishing the supply over a period of time and also the point at which extractions from the supply exceed its safe yield plus any temporary surplus.

N. "Percolation" means the movement of water through the soil to the around water table.

O. "Permeability" means the capability of the soil or another geologic formation to transmit water.

P. "Person" means not only any natural person, but also any corporation, partnership, association, trust, municipality or any other entity with legal existence under California law.

Q. "Piezometric surface" means the surface to which the water in a confined aquifer will rise.

R. "Porosity" means voids or open spaces in alluvium and rocks that can be filled with water.

S. "Recharge" means flow to ground water storage from precipitation, irrigation, infiltration from streams, spreading basins, injection and other sources of water.

T. "Safe yield" means the maximum quantity of water which can be withdrawn annually from a ground water supply under a given set of conditions without causing overdraft or adverse water quality conditions. Specifically "safe yield" is the amount of water which can be withdrawn without:

1. Exceeding in any calendar year the long-term mean annual water supply of the basin (considering all sources of recharge and withdrawal);

2. Lowering water levels so as to make further drilling of water wells uneconomical:

3. Causing water pumped from the basin to deteriorate below drinking water standards:

4. Violating water rights or restrictions in pumpage in the ground water basin as established by court adjudication or applicable State or Federal law.

U. "Specific capacity" means the volume of water pumped from a well in gallons per minute per foot of draw-down.

V. "Spreading water" means discharging native or imported water to a permeable area for the purpose of allowing it to percolate to the zone of saturation. Spreading, artificial recharge and replenishment all refer to operations used to place water in a ground water table.

W. "Transmissivity" means the rate of flow of water through an aquifer.

X. "Usable storage capacity" means the quantity of ground water of acceptable quality that can be economically withdrawn from storage.

Y. "Water table" means the surface or level where ground water is encountered in a well in an unconfined aquifer.

Z. "Water year" for the purposes of this Chapter and as defined in California Water Code Section 7168), means the period commencing on October 1st of one calendar year and ending on September 30th of the calendar year immediately following.

AA. "Well" means a well or water well as defined in Chapter 8.20.

BB. "Zone of saturation" means the area below the water table in which the soil is completely saturated with ground water.

17.19.040 Applicability

The provisions in this Chapter shall apply to the transfer of extracted groundwater to outside of the County, except as follows:

A. This Chapter shall not apply to the extraction of ground water for

1. Activities occurring prior to the adoption of this Chapter;

2. Bottling, and/or transferring bottled water by a commercial bottling water enterprise; or

3. Use by a District on land or within an area that is within the boundaries of a District.

17.19.050 Permit Required for Transfer of Groundwater Outside of the County

It shall be unlawful to extract ground water underlying the County, directly or indirectly, for use of that ground water outside County boundaries, or use of that ground water to replace water transferred outside county boundaries, without first obtaining a permit as provided in this Chapter.

17.19.060 Radius of Influence of Well Restricted

It shall be unlawful for any person to operate, or for a property owner to allow for any person to operate, any well, excepting a domestic well devoted exclusively to the residential and associated uses on a parcel of land, in such a manner that the radius of influence of such well extends beyond the boundaries of the parcel of land upon which the well is located, or alternatively, beyond the boundaries of contiguous parcels of land under the same ownership.

17.19.070 Application for Permit

A. An application for a permit shall be filed with the Planning Department on forms provided by the Planning Department and shall contain all information required by the Department, including that deemed necessary to conduct the appropriate environmental review in accordance with the

California Environmental Quality Act. The application for a permit shall be accompanied by the fees which shall be established from time to time by the Board of Supervisors.

B. An application for a permit shall be accompanied by a report prepared at the applicant's expense by a California Registered Civil Engineer or Certified Hydrologist with expertise and experience in geologic and hydrologic testing. The information provided in the application should provide information necessary to support the required findings and to establish appropriate conditions. The report must provide the following information:

1. The location of the proposed project for extraction of ground water for use outside of County boundaries:
2. The design of the project, the term of the project, and a description of the method of extraction;
3. The quantity of water to be extracted and transferred on an annual basis;
4. The amount of the maximum monthly rate of extraction for transfer;
5. The location, size, spacing and depths of all extraction wells;
6. A description of the monitoring plan and the location of monitoring wells to measure ground water levels, evaluate gradient, flow direction and water quality; and
7. Such other matters as the Planning Department may require.

C. In those cases where ground water is used to replace or enhance surface water transfer outside of the County, documentation must be provided disclosing the seller, the buyer, the permits, or entitlements received from the State Water Resources Control Board, the duration of the action and any conditions upon that surface water transfer.

D. The environmental review shall be undertaken in accordance with the California Environmental Quality Act and County guidelines. All costs of the environmental review shall be the responsibility of the applicant.

E. If the applicant is applying to pump water from a district, city, or the unincorporated territory in which a ground water management plan has been adopted pursuant to the Ground Water Management Act, the Planning Department shall consider a ground water management plan, or any other relevant information provided by the district, city, or other local agency. Any interested person or agency may provide comments relevant to the matter of the extraction of ground water.

17.19.080 Public Review and Planning Commission Recommendation to Board of Supervisors Concerning Issuance of Permit

At the Planning Commission's public review, the applicant shall be entitled to present any oral or documentary evidence relevant to the application, and the applicant shall have the burden of proof of establishing the facts necessary for the Planning Commission's to make the required findings. The Planning Commission may request any additional information it deems necessary for its decision, the cost of which, if any, shall be borne by the applicant. The Board of Supervisors shall also hear relevant evidence presented by other interested persons and entities, the Planning Department, other County staff and the public. Formal rules of evidence shall not apply during the public review, but the Planning Commission's may establish, such rules as will enable the expeditious presentation of the matter and relevant information thereof. The Planning Commission shall consider all effects that the granting of the permit application would have on the affected aquifer including, but not limited to, the hydraulic gradient, hydrology, percolation, permeability, piezometric surface, porosity, recharge, safe yield, specific capacity, spreading waters, transmissivity, usable storage capacity, water table, and zone of saturation after which the commission shall make a recommendation to the Board of Supervisors. This recommendation will specify the effects of granting a permit will not cause the following:

A. Increase an overdraft of the ground water basin or water bearing hard rock formation underlying the County;

B. Adversely affect the long-term ability for storage or transmission of ground water within the aquifer;

C. Exceed the safe yield of the ground water underlying the County;

D. Will not otherwise operate to the injury of the reasonable and beneficial uses of overlying ground water users;

E. Will otherwise comply with Water Code Section 1220 if applicable; and

F. Will not result in an adverse impact to a water replenishment, storage, or restoration project operated in accordance with statutory authorization.

17.19.090 Burden of Proof

The applicant shall have the burden of proof of establishing the facts necessary for the Board of Supervisors to make the required findings. The permit may only be granted by the Board of Supervisors if a majority of the total membership of the Board of Supervisors finds and determines that extraction:

A. Will not cause or increase an overdraft of the ground water basin or water bearing hard rock formation underlying the County;

B. Will not adversely affect the long-term ability for storage or transmission of ground water within the aquifer;

C. Will not exceed the safe yield of the ground water underlying the County;

D. Will not otherwise operate to the injury of the reasonable and beneficial uses of overlying, ground water users;

E. Will otherwise comply with Water Code Section 1220 if applicable; and

F. Will not result in an injury to a water replenishment, storage or restoration project operated in accordance with statutory authorization. Permits for extraction of ground water, other than where extraction is a part of a ground water replenishment program, shall limit extraction to no more than the demonstrated reasonable historical use or in an amount not to exceed what is required to maintain the public health, safety, and welfare of the people of Calaveras County, whichever is less. Other conditions in the permit may include but are not limited to, requirements for observation and/or monitoring wells.

17.19.100 Re-application After Permit Denial

Re-application for a permit which has been denied may not be filed with the Planning Department until the following water year and must be accompanied with information that demonstrates a significant change in conditions in the ground water and/or change in the proposed extraction.

17.19.110 Duration of Permit

All permits shall be valid for a term set by the Board of Supervisors, not to exceed three water years from the date of issuance of the permit. Nothing contained in this Chapter or in the conditions of the permit shall be construed as giving an exclusive right to ground water or to establish a compensable right in the event that the permit is subsequently revoked or modified by the Board of Supervisors after a hearing on a challenge to the permit.

17.19.120 Limitation of Permit

The permit process of this Chapter is not to be construed as a grant of any right or entitlement but rather the permit provides evidence that the health, welfare, and safety of the residents of the County will not be harmed by the extraction and transfer of ground water for off-parcel use as defined in this Chapter. The permit in no way exempts, supersedes or replaces any other provisions of Federal, State, and local laws and regulations including but not limited to Water Code Section 1220, the Groundwater Management Act and any actions provided for in California ground water law, well drilling and maintenance or Building Permit requirements.

Chapter 17.20Landscaping

17.20.010 Purpose

The purpose of this Chapter is to promote installation of landscaping that enhances properties while promoting water conservation and the efficient use of water resources. This Chapter establishes minimum landscape requirements to enhance the appearance of developments, reduce heat and glare, control soil erosion, enhance on-site stormwater management, conserve water, and ensure the ongoing maintenance of landscaped areas.

17.20.020 Applicability

The provisions of this Chapter shall apply to all landscape projects installed in the County.

17.20.030 Water Efficient Landscaping and Irrigation

Landscaping installed pursuant to this Chapter shall comply with and be installed and maintained consistent with Title 23 Section 2.7 Model Water Efficient Landscape Ordinance of the California Code of Regulations, and California Green Building Standards Code Section 4.304.1.

17.20.040 Areas to be Landscaped

In addition to areas required to be landscaped pursuant to other sections of this Title, the following areas shall be landscaped.

A. R2 and R3 Zoning Districts: Required Front and Street Side Setbacks. In the R2 and R3 Zoning Districts, all required front and street side setbacks except areas used for exit and entry shall be landscaped. Existing natural shrubs and trees may be incorporated into the required landscaped areas.

B. Commercial Zoning Districts: Areas Between Buildings and Streets or Sidewalks. In Commercial Zoning Districts, the area between the front building plane and the public right-of-way except areas used for exit, entry, parking, outdoor dining and seating, and other similar improvements shall be landscaped. Existing natural shrubs and trees may be incorporated into the required landscaped areas.

C. M4 Zoning District: Areas Between Buildings and Streets or Sidewalks. In the M4 Zoning District, the area between the front building plane and the public right-of-way except areas used for exit, entry, parking, outdoor dining and seating, and other similar improvements shall be landscaped. Existing natural shrubs and trees may be incorporated into the required landscaped areas.

D. **Parking Areas.** Parking areas as required by Chapter 17.22, Parking.

E. **Disturbed Areas.** Any vegetation disturbed by construction activities shall be replaced by native or drought tolerant landscaping.

Chapter 17.21 Nonconforming Uses, Structures, and Parcels

17.21.010 Purpose

This Chapter is intended to permit the use of parcels, continuation of uses, and continued occupancy and maintenance of structures that were legally established but do not comply with all the standards and requirements of this Title in a manner that does not conflict with the General Plan. To that end, this Chapter establishes the circumstances under which a nonconforming parcel, use, or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan and public health, safety, and general welfare.

17.21.020 Applicability

The provisions of this Chapter apply to legally established structures, parcels, and uses that have become nonconforming through the adoption of or amendment to the Zoning Code, including the current version of this Code.

17.21.030 General Provisions

A. **Nonconformities, Generally.** Any lawfully established use, structure, or parcel that is in existence on the effective date of this Title or any subsequent amendment but does not comply with all the standards and requirements of this Title shall be considered nonconforming.

B. **Right to Continue.** Any use or structure that was lawfully established prior to the effective date of this Title or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, addition, or other change to any building or structure; and no substitution, expansion, or other change including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter.

1. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership.

2. The right to continue a nonconforming use or structure shall not apply to uses or structures deemed to be a public nuisance because of health or safety conditions.

3. The right to continue a nonconforming use or structure shall not apply if the nonconforming use has been abandoned or vacated as described in Section 17.21.080, Abandonment of Nonconforming Uses.

17.21.040 Nonconforming Parcels

Any parcel that is smaller than the minimum parcel size required by this Title or does not meet any of the applicable dimensional requirements shall be considered a lawful nonconforming parcel if it is described in the official records on file in the office of the County Recorder as a parcel of record. A nonconforming parcel may be used as a building site subject to compliance with all applicable requirements, or, if it is not possible to comply with all applicable requirements, a variance is approved as provided for in Chapter 17.35, Variances.

17.21.050 Maintenance of and Alterations and Additions to Nonconforming Structures

Lawful nonconforming structures may be continued and maintained in compliance with the requirements of this Section unless deemed by the Building Official to be a public nuisance because of health or safety conditions.

A. **Maintenance and Repairs.** Structural and nonstructural maintenance, repair, and interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge the structure, change the building footprint, or increase building height.

B. **Alterations and Additions.** Alterations and additions to nonconforming structures are allowed if the alteration or addition complies with the development standards of this Title and the use of the property is either a conforming or nonconforming residential use or a conforming nonresidential use.

C. **Nonconforming Signs.** Lawfully established signs that do not conform to the requirements of this Title may only be maintained in compliance with the requirements of Chapter 17.24, Signs.

17.21.060 Repair and Replacement of Damaged or Destroyed Nonconforming Structures

A nonconforming structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster which is not caused by a willful act or deliberate omission of a property owner, their agent, or person acting on their behalf or in concert with, may be restored or rebuilt subject to the following provisions.

A. **Restoration When Damage is 50 Percent or Less of Existing Floor Area.** If 50 percent or less of the existing floor area is damaged, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed, except that additions and alterations to nonconforming structures otherwise allowed by this Chapter may also be made at the same time.

B. **Restoration When Damage Exceeds 50 Percent of Existing Floor Area.** If more than 50 percent of the existing floor area is damaged, the land and building shall be subject to all of the requirements of this Title, including the provisions below.

1. ***Non-residential Uses and Structures.*** Any nonconforming use must permanently cease. The structure may be restored and used only in compliance with the requirements of this Title.

2. ***Residential Uses and Structures.*** Nonconforming residential uses and structures may be reconstructed, restored, or rebuilt and the nonconforming use, if any, may be resumed provided the rebuilt development complies with current standards as provided in this Section.

a. *Timing.* Building permits must be obtained within one year of the date of the damage or destruction and construction shall be diligently pursued to completion unless another time period is specified through Conditional Use Permit approval.

17.21.070 Expansions, Changes, and Substitutions of Nonconforming Uses

Nonconforming uses shall not be expanded, moved, or changed except as provided below.

A. **Expansion.**

1. ***Residential Use.*** Nonconforming residential uses may be enlarged and expanded provided no new dwelling units are created, unless exempted pursuant to State law.

2. ***Nonresidential Use.*** Nonconforming nonresidential uses may only be expanded with Conditional Use Permit approval.

a. *Required Findings.* The following findings must be made in order to approve a Conditional Use Permit for the expansion of a nonconforming nonresidential use.

i. The nonconforming use was legally established.

ii. The proposed expansion of the nonconforming use would not be detrimental to public health, safety, or general welfare.

b. *Conditions.* When making its decision on an application for an expansion of a nonconforming use, the Planning Commission may establish conditions that are necessary to accomplish the purposes of this Chapter, including, but not limited to:

i. Required improvement of, or modifications to existing improvements on, the property;

ii. Limitations on hours of operations;

iii. Limitations on the nature of operations; and

iv. A specified term of years for which the expanded nonconforming use shall be allowed.

B. **Change in Tenancy, Ownership, or Management.** Any nonconforming use may change ownership, tenancy, or management where the new use is of the same use classification as the previous use, as defined in Chapter 17.42, Use Classifications.

C. **Absence of Permit.** Any use that is nonconforming solely by reason of the absence of a permit or approval required by this Title may be changed to a conforming use by obtaining the appropriate permit or approval.

17.21.080 Abandonment of Nonconforming Uses

No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of 12 months as established by one of the following:

A. The site is vacated;

B. The business license lapses;

C. Utilities are terminated;

D. The lease is terminated; or

E. Similar evidence.

Chapter 17.22Parking

17.22.010 Purpose

The purpose of this Chapter is to provide standard parking requirements to ensure that all land uses have adequate parking, and to ensure that parking is usable and will not impede the flow of traffic or create hazards for pedestrians.

17.22.020 Applicability

The requirements of this Chapter apply to the establishment, alteration, expansion, or change in any use or structure, as provided in this Section.

A. **New Buildings and Land Uses.** Parking in accordance with this Chapter shall be provided at the time any main building or structure is erected or any new land use is established.

B. **Reconstruction, Expansion, and Change in Use of Existing Non-Residential Buildings.** The following apply to the reconstruction, expansion, and/or change in use of existing non-residential buildings.

1. When a change in use, expansion of a use, or expansion of floor area creates an increase of 10 percent or more in the number of required on-site parking spaces, additional on-site parking shall be provided for such addition, enlargement, or change in use and not for the entire building or site.

    a. *Exception, Changes of Use in the HC Zone.* In the HC Zone, additional parking is not required for the change of use provided there is no expansion of floor area.

2. The existing parking, up to the amount of parking spaces required for the existing use and/or building before expansion, reconstruction, or change, shall be maintained.

3. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use.

4. A change in occupancy is not considered a change in use unless the new occupant's business or activity is in a different use classification than the former occupant.

5. Additional parking spaces are not required for the reconstruction of an existing building when there is no increase in floor area.

C. **Alterations that Increase the Number of Dwelling Units.** Unless otherwise specified, the creation of additional dwelling units through the alteration of an existing building or construction of an

additional structure or structures requires parking to serve the new dwelling units. See Table 17.22.040, Required Parking Spaces.

D. **When Constructed.** Parking facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

17.22.030 General Provisions

A. **Existing Parking to be Maintained.** No existing parking serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.

B. **Nonconforming Parking.** An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of currently existing parking facilities required by this Chapter, provided that facilities used for parking as of the date of adoption of this Title are not reduced in number.

C. **Accessibility.** Parking areas must be accessible for its intended purpose during all hours of operation of the use it serves.

17.22.040 Required Parking Spaces

A. **Minimum Number of Spaces Required.** Each land use shall be provided at least the number of parking spaces stated in Table 17.22.040, Required Parking Spaces. The parking requirement for any use not listed in Table 17.22.040 shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

TABLE 17.22.040: REQUIRED PARKING SPACES

Use Classification	*Parking Spaces Required*
Residential Uses	**As specified for each land use below**
Residential Housing Types	
Single-Unit Dwelling, Detached	2 per unit, may be provided as tandem parking
Single-Unit Dwelling, Attached	2 per unit, may be provided as tandem parking
Multi-Unit Dwelling	1 per studio or 1 bedroom unit, 2 spaces per 2+ bedroom unit; spaces assigned to a single unit may be provided as tandem parking
Accessory Dwelling Unit	None, See Section 17.25.040, Accessory Dwelling Units
Employee Housing	None beyond what is required for the Residential Housing Type
Caretaker Unit	1 per unit

TABLE 17.22.040: REQUIRED PARKING SPACES	
Use Classification	*Parking Spaces Required*
Family Day Care	None beyond what is required for the Residential Housing Type
Mobile Home Park	2 spaces per unit, may be provided as tandem parking Guest parking: 1 for every 4 units
Residential Facility, Assisted Living	1 per 3 beds
Small Residential Care Facility	None beyond what is required for the Residential Housing Type
Supportive Housing	None beyond what is required for the Residential Housing Type
Transitional Housing	None beyond what is required for the Residential Housing Type
Public/Semi-Public Uses	**1 per 300 square feet of floor area, except as specified below**
Colleges and Trade Schools	1 for every employee, plus 1 space for every 4 students at planned capacity or 1 for every 4 auditorium seats, whichever is greater
Community Assembly	1 per 5 fixed seats or 1 per 75 sf of floor area used for assembly and not containing fixed seats.
Detention Facility	1 per 700 sf, plus 1 space per 3 employees on largest shift
Emergency Shelters	1 per 10 occupants, plus 1 space for each staff member.
Hospitals and Clinics	
Hospitals	1.5 per bed
Skilled Nursing Facility	1 per 3 beds
Park and Recreation Facilities, Public	To be determined by Director based on facilities provided and anticipated usage
Schools	1.5 spaces per classroom
Commercial Uses	**1 per 250 square feet of floor area plus 1 per 2,000 square feet of outdoor use, display, or storage area, except as specified below**
Animal Care and Boarding Facilities	
Animal Sanctuary	As determined by the Planning Director based on facility specific location and operating considerations such as public access, number of employees, special events, and size of sanctuary
Commercial Entertainment and Recreation	1 for every 4 persons of allowed maximum facility capacity or occupancy
Drive-Through Facility	As required for the associated use plus queue space for vehicles based on an analysis acceptable to the Director.
Eating and Drinking Establishments	1 per 100 square feet of customer service and seating area plus 1 per 200 square feet of outdoor seating area
Event Center	1 per 5 fixed seats or 1 per 75 sf of floor area used for assembly and not containing fixed seats
Lodging	See subclassifications below.

TABLE 17.22.040: REQUIRED PARKING SPACES	
Use Classification	*Parking Spaces Required*
Campgrounds and RV Parks	2 per designated campsite/RV space, plus 1 common space per 5 campsites.
Short-term Vacation Rental	None beyond what is required for the residence
Other Lodging Uses	1 for each guest room Additional parking required for ancillary uses, such as restaurants, according to the parking requirements for the ancillary use
Vehicle Sales and Services	1 per 250 square feet of office area and 1 for each vehicle service bay, plus vehicle queuing and drying/detail areas based on an analysis acceptable to the Director
Industrial Uses	**1 per 500 square feet of floor area plus 1 per 2,000 square feet of indoor warehousing or storage and outdoor use area, except as specified below**
Personal Storage	1 per 300 square feet of office area
Transportation, Communication, and Utility Uses	**1 per 300 square feet of office area plus 1 for every fleet vehicle**
Agricultural and Natural Resources Uses	**No minimum required**

B. Calculation of Required Spaces. The number of required parking spaces shall be calculated according to the following rules:

1. *Floor Area.* Where a parking requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be total floor area, unless otherwise stated. See Section 17.02.030.F, Determining Floor Area.

2. *Employees.* Where a parking requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.

3. *Bedrooms.* Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.

4. *Seats.* Where parking requirements are stated as a ratio of parking spaces to seats, each 80 inches of bench-type seating at maximum seating capacity is counted as one seat.

C. Sites with Multiple Uses. If more than one use is located on a site, the number of required parking spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 17.22.050, Parking Reductions.

17.22.050 Parking Reductions

The number of parking spaces required by Section 17.22.040, Required Parking Spaces, may be reduced as follows.

A. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of required automobile parking. Each motorcycle space must be at least four feet wide and seven feet deep.

B. **HC Zone.** In the HC Zone, required parking for any use may be reduced by 25 percent.

C. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced up to 25 percent with approval of an Administrative Use Permit or up to 50 percent with approval of a Conditional Use Permit, if the review authority finds that:

1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;

2. The proposed number of parking spaces to be provided will be adequate to serve each use; and

3. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of Section 17.22.070.A.1, Allowance for Off-Site Parking.

D. **Other Parking Reductions.** Required parking for any use may be reduced by up to 25 percent with approval of an Administrative Use Permit. Additional parking reductions require approval of a Conditional Use Permit.

1. ***Criteria for Approval.*** The review authority may approve a Use Permit for reduced parking if it finds that:

   a. Special conditions exist that will reduce parking demand at the site including, but not limited to, the nature of the proposed operation; transportation characteristics of persons residing, working, or visiting the site; the location of the use in a main street shopping area in townsites, community centers, or community plan areas; or because existing development precludes the addition of parking spaces; and

   b. The use will adequately be served by the proposed parking.

2. ***Parking Demand Study.*** In order to evaluate a proposed project's compliance with the above criteria, submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces may be required.

17.22.060 Parking In-Lieu Fees

If a parking In-Lieu Fee Program has been established, a fee may be paid to the County in lieu of providing required parking within the district.

A. **In-lieu Fee Amount.** The amount of the in-lieu fee shall be calculated and paid as set forth in a resolution of the Board of Supervisors which may be changed from time to time

B. **Use of Funds.** In-lieu fees shall be used for programs to reduce parking impacts within that assessment district.

17.22.070 Location of Required Parking

A. **On-Site Parking Required.** Required parking shall be located on the same lot as the use it serves except as allowed below.

1. ***Allowance for Off-Site Parking.*** Required parking may be located off-site provided the off-site parking facility is located within 500 feet, along a route used by pedestrians, of the principal entrance containing the use(s) for which the parking is required.

2. ***Parking Agreement.*** A parking agreement, which guarantees the long-term availability of the parking lot for the use it is intended to serve, shall be recorded with the County Clerk Recorder's Office. The agreement shall be in a form approved by the County Counsel and the Planning Director.

17.22.080 Parking Design Standards

A. Access Control.

1. Parking areas shall have adequate barriers, directional signs, or curbs, to direct access from the paved parking areas to approved encroachments.

2. Curbs, bumper guards, and/or wheel stops may be installed at the option of the developer, or the requirements of any permit approval.

3. Parking areas shall be designed or set back so that no portion of any vehicle parked in the lot is able to extend onto adjoining property or right-of-way.

B. Encroachments.

1. Access to parking lots shall be designed and placed according to the requirements of the Public Works Department for County roads, and Caltrans for state highways.

2. The use of shared driveways and parking areas are encouraged in order to reduce the number of driveways encroaching onto major and minor collectors, and minor arterials.

3. Whenever possible, shared encroachments or frontage roads should be integrated into parking area design.

C. **Parking Space and Drive Aisle Dimensions.** Parking lots shall be designed and constructed to the minimum dimensions in Table 17.22.080.C, Minimum Parking Dimensions, and Figure 17.22.080.C, Minimum Parking Dimensions.

TABLE 17.22.080.C: MINIMUM PARKING DIMENSIONS

Parking Angle (degrees)	*Space Width (feet)*	*Curb Length (feet)*	*Space Depth (feet)*	*Drive Aisle*
0 (Parallel)	9	24	9	12
30	9	17.3	18	13
45	9	12.7	20.5	15
60	9	10.4	22	19
90	9	9	20	25

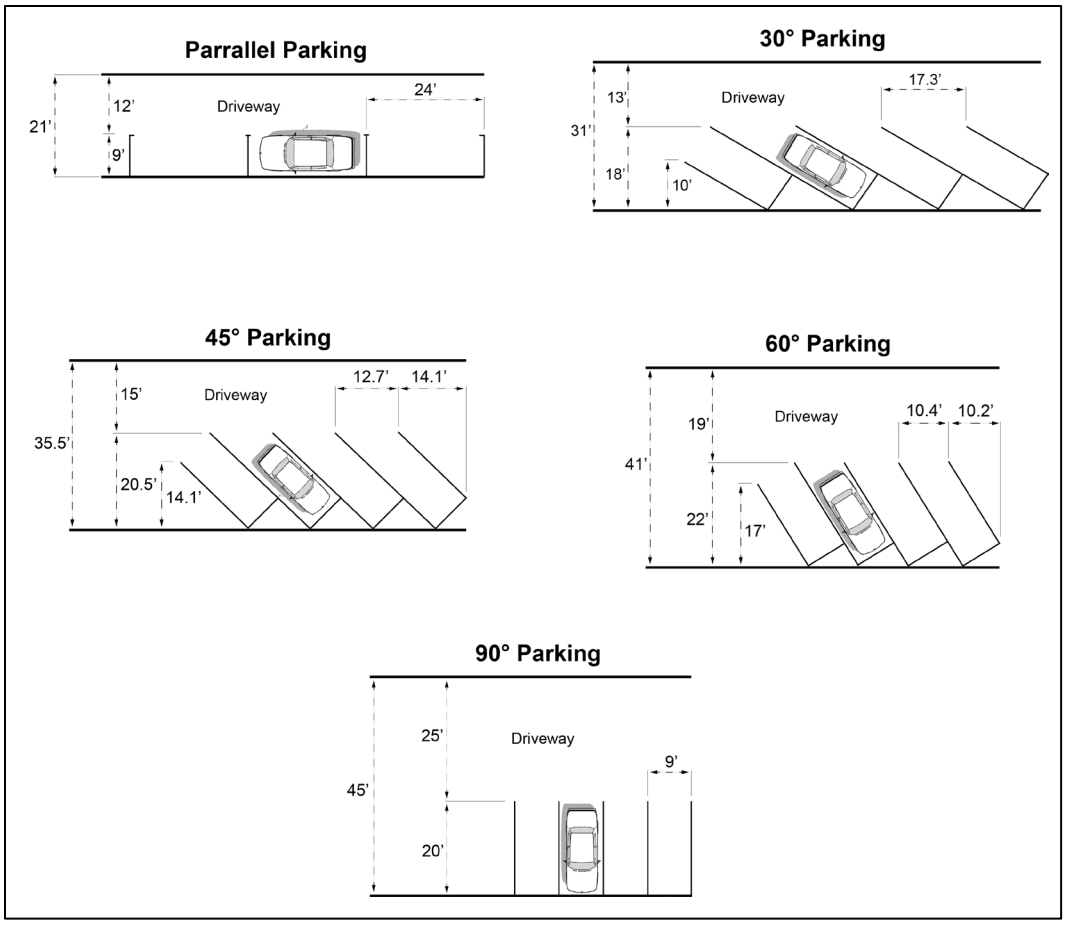


FIGURE 17.22.080.C: MINIMUM PARKING DIMENSIONS

D. Parking Lot Design and Circulation.

1. *Interior Circulation.* Parking lots shall be designed to ensure that no vehicle needs to use a public road to travel from one portion of the parking lot or facility to another. Dead-end aisles shall be provided with adequate paved turnaround area at the closed end.

2. *Storm Water Runoff.* Design of the parking lot shall include provisions for control of surface runoff waters onto adjoining property and roads as approved by the Public Works Department.

3. *Emergency Access.* Based on the requirements of the responsible fire protection agency, access for emergency vehicles may be required. Such access may include an alternate access for emergency use only and a fire lane.

4. ***Snow Storage Area.*** All parking lots above the 4,000-foot elevation shall include an area equal to 10 percent of the parking area for the storage of snow removed from the parking area.

5. ***Trailer Accommodations.*** Businesses located in areas where patron traffic is likely to include recreation vehicles, vehicles towing trailers, or other unusually long vehicles, may, at the option of the Planning Director, be required to provide additional parking lots for such vehicles. Driveway width and turning radii may be enlarged to accommodate the usage.

6. ***Drive Through Facilities.*** Uses with drive-through pick-up or service windows shall have circulation patterns designed to accommodate both transient parking patrons and drive-through patrons. Patrons using the parking lot shall be able to access parking spaces and exit the property without using the drive-through area. Vehicles in line at the drive-through window during peak traffic times shall be located in such a manner so that regular parking and circulation is not subjected to interference. Drive-through lanes shall be clearly marked. The above requirements shall be met if a drive-through is added to an existing use.

7. ***Motor Vehicle Fuel Sales.*** If an existing use is remodeled to include sales of motor vehicle fuels, a parking and circulation plan shall be submitted to and approved by the Planning Director prior to the use or occupancy of the development. Parking and access shall comply with this Title, even in such cases where there is no addition to an existing structure.

8. ***Service Station Conversion.*** If an existing vehicle service station is converted to a retail use, whether the fuel pumps remain in use or service, a parking and circulation plan shall be submitted to and approved by the Planning Director prior to the use or occupancy of the development. Parking and access shall comply with this Title, even in such cases where there is no addition to an existing structure. The fuel pump parking shall not be included as meeting the required spaces for the retail use.

E. **Parking Striping.** All parking spaces and, when required, aisles, pedestrian walkways and crossings, visitors' parking, fire lanes, no-parking areas and driveways, shall be striped and otherwise designated to provide for the safe loading, unloading and parking and storage of vehicles and shall be so installed as to be in accordance with the standards of the County for such improvements in accordance with this Chapter and any other applicable State, federal, or other regulation.

F. **Paving.** Other than parking areas for single-unit residential, campgrounds, and agriculture or timber uses, parking areas shall be paved with a minimum of four inches of Class 2 Aggregate Base and a surface minimum of two inches of asphalt concrete or equivalent durable and dust-free surface approved by the Public Works Department.

G. **Parking Lot Lighting Requirements.** Lighting in compliance with Section 17.16.100, Lighting and Illumination, shall be required for areas designed to accommodate four or more vehicles, providing a minimum of one-half foot-candle and a maximum of three foot-candles of light during the hours of use from one-half hour before dusk until one-half hour after dawn.

H. **Perimeter Landscaping.** For all uses, except single-unit dwellings, all off-street parking lots or facilities abutting a public street or highway, excepting those portions comprising driveways or pedestrian walkways, shall be bounded on the street or highway side or sides by a minimum three-foot-wide landscaped area.

I. **Alternative Parking Area Designs and Paving.** Applicants may submit alternative parking area designs and paving to the Planning Director. If the applicant can demonstrate that variations in the requirements of this Section are warranted to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED Green Building Rating System or equivalent, an alternative parking area design or paving may be approved.

J. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter, and shall always be kept in good repair.

Chapter 17.23 Post-Disaster Recovery

17.23.010 Purpose

The purpose of this Chapter is to facilitate the establishment of temporary housing for residents who have lost their homes due to a disaster and to establish procedures for rebuilding structures damaged or destroyed as a result of a disaster while protecting the public health and safety of the residents within the declared disaster area.

17.23.020 Declaration of Emergency; Duration

The provisions of this Chapter are applicable for a period of two years following the declaration of each disaster for which a local emergency has been declared by the Board of Supervisors and shall take precedence over any conflicting ordinances in the Calaveras County Code that would apply in the absence of the emergency. By resolution of the Board of Supervisors, the provisions of this Chapter may be extended for additional years, one year at a time, if the Board of Supervisors finds that additional time is necessary to prevent dislocation of residents who lost homes during the disaster and that systemic delays beyond the control of the individual property owners have occurred affecting reconstruction financing or construction.

17.23.030 Definitions

The following terms as used in this Chapter shall have the following meanings, unless the context in which a term is used plainly requires another meaning:

A. "Disaster" means a wildfire, flood, earthquake, or other natural or human-caused event that damages or destroys dwellings or other property and displaces people and which forms the basis for a declared local state of emergency.

B. "Footprint" means the area that falls directly beneath and shares the perimeter of a structure and any area in which debris from a destroyed building remained after the disaster.

17.23.040 Temporary On-Site Housing

Temporary replacement housing consisting of a mobile home, manufactured home, modular unit, recreational vehicle, or similar temporary shelter located on a parcel on which a residence sustained damage such that the residence was destroyed or was rendered uninhabitable as a result of the disaster shall be authorized by the Building Official or designee subject to the following provisions:

A. The permittee for temporary replacement housing was the property owner at the time that the disaster occurred.

B. Temporary replacement housing authorized pursuant to this Chapter shall be removed within two years of the date of the Board action declaring the local emergency, unless a one-year extension is granted by the Board of Supervisors pursuant to Section 17.23.020, in which case it may remain until the extension expires.

C. Temporary replacement housing shall meet the following installation standards:

1. The land owner shall provide proof of ownership and proof that a permitted residence was destroyed as a result of the disaster. Proof that a residence was destroyed or rendered uninhabitable as a result of the disaster may be provided in the form of a prior finaled building permit, assessor's records, aerial photos, or other documentation satisfactory to the building official. If the temporary housing is erected prior to certification that it is free of all public hazards and toxic debris, the following provisions shall apply:

    a. A waiver of liability shall be signed by the land owner;

    b. The temporary replacement housing shall be located a minimum of 150 feet from the footprint of any damaged structure and in a manner that does not impede the debris removal process.

    c. The property owner shall implement mitigation measures adequate to prevent exposure of hazardous wastes and safety risks to humans and animals.

2. The temporary replacement housing shall, absent a waiver of liability signed by the land owner, be located outside of the footprint of any damaged structure and shall not be erected until the site is certified by the County Environmental Health Department or a state-managed debris removal program as being free of all public hazards and all toxic debris or residue caused by the disaster.

3. The temporary replacement housing shall be located outside the boundaries of any recorded easements but may be located within the setback area of the applicable zone district so that placement of the temporary mobile home or recreational vehicle will allow for unobstructed reconstruction on the site.

4. The temporary replacement housing shall be connected to an approved source of water meeting one of the following criteria:

    a. Public water supply;

    b. Existing well provided that it has been certified by the Environmental Health Department as safe for domestic consumption;

5. The temporary replacement housing shall be connected to an approved sewage disposal system meeting one of the following criteria:

a. Public sewer system;

b. Existing on-site sewage disposal system that has been certified by the on-site wastewater department to be intact and functioning following the disaster;

c. Temporary holding tank with a contract with a pumping company for regular pumping. A copy of the contract shall be provided to the County.

d. Other method of sewage disposal approved by the County Environmental Health Officer.

6. The temporary replacement housing shall be connected to an approved source of electricity meeting one of the following criteria:

a. Permitted electrical service hook-up.

b. Permitted solar panels.

c. Other power electrical source approved by the County Building Official.

7. Temporary replacement housing shall not be located in a designated "special flood hazard area" (SFHA) as defined in Section 15.06.020, other officially designated special hazard area, or in any mapped area established by separate action of the Board or other authorized federal, state, or local official, as a moratorium area due to hazards to health and safety caused by the disaster and which require in-depth study before allowing rebuilding of any kind.

8. The temporary replacement housing may be converted to a temporary construction trailer upon issuance of a building permit for a permanent residence pursuant to Section 17.25.220.A.3, Mobile Home or Trailer as a Temporary Residence.

D. The property owner shall self-certify, on a form provided by the Building Department, that the above criteria have been satisfied for recreational vehicles. The self-certification shall include an agreement to remove the temporary housing in conformance with the provisions of subsections 17.23.040.A and B.8. All other temporary residential units shall be subject to permitting and inspection requirements as set forth by the California Department of Housing and Community Development.

17.23.050 Replacement of Damaged or Destroyed Housing or Other Structures

Structures damaged or destroyed by a disaster may be replaced pursuant to the following provisions:

A. Structures illegally constructed or uses illegally established before the disaster shall not be reconstructed or reestablished.

B. Except as otherwise provided in this Section, non-conforming buildings and non-conforming uses shall be subject to the provisions of Chapter 17.21.

C. Non-conforming buildings damaged or destroyed by a disaster may be replaced subject to the following provisions:

1. Replacement structures shall be located in the same location, with no change to the size, height, or footprint of the destroyed structure, except as provided in paragraph (C)(4) of this Section.

2. Replacement site-built structures shall comply with the current California Code of Regulations, Title 24 standards.

3. Prior to the issuance of a building permit, the site of the structure shall be certified by the California Department of Resources, Recycling and Recovery (Cal Recycle) or the County Environmental Health Department to be free of all public hazards and toxic debris or residue caused by the disaster.

4. Replacement of mobile homes, manufactured homes or recreational vehicles shall comply with the National Manufactured Housing Act (42 U.S.C. Section 5401 et seq.), the Special Occupancy Parks Act (Health and Safety Code Section 18860), the Manufactured Housing Act of 1980 (Health and Safety Code Section 18020 et seq.), and current California Code of Regulations, Title 25 standards.

5. Replacement structures shall not be located in a designated "special flood hazard area" (SFHA) as defined in Section 15.06.020, or other officially designated special hazard area.

D. Structures in conformance with current County standards may be reconstructed or replaced subject to the following provisions:

1. Prior to the issuance of a building permit, the site of the structure shall be certified by the California Department of Resources, Recycling and Recovery (Cal Recycle) or the County Environmental Health Department that the site is free of all public hazards and toxic debris or residue caused by the disaster.

2. Replacement site-built structures shall comply with the current California Code of Regulations, Title 24 standards.

3. Replacement of mobile homes, manufactured homes or recreational vehicles shall comply with the National Manufactured Housing Act (42 U.S.C. Section 5401 et seq.), the Special Occupancy Parks Act (Health and Safety Code Section 18860), the Manufactured Housing Act of 1980 (Health and Safety Code Section 18020 et seq.), and current California Code of Regulations, Title 25 standards.

4. Replacement structures shall not be located in a designated "special flood hazard area" (SFHA) as defined in Section 15.06.020, or other officially designated special hazard area.

E. One garage or storage building may be permitted as an accessory structure prior to the issuance of a permit for a single family dwelling on any parcel on which a residence was destroyed by a disaster.

17.23.060 Repair Criteria

Structures that have been damaged as the result of a disaster shall be repaired in accordance with the following criteria:

A. When the estimated value of repair is less than 50 percent of the replacement value of the structure, the damaged elements may be repaired. Any repairs must comply with the current California Code of Regulations, Title 24 standards.

B. When the estimated value of repair is 50 percent or more of the replacement value of the structure, the entire structure shall be brought into conformance with the current California Code of Regulations, Title 24 standards.

17.23.070 Temporary Emergency Shelter and Off-Site Temporary Housing

Construction or installation of one or more off-site dwelling units as a temporary shelter or temporary emergency housing for persons displaced by the disaster may be authorized, subject to the following provisions:

A. With the exception of temporary placement of a single mobile home, manufactured home, or recreational vehicle on a privately owned parcel, temporary housing for displaced persons shall be located only in the following zones: REC, R2, R3, CP, C1, C2, and M4;

B. Temporary replacement housing authorized pursuant to this Chapter shall be removed or lawfully converted into permanent housing within two years of the date of the Board action declaring the local emergency, unless an extension is granted by the Board of Supervisors pursuant to Section 17.23.020, in which case it shall be removed or converted prior to the expiration of such extension.

C. Temporary shelters or emergency housing consisting of more than one unit shall be connected to water and sewer service and power source approved by the county building official. A single off-site unit shall be connected to water and sewer as provided in Sections 17.23.040.B.4 and B.5.

D. With the exception of temporary placement of a single mobile home, manufactured home, or recreational vehicle on a privately owned parcel, off-site temporary housing and emergency

shelters authorized under this Chapter may only be established and operated by a federal, state, or county agency or a 501(C)(3) not-for-profit organization.

E. The entity providing emergency shelter or housing shall enter into an agreement with the County to remove all housing units and other facilities upon expiration of the temporary use permit or when the need for the temporary housing ceases, whichever occurs first.

17.23.080 Fees; Replacement of Damaged or Destroyed Housing or Other Structures

All current permit fees apply, including demolition permit fees, unless otherwise modified or waived by the Board of Supervisors as part of a specific emergency proclamation.

A. During the time period when this Chapter is applicable per Section 17.23.020, application filing fees that are normally paid at the time the application is submitted may be deferred at the applicant's request and paid at the time the permit is issued.

B. During the time period when this Chapter is applicable per Section 17.23.020, the RIM Fee, benefit basin fees, and school impact fees will be not be charged for replacement of lawful pre-existing improvements that were already subject to such fees or that were lawfully constructed prior to such impact fees. These fees will be charged for new or expanded improvements.

17.23.090 Debris Removal; Site Certification Required

All hazardous materials and debris, including but not limited to household hazardous wastes, asbestos, ash from burned structures, metals, damaged or destroyed vehicles, and all public hazards shall be removed prior to reconstruction or reuse of property damaged by the disaster and shall, in all cases, be removed and disposed of within 180 days of the disaster for which the local state of emergency was declared unless the County Environmental Health Director grants a discretionary ninety day extension upon a showing of good cause. Debris removal and disposal shall comply with all laws and regulations, and the site shall be certified within the time period described herein by the California Department of Resources, Recycling and Recovery or the County Environmental Health Department that it is free of all toxic debris or residue caused by the disaster.

17.23.100 Debris Disposal

All burned building debris and other hazardous debris created by the disaster that is removed from the site shall be disposed of in accordance with state law and policies and procedures developed and published by County Environmental Health Department.

17.23.110 Temporary Facilities for Post-Disaster Recovery

Temporary facilities necessary for the timely removal of debris, stabilization of soils, erosion control, and other needs as determined by the agency or agencies directing post-disaster recovery and clean-up operations may be established as needed subject to the following provisions:

A. Staging areas for equipment, vehicles, and storage on private property shall be subject to issuance of a temporary use permit, pursuant to Chapter 17.32. The temporary use permit shall identify the expiration date and shall specify clean-up and restoration provisions for the site upon termination of the use.

B. Staging areas on public land shall be subject to the authorization of the agency managing said land.

C. Off-site processing and storage, recycling, or other handling of disaster-generated debris shall be subject to the following provisions:

   1. The site is properly zoned for the activity and all required permits have been previously issued and validated, or

   2. A temporary use permit, pursuant to Chapter 17.32, has been issued. The temporary use permit shall specify the duration of the use, an expiration date, and clean-up and restoration provisions for the site upon termination of the use.

17.23.120 Severability and Pre-emption

A. If any section, subsection, sentence, clause, or phrase of this Chapter, is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any or all other portions of this Chapter.

B. To the extent that any part of this Chapter conflicts with any portion of an executive order signed by the governor of the state of California related to a disaster for which this Chapter is invoked, the executive order shall control.

Chapter 17.24 Signs

17.24.010 Purpose

The purpose of this Chapter is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. More specifically, this Chapter is intended to:

A. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;

B. Allow signs to serve as an effective channel of communication while preventing visual clutter that will detract from the aesthetic character of the County;

C. Maintain and enhance the County's appearance by regulating the location, number, type, quality of materials, size, illumination, and maintenance of signs;

D. Restrict signs that may create a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians or drivers;

E. Provide clear and unambiguous sign standards that enable fair and consistent enforcement; and

F. Ensure that the constitutionally guaranteed right of free speech is protected.

17.24.020 Applicability

The provisions of this Chapter apply to all signs in all zoning districts, unless otherwise specified, constructed, or physically altered on or after the effective date of this Chapter.

A. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the County.

B. The provisions of this Chapter shall not require alteration of the display of any registered mark, or any trademark, service mark, trade name, or corporate name that may be associated with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. When applicable, it is the responsibility of the applicant to establish that a proposed sign includes a valid registered mark.

17.24.030 Exempt Signs

The following signs are exempt from the permit requirements of this Chapter, and they do not count toward the total sign area limit for a site, provided that they conform to the specified standards.

A. Signs required by Federal/State law.

B. Temporary holiday displays and decorations.

C. Community bulletin boards, whether sponsored by a private entity or public organization.

D. Signs for special events such as yard, barn, and garage sales; open houses; theatrical performances; musical events; fundraising activities; and similar events that comply with the following requirements. Additional signage may be allowed pursuant to Section 17.24.100.F, Temporary Signs.

   1. Are smaller than 18 inches by 30 inches.

   2. Are posted for no longer than seven days prior to event.

   3. Are removed within 72 hours of the last day of the event.

   4. Are not posted on traffic-control signs, utility poles or traffic advisory signs.

E. "No Trespassing" signs.

F. "Open" and “Closed” signs.

G. Address numbers less than eight inches in height.

H. Signs placed by utilities or other publicly regulated service providers indicating location of underground facilities, danger, and aids to service or safety, including official advisory and signal flags.

I. Informational signs not more than eight square feet in area for the direction or convenience of the public such as outlining/assisting vehicle and pedestrian circulation within a site, egress, ingress, and any public facilities such as restrooms, telephones, walkways, and other similar features.

J. Signs that are in the interior areas of a building or site not visible from the public right-of-way, and at least five feet from a window, door, or other exterior wall opening.

K. Murals or other artistic paintings on walls, provided no logos, emblems, or other similar devices, sign copy, or illustrations of activities associated with uses on the premises or in the vicinity are included in the mural or painting.

L. Commemorative plaques, tablets, date of construction, and similar signs.

M. Memorial tablets or signs and historic markers.

N. Construction informational signs up to a maximum size of four-square feet per sign, erected during construction and removed upon final inspection or occupancy, whichever occurs first.

O. Political signs informing of political candidates, parties, issues, measures, propositions, philosophies, or personal beliefs, and which are not commercial messages, shall be exempt from all regulations of this Chapter, except that such signs shall not be placed within the public right-of-way. Political signs shall conform to the requirements of the Elections Code for placement and removal.

P. Signs adhered to windows up to a maximum size of 25 percent of the total window area of the building elevation where the signs are located.

17.24.040 Prohibited Signs

Unless otherwise permitted by a specific provision of this Chapter, the following sign types are prohibited:

A. **Animated or Moving Signs.** Animated, flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind. This provision does not apply to signs using digital display technology, such as LED (light emitting diodes) or functionally equivalent display methods, which are permitted, subject to the regulations of this Chapter.

B. **Balloons, Inflatable Signs, Streamers, Pennants, and Other Attention-Getting Devices.** Balloons, inflatable signs, streamers, pennants, and other movable attention-getting devices, made of light-weight fabric or similar material, designed to rotate, or move with the wind, that direct, promote, or that are otherwise designed to attract attention are prohibited except when used as promotional signs pursuant to Section 17.24.100.F, Temporary Signs.

C. **Mobile Billboards.** Any sign carried or conveyed by a vehicle for the primary purpose of general advertising for hire, except when used as promotional signs pursuant to Section 17.24.100.F, Temporary Signs. This prohibition does not apply to displays on vehicles related to the goods or services provided by the vehicle owner or operator and public transit/public carrier graphics on properly licensed buses, taxicabs, and similar vehicles for hire that legally pass through the County.

D. **Signs Located in the Public Right-of-Way or on Public Property.** Other than official government signs or warning signs required by law, no inanimate sign can be placed in or project into the public right-of-way or on public property unless authorized by an encroachment permit.

E. **Signs Affixed to Utility Poles or Trees.** Signs affixed to or cut into any utility pole or tree or other living vegetation.

F. **Signs on Terrain.** Signs cut, burned, marked, or displayed in any manner on a street, sidewalk, cliff, or hillside.

G. **Signs Creating Traffic Hazards or Affecting Pedestrian Safety.**

1. Signs placed or located in such a manner as to constitute a safety hazard or to impede the public use of the public right-of-way.

2. Signs which contain any design, symbol or content that parodies, imitates, or resembles traffic-control signs or devices.

H. **Signs Blocking Ingress or Egress, and Access.** Any sign erected in such a manner that will limit, prohibit, or otherwise obstruct the use of any doors, windows, access routes or emergency access routes.

I. **Signs for Prohibited Uses.** A sign displaying a commercial message promoting a business that is a prohibited use and has not been established as a legal nonconforming use.

J. **Signs that Produce Noise or Emissions.** Signs that produce visible smoke, vapor, particles, odor, noise, or sounds that can be heard at the property line, excluding voice units at menu boards and devices for servicing customers from their vehicles.

17.24.050 Measuring Sign Area

The area of a sign shall be calculated by enclosing the extreme limits of framing, emblem, logo, representation, letters applied to the structure without a distinctive background (e.g., channel letter), or other display within a maximum of two squares and/or rectangles. Supporting structures, such as bases and columns, are not included in sign area provided that they contain no lettering or graphics. See Figure 17.24.050: Sign Area Measurement.

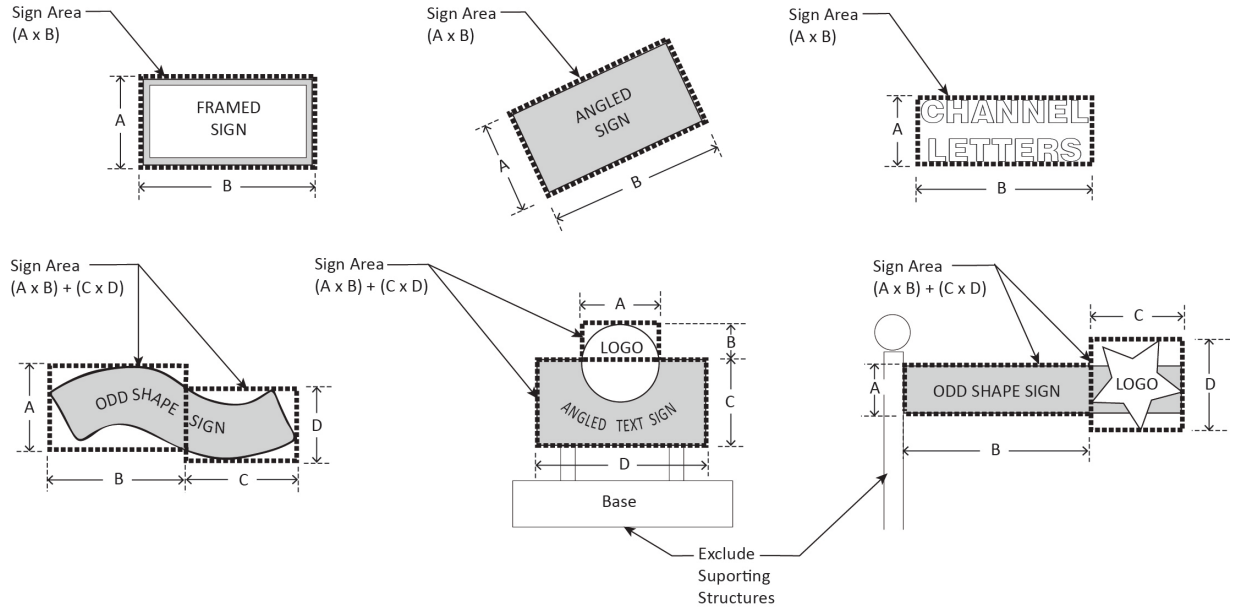


FIGURE 17.24.050: SIGN AREA MEASUREMENT

A. **Single-Faced Signs.** The sign area of a sign with a single face area is the area of the sign face.

B. **Double-Faced Signs.** Where two faces of a double-faced sign are located two feet or less from one another at all points or located at an interior angle of 45 degrees or less from one another, the sign area of double-faced signs is computed as the area of one face. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than two feet or greater than 45 degrees from one another, both sign faces are counted toward sign area.

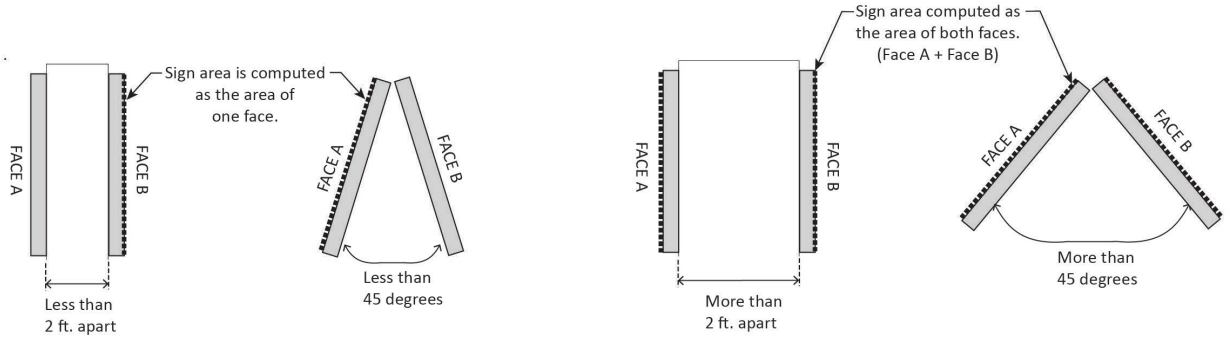


FIGURE 17.24.050.B: MEASURING DOUBLE-FACED SIGNS

C. **Multi-Faced Signs.** On a multi-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) must be summed to determine sign area. In all

other situations involving a sign with three or more sides, sign area will be calculated as the sum of all faces.

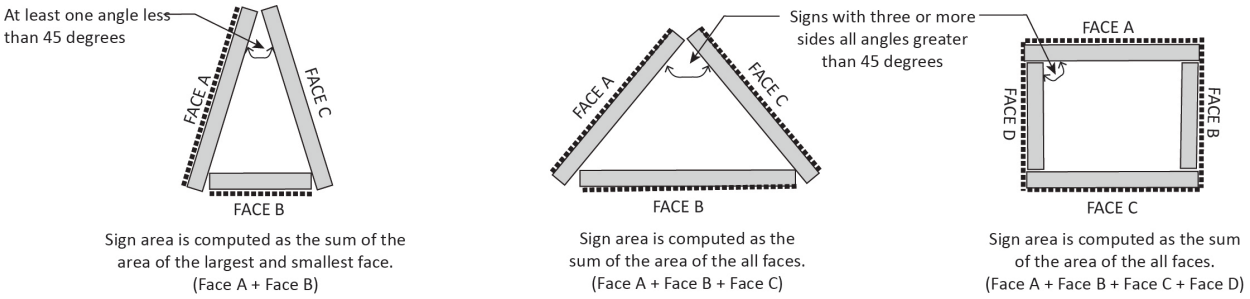


FIGURE 17.24.050.C: MEASURING MULTI-FACED SIGNS

D. **Three-Dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), may have a sign area that is the sum of all areas using the four vertical sides of the smallest rectangular prism that will encompass the sign.

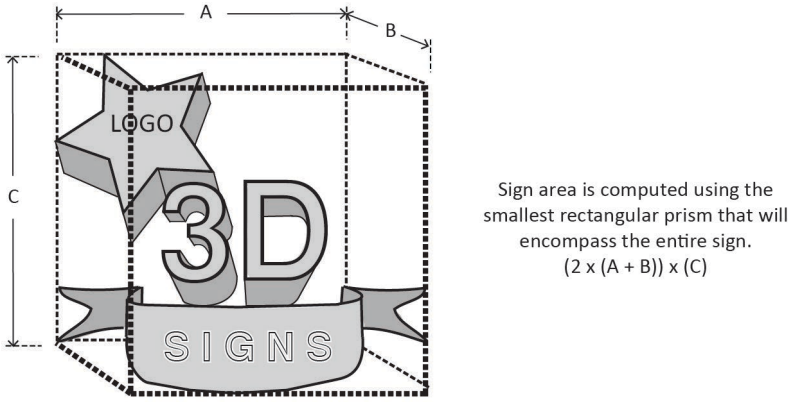


FIGURE 17.24.050.D: MEASURING THREE-DIMENSIONAL SIGNS

17.24.060 Required Permits

A. **Applicable Codes.** In addition to complying with the provisions of this Section, all signs must be constructed in accordance with the Building Code, the Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies.

B. **Zoning Clearance.** A Zoning Clearance pursuant to Chapter 17.28, Zoning Clearance, is required for all signs, except those specifically exempted in Section 17.24.030, Exempt Signs.

C. **Encroachment Permits.** Signs mounted on private property may project into or above public property or the public right-of-way only with approval by the Public Works Director of an encroachment permit.

D. **Comprehensive Sign Program.** The purpose of a Comprehensive Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance.

1. ***Applicability.*** A Comprehensive Sign Program is required whenever a deviation from the standards of this Chapter is requested. A Comprehensive Sign Program may also be requested for any project with two or more nonresidential tenants.

2. ***Application.*** Comprehensive Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Comprehensive Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.

3. ***Allowable Modifications.*** A Comprehensive Sign Program may provide for deviations from the standards of this Chapter.

4. ***Review Authority.*** All Comprehensive Sign Programs are subject to review and approval of the Review Authority for the project with which the signs are associated. A Comprehensive Sign Program may be submitted separately or as part of the permit application for the project.

5. ***Required Findings.*** In order to approve a Comprehensive Sign Program, the Review Authority must find that all of the following are met, in addition to other applicable regulations in this Chapter.

a. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;

b. Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification; and

c. Directional signage and building addressing are adequate for pedestrian and vehicular circulation and emergency vehicle access.

6. ***Lessees to Be Informed of Comprehensive Sign Program.*** Lessees within developments subject to the requirements of an approved Comprehensive Sign Program shall be made aware of the Comprehensive Sign Program in their lease.

17.24.070 Sign Copy

A. **Changes to Copy of Approved Signs.** Changes to the copy of approved signs that were legally established and have not been modified to become illegal are exempt from permitting pursuant to this Chapter. Changes to copy do not include changes to the type or level of illumination of an approved sign.

B. **Noncommercial Signs.** Non-commercial signs are allowed wherever commercial signs are permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter.

C. **Message Substitution.** A non-commercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, any non-commercial message may be substituted for any other non-commercial message, and any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message.

1. ***No Additional Approval.*** Such substitution of message may be made without any additional approval, permitting, registration, or notice to the County. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over any other noncommercial message.

2. ***Limitations.*** This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

D. **Changeable Copy.**

1. ***Manual Changeable Copy.*** Manually changeable copy is allowed.

2. ***Automatic Changeable Copy and Electronic Message Center Signs.*** Electronic Message Center (EMC) signs and automatic changeable copy in which copy can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, are allowed subject to the following standards.

a. *Display Duration.* The display shall change no more frequently than once every eight seconds and must have an unlighted interval between copy displays of 0.3 second or more.

b. *Static Message.* Displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination, or the flashing, scintillating, or varying of light intensity.

c. *Light Intensity.* 0.3 foot-candles over ambient lighting conditions when measured at a distance equal to the square root of 100 times the area of the sign in square feet. All electronic copy must be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.

d. *Automatic Controls*. All electronic message displays shall be equipped with automatic controls to allow for adjustment of brightness based on ambient lighting conditions.

17.24.080 Sign Height

A. Maximum Sign Height. The top of any sign structure or display area shall not be more than 25 feet above the average ground elevation as measured within 100 feet of the sign, or more than 10 feet above the highest point of the on-site structure, whichever is less.

B. Minimum Sign Clearance.

1. The bottom of any sign located within the vision clearance zone established in Section 17.16.140, Visibility at Intersections and Driveways, shall be no less than eight feet above the highest elevation of the road surface within the clearance zone.

2. Signs that extend over pedestrian-exclusive access shall be a minimum of 10 feet above the highest elevation under the sign. Signs that extend over a vehicle-pedestrian or vehicle-exclusive access area shall be a minimum of 16 feet above the highest surface elevation under the sign.

C. Billboards. Billboards shall be a maximum of 20 feet above the ground elevation on which the billboard is located.

17.24.090 Illumination

Unless otherwise established by planned development or design review criteria, signs may be illuminated either directly or indirectly. Sign illumination shall be in compliance with Section 17.16.100, Lighting and Illumination and the following:

A. Externally illuminated signs shall use top mounted light fixtures which shine downward and are directed so that lighting does not shine or glare into traffic patterns within a parking lot, on a road, or onto adjoining property.

B. Internally illuminated signs shall not produce light such that lighting levels increase by more than 0.3 foot-candles over ambient lighting conditions as measured using a foot candle meter at a distance of 150 feet from the sign. The light source, lamps, or bulbs shall not be directly visible and shall be obscured by translucent or filtered lenses or designs.

17.24.100 Allowed Signage

A. **Nonresidential Uses.** In addition to other signs allowed pursuant to this Section, nonresidential uses are allowed the following signs:

1. ***Nonresidential Uses in Residential Zones.*** Nonresidential uses in Residential Zones, including home occupations and short term vacation rentals, a single-sided sign without illumination is permitted, provided that the sign is mounted on the residence, and is no larger than twelve inches in height and twenty-four inches in length.

2. ***Nonresidential Uses in Zones other than Residential Zones.*** Nonresidential uses in zones other than Residential Zones are allowed a maximum of one square foot of sign area for each linear foot of principal building elevation.

    a. The property owners shall select the elevation of the structure that is considered the principal elevation. The principal elevation is used for determining allowable sign area; however, sign placement is not limited to the designated principal elevation.

    b. The maximum allowed sign area applies to the cumulative sign area of all signs located on the subject parcel.

B. **Entrance Signs.** Nonresidential developments with two or more tenants and residential subdivisions may erect entrance identification signs with a maximum cumulative sign area of 250 square feet per development or subdivision.

C. **Directional Signs.** The overall purpose of directional signs is to inform tourist and travel visitors to the County of various recreation, historic, civic, and cultural features. Directional signs, pursuant

to the Outdoor Advertising Act, are permitted for businesses which rely primarily on tourist and travel-oriented clientele. Such signs shall be no more than 32 square feet in total area, and shall be subject to the provisions of an Administrative Use Permit. Limitations on the style of graphics, color scheme or other features of the sign may be set to maintain a conformity in concept between the various directional signs in the County.

D. **Billboards.** Billboards of a maximum area of 128 square feet may be permitted on private property in the M2 zone upon approval of a Conditional Use Permit. Billboards shall comply with the provisions of Division 3, Chapter 2 of the California Business and Professions Code, and the following requirements:

1. Billboards shall not be erected in a manner to block the visibility along the highway for pedestrians and vehicles of other vehicular traffic.

2. Billboards may be illuminated, except that blinking or animated lighting shall not be permitted.

3. No billboard shall be erected within 300 feet of any other billboard facing the same traffic direction. No billboard shall be erected within 300 feet of an on-site sign for the same business erected in conformance with this Chapter.

4. No billboard shall be erected without the issuance of a permit pursuant to the Outdoor Advertising Act from the California Department of Transportation.

E. **Community Identification Signs.** Freestanding community identification signs containing the name of a recognized community in the General Plan or a city, are permitted in any zone at or near an entrance to the community or city pursuant to an Administrative Use Permit and the following regulations:

1. ***Community Information.*** A community identification sign may include a community theme and directional information but shall not contain other advertising matter.

2. ***Area.*** Signs shall not exceed 60 square feet in sign area.

3. ***Height.*** Signs shall not exceed 15 feet in height.

4. ***Design.*** Signs shall be architecturally compatible with the community area in which they are located and shall be constructed with decorative materials that are compatible with the location and the community.

5. ***Community Outreach Required.*** To approve a community identification sign, the review authority shall find that adequate community outreach has occurred to ensure the community is aware of the application and has had the opportunity to provide input.

F. **Temporary Signs.** Temporary signs are allowed as follows.

1. ***General Temporary Signs.*** Temporary signs are allowed provided they comply with the following requirements.

    a. Are smaller than four feet by eight feet.

    b. Are posted for no longer than six weeks.

    c. Are not replaced in substantially the same form until at least four calendar weeks have passed from the conclusion of the last previous display of the sign.

    d. Are not posted on traffic-control signs, utility poles or traffic advisory signs.

    e. Across-the-road banners require the approval of the department of Public Works for County roads and Caltrans for State highways.

2. ***Real Estate.*** Signs offering property for sale or lease are permitted as follows, provided that such signs are removed upon close of escrow for sale transactions, or the initial period of full occupancy for lease or rental transactions:

    a. Residential parcels of less than five acres: maximum cumulative sign area is four square feet.

    b. Residential multi-unit developments of fewer than 10 units: maximum cumulative sign area is eight square feet.

    c. Other types of real estate and development: maximum cumulative sign area is 32 square feet.

3. ***Sandwich Boards.*** Sandwich boards are permitted in compliance with the following.

    a. Maximum Width: Two feet.

    b. Maximum Height: Three feet.

    c. Maximum Number: One per tenant space.

    d. Location: May be located within required setback areas. Shall not unreasonably impede access to or use of doorways, walkways, drive aisles, parking areas, and/or spaces.

4. ***New Development Signs.*** Residential subdivisions for which a final tract map has been recorded, and commercial or industrial complexes for which parcel maps have been recorded, may erect temporary signs in compliance with the following.

    a. *Location.* Such signs may be placed upon private property within two road miles of the subdivision or project provided that the record owner of the private property has agreed to such placement.

b. *Maximum Sign Area.* Signs shall have a maximum area of 32 square feet.

c. *Maximum Total Number of Signs.* A maximum of six signs shall be permitted.

d. *Maximum Number of Signs Per Parcel Frontage.* A maximum of one sign per parcel frontage.

e. *Duration.* The maximum term that new development signs may be displayed under the provisions of this Section is 18 months.

i. The time period is measured from the date of erection of the first sign. All additional signs are assigned time periods from this first date.

ii. Additional units or phases of the same subdivision count as additional subdivisions for the purposes of determining the 18-month duration.

iii. The starting time and date for the additional units shall be based on the date of recordation of the final maps for the additional subdivision units.

iv. The maximum of six signs, however, applies to the additional units. It is prohibited to have more than a total of six signs, even when there is more than one subdivision unit.

17.24.110 Nonconforming Signs

A. Continuance and Maintenance. Reasonable and routine maintenance and repairs may be performed on signs that are nonconforming provided there is no expansion of any nonconformity.

B. Abandonment of Nonconforming Sign. Whenever a nonconforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of 12 months, the nonconforming sign must be removed.

C. Restoration of a Damaged Sign. A nonconforming sign with damage that does not exceed 50 percent of the total sign area, including hardware and attachments, may be restored provided that the repairs start within 60 days of the date of damage and are diligently pursued to completion.

17.24.120 Sign Maintenance

All signs erected in conformance with this Chapter shall be maintained in a safe and orderly appearance. The sign owner shall perform such maintenance tasks as necessary on a regular basis, including and not limited to repainting, replacement of structural members, repair of sign facing and illumination, and removal of vegetation around the base of the sign or structure.

Chapter 17.25 Standards for Specific Uses

17.25.010 Purpose

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all zones. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

17.25.020 Applicability

A. Each land use and activity covered by this Chapter shall comply with the requirements of the Section applicable to the specific use or activity, in addition to any applicable standard this Title required in the zone where the use or activity is proposed and all other applicable provisions of this Title.

B. The uses that are subject to the standards in this Chapter shall be located only where allowed by the Land Use Regulation tables in Subtitle II: Base Zoning Districts or specific plan and/or planned development use regulations.

C. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by zone, specific plan, or planned development regulations, such as a Conditional Use Permit, except where this Chapter establishes a different planning permit requirement for a specific use.

17.25.030 Accessory Uses

Accessory uses that are clearly incidental and customarily associated with a principal use on the site may be allowed in conjunction with the principal use to which it relates. Accessory uses shall be subject to the same regulations as the principal use and any standards applicable to specific uses and activities found in this Title. Examples of uses considered accessory to agricultural operations include, but are not limited to, small scale equipment servicing operations and small scale lumbering operations.

17.25.040 Accessory Dwelling Units

Accessory dwelling units shall comply with all provisions of the base, overlay, or specific plan zone, except as modified by this Section.

A. **Residential Density.** An accessory dwelling unit is a residential use that is consistent with the existing general plan and zoning designations for the lot. Any accessory dwelling unit constructed

pursuant to this Section will not cause the allowable density to be exceeded (i.e. accessory dwelling units do not count in density calculations).

B. **Primary Dwelling Unit Required.** The lot shall be zoned to allow single-unit or multi-unit dwellings and contain an existing dwelling unit at the time a Building Permit for an accessory dwelling unit is submitted, or the Building Permit for the accessory dwelling unit may be made in conjunction with the development of the primary dwelling.

C. **Number and Type of Units.**

1. ***Lots with Existing or Proposed Single-Unit Dwellings.*** The following accessory dwelling units are permitted on lots with existing or proposed single-unit dwellings.

    a. One detached accessory dwelling unit or one accessory dwelling unit within the existing or proposed space of a single-unit dwelling, and

    b. One junior accessory dwelling unit within the existing or proposed space of a single-unit dwelling, including an attached garage. See Section 17.25.040.E.4, Junior Accessory Dwelling Unit.

2. ***Lots with Existing Multi-Unit Dwellings.*** The following accessory dwelling units are permitted on lots with existing multi-unit dwellings.

    a. Two detached accessory dwelling units, and

    b. Up to 25 percent of the number of units within a multi-unit structure, with a minimum of one accessory dwelling unit, constructed within portions of the multi-unit structure that are not used as livable space.

D. **Standards for Attached and Detached Accessory Dwelling Units.**

1. ***Floor Area.*** Maximum 1,200 square feet.

2. ***Setbacks.*** Accessory dwelling units shall comply with the setback standards applicable to other structures within the zone in which the lot is located except as provided below.

    a. *Interior Side and Rear Setbacks.* Minimum four-foot side and rear setbacks.

    b. *Accessory Dwelling Unit Constructed Above a Garage.* If an accessory dwelling unit is constructed above a garage, a setback of no more than five feet from the interior lot lines shall be required for the accessory dwelling unit.

E. **Standards for Accessory Dwelling Units Constructed Within Existing or Proposed Structures.** For purposes of this Subsection, to be considered an existing structure, the structure must be a legally permitted structure that conforms to current zoning or is legally permitted but nonconforming as to current zoning.

1. ***Floor Area.*** The accessory dwelling unit shall be contained entirely within the permitted floor area of the primary residence or accessory structure on the same lot as the primary residence. A maximum 150 square feet expansion to existing floor area is allowed to accommodate ingress and egress.

2. ***Exterior Access.*** Exterior access that is independent from the primary residence shall be provided.

3. ***Setbacks.*** The interior setbacks shall be sufficient for fire safety.

4. ***Junior Accessory Dwelling Unit.*** Accessory dwelling units within existing or proposed structures may be designed as a junior accessory dwelling units subject to the following standards.

    a. *Floor Area.* Maximum 500 square feet.

    b. *Efficiency Kitchen Required.* The junior accessory dwelling unit shall have an efficiency kitchen which shall include all of the following.

        i. A cooking facility with appliances.

        ii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

    c. *Owner Occupancy Required.* The owner of the single-unit dwelling in which the junior accessory dwelling unit is located shall reside in either the remaining portion of the structure or the junior accessory dwelling unit.

F. Conversions.

1. ***Setbacks.*** No setback shall be required for an existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing legal structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.

2. ***Parking.*** If enclosed or covered parking for the primary dwelling is converted or demolished in conjunction with the construction of an accessory dwelling unit, replacement parking is not required.

G. Required Parking. Automobile parking is not required for an accessory dwelling unit. Required parking for the primary dwelling shall be provided pursuant to Chapter 17.22, Parking.

H. Water, Wastewater, and Fire Protection. Applicable building code requirements, environmental health requirements pertaining to domestic water supply and onsite wastewater treatment systems requirements, and fire protection codes shall be met.

I. Determination of Adequate Water Source Capacity.

1. When an accessory dwelling is not served by a public water system, the adequacy of any well serving more than one residential unit shall be determined by the Environmental Health Department based on an assessment of the well's water production adequacy in a source capacity report, as specified in Section 16.12.090(B) of the Calaveras County Code, that has been prepared by a qualified professional as defined in Section 16.03.365.

2. The well shall be considered an adequate source of water when one of the following criteria have been documented in the source capacity report:

   a. Source capacity of five gallons per minute or greater that is sustained during a 24-hour period of continuous pumping, or until 7,200 gallons of water has been pumped, whichever is less, with a minimum of 1,500 gallons of storage in a tank approved by the American Water Works Association (AWWA) or equivalent; or

   b. Source capacity of two and a half gallons per minute or greater that is sustained during a 24-hour period of continuous pumping, or until 7,200 gallons of water has been pumped, whichever is less, with a minimum of 2,500 gallons of storage in a tank approved by the American Water Works Association (AWWA) or equivalent.

3. Nothing herein shall restrict the development of a second well to provide water for the accessory dwelling in lieu of the source capacity testing specified herein.

J. Fire Sprinklers. An accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary residence.

K. Emergency Access and Egress. The site of an accessory dwelling unit shall meet the minimum emergency access and egress requirements as set forth in the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Article 2 if located in the State Responsibility Area and in a high or very high fire severity zone.

L. Historic Structures and Places. If the accessory dwelling unit is located on real property listed in the California Register of Historic Places the unit shall conform to any standards adopted by the State or County that prevent impacts to the historic quality of the site.

M. Sale and Rental Limitations. Accessory dwelling units may be rented separately from the primary residence but may not be sold or otherwise conveyed separate from the primary residence, except as allowed pursuant to Government Code Section 65852.2. Rental terms shall be a minimum of 30 consecutive days.

N. Transient Occupancy Prohibited. An accessory dwelling shall not be used as a transient occupancy unit where paying guests occupy a dwelling unit for periods of less than 30 days.

O. **Permit Review.** An application for an accessory dwelling unit that complies with all applicable requirements of this Chapter and California Government Code Section 65852.2 shall be approved ministerially through the Building Permit process. A Building Permit application for an accessory dwelling unit on a parcel with an existing or proposed single-family or multi-family dwelling shall be approved or denied within 60 days of the Building Permit application being deemed complete. The Building Permit applicant may request a delay in the County processing of the Building Permit, which shall result in the suspension of the 60-day time period.

17.25.050 Agricultural Homestays and Dude Ranches

Agricultural homestays and dude ranches shall be located, developed, and operated in compliance with the following.

A. **Purpose.** The primary purpose of the agricultural homestay or dude ranch establishment is the guest's education and active participation in the on-site agricultural or ranching activities. Lodging and meals are incidental and not the primary function of the agricultural homestay or dude ranch establishment.

B. **Minimum Parcel Size.** The property proposed for an agricultural homestay or dude ranch shall be 20 acres or greater in size.

C. **Accessory to an Agricultural Operation.** Agricultural homestays and dude ranches shall be accessory to a farm, as defined in Section 52262 of the Food and Agricultural Code, that produces agricultural products as its primary source of income.

D. **Location.** The homestay or dude ranch shall be located in the primary residence occupied by the property owner, as evidenced by a homeowners' exemption carried on the latest equalized assessor rolls. Homestays and dude ranches are prohibited in accessory dwelling units. Failure to maintain the homeowners' exemption shall be grounds for prohibition of further occupancy as an agricultural homestay or dude ranch.

E. **Maximum Number of Rooms and Guests.** The agricultural homestay or dude ranch shall have no more than five guest rooms and accommodates no more than ten guests.

F. **Food Service.** Agricultural homestays and dude ranches shall serve food only to their registered guests to the extent to which the price of food is included in the price of the overnight transient occupancy accommodation.

G. **Limitation on Activities and Events.** Any activities or events that involve more than ten guests are not allowed.

17.25.060 Animal Keeping

A. **Applicability.** The standards of this Section apply to the keeping of animals in all zones other than the GF, TP, A1, AP, and RA Zones. The keeping of animals in the GF, TP, A1, AP, and RA Zones are instead subject to Title 6, Animals, of the Calaveras County Code, and Section 17.25.070, Animal Production.

B. **Accessory Use.** Animal keeping is only allowed as an accessory use to a primary residential use.

C. **Calaveras County Code Title 6, Animals.** In addition to the standards of this Section, animals shall be kept in compliance with Title 6, Animals, of the Calaveras County Code.

D. **Youth-Oriented Projects.** The temporary keeping of animals to finish the animals for sale as part of a formal, supervised youth-oriented animal husbandry projects, sponsored, conducted or approved by the Future Farmers of America, Boy Scouts of America, Girl Scouts of America, 4H Club, or any similar nonprofit organization, is allowed in the RR and R-1 Zones.

E. **Rabbits and Hens; R-1 Zone.** Hens and rabbits may be kept as an accessory use to a primary residential use in the R-1 Zone, in accordance with the following. Roosters are prohibited.

1. ***Minimum Lot Size.*** 4,000 square feet.
2. ***Maximum Number.*** A total of eight hens and rabbits, including chicks.
3. ***Enclosure.*** Hens and rabbits shall be located within an enclosure and not be allowed to roam at large.
4. ***Location.*** The enclosure shall be located in the rear yard, a minimum of 30 feet from a residential dwelling on an adjacent property.

F. **Domestic Animals; RR Zone and Lots Less than 10 Acres in the RA Zone.** Livestock, including horses, donkeys, mules, burros, cattle, sheep, goats, swine, rabbits, hens, and other animals commonly kept for domestic purposes, except dogs and cats, may be kept as an accessory use to a primary residential use in the RR Zone and lots less than 10 acres in the RA Zone in accordance with the following. The keeping of other domestic animals is subject to Title 6, Animals, of the Calaveras County Code.

1. ***Minimum Lot Size.*** One acre.
2. ***Maximum Number.*** A maximum of one animal equivalent unit is allowed per acre of land available for use by the animal(s). The animal equivalent unit per animal type is listed below.
    a. Cattle, horses, donkeys, mules, burros, and similar livestock: Each individual animal is equal to one animal equivalent unit.

b. Sheep, goats, llamas, large birds (such as emus), pigs (including pot-bellied pigs), and similar animals: Each individual animal is equal to 0.20 animal equivalent units (five sheep, goats, or pigs, or combination thereof, equal one animal equivalent unit).

c. Rabbits and hens: Each individual animal is equal to 0.025 animal equivalent units (40 rabbits, hens, or combination thereof, equal one animal equivalent unit).

G. **Additional Animals.** Additional animals may be kept as an accessory use to a primary residential use pursuant to Conditional Use Permit approval.

17.25.070 Animal Production

A. **Permitted Animal Production Operations.** In the GF, A1, and AP Zones and on parcels 10 acres or larger in RA Zones, the following animal production operations are permitted in the amount not to exceed the reasonable carrying capacity of the property: The raising, production, and/or sale of livestock, including cattle, sheep, goats, pigs, horses, llamas, rabbits, fur-producing animals, poultry, fowl, fish and all other kinds of animal husbandry; includes dairying and ranching. Animal production operations that exceed the criteria established below require Administrative Use Permit approval.

1. Dairies: mature dairy cows, 200 heads.
2. Hog farms: swine (less than 55 pounds), 3,000 heads.
3. Hog farms: swine (55 pounds or greater), 750 heads.
4. Poultry facilities: 1,500 ducks.
5. Poultry facilities: 9,000 laying hens or broilers.
6. Poultry facilities: 16,500 turkeys.
7. Rabbit facilities: 1,500 rabbits.

17.25.080 Camping on Private Property

A. **Camping on Private Property Outside of Designated Camping Areas.** A property owner is allowed to camp on their private property either in a recreation vehicle or other shelter or means for a continuous period of up to 14 days or a cumulative period not to exceed 30 days in one calendar year.

17.25.090 Campgrounds and RV Parks

A. **Campgrounds and RV Parks.** Campgrounds and RV parks are allowed where specified in Subtitle II, Base Zoning Districts, and/or any other section of this Title, in compliance with the following.

1. All campgrounds and RV parks shall meet the requirements of Title 25, Division I, Chapter 2.2, Special Occupancy Parks of the California Code of Regulations.

2. All campgrounds and RV parks serving recreation vehicles shall have a sewage/septage receptacle for the emptying of vehicle tanks of a size and design meeting the requirements of the Department of Environmental Health.

3. All campgrounds and RV parks shall be served by flush-type toilets as necessary to serve the campground and RV park with a septic system or sewer connection meeting the requirements of the Department of Environmental Health.

4. Campgrounds and RV parks shall meet the requirements of the responsible fire protection agency.

5. All campgrounds and RV parks shall be served by access routes capable of safe and adequate capacity and surface material to handle the projected peak traffic load.

6. Campground and RV park parking areas shall be exempt from the paving requirements of Chapter 17.22, Parking. Access roads to the campgrounds and RV parks may require improvement or paving in conformance with County requirements.

7. Emergency Access and Evacuation. Emergency access and evacuation shall be provided pursuant to Public Resource Code sections 4290 and 4291. Compliance with Public Resource Code sections 4290 and 4291 shall be reviewed and approved by the Fire Marshall.

17.25.100 Community Gardens

Community gardens (see Section 17.42.020) shall be located, developed, and operated in compliance with the following. Residential accessory gardens cultivated or attended to in whole or in part by neighboring residents or property owners are not subject to the standards of this Section.

A. **Management.** A manager shall be designated for each garden who shall serve as liaison between gardeners, property owner(s), and the County.

B. **Hours of Operation.** Gardens shall only be tended between dawn and dusk unless additional hours are approved pursuant to an Administrative Use Permit.

C. **Buildings and Structures.** Accessory buildings, such as sheds, greenhouses, and hoophouses are allowed and shall comply with the property development standards of the base zoning district.

D. **Equipment.** Use of mechanized farm equipment is prohibited except as provided below or approved pursuant to an Administrative Use Permit.

1. Heavy equipment may be used initially to prepare the land for gardening.

2. Landscaping equipment designed for household use is permitted.

E. **Maintenance.**

1. The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.

2. Soil amendments, composting, and waste material shall be managed and shall not attract or support the growth of flies or other pests.

F. **Composting.**

1. Compost and compost receptacles shall be located so as not to be visible from a public right-of-way.

2. Compost and compost receptacles shall be set back a minimum of 20 feet from residential structures.

3. In Residential Zones, composting is limited to producing compost materials that will be used on-site.

G. **Produce Stands.** Produce stands are permitted on the site of a community garden subject to the following regulations:

1. ***Maximum Size.*** Limited to 120 square feet.

2. ***Sales.*** Product sales are limited to produce grown on-site.

3. ***Hours of Operation.*** Operating hours for a produce stand are limited to 8:00 a.m. to 7:00 p.m.

17.25.110 Emergency Shelters

Emergency shelters for homeless persons (see Section 17.42.020) shall be located, developed, and operated in compliance with the following.

A. **Location.** A new emergency shelter shall not be established or operated at any location less than 300 feet from another emergency shelter.

B. **Length of Stay.** The length of stay for clients in any emergency shelter shall not exceed six months.

C. **Number of Beds.** The maximum number of beds in each shelter shall be limited to the facility's ability to provide basic sanitation for all clients.

D. **Interior Waiting Area.** A separate enclosed interior client waiting room or intake area shall be provided for each shelter. The size of the interior waiting room or intake area shall be no less than 100 square feet.

E. **Exterior Waiting or Gathering Areas.** Exterior waiting or gathering areas shall be located within fenced, screened and landscaped areas.

F. **Exterior Lighting.** Exterior lighting sufficient to ensure fully lit parking, gathering, and waiting areas shall be provided and shall be consistent with Section 17.16.100, Lighting and Illumination.

G. **On-Site Management.** Each shelter shall be operated by a responsible agency, organization, group or individual with experience managing and/or providing social services. An on-site manager shall be present at the shelter at all times the shelter is in operation and shall have authority to enforce the provisions of operating procedures, management plans, and safety plans.

H. **Security.** On site security by individuals trained in providing security shall be provided during the hours the shelter is in operation.

17.25.120 Employee Housing (for Farmworkers)

The following applies to employee housing for farmworkers, as that housing is defined in Health & Safety Code §17008, which applies to five or more employees. Said housing is regulated under the Health and Safety Code and the California Code of Regulations.

A. **Six or Fewer Employees.** Under Health and Safety Code section 17021.5, employee housing providing accommodations for six or fewer employees shall be deemed to be a single-unit structure with a residential land use, and shall be treated the same as a single unit dwelling of the same type in the same zoning district.

B. **Zoning Districts Where Agriculture Uses Are Allowed.** Under Health and Safety Code section 17021.6, the permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located, and may consist of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household on land zoned for agricultural uses. Such employee housing shall be deemed an activity that in no way differs from an agricultural use.

17.25.130 Farmer's Markets

Farmer's markets shall be located, developed, and operated in compliance with the following.

A. **Required Permits.** The market operator and vendors shall obtain any permits required pursuant to this Title and secure all necessary licenses, certificates, and health permits. Copies of all permits shall be in the possession of the farmer's market manager or the vendor, as applicable, on the site of the farmer's market during all hours of operation.

B. **Management Plan.** A management plan shall be prepared and provided to the Planning Director. The management plan shall include the following:

1. Identification of a market manager or managers, who shall be present during all hours of operation.

2. A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.

C. **Hours of Operation.** Market activities may be conducted between the hours of 7:00 a.m. and 8:00 p.m. with specific hours and duration to be approved by the County. Set-up of market operations cannot begin more than two hours prior to the operational hours of the market and take-down shall be completed within two hours of the close of the market.

D. **Waste Disposal.** Adequate composting, recycling, and trash containers shall be provided during hours of operation and shall be removed from site for appropriate disposal at the end of each day of operation.

17.25.140 Home Occupations

Home occupations shall be located, developed, and operated in compliance with the following standards:

A. **Applicability.** This Section applies to home occupations in any residential unit in the County regardless of the zoning district. It does not apply to family day care, which is regulated separately.

B. **Business License Required.** Where applicable, a separate County business license is required for each home occupation.

C. **General Standards.** All home occupations shall be located and operated consistent with the following standards:

1. ***Residential Appearance.*** The appearance of the property which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted except signage consistent with the provisions of this Title.

2. ***Location.*** All home occupation activities shall be conducted entirely within the residential unit, garage, or other accessory structure.

3. ***Floor Area Limitation.*** No more than 33 percent of the total floor area of all the structures on the property may be used in the conduct of the home occupation.

4. ***Employees.*** In addition to individuals residing on the property, a maximum of one employee or independent contractor shall be permitted to work at the location of a home occupation except as otherwise allowed for cottage food operations.

5. *On-Site Client Contact.*

    a. *Number.* The number of customers or clients shall be limited to three at any time.

    b. *Hours.* Hours for clients shall be limited to 8:00 a.m. to 8:00 p.m. weekdays and 10:00 a.m. to 5:00 p.m. on weekends and holidays.

6. ***Direct Sales Prohibition.*** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication or except as otherwise allowed for cottage food operations.

7. ***Storage.*** Exterior storage of materials, supplies, and/or equipment for the home occupation shall meet the outdoor storage requirements of the zone in which the property is located.

8. ***Hazardous Materials.*** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.

9. ***Nuisances.*** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the dwelling unit if conducted in other than a detached single-unit dwelling.

10. ***Traffic and Parking Generation.*** Home occupations shall not generate more than 7.5 average daily trips in the vicinity or on the street on which the dwelling is located or the need for additional parking spaces.

11. ***Contractor Vehicles.*** Light commercial and utility vehicles used by the proprietor for travel to a job site may be kept on the property.

12. ***Trailers and Equipment.*** Trailers, lowboys, heavy equipment, backhoes, and other similar equipment or trailers shall be stored out of view from adjacent parcels and the public right-of-way. Any repair and maintenance shall be conducted within an enclosed building.

D. **Cottage Food Operations.** A cottage food operation, as defined in Section 113758 of the California Health and Safety Code, is allowed as a home occupation and an accessory use to any legally established residential unit subject to the following standards:

1. ***Registration.*** Cottage food operations shall be registered with the State as "Class A" or "Class B" cottage food operations and shall meet the respective health and safety standards set forth in Section 114365 et seq. of the California Health and Safety Code.

2. ***Sales.*** Sales directly from a cottage food operation are limited to the sale of cottage food products. A cottage food operation shall not exceed the maximum gross annual sales established in Section 113758 of the California Health and Safety Code.

3. ***Operator and Employee Allowed.*** Only the cottage food operator and members of the household living in the unit, as well as one full-time equivalent cottage food employee, may participate in a cottage food operation.

4. ***Equipment.*** Cottage food operations may employ kitchen equipment as needed to produce products for which the operation has received registration, provided that equipment would not change the residential character of the unit, result in safety hazards, or create smoke or steam noticeable at the lot line of an adjoining residential property. Venting of kitchen equipment shall not be directed toward neighboring residential uses.

E. **Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations:

1. Eating and drinking establishments; and

2. Hotels and motels; and

3. Retail sales.

17.25.150 Mobile Home Parks

The following standards apply to all mobile home parks in addition to any State or federal requirements.

A. **Mobile Home Sites.**

1. ***Site Identification.*** Each mobile home site shall be plainly marked and numbered for identification.

2. ***Minimum Site Area.*** Each mobile home site shall have a minimum of 3,000 square feet in area.

3. ***Minimum Site Width.*** Each mobile home site shall have a minimum width of 30 feet plus the width of the mobile home, unless it is shown that adequate space for a patio, parking, and side yard(s) will be assured, despite a site of lesser width.

B. Yards.

1. ***Front Yard.*** Each mobile home site shall have a front yard of not less than seven feet. The front yard so required shall not be used for vehicle parking, except such paved portion thereof as is devoted to driveway use.

2. ***Side Yard, Corner Lot.*** On corner sites, the side yard adjoining the mobile home park street shall not be less than five feet.

3. ***Side Yards, Interior.*** Each mobile home site shall have side yard on each side of not less than five feet.

4. ***Side Yard, Driveway.*** When used for access to a parking facility, a side yard shall be wide enough for a 10-foot-wide unobstructed driveway.

5. ***Rear Yard.*** Each mobile home site shall have a rear yard of not less than five feet in depth.

C. Projection Into Yard. The following structures may be erected or projected into any required yard:

1. Eaves, stairways, and awnings not to exceed one foot.

2. Landscape elements including trees, shrubs, and other plants, except hedges, provided that such landscape feature does not hinder the movement of the mobile home in or out of its space.

3. Mobile home hitches.

4. Necessary appurtenances for utility services.

D. Distance Between Structures. No portion of a mobile home or attached accessory structure shall be closer than 10 feet to another mobile home or attached accessory structure.

E. Maximum Site Coverage. The mobile home and accessory structures shall not cover more than 75 percent of the mobile home site.

F. Number of Homes per Site. Not more than one single-family mobile home may be placed on a mobile home site.

G. Buffer Space. All mobile home parks shall have a minimum of 30 feet buffer space between the adjacent developments.

H. **Landscaping.** In addition to the requirements of Chapter 17.20, Landscaping, the following landscaping provisions apply to all mobile home parks:

1. All open areas except driveways, parking area, walkways, utility areas, improved decks, patios, or porches shall be landscaped.

2. Trees shall be planted along street frontage as may be required by the Planning Commission.

I. **Streets.** Mobile home park streets shall be provided in such a pattern as to provide convenient traffic circulation within the mobile home park. On-street parking is not permitted except on streets designed to accommodate on-street parking. Streets shall be built to the following standards:

1. All mobile home park streets shall have a width of not less than30 feet including curbs.

2. There shall be concrete roll curbs on each side of the street.

3. The streets shall be paved. Detailed plans shall be submitted to the Public Works Director for review and approval.

J. **Park and Recreation Areas.** Each mobile home park shall provide a central recreation area of a minimum of 100 square feet per mobile home site. The recreation area may contain community club houses, swimming pools, shuffleboard courts, and similar facilities. The Planning Commission may permit decentralization of the recreation facilities in accordance with principles of good planning provided that the total recreation area meets the above stated minimum size.

K. **Office.** Every mobile home park shall include a permanent building for office use. Such building may include a single-family dwelling for the exclusive use of the owner or manager.

L. **Mail Boxes.** Each mobile home park shall be equipped with receptacles for mail deliveries in accordance with the standards prescribed by the local postmaster.

M. **Storage Areas.** Areas used for the storage of travel trailers, boats, and other such items may be established in a mobile home park provided they are adequately screened from public view.

N. **Utilities.** All utility distribution facilities serving individual mobile home sites shall be placed underground. The owner is responsible for complying with these requirements and shall make the necessary arrangements with each of the serving utilities for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenant structures may be placed aboveground. Water and sewer distribution facilities shall be installed in conformance with specifications of the utility engineer.

O. **Sale of Mobile Homes at Mobile Home Parks.**

1. ***Conditional Use Permit.*** The operation of a business or occupation, either full or part, for the purpose of mobile home sales, shall be allowed on the premises of any legally established mobile home park, subject to the issuance of a Conditional Use Permit.

2. ***Restrictions.*** In no event shall the holder of the Conditional Use Permit or any other person maintain or allow to be maintained on the mobile home park premises for display any mobile home either assembled or disassembled which is not installed on the site and connected to all utilities sufficient to be legally adequate for immediate occupancy. The maximum number of unoccupied mobile homes so installed for display shall not exceed three units at any one time.

17.25.160 Outdoor Dining and Seating

Outdoor dining and seating shall be located, developed, and operated in compliance with the following standards.

A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public-right-of-way is subject to an encroachment permit issued by the Public Works Department pursuant to Chapter 12.09 of the Calaveras County Code.

B. **Accessory Use.** Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.

C. **Parking.** Where an outdoor dining and seating area occupies less than 500 square feet, additional parking spaces for the associated eating and drinking establishment are not required. Parking shall be provided according to the required ratio in Chapter 17.22, Parking, for any outdoor dining and seating area exceeding 500 square feet.

D. **Location.** Outdoor dining and seating areas may be in required setback areas but shall not encroach into pedestrian pathways or required parking areas. Outdoor dining and seating areas may be allowed to encroach into a public right-of-way with an approved encroachment permit issued by the Public Works Director.

E. **Litter Removal.** Outdoor dining and seating areas shall always remain clear of litter.

17.25.170 Outdoor Display and Sales

Outdoor display and sales shall be located, developed, and operated in compliance with the following standards.

A. **Temporary Outdoor Display and Sales.** The temporary outdoor display and sale of merchandise shall comply with Section 17.25.220, Temporary Uses, and Chapter 17.32, Temporary Use Permits.

B. **Size.** There is no limit on the size of outdoor display areas for vehicle sales and leasing, building materials sales, garden shops, and wholesale nurseries and greenhouses. For other uses, outdoor display areas 500 square feet or less in size are permitted. Outdoor display areas more than 500 square feet in size require Administrative Use Permit approval.

C. **Relationship to Main Use.** The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject parcel.

D. **Allowable Merchandise.** Only merchandise sold at the business is permitted to be displayed outdoors.

E. **Location.** The displayed merchandise shall be located in compliance with all of the following:

1. Shall be located entirely on private property and not in the public right-of-way;
2. Shall occupy a fixed, specifically approved, and defined location;
3. Shall not disrupt the normal function of the site or its circulation; and
4. Shall not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.

17.25.180 Rural Home Industry

Rural home industries (see Section 17.42.030) shall be located, developed, and operated in compliance with the following standards.

A. **Allowed Activities.** Rural home industries may process, fabricate, or manufacture goods or commodities, but not those which are hazardous or produce excessive noise, dust, odor, or traffic.

1. ***Hazardous or Toxic Materials.*** Prior to a change of use, issuance of a business license, or issuance of a building permit, whichever occurs first, a project proponent shall submit a list or plan of all substances to be used or produced by the proposed business to the County Health Officer. The Health Officer shall review the plan or list to determine if the type, method of use or quantity of the substance(s) is such that there may be a significant effect on the environment associated with the substances. If there is a significant effect, the Health Officer shall notify the Planning Director.

B. **Required Findings.** No rural home industry shall be approved without a finding that the use is compatible with neighboring properties.

C. **Performance Standards.** The following performance standards shall apply in addition to any other standards in this Title:

1. Operation of the rural home industry shall not become the cause of repeated and legitimate complaints concerning noise, dust, odor, traffic volume or composition, or number of employees;

2. Siting of structures and location of new trees shall be undertaken with care to ensure that shadows do not block solar energy collection devices on adjoining parcels;

3. The paving of driveways and parking areas serving rural home industries located below the 3,000 foot elevation shall be at the discretion of the Planning Commission or local Fire Protection Agency on the basis of projected traffic generation. Above the 3,000 foot elevation, driveways serving the rural home industry structures shall be paved;

4. No rural home industry shall be approved without meeting the requirements of the responsible fire protection agency;

5. At the discretion of the Planning Commission, based on existing land use and the proposed rural home industry, fences or landscaped screening may be required as a condition of permit approval;

6. Noise levels generated by the rural home industry shall not exceed 60 Ldn as measured at the property line of any adjoining residentially zoned property;

7. If the road from which the rural home industry is not a publicly maintained road, the permit holder shall join an existing road maintenance entity or form a new road maintenance entity to the satisfaction of the Planning Director;

8. No rural home industry use shall commence unless or until the permit holder establishes a primary, permanent, full-time residence upon the same assessor parcel as the rural home industry.

17.25.190 Special Events

The purpose of a special event permit is to provide for a review process to consider activities or uses which may be compatible with other permitted uses within a zone district, but due to their nature may have an impact on the environment or the public health, safety and welfare of the community. Special event permits require consideration of site design, adjacent land uses, availability of public infrastructure and services, and environmental impacts, based on the specific location of any proposed activity or use requiring such a permit. It is not the intent of this review process to regulate conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory

means of opinion, views or ideas which are protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution.

A. **Special Events, Defined.** Special events are organized activities, assembly, or events to which the public is invited to watch, listen or participate, and for which compensation may be made, for the use of the site and facilities if held on private property. Special events are subject to the requirements of this Section.

B. **Where Allowed.** Special events are allowed as an accessory use to a primary use on-site as follows. Special events that are not accessory to an on-site primary use are considered event centers (see Section 17.42.030) and subject to the standards and requirements for event centers included in this Title.

1. ***A1 and AP Zones.*** Special events are allowed as a secondary use to an on-site farm as defined in Section 52262 of the Food and Agricultural Code provided no more than three percent of the total land or 10 acres, whichever is less, is used subject to the following permit requirements:

    a. Up to 12 special events may be held in a calendar year as a permitted use.

    b. Thirteen to 24 special events, held during a calendar year requires an Administrative Use Permit.

    c. Over 24 special events, held during a calendar year requires a Conditional Use Permit.

2. ***Other Zones.*** In all zones other than A1 and AP, special events are allowed as secondary uses to an established primary use, pursuant to the allowances, requirements, and permit requirements of this Section.

C. **Permit Required.**

1. Special events may be held on any lands located within the unincorporated boundaries of the County, subject to approval and validation of the appropriate use permit, except as provided in Sections 17.25.190.B.1.a and 17.25.190.D.

2. It is unlawful for any person to hold, engage in, or conduct, within the unincorporated boundaries of the County, any special event subject to the provisions of this Title and not expressly exempt hereunder without having first obtained a valid permit and without having first complied with all applicable provisions of this Section.

3. The Planning Director, Planning Commission, or Board of Supervisors, as applicable, are authorized to issue permits for special events pursuant to the procedures established in this Section.

4. A copy of the County approved permit shall be kept on site at the venue of the special event and shall be made available for review by any County official upon request.

5. Compliance with the provisions of this Title does not exempt the holder of a permit from compliance with all other provisions of the County Code or any other federal, state or local law or regulation.

D. **Exemptions.** The following special events are exempt from this Section:

1. A parade covered by an approved Road Closure Permit, which is not held in conjunction with a larger event.

2. Funeral processions by a licensed mortuary or funeral home.

3. Special events held in existing legal theaters, meeting halls, or other public assembly facilities and public parks where the event complies with all applicable state, federal and local laws and regulations, where there is adequate parking and the number of attendees or type of events does not require additional emergency or security personnel to be present.

4. Special events held at the County fairground facilities, where the event complies with all applicable state, federal and local laws and regulations, where there is adequate parking and the number of attendees or type of events does not require additional emergency or security personnel to be present, as determined by the County Sheriff.

5. Live music in conjunction with a restaurant, cafe, pub, tavern, bar or tasting room subject to Chapter 9.02, Noise Control, of the Calaveras County Code, and subject to any limitation on the number of attendees as set forth in the Zoning District for the property on which the use occurs.

6. Any school event on a school campus including but not limited to athletic events, school dances, rallies, educational assemblies, etc.

7. Lawful picketing or demonstrations on private property or public sidewalks or other public rights-of-ways owned or controlled by the County so long as application of traffic regulations, laws or controls are complied with.

8. Special events exempt from County regulation under applicable state or federal law.

9. Although not required to obtain a permit for an activity exempted pursuant to this Subsection, an event organizer is required to comply with general regulations governing public and environmental health and safety and all other applicable federal, state, and local laws and regulations.

10. Events that are in compliance with Section 17.25.080.H, Recurring and Historical Events.

E. Similar events. When a special event is not specifically listed in this Section, the Planning Director shall determine whether the special event is similar in nature to listed special events and shall establish the appropriate permit required.

F. Type of Permit Required.

1. *Temporary Use Permit.* A special event that would require a Temporary Use Permit is a one-time special event with no impact to the environment, adjacent property, the neighborhood and the community and does not require interdepartmental routing for review and conditions by other County departments. Special events subject to a Temporary Use Permit are typically self-contained on a single property, not requiring additional County services and/or any other event that the Planning Director determines to meet the requirement of needing a Temporary Use Permit. These types of events would qualify to be exempt from the California Environmental Quality Act.

2. *Administrative Use Permit*. A special event that would require an Administrative Use Permit is one that would have limited or less than significant impact to the environment, on adjacent property, the neighborhood or community and would require interdepartmental routing and conditions of approval outside of the standard conditions placed on a Temporary Use Permit. Events characterized as needing this type of permit qualify for an exemption from the California Environmental Quality Act and may include, but are not limited to carnivals, parades, car shows, pedestrian or bicycle races, and craft exhibits or bazaars. An Administrative Use Permit can be issued for a one-time event that does not qualify for a Temporary Use Permit, as well as multiple events for the same location, that occur at various times throughout the year.

3. *Conditional Use Permit*. A special event that would require a Conditional Use Permit is one that could have the potential to cause effects on the environment or adversely impact adjacent property, the neighborhood or the community. It would require interdepartmental and/or outside agency routing. These types of events are characterized as having a large attendance, routinely occurring on a yearly basis, and include, but are not limited to music or concert festivals, overnight festivals and year round markets. These types of events may not be exempt from the California Environmental Quality Act and require a more detailed environmental review. Special event Conditional Use Permits are also subject to the provisions of Chapter 17.31, Conditional Use Permits.

G. Development and Operational Standards.

1. Any person or entity desiring to conduct a special event for which a special event permit is required, shall file an application with the Planning Department per the following timeframe:

a. *Temporary Use Permit.* Thirty calendar days prior to the special event.

b. *Administrative Use Permit.* Thirty calendar days prior to the special event.

c. *Conditional Use Permit.* Six months prior to the special event.

2. All applications shall be completed on a County application form and contain at a minimum all of the following information:

a. The name of the applicant, the sponsoring organization, the approval of the sponsoring organization for the applicant to apply for the permit on its behalf, the special event organizer who promotes and manages the special event, if any, and the mailing addresses, e-mail addresses and telephone numbers of each, and the proposed date, time, duration and location of the special event.

b. Property owner authorization.

c. If applicable, the proposed location of the parade assembly and disbanding areas, the route to be traveled, and the parade assembly starting and ending times.

d. The nature and purpose of the special event and a description of all of the equipment and planned activities, including, without limitation, all of the following:

i. The sale, distribution, donation, or collection of any merchandise, food, beverages, or services;

ii. Cooking of food or open fires;

iii. The sale or consumption of alcoholic beverages;

iv. The use of temporary fencing, temporary structures and whether the fencing or structures will be prefabricated or site built;

v. The use of pyrotechnics or fireworks;

vi. The operation of carnival or animal rides and any demonstrations with animals; and

vii. The use of specialized recreational equipment which is to be operated as part of an event activity.

e. The approximate number of anticipated special event participants, which includes, without limitation, spectators, staff, volunteers, security personnel, first aid and medical services personnel.

f. The plan to accommodate vehicle and bicycle parking by participants, including parking for the disabled, of on-street parking, and a parking shuttle plan, if

applicable. For special events in parks, whether vehicle access into the park is requested, the number of vehicles, the planned path of travel, and whether the vehicle(s) will remain in the park overnight. For special events that will involve temporary street, alley, or sidewalk closures, or temporary on-street parking restrictions, a traffic control and/or parking management plan consistent with the California Manual on Uniform Traffic Control Devices for Streets and Highways may be required.

g. An event site plan to identify locations and number of all equipment and facilities including, without limitation, temporary fencing, temporary structures, staging, bleachers, portable restrooms and hand washing stations, cooking facilities, tables and chairs, waste and recycling containers, electrical and water sources and connections, fuel storage, emergency medical service area(s), pyrotechnic devices or fireworks, carnival and animal rides, and specialized recreational equipment. The site plan shall also identify the paths for access by participants, vehicles and emergency vehicles, and the area(s) for the sale or consumption of alcoholic beverages, if applicable.

h. Whether the special event will involve the use of amplified sound, the type, location, and direction of the amplified sound, and the type of amplified sound equipment.

i. For parades, an estimate of the maximum parade length; the total number of bands, sound vehicles or musical units, if any, their type and number of members in each unit; the total number of marching units, if any, their type and the number of members in each unit; the number of animals, if any, and type; the number of floats, if any, their size, type and how powered; and the space between the units and floats and their speed.

j. Any other information which the County deems to be necessary to process the permit.

3. All special events shall adhere to the following operational standards:

a. All events shall comply with the noise standards set forth in Chapter 9.02 Noise Control, of the Calaveras County Code.

b. Parking must be onsite. If an event exceeds the onsite capacity, a parking plan is required. Parking can include offsite shuttle parking, permission of adjacent or nearby property owners to utilize land for event parking or on street parking as long as it does not unduly interfere with the surrounding neighborhood.

c. Event hours shall be 7:00 a.m. – 10:00 p.m. for Temporary and Administrative Use Permit; hours for an event that requires a Conditional Use Permit will be determined during the review process.

4. Any changes to the application including, without limitation, an increase in the number of participants, and any additional vehicles, equipment, or activities, shall be submitted in writing not later than ten days before the date of the special event.

H. Recurring and Historical Events. Recurring community events that have been lawfully and historically held in the County on a regular basis for at least five years shall obtain a Master Administrative Use Permit to comply with the provisions of this Section.

I. Insurance and Indemnity Requirements.

1. Evidence of general liability insurance coverage for special events requiring an Administrative Use Permit or Temporary Use Permit shall be furnished to the County prior to approval or a permit. The County shall be named as an additional insured on the policy, at no cost to the County if the event is to be held on County owned property.

2. All Special event permit applications shall be subject to the requirements of Section 17.27.030.B.1, Application Forms, and may also require evidence of general liability insurance coverage as set forth above in Subsection A, depending on the type and duration of the special event.

J. Permit Denial.

1. Permits for special events may be denied upon findings that approving the permit would have an impact to the environment that cannot be mitigated or is contrary to the public health, safety, or welfare for one of the following reasons:

a. The time and duration of street closures and parking restrictions will unduly interfere with the operation of businesses, schools, hospitals, churches, or other private, public or quasi-public institutions located in close proximity to the proposed special event site and the applicant is unable or unwilling to modify the special event size, location, date, time, or duration to minimize such interference; or

b. The time, duration, and frequency of the use of amplified sound would unduly interfere with the residents' quiet enjoyment of their property for an extended and unreasonable period of time, and the applicant is unable or unwilling to modify the special event size, location, time or duration to minimize such interference.

2. Approving the permit would be contrary to the public health, safety, or welfare for one of the following reasons:

    a. The special event will unduly interfere with ingress to, egress from, or travel on a state designated highway or county road.

    b. The special event requires a temporary street closure which will unduly interfere with the orderly and safe movement of traffic, the provision of public services such as transit services or emergency police and fire services, and the applicant is unable or unwilling to modify the special event size, location, date, time or duration to minimize such interference.

    c. The special event will require a significant diversion of sheriff's, fire and paramedic personnel such that protection for other areas of the County may be adversely impacted and the applicant is unable or unwilling to modify the special event size, location, date, time or duration to minimize such impact.

    d. The anticipated number of special event participants would exceed the capacity of the streets, sidewalks, alleys, parks, or available parking, thereby creating public health and safety concerns.

    e. The assembly to occupy all or any portion of a public street, sidewalk, alley, or park would detract from the use of such public facilities for their intended and ordinary purposes and the special event activities, location, date, time, or duration would adversely impact the surrounding neighborhood.

3. Applications for a special event permit may be denied if the applicant or the sponsoring organization was issued a citation within the prior year period for failure to obtain a special event permit or for violation of the permit conditions and the citation fees or liens have yet to be paid.

K. Revocation.

1. An Administrative Use Permit or a Temporary Use Permit for special events may be revoked for any of the following reasons:

    a. The applicant, after receiving a permit, fails or refuses to inform the County of the significant changes to the special event from what was set out in the application, has submitted false or misleading information as part of the application, fails to comply with a permit condition, or fails to obtain or comply with any other required County, state or local permit;

b. A significant number of the participants expected to attend the special event have made it known that they have a specific intent, manifested by specific plans, to engage in or provoke violence or criminal activity.

2. A Conditional Use Permit for special events may be revoked as set forth in Section 17.27.130, Revocation of Permits.

L. **Appeals.** An appeal of any decision made under this Section shall comply with the procedures in Section 17.27.140, Appeals.

M. **Violation—Enforcement.**

1. The first violation of any provision of this Section is an infraction.

2. Any subsequent violation of this Section by any person within 12 months from a conviction for violating any provision of this Section or that forfeits bail in connection with a prior violation of this Section is a misdemeanor.

3. All violations of this Chapter constitute a public nuisance, which, in addition to or in lieu of any other remedies in this Section, may be abated and punished in any manner set forth in Chapter 8.06, Property Maintenance and Administrative Enforcement Procedures, of the Calaveras County Code and Section 21532 of the Government Code, including but not limited to, abatement or issuance of administrative citations, or by appropriate action in court. Notwithstanding anything to the contrary in Chapter 8.06 of the Calaveras County Code, the penalties in Section 21532 of the Government Code apply to violations of this Section.

4. The remedies provided for in this Chapter shall be cumulative and not exclusive.

N. **Conflicts with Other Laws.** The provisions of this Section shall not be deemed to supersede or repeal other existing laws which are designed to control public nuisances or disturbances.

O. **Existing Special Events and Applications.**

1. ***Permitted Existing or Legal, Non-Conforming Special Events.*** All special events in existence on the effective date of this Section that have a County issued permit prior to the effective date of this Section may be continued as long as the scope and frequency of the existing special event does not expand. Any expansion in the scope or frequency of an existing special event, including but not limited to a change in location of the event, shall be subject to the provisions of this Section.

2. ***Unpermitted Special Events that are Part of a Current Application.*** All special events in existence on the effective date of this Section that are part of an application for a permit that has been deemed complete but that has not been issued shall continue to be processed under prior existing law as they would not be subject to this new Section.

17.25.200 Single Room Occupancy (SROs)

Single room occupancy (SROs) (see Section 17.42.010) shall be located, developed, and operated in compliance with the following.

A. **Common Area.** At least four square feet per living unit, with at least 200 square feet of interior common area, excluding janitorial storage, laundry facilities and common hallways, shall be provided.

B. **Laundry Facilities.** Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every 20 units or fractional number thereof, with at least one washer and one dryer per floor.

C. **Unit Size.** Each SRO unit shall be a minimum of 150 square feet and a maximum of 400 square feet in size.

D. **Unit Occupancy.** Each SRO unit shall accommodate a maximum of two persons.

E. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, one common shower or bathtub/shower combination shall be provided per seven persons, with at least one full bathroom per floor. Locking doors shall be provided.

F. **Kitchen.** An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove or a range top and oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with a minimum of one full kitchen per floor and a minimum of one full kitchen per 10 units.

G. **Closet.** Each SRO unit shall have a separate closet.

H. **Tenancy.** Tenancy of SRO units shall be limited to a minimum of 30 days.

I. **Management.**

1. An SRO with six or more units shall provide on-site management.

2. Each SRO shall provide a management plan which addresses management and operation of the facility, rental procedures, safety and security of residents and building maintenance for review and approval by the Planning Director.

17.25.210 Telecommunication Facilities

A. **Applicability and Exemptions.** The requirements of this Section apply to all telecommunication facilities that transmit and/or receive electromagnetic signals, including but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. The requirements apply to telecommunication facilities that are the primary use of a property and those that are accessory facilities, except that the following accessory facilities are exempt:

1. Licensed amateur (ham) radio and citizen band operations.
2. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
3. Emergency services radio.
4. Radio and television mobile broadcast facilities.
5. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
6. A single ground- or building-mounted receive-only radio or television antenna not exceeding the maximum height permitted by this Title, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:

    a. *Residential Zones.*

        i. Satellite Dish One Meter (39.37 inches) or Less. A satellite dish that does not exceed one meter (39.37 inches) in diameter and is for the sole use of a resident occupying the same residential parcel is permitted anywhere on a lot in the Residential Zone.

        ii. Satellite Dish Greater than One Meter (39.37 inches). A satellite dish that is greater than one meter (39.37 inches) in diameter, is not located within a required front yard or side yard abutting a street, and is screened from view from any public right-of-way and adjoining property.

        iii. Antennas. An antenna that is mounted on any existing building or other structure that does not exceed 25 feet in height. The antenna shall be for the sole use of a resident occupying the same residential parcel on which the antenna is located.

    b. *Nonresidential Zones.*

        i. Satellite Dish Two Meters (78.74 inches) or Less. A satellite dish that does not exceed two meters (78.74 inches) in diameter and is located so as to not reduce required parking, diminish pedestrian or vehicular access, or require removal of required landscaping.

ii. Satellite Dish Greater than Two Meters (78.74 inches). A satellite dish that is greater than two meters (78.74 inches) in diameter that is not located within a required front yard or side yard abutting a street and is screened from view from any public right-of-way and adjoining property.

iii. Mounted Antennas. An antenna that is mounted on any existing building or other structure when the overall height of the antenna and its supporting tower, pole or mast does not exceed a height of 30 feet.

iv. Freestanding Antennas. A free standing antenna and its supporting tower, pole, or mast that complies with all applicable setback requirements when the overall height of the antenna and its supporting structure does not exceed a height of 30 feet.

v. Undergrounding Required. All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.

7. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). If an exemption is claimed, the owner or operator of such facility shall, prior to initiating its installation, provide the Director with a written summary of the asserted basis for the exemption as well as a copy of the current FCC or CPUC permit or applicable FCC regulations it believes authorize the exemption.

8. Minor modifications to existing wireless facilities, including replacement in-kind or with smaller or less visible equipment, that meet the standards set forth in this Section and will have little or no change in the visual appearance of the facility. No modification extending beyond the footprint of the existing facilities shall be deemed a "minor modification" for purposes of this Section.

B. Permit Requirements.

1. ***Replacement, Removal, or Co-location of Transmission Equipment (Eligible Facilities Request).*** The co-location of new transmission equipment, removal of transmission equipment, or the replacement of transmission equipment is permitted by right provided the modification of an existing tower or base station does not substantially change the physical dimensions of such tower or base station.

2. ***Stealth Facilities.*** Stealth facilities in which the antenna, and sometimes the support equipment, are hidden from view in a structure or concealed as an architectural or natural feature, are permitted as follows:

a. Residential and Commercial Zoning Districts: Conditional Use Permit required.

b. Zoning Districts Other than Residential or Commercial Zoning Districts: Administrative Use Permit required.

3. ***Co-located Facilities.*** Co-located facilities are permitted by right when proposed to be co-located on a facility that was subject to a discretionary permit issued on or after January 1, 2007 and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

4. ***Non-stealth Facilities.*** Permitted in nonresidential zones subject to Conditional Use Permit approval.

C. **Standards.** Telecommunication facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district in which they are located.

1. ***Location.***

a. All wireless telecommunication facilities shall be set back from any residence a minimum distance equal to the height of the facility, measured from the center of the tower to the closest support element of the residence.

b. *Residential Zoning Districts.* In Residential Zoning Districts, all wireless telecommunication facilities shall be set back from all property lines a minimum distance equal to the height of the facility or the setback of the zone in which it is located, whichever results in a greater setback.

c. *Nonresidential Zoning Districts.* In nonresidential zoning districts, all wireless telecommunication facilities shall meet the building setback standards of the zone in which they are to be located.

2. ***Siting, Co-location Required.***

a. When feasible, providers of personal wireless services shall co-locate facilities in order to reduce adverse visual impacts. The Director may require the applicant to accommodate co-location or multiple-user wireless telecommunication facilities based on a determination that it is feasible and consistent with the purposes and requirements of this Section.

b. When determined to be feasible and consistent with the purposes and requirements of this Section, the Director shall require the applicant to make

unused space available for future co-location of other telecommunication facilities, including space for different operators providing similar, competing services.

3. ***Support Structures.*** Support structures for telecommunication facilities may be any of the following:

   a. An existing nonresidential building.

   b. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.

   c. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the telecommunication facility. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.

   d. Existing publicly-owned and operated monopole or an existing publicly-owned and operated lattice tower exceeding the maximum height limit.

   e. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole shall be constructed to allow for co-location of at least one other similar communications provider.

   f. A monopole mounted on a trailer or a portable foundation if the use is for a temporary communications facility.

4. ***Height Requirements.*** The maximum height of telecommunication facilities shall be as provided below.

   a. *Building-Mounted Facilities.* Building-mounted telecommunication facilities shall not exceed a height of 15 feet above the height limit of the zone or 15 feet above the existing height of a legally established building, whichever is lower, measured from the top of the facility to the point of attachment to the building.

   b. *Facilities Mounted on Structures.* Telecommunication facilities mounted on an existing structure other than a building shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennas may extend up to 15 feet above the height of utility or light pole.

c. *Freestanding Facilities.* The maximum height of freestanding facilities shall be established as part of the Use Permit approval.

i. Minimum Functional Height. All free-standing facilities shall be designed to be the minimum functional height and width required to support the proposed antenna installation, unless it can be demonstrated that a higher antenna, monopole, or tower will facilitate co-location.

5. ***Design and Screening.*** Telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual, noise, and vibration impacts to the extent feasible.

a. *Stealth Facilities.* State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Where no stealth design technology is proposed for the site, a detailed analysis as to why stealth design technology is physically and technically infeasible for the project shall be submitted with the application.

b. *Other Facility Types.* If a stealth facility is not feasible, the order of preference for facility type is, based on their potential aesthetic impact: façade-mounted, roof-mounted, ground-mounted, and free-standing tower or monopole. A proposal for a new ground-mounted or free-standing tower shall include factual information to explain why other facility types are not feasible.

c. *Camouflage Design.* Telecommunication facilities that are mounted on buildings or structures shall be located, incorporated in building design elements, camouflaged, or otherwise screened to minimize their appearance in a manner that is compatible with the architectural design of the building or structure.

d. *Equipment Cabinets.* Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall have their sound damped and shall be screened from view by a wall and/or landscaping, as approved by the County. Any wall shall be architecturally compatible with the building or immediate surrounding area.

e. *Landscaping.* Landscaping shall be provided for and maintained to screen any ground structures or equipment visible from a public right-of-way and/or from any existing private adjacent residence or business.

f. *Lighting.* Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration.

A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.

g. *Advertising.* No advertising shall be placed on telecommunication facilities, equipment cabinets, or associated structures.

6. ***Security Features.*** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.

a. *Fencing.* Security fencing, if any, shall not exceed the fence height limit of the base zoning district. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.

b. *Maintenance.* Any landscaping shall be irrigated and maintained for the life of the facility. The site and any stealth facilities shall be maintained in good working order and good appearance, free from graffiti and debris.

7. ***Radio Frequency Standards and Interference.***

a. *Radio Frequency.* Telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.

b. *Interference.* Telecommunications facilities shall not interfere with public safety radio communications.

8. ***Co-location.*** The applicant and owner of any site on which a telecommunication facility is located shall cooperate and exercise good faith in co-locating telecommunication facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

a. All facilities shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the Director may require the applicant to obtain a third-party technical

study at applicant's expense. The Director may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

b. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.

c. No co-location may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.

d. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Section shall result in denial of a permit request or revocation of an existing permit.

9. ***Fire Prevention, Defensible Space.*** In addition to all other applicable building and fire safety requirements, telecommunication facilities shall comply with Public Resources Code Section 4291 for defensible space.

10. ***Surety Bond.*** As a condition of approval, an applicant for a building permit to erect or install a telecommunication facility shall be required to post a cash or surety bond in a form and amount acceptable to County Counsel to cover removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated.

D. Required Findings.

1. ***General Findings.*** In approving a telecommunication facility, the review authority shall make the following findings:

a. The proposed use conforms with the specific purposes of this Section and any special standards applicable to the proposed facility;

b. The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna, monopole, or lattice tower or to accomplish co-location;

c. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and

d. The proposed facility will not be readily visible or it is not feasible to incorporate additional measures that would make the facility not readily visible.

2. ***Additional Findings for Facilities Not Co-Located.*** To approve a telecommunication facility that is not co-located with other existing or proposed facilities the review authority shall find that co-location or siting on an existing structure is not feasible because of technical, aesthetic, or legal considerations including that such co-location or siting:

    a. Would have more significant adverse effects on views or other environmental considerations; or

    b. Is not permitted by the property-owner; or

    c. Would impair the quality of service to the existing facility; or

    d. Would require existing facilities at the same location to go off-line for a significant period of time.

3. ***Additional Findings for Setback Reductions.*** To approve a reduction in setback, the review authority shall make one or more of the following findings:

    a. The facility will be co-located onto or clustered with an existing, legally established telecommunication facility; and/or

    b. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.

4. ***Additional Findings for Any Other Exception to Standards.*** The review authority may waive or modify requirements of this Section upon finding that strict compliance would result in noncompliance with applicable federal or State law.

E. **Vacation and Removal of Facilities.** The service provider shall notify the Director of the intent to vacate a site at least 30 days prior to the vacation. The operator of a telecommunications facility shall remove all unused or abandoned equipment, antennas, poles, or towers within 60 days of discontinuation of the use and the site shall be restored to its original, pre-construction condition.

17.25.220 Temporary Uses

This Section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.

A. **Temporary Uses Not Requiring a Use Permit.** The following types of temporary uses may be conducted without a use permit. Other permits, such as building permits, may be required.

1. ***Yard/Garage Sales.*** Sales of personal property conducted by a resident of the premises with a maximum term of three consecutive days and occurring no more than six times a year.

2. ***Small Fundraising Activities by Non-Profit Organizations.*** Temporary fund raising sales by tax exempt organizations pursuant to 501(c) of the federal Internal Revenue Code are allowed in non-residential zones with the permission of the land owner(s) of the site where the activity will take place so long as the total area within which the activity will occur does not exceed 1,000 square feet; all applicable laws and regulations are followed (including regulations and ordinances that may be enforced by other County departments such as Public Works, Building, and Environmental Management); and there is no disruption to the normal circulation of the site; no encroachment upon driveways, pedestrian walkways, or required parking or landscaped areas; no obstruction to sight distances; and no other hazard created for vehicle or pedestrian traffic. Examples of the types of temporary activities that may be exempted from the Temporary Use Permit requirement under this Section include cookie and bake sale stands, manual car wash fundraisers, drive-through food sales, and ticket sales by non-profits, schools, or other charitable organizations.

3. ***Mobile Home or Trailer as a Temporary Residence.*** A single-wide mobile home, recreation vehicle or travel trailer with a current, valid registration and license may be permitted as a residence where there is a Building Permit issued for a permanent residence on the same parcel, subject to the following standards.

    a. *Maximum Number.* Only one temporary residence is allowed per assessor parcel.

    b. *Building Permit Required.* A mobile home or trailer shall not be used as a temporary residence prior to obtaining and paying for a Building Permit for a permanent residence.

    c. *Cessation of Use and Removal.* The use of a mobile home or trailer as a residence shall cease and the mobile home or trailer shall be removed or converted to a permitted use prior to issuance of a certificate of occupancy for the permanent residence.

    d. *Enforcement.* Failure to comply with the provisions of this Section shall result in enforcement pursuant to this Title and may also result in the revocation of the building permit for the permanent residence.

B. **Temporary Uses Requiring a Temporary Use Permit.** Other temporary uses may be permitted pursuant to Chapter 17.32, Temporary Use Permits, subject to the following standards. Additional or more stringent requirements may be established through the Temporary Use Permit process to prevent the use from becoming a nuisance.

1. ***Model Home Sales Office.*** Model homes with sales offices and temporary information/sales offices in new residential developments are subject to the following requirements.

a. *Time Limit.* Model homes and sales offices may be established and operated until completion of the sale of the lots or units.

b. *Must Comply with Area Requirements.* All buildings and structures shall comply with all height and area requirements of the zone district in which it is located.

c. *Limitation on Sales and Marketing.* The model home sales facility shall only apply to the marketing of homes proposed to be constructed within the new subdivision and not for units to be constructed outside the limits of the proposed subdivision.

d. *Conversion Upon Completion.* Upon completion of all sales activity and construction activity, any portion of a home used for commercial purposes shall be converted to its intended residential purpose. All signs of any contractor and any temporary signs shall be removed.

i. Any off-street parking provided for the model home shall be removed and either a dwelling constructed, or the lot shall be landscaped with a suitable groundcover and maintained.

2. ***Filming.*** Television, motion picture, or commercial productions.

3. ***Mobile Vending.*** Mobile vendors in compliance with the following standards:

a. *Location.* Mobile vendors may only operate in non-residential zones.

b. *Number.* Maximum one mobile vendor per day per lot unless authorized through an Administrative Use Permit.

c. *Duration.* Maximum six hours per day per lot. No lot may have a mobile vendor onsite for more than 90 days total in any 12-month period.

d. *Parking Surface.* The vehicle shall only be stopped or parked on surface paved with concrete, asphalt, or another surface approved by the Director.

e. *Required Parking.* No parking spaces are required for a mobile vendor that meets all the standards under this Section.

f. *Displaced Parking.* Mobile vendors may displace required parking spaces for an existing non-residential use without limitation if the existing non-residential use is not open during the event. If the non-residential use is open during the event, mobile vendors may temporarily displace up to three required non-residential parking spaces for a maximum of six hours per day per parking lot, provided that no more than 25 percent of the total number of parking spaces on site are temporarily displaced.

g. *Location.* Vehicles shall not be left unattended at any time, left onsite when inactive, or stored onsite overnight.

h. *Obstructions.* Location and operation including customers, seating, and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location and operation shall comply with applicable accessibility requirements and the Americans with Disabilities Act.

i. *Nuisances.* Mobile vendors shall be responsible for keeping the area clean of any litter or debris and shall provide trash receptacles for customer use on site. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating. Signage shall be in compliance with Section 17.24, Signs.

j. *Modifications.* Modifications to the standards of this Section may be approved through an Administrative Use Permit.

4. ***Temporary Outdoor Sales.*** Temporary outdoor sales—including, but not limited to, grand opening events, and other special sales events—are subject to the following standards:

a. Temporary outdoor sales shall be part of an existing business on the same site.

b. Outdoor display and sales areas shall be located on a paved or other approved hard surfaced area on the same lot as the structure(s) containing the business with which the temporary sale is associated.

c. Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

5. ***Seasonal Sales.*** The annual sales of holiday related items such as Christmas trees, pumpkins and similar items may be permitted in accordance with the following standards. This subsection is only applicable to temporary seasonal sales that are not in conjunction with an existing business.

a. *Location.* Seasonal sales are limited to non-residential zones.

b. *Time Period.*

i. Seasonal sales are allowed up to 45 days preceding the associated holiday and one week following the associated holiday.

ii. The subject lot shall not be used for seasonal sales more than three times within the calendar year.

c. *Display.*

i. Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required parking or landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

ii. All items for sale, as well as signs and temporary structures, shall be removed within 10 days after the end of sales, and the appearance of the site shall be returned to its original state.

C. Temporary Uses Requiring an Administrative Use Permit. Other temporary uses that do not meet the standards for temporary uses not requiring a permit or requiring a temporary use permit may be allowed in nonresidential zones with the approval of an Administrative Use Permit so long as they do not extend longer than one month and found to not unreasonably impair circulation or the operation of other uses in the area or otherwise create significant impacts.

1. ***Special Events.*** This Section does not apply to special events which are subject to Section 17.25.190, Special Events.

17.25.230 Wind and Solar Energy Systems

Wind and solar energy systems used primarily to reduce on-site consumption of energy shall be located, developed, and operated in compliance with the following standards. When adjoining parcels are under common ownership, a wind or solar energy system on one parcel used to reduce consumption of energy on one or more of the adjoining parcels shall be deemed to be "on-site" for every adjoining parcel so served. Commercial and/or wind and solar energy commercial energy facilities, including wind arrays and solar farms, used primarily for off-site energy consumption are considered public works and utilities.

A. Wind Energy Systems.

1. ***Permitted Wind Energy Systems.*** Small wind energy systems with a maximum height of 35 feet are permitted as accessory uses in the GF, TP, A1, AP, RA, and RR Zones on properties one acre or more in size provided they are set back from all property lines a minimum distance equal to the height of the system or the setback of the Zone, whichever results in a greater setback.

2. ***Wind Energy Systems Allowed with Conditional Use Permit Approval.*** Wind energy systems with a maximum height of 80 feet are allowed in the A1, AP, RA, and RR Zones on properties 10 acres or more in size subject to Conditional Use Permit approval.

a. *Maximum Tower Height.* Tower height, measured from grade to the top of the fixed portion of the tower, excluding the wind turbine, shall not exceed 80 feet or the height recommended by the manufacturer or distributor of the system, whichever is lower.

b. *Minimum Setback.* The tower shall be set back from the property line at a distance equal to the height of the tower plus the furthest extent of the turbine blade.

c. *California Energy Commission.* The system's turbine must have been approved by the California Energy Commission as qualifying under the Emerging Renewables Fund of the Commission's Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.

B. Solar Energy Systems. Solar energy systems are allowed in all zones in compliance with the following standards and requirements.

1. ***Height, Ground-Mounted Solar Energy Systems.*** The maximum height of a ground-mounted solar energy collector system is 25 feet or the maximum height allowed in the base or overlay zone, whichever is less.

2. ***Required Permit.*** Roof-mounted solar energy systems and ground-mounted solar energy systems located over a parking area are allowed in all zones and no use permit is required. Ground-mounted solar energy systems that are not located over a parking area are subject to Administrative Use Permit approval.

Subtitle V: Administration and Permits

Chapter 17.26Planning Authorities

17.26.010 Purpose

This Chapter lays out the basic roles, responsibilities, and functions of all planning authorities under this Title, including the Board of Supervisors, Planning Commission, and Planning Director. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Title as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan.

17.26.020 Board of Supervisors

The powers and responsibilities of the Board of Supervisors include, but are not limited to the following:

A. Consider and adopt, reject, or modify amendments to the Official Zoning Map and the text of this Title, following a public hearing and recommended action by the Planning Commission, pursuant to Chapter 17.38, Zoning Amendments.

B. Consider and adopt, reject, or modify amendments to the General Plan, following a public hearing and recommended action by the Planning Commission, pursuant to Chapter 17.39, General Plan Amendments.

C. Consider and adopt, reject, or modify specific plans, following a public hearing and recommended action by the Planning Commission, pursuant to Chapter 17.40, Specific Plans.

D. Consider and adopt, reject, or modify Development Agreements, following a public hearing and recommended action by the Planning Commission, pursuant to Chapter 17.37, Development Agreements.

E. Hear and decide appeals from decisions of the Planning Commission pursuant to Section 17.27.140, Appeals.

F. Make environmental determinations on any approvals or actions within the Board of Supervisors jurisdiction that are subject to environmental review under the California Environmental Quality Act, pursuant to State law.

G. Establish a Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Title.

17.26.030 Planning Commission

The powers and responsibilities of the Planning Commission include, but are not limited to the following:

A. Annually review progress towards implementation of the General Plan and make recommendations to the Board of Supervisors based on any new legislation, development trends, or changing economic, social, and environmental conditions.

B. Approve, modify, or deny Conditional Use Permits and Variances, pursuant to Chapter 17.31, Conditional Use Permits, and Chapter 17.35, Variances.

C. Conduct Design Review for projects subject to Design Review by the Planning Commission pursuant to Chapter 17.29, Design Review.

D. Make recommendations to Board of Supervisors on proposed amendments to the Official Zoning Map and the text of this Title, pursuant to Chapter 17.38, Zoning Amendments.

E. Make recommendations to Board of Supervisors on proposed amendments to the General Plan, pursuant to Chapter 17.39, General Plan Amendments.

F. Make recommendations to Board of Supervisors on proposed specific plans and amendments to specific plans, pursuant to Chapter 17.40, Specific Plans.

G. Make recommendations to the Board of Supervisors on development agreements, pursuant to Chapter 17.37, Development Agreements.

H. Hear and decide appeals from decisions of the Planning Director pursuant to Section 17.27.140, Appeals.

I. Hear and decide proposals to revoke permits, pursuant to Section 17.27.130, Revocation of Permits.

J. Make environmental determinations on any approvals within the Planning Commission's jurisdiction that are subject to environmental review under the California Environmental Quality Act, pursuant to State law.

K. Such other powers and responsibilities as assigned or directed by the Board of Supervisors.

17.26.040 Planning Director

The powers and responsibilities of the Planning Director ("the Director"), or their designee, include, but are not limited to the following:

A. Perform all of the functions designated by State law, including, but not limited to the following:

   1. Annual report related to implementation of the General Plan in compliance with Government Code Section 65400;

   2. Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and

   3. Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.

B. Maintain and administer the Zoning Code, including the processing of applications, abatements, and other enforcement actions.

C. Interpret the Zoning Code as needed for members of the public and other County Departments, Boards, and Commissions.

D. Prepare rules and procedures necessary for conducting the Director's business.

E. Issue administrative regulations for the submission and review of applications subject to the requirements of Government Code Section 65950, Deadlines for Project Approval Conformance; Extensions.

F. Issue a Zoning Clearance pursuant to Chapter 17.28, Zoning Clearance.

G. Approve, modify, or deny Administrative Use Permits, pursuant to Chapter 17.30, Administrative Use Permits.

H. Approve, modify, or deny Temporary Use Permits, pursuant to Chapter 17.32, Temporary Use Permits.

I. Approve, modify, or deny a request for reasonable accommodation, pursuant to Chapter 17.33, Reasonable Accommodation.

J. Conduct Design Review for projects subject to Design Review by the Director pursuant to Chapter 17.29, Design Review.

K. Approve, modify, or deny requests for Extensions for land use projects, pursuant to Section 17.27.110, Effective Dates; Expiration and Extension.

L. Decide requests for Minor Revisions to Approved Permits, pursuant to Section 17.27.120, Revisions to an Approved Permit.

M. Refer items to the Planning Commission where, in the Director's opinion, the public interest would be better served by a Planning Commission public hearing and action.

N. Determine whether a project is subject to review under the California Environmental Quality Act and notify the applicant if any additional information is necessary to conduct the review.

O. Make recommendations to the Planning Commission and Board of Supervisors on all applications, appeals, and other matters upon which they have the authority and the responsibility to act under this Title.

P. Investigate and report to the Planning Commission on permit violations when the County has initiated revocation procedures, pursuant to Section 17.27.130, Revocation of Permits.

Q. Delegate administrative functions to members of the Planning Department.

R. Such other powers and responsibilities as assigned or directed by the Board of Supervisors.

17.26.050 Summary of Review Authorities for Decisions and Appeals

This table summarizes the powers and duties that each review authority (see Section 17.43.180) has under this Title. Where a land use project requires more than one type of application, all permit requests shall be reviewed and decided on by the highest review authority established for any of the applications.

TABLE 17.26.050: SUMMARY OF REVIEW AUTHORITIES FOR DECISIONS AND APPEALS

Decision Type	*Reference*	*Advisory Body*	*Review Authority*	*Appeal Body*
Interpretations	17.27.150	N/A	Director	Planning Commission
Extension to Permit	17.27.110	N/A	Director	Planning Commission
Minor Revision to Permit	17.27.120	N/A	Director	Planning Commission
Major Revision to Permit	17.27.120	N/A	Review Authority of Original Permit	Appeal Body for Original Permit
Permit Revocation	17.27.130	Director	Planning Commission	Board of Supervisors
Zoning Clearance	17.28	N/A	Director	Planning Commission
Design Review	17.29	N/A	Director or Planning Commission	Planning Commission or Board of Supervisors
Administrative Use Permit	17.30	N/A	Director	Planning Commission
Conditional Use Permit	17.31	Director	Planning Commission	Board of Supervisors
Temporary Use Permit	17.32	N/A	Director	Planning Commission
Limited Exception	17.34	N/A	Director	Planning Commission
Variance	17.35	Director	Planning Commission	Board of Supervisors
Reasonable Accommodation	17.33	N/A	Director	Planning Commission

TABLE 17.26.050: SUMMARY OF REVIEW AUTHORITIES FOR DECISIONS AND APPEALS

Decision Type	*Reference*	*Advisory Body*	*Review Authority*	*Appeal Body*
Development Agreement	17.37	Planning Commission	Board of Supervisors	N/A
Zoning Amendment	17.38	Planning Commission	Board of Supervisors	N/A
General Plan Amendment	17.39	Planning Commission	Board of Supervisors	N/A
Specific Plans	17.40	Planning Commission	Board of Supervisors	N/A
Planned Development	17.36	Planning Commission	Board of Supervisors	N/A

Chapter 17.27Common Procedures

17.27.010 Purpose

This Chapter establishes uniform procedures for the preparation, filing, and processing of all land use permits and approvals provided for in this Title, unless superseded by a specific requirement of this Title or State law.

17.27.020 Application Forms and Fees

A. Applicant. The owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof of the right to use and possess the property as applied for, satisfactory to the Planning Director, shall accompany the application.

B. Application Materials.

1. *Application Forms.* The Director shall prepare, and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Title.

    a. The application form shall include an indemnity clause whereby the applicant, and owner, if different, agrees to indemnify and hold the County harmless against claims arising out of or in any way related to the actions of applicant in connection with the application or the development process, including all legal fees and costs.

2. *Supporting Materials.* The Director may require the submission of supporting materials as part of the application, including but not limited to: statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).

3. *Availability of Materials.* All submitted material becomes the property of the County, may be distributed to the public, and shall be made available for public inspection. At any time, upon reasonable request, and during normal business hours, any person may examine application materials in support of or in opposition at the Planning Department offices. Unless prohibited by law or superseded by specific permit confidentiality requirements, copies of such materials shall be made available at a reasonable cost.

C. Multiple Applications.

1. *Concurrent Filing.* An applicant for a project which requires more than one permit (e.g., Conditional Use Permit, Variance, and Design Review, etc.), shall file all related applications

concurrently, together with all application fees. The concurrent filing requirements may be waived by the Director.

2. ***Concurrent Processing.*** Multiple permits for the same project shall be processed concurrently and shall be reviewed and decided on by the highest review authority designated for any of the applications.

D. Application Fees.

1. ***Fee Schedule.*** The Board of Supervisors shall approve by resolution a Fee Schedule that establishes fees for permits, informational materials, penalties, copying, and other such items.

2. ***Fee Payment.*** No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid.

3. ***Refund of Fees.*** Application fees are non-refundable unless otherwise provided for in the Calaveras County Municipal Code or by policy of the Board of Supervisors.

17.27.030 Pre-Application Review

Pre-application review is a review process that is intended to provide information on relevant policies, zoning regulations, and procedures.

A. Applicability.

1. ***Mandatory Pre-Application Review.*** Pre-application review is required for all new construction or additions of more than 2,000 square feet in a Commercial or Industrial Zoning District.

2. ***Optional Pre-Application Review.*** Pre-application review is optional for any other type of project.

B. Exemption from Permit Streamlining Act. Optional pre-application review is not subject to the requirements of the California Permit Streamlining Act (the Act). An application that is accepted for pre-application review shall not be considered complete pursuant to the requirements of the Act unless and until the Director has received an application for approval of a development project, reviewed it, and determined it to be complete under Section 17.27.040, Review of Applications.

C. Review Procedure. The Planning Department shall conduct pre-application review. The Director may consult with or request review by any County agency or official with interest in the application.

D. Recommendations are Advisory. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by County representatives. Any recommendations that result from pre-

application review are considered advisory only and shall not be binding on either the applicant or the County.

17.27.040 Review of Applications

A. **Initial Completeness Review.** The Director shall determine whether an application is complete within 30 days of the date the application is filed and required fee received.

1. ***Incomplete Application.*** If an application is deemed incomplete, the Director shall provide written notification to the applicant listing the applications for permit(s), forms, information, and any additional fees that are necessary to complete the application, as well as a time limit by which the requested information must be submitted. The time limit established by the Director shall be at least 30 days.

    a. *Zoning Code Violations.* An application shall not be found complete if conditions exist on the site in violation of this Title or any permit or other approval granted in compliance with this Title, unless the proposed project includes the correction of the violations.

    b. *Submittal of Additional Information.* The applicant shall provide the additional information within the time limit specified by the Director.

    c. *Appeal of Determination.* Determinations of incompleteness are subject to the provisions of Section 17.27.140, Appeals, except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal. The fact that an appeal may be made to both the Planning Commission and the Board of Supervisors does not extend the 60-day period.

2. ***Complete Application.*** When an application is deemed complete, the Director shall make a record of that date. If an application requires a public hearing, the Director shall schedule it and notify the applicant of the date and time, pursuant to Section 17.27.070, Public Notice.

B. **Referral of Application.** At the discretion of the Director, or where otherwise required by this Title, State or Federal law, any application filed in compliance with this Title may be referred to any County department, public agency, or interest group that may be affected by or have an interest in the proposed land use project.

C. **Extensions.** The Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this Title.

17.27.050 Applications Deemed Withdrawn

A. **Response Required.** Any application received and processed under the provisions of this Title shall be withdrawn and henceforth be null and void if the applicant has not commenced further processing of the application with the County within the later occurring of the following two time periods:

1. Ninety days from the last written notification to the applicant from the County requesting further information from or action by the applicant and to which the applicant has not responded; or

2. Six months from the date of the last Planning Commission or Board of Supervisors action regarding the application, which did not constitute a final County determination regarding the entire application.

B. **Refund Of Fees.** At the time an application is deemed to be withdrawn by the Planning Director, if fees submitted with the project application have not fully been used and/or exhausted in processing the application, upon written request by the applicant, any remaining fees shall be returned to the project applicant.

C. **Re-Submittal.** After an application is deemed withdrawn, any future consideration by the County shall require the submittal of a new complete application and current filing fees.

17.27.060 Environmental Review

All projects shall be reviewed for compliance or exemption with the California Environmental Quality Act (CEQA). Environmental review will be conducted pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines). If Title 14 of the California Code of Regulations is amended, such amendments will govern County procedures.

17.27.070 Public Notice

Unless otherwise specified, whenever the provisions of this Title require public notice, the County shall provide notice in compliance with State law and, at minimum, as follows.

A. **Mailed Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, notice shall be provided by First Class mail delivery to the following:

1. The applicant, the owner, and any occupant of the subject property;

2. All property owners of record within a minimum 300-foot radius of the subject property as shown on the latest available assessment role or a larger radius if deemed necessary by the Director to provide adequate public notification;

3. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located;

4. Any person or group who has filed a written request for notice regarding the specific application; and

5. The school district and any other local agency expected to provide essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be affected.

B. **Newspaper Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, notice shall be published in at least one newspaper of general circulation in the County.

C. **Alternative Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of a mailed notice, notice may be provided by placing a display advertisement of at least one-eighth of a page in at least one newspaper of general circulation in the County, at least 10 days prior to the hearing.

D. **Contents of Notice.** The notice shall include the following information:

1. The location of the real property, if any, that is the subject of the application;

2. A general description of the proposed project or action;

3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;

4. The identity of the hearing body or officer;

5. The names of the applicant and the owner of the property that is the subject of the application;

6. The location and times at which the complete application and project file, including any environmental impact assessment prepared in connection with the application, may be viewed by the public;

7. A statement that any interested person or authorized agent may appear and be heard;

8. A statement describing how to submit written comments; and

9. For Board of Supervisors hearings, the Planning Commission recommendation.

E. **Failure to Receive Notification.** The validity of the proceedings shall not be affected by the failure of any property owner, resident, or community organization to receive a mailed notice.

17.27.080 Conduct of Public Hearings

Whenever the provisions of this Title require a public hearing, the hearing shall be conducted in compliance with the requirements of State law and any applicable procedures adopted by the Board of Supervisors or Planning Commission.

17.27.090 Findings and Decision

When deciding to approve, approve with conditions, modify, revoke, or deny any discretionary permit under this Title, the review authority shall make written findings of fact as required by this Title and any applicable State or federal law.

A. **Date of Action.** The review authority shall decide to approve, modify, revoke, or deny any discretionary permit following the close of the public hearing, or if no public hearing is required, within the time period set forth below. These deadlines do not apply to any action that has been appealed in accordance with Section 17.27.140, Appeals. Time extensions may be granted pursuant to Section 17.27.110, Effective Dates; Expiration and Extension.

   1. ***Project Exempt from Environmental Review.*** Within 30 days of the date the County has determined an application to be complete, a determination must be made whether the project is exempt from environmental review per State CEQA requirements.

   2. ***Project Not Exempt from Environmental Review.*** The County shall act on the accompanying discretionary project within the time periods established by State CEQA requirements.

B. **Notice of Action.** After the Director or Planning Commission takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Title, the Director shall provide notice of the action to the applicant and to any other person or entity that has filed a written request for such notification with the Planning Department.

C. **Findings.** Findings, when required by State law or this Title, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action.

17.27.100 Scope of Approval

A. **Scope.** The scope of approvals shall include only those uses and activities proposed in the application, excluding other uses and activities. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous conditional or nonconforming uses no longer occurring on the same site or location.

B. **Conditions.** The site plan, floor plans, building elevations, and/or any additional information or representation, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties, or ensures compliance with submitted plans and conditions in all respects.

C. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring, or assessments, it shall be the responsibility of the permit holder, the property owner, or successor property owners to comply with such conditions.

17.27.110 Effective Dates; Expiration and Extension

A. **Effective Dates.** A decision to approve a permit issued under this Title shall be effective on the date the review authority does so, except as provided below.

1. ***Decisions Subject to Appeal.*** A final decision on an application for any approval subject to appeal shall become effective after the expiration of the 15-day appeal period following the date of approval unless an appeal is filed.

2. ***Amendments to the Zoning Code or Zoning Map.*** Amendments to the Zoning Code or Zoning Map shall become effective on the 31st day following the date the ordinance is actually adopted by the Board of Supervisors, unless challenged by the voters or otherwise provided in the adopting ordinance.

B. **Expiration for Failure to Timely Act on Permit Approval.** The review authority, in deciding to approve a permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any decision to approve a permit under this Title shall automatically expire if it is not validated or extended within two years after the date of the approval.

C. **Permit Validation.** An approved permit shall not be treated as an entitlement until the Planning Director determines that, prior to the expiration date described above, the following has occurred:

1. For permits or approvals requiring a building permit, a valid County building permit shall be issued, and construction has been lawfully commenced

2. For permits or approvals not requiring a building permit, the permitted use has lawfully commenced on the site and a valid County business license, if required, has been issued.

D. **Extensions.**

1. ***Extension for Permit Granted in Conjunction with Tentative Map.*** The time limits for any permit granted in conjunction with an approved tentative tract map shall be automatically extended to be the same as the term of such tentative tract map.

2. ***Other Extensions.*** The Planning Director may approve a two-year extension of any permit or approval granted under this Title upon receipt of a written application with the required fee within either the time period specified by the review authority, or two years of the date of the approval.

E. **Lapse.** Inactivity under a permit may lead to revocation in which case the permit may be revoked in accordance with Section 17.27.130, Revocation of Permits.

17.27.120 Revisions to an Approved Permit

All development and use of land for which a permit or other approval has been issued shall be in compliance with the approved drawings and plans and any conditions of approval unless the permit or other approval is revised as provided for in this Section.

A. **Minor Revisions.** The Planning Director may approve minor revisions to approved plans and permits that are consistent with the original findings and conditions approved by the review authority, do not substantially expand the approved floor area, and would not intensify any potentially detrimental effects of the project.

B. **Major Revisions.** A request for revisions to conditions of approval of a discretionary permit, a revision that would affect a condition of approval, have the effect of modifying a mitigation measure under CEQA, or a revision that would intensify a potential impact of the project shall be processed in the same manner, and shall be decided on by the same review authority, as the approved permit.

17.27.130 Revocation of Permits

Any permit granted under this Title may be revoked or revised for cause if any of the conditions or terms of the permit are violated, if any law or ordinance is violated, or if any of the events set forth in Subsection C, below, occur.

A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the Board of Supervisors, Planning Commission, or Director.

B. **Public Notice, Hearings, and Action.** After conducting a duly-noticed public hearing, the Planning Commission shall act on the proposed revocation, pursuant to Chapter 17.27, Common Procedures.

C. **Required Findings.** The Planning Commission may revoke or modify the permit if it makes any of the following findings:

1. The approval was obtained by means of fraud or misrepresentation of a material fact; or
2. The use, building, or structure has been substantially expanded beyond what is set forth in the permit or substantially changed in character; or
3. The use or structure authorized by the permit is removed from the site or remains vacant and unused for its authorized purpose or is abandoned or discontinued for a period greater than 12 consecutive months; or
4. There is or has been a violation of or failure to observe the terms or conditions of approval, a violation of an approved mitigation monitoring reporting program under CEQA, or a violation of the provisions of this Title, or any applicable local or State law or regulation; or
5. The use has been conducted in a manner detrimental to the public safety, health, or welfare.

D. **Notice of Action.** Following Planning Commission action to revoke or modify a permit, the Director shall issue a notice of action within seven days. The notice shall describe the Commission's action with its findings. The Director shall mail the notice to the permit holder, property owner, and to any person or entity who requested the revocation proceeding. Failure to provide notice under this Section does not invalidate the action of the Planning Commission.

E. Nothing shall require that revocation and enforcement be mutually exclusive remedies, and nothing shall prohibit the County from pursuing both either sequentially or concurrently.

17.27.140 Appeals

A. **Applicability.** Any action by the Director or Planning Commission in the administration or enforcement of the provisions of this Code may be appealed in accordance with this Section.

1. ***Appeals of Director Actions.*** Actions of the Director may be appealed to the Planning Commission by filing a written appeal with the Planning Department.
2. ***Appeals of Planning Commission Actions.*** Actions of the Planning Commission may be appealed to the Board of Supervisors by filing a written appeal with the County Clerk.

B. **Rights of Appeal.** Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Code, provided that the appellant has participated in the administrative process prior to filing an appeal.

C. **Time Limits.** Unless otherwise specified in State or federal law, all appeals shall be filed in writing within 15 days of the date which the action was taken. In the event an appeal period ends on a

Saturday, Sunday, or any other day the County Planning Department office is closed to the public, the appeal period shall end at the close of business on the next consecutive business day.

D. Procedures.

1. ***Filing.*** The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal. The appeal shall be accompanied by the required fee.

2. ***Proceedings Stayed by Appeal.*** The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of County building permits and business licenses.

3. ***Transmission of Record.*** The Director, or in the case of appeals to the Board of Supervisors, the County Clerk, shall schedule the appeal for consideration by the authorized hearing body within 45 days of the date the appeal is filed. The Director shall forward the appeal, the notice of action, and all other documents that constitute the record to the hearing body. The Director shall also prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.

E. Exhaustion of Administrative Remedies. No issue which was not addressed during the hearing upon which the appeal is based shall be considered at the appeal hearing. No relevant facts that were known or could have reasonably been known to the party raising them at the time the decision being challenged was made shall be considered at the appeal hearing. If new relevant factual information is presented on appeal that could not have reasonably been not known at the time the decision being challenged was made, the Board of Supervisors shall have discretion to remand the project to the Planning Commission for consideration of the new facts.

F. Standards of Review. When reviewing any decisions on appeal, the appeal body shall review the factual evidence anew, without being required to defer to prior decisions. The appeal body may adopt the same decision and findings as were originally approved or it may modify the decision and/or findings. It may also request or require changes to the application as a condition of approval.

G. Public Notice and Hearing. Public notice shall be provided, and the hearing conducted by the applicable appeal body pursuant to Chapter 17.27, Common Procedures. Notice of the hearing shall also be given to the applicant and party filing the appeal. Notice shall also be given pursuant to State law to any other interested person who has filed with the County Clerk a currently effective written request for such notice. In the case of an appeal of a Planning Commission decision, notice of such appeal shall also be given to the Planning Commission. The Planning Commission may be represented at the hearing.

H. Action. An action to grant an appeal shall require a vote of not less than three members of the hearing body members. A tie vote shall have the effect of rejecting the appeal.

17.27.150 Interpretations and Determinations

Requests for interpretations of this Title and verifications relating to prior approvals or permits may be made to the Director. Requests shall be in writing. The decision of the Director on such requests may be appealed under Section 17.27.140, Appeals.

Chapter 17.28Zoning Clearance

17.28.010 Purpose

This Chapter establishes a procedure to verify that new or modified uses and development comply with all the applicable requirements of this Title, as well as the conditions of any previous discretionary approval granted by the County.

17.28.020 Applicability

A Zoning Clearance is required for signs, buildings, or structures erected, constructed, altered, repaired, or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which are allowed as a matter of right by this Title.

A. **Exceptions.** A Zoning Clearance shall not be required for the following:

1. Continuation of previously approved or permitted uses and structures; or
2. Repair, maintenance, and interior alterations that do not enlarge a structure nor change the use or occupancy of the site or building.
3. Uses and structures that are not subject to any building or zoning regulations.

17.28.030 Review Authority

The Planning Director shall act as the review authority for Zoning Clearance applications based on consideration of the requirements of this Chapter.

17.28.040 Procedures

A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section 17.27.020, Application Forms and Fees. The Director may request that the Zoning Clearance application be accompanied by a written narrative, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Title and the requirements and conditions of any applicable Design Review, Use Permit, or other discretionary land use approval granted by the County.

B. **Determination.** If the Director determines that the proposed use or building is allowed as a matter of right by this Title and conforms to all the applicable development and use standards, the Director shall issue a Zoning Clearance. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans,

floor plans, and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Title. Prior to issuance of any building permit, grading permit, subdivision approval, or lot line adjustment, the Director shall review the application to determine whether the proposed use, building, or change in lot configuration complies with all provisions of this Title or any applicable Design Review, Use Permit, or other discretionary land use approval and that all conditions of such permits and approvals have been satisfied.

Chapter 17.29Design Review

17.29.010 Purpose

This Chapter establishes the Design Review procedure to ensure that new development (see Section 17.43.040) supports the goals and objectives of the General Plan and other adopted plans and guidelines. The specific purposes of the Design Review process are to:

A. Promote excellence in site planning and design and the harmonious appearance of buildings and sites; and

B. Ensure that new and altered uses and development will be compatible with the existing and potential development of the surrounding area; and

C. Supplement other County regulations and standards to ensure control of aspects of design that are not otherwise addressed.

17.29.020 Applicability

Design Review is required for projects within the Design Review (DR) Overlay Zone.

17.29.030 Review Authority

A. **Planning Commission.** The Planning Commission shall have Design Review authority for all projects that would require Planning Commission approval regardless of the requirement for Design Review.

B. **Director.**

1. The Director shall have Design Review authority for all projects that do not meet the criteria listed in Subsection A for a decision by the Planning Commission.

2. The Director may refer items directly to the Planning Commission when in the Director's opinion the public interest would be better served by having the Planning Commission conduct Design Review.

17.29.040 Procedures

A. **Application.** Applications for Design Review shall be filed with the Planning Department on the prescribed application forms in accordance with the procedures in Section 17.27.020, Application Forms and Fees.

B. **Concurrent Processing.** When a development project requires a Use Permit, Variance, or any other discretionary approval, the Design Review application shall be submitted as a part of the application for the underlying permit, Use Permit, or Variance.

C. **Public Notice.** All applications for Design Review require public notice pursuant to Section 17.27.070, Public Notice.

D. **Public Hearing.**

1. ***Design Review by the Planning Commission.*** All projects for which the Planning Commission is the review authority, shall require a public hearing before the Planning Commission pursuant to Section 17.27.080, Conduct of Public Hearings.

2. ***Design Review by the Director.*** No public hearing is required for Design Review where the Director is the review authority.

17.29.050 Scope of Design Review

A. **Design Review Considerations.** Design Review shall be based on consideration of any applicable adopted design standards or guidelines and the requirements of this Chapter as they apply to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including, but not limited to:

1. Building proportions, massing, and architectural details; and

2. Site design, orientation, location, and architectural design of buildings relative to existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment; and

3. Size, location, design, development, and arrangement of on-site parking and other paved areas; and

4. Exterior materials as they relate to each other, to the overall appearance of the project, and to surrounding development; and

5. Height, materials, design, fences, walls, and screen plantings; and

6. Location and type of landscaping including selection and size of plant materials, and design of hardscape; and

7. Size, location, design, color, lighting, and materials of all signs.

17.29.060 Appeals; Expiration, Extensions, and Revisions; Revocation

A. **Appeals.** Design Review decisions are subject to the appeal provisions of Section 17.27.140, Appeals.

B. **Expiration, Extensions and Revisions.** Design review is subject to the effective dates, expiration, and extension provisions of Section 17.27.110, Effective Dates; Expiration and Extension.

C. **Revocation.** Design Review approval may be revoked pursuant to Section 17.27.130, Revocation of Permits, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.30Administrative Use Permits

17.30.010 Purpose

The Administrative Use Permit review and approval process is intended to apply to uses that are consistent with the goals, objectives, and policies of the General Plan and purposes of the zone where they are proposed and are generally limited in potential impacts, but still require special consideration to ensure that they can be designed, located, and operated in a manner that will be compatible with the surrounding area and uses.

17.30.020 Applicability

Approval of an Administrative Use Permit is required for uses or developments specifically identified "A" in Subtitle II, Base Zoning Districts, and/or any other section of this Title which requires an Administrative Use Permit.

17.30.030 Review Authority

The Planning Director shall act as the review authority for Administrative Use Permits based on consideration of the requirements of this Chapter. The Director may refer any application for an Administrative Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for decision. In that case, the application shall be processed as a Conditional Use Permit.

17.30.040 Procedures

A. **Application.** Applications for Administrative Use Permits shall be filed with the Planning Department on the prescribed application forms. In addition to any other application requirements, the application for an Administrative Use Permit shall include data or other evidence in support of the applicable findings required by Section 17.30.050, Required Findings.

B. **Public Notice.** All applications for Administrative Use Permits require public notice pursuant to Section 17.27.070, Public Notice.

C. **Public Hearing.** A public hearing on an Administrative Use Permit shall occur only where the Director refers the Administrative Use Permit application to the Planning Commission for decision, or where the Directors decision on an Administrative Use Permit is appealed pursuant to Section 17.27.140, Appeals.

17.30.050 Required Findings

The review authority must make all the following findings to approve or conditionally approve an Administrative Use Permit application. The inability to make one or more of the findings shall result in denial of an application.

A. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Title and all other titles of the Calaveras County Municipal Code; and

B. The proposed use is consistent with the General Plan and any applicable specific plan; and

C. The proposed use will not have the potential to adversely affect the public health, safety, or general welfare of the community, nor be unreasonably detrimental to surrounding properties or improvements; and

D. The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Title; and

E. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses and circulation in the vicinity; and

F. The site is physically suitable for the type of the use being proposed, including access, utilities, and the absence of physical constraints.

17.30.060 Conditions of Approval

In approving an Administrative Use Permit, the review authority may impose reasonable conditions or restrictions to achieve the following outcomes.

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the Board of Supervisors; and

B. Achieve the general purposes of this Title or the specific purpose of the zone in which the project is located; and

C. Achieve the findings for an Administrative Use Permit listed in Section 17.30.050, Required Findings; and

D. Mitigate any potentially significant impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act (CEQA).

The review authority may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

17.30.070 Appeals; Expiration, Extensions, and Revisions; Revocation

A. **Appeals.** Administrative Use Permit decisions are subject to the appeal provisions of Section 17.27.140, Appeals.

B. **Expiration, Extensions and Revisions.** Administrative Use Permit approval is subject to the effective dates, expiration, and extension provisions of Section 17.27.110, Effective Dates; Expiration and Extension.

C. **Revocation.** Administrative Use Permit approval may be revoked pursuant to Section 17.27.130, Revocation of Permits, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.31Conditional Use Permits

17.31.010 Purpose

The Conditional Use Permit review and approval process is intended to apply to uses that are consistent with the goals, objectives, and policies of the General Plan and purposes of the zone where they are proposed but that pose potential land use compatibility issues that require special consideration to ensure that they can be designed, located, and operated in a manner that will be compatible with the surrounding area and uses.

17.31.020 Applicability

Approval of a Conditional Use Permit is required for uses or developments specifically identified "C" in Subtitle II, Base Zoning Districts, and/or any other section of this Title which requires a Conditional Use Permit.

17.31.030 Review Authority

The Planning Commission shall act as the review authority for Conditional Use Permits based on consideration of the requirements of this Chapter.

17.31.040 Procedures

A. Application. Applications for Conditional Use Permits shall be filed with the Planning Department on the prescribed application forms. In addition to any other application requirements, the application for a Conditional Use Permit shall include data or other evidence in support of the applicable findings required by Section 17.31.050, Required Findings.

B. Public Notice and Hearing. All applications for Conditional Use Permits require public notice and hearing before the Planning Commission pursuant to Chapter 17.27, Common Procedures.

17.31.050 Required Findings

The review authority must make all the following findings to approve or conditionally approve a Conditional Use Permit application. The inability to make one or more of the findings shall result in denial of an application.

A. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Title and all other titles of the Calaveras County Municipal Code; and

B. The proposed use is consistent with the General Plan and any applicable specific plan; and

C. The proposed use will not have the potential to adversely affect the public health, safety, or general welfare of the community, nor unreasonably detrimental to surrounding properties or improvements; and

D. The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Title; and

E. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses and circulation in the vicinity; and

F. The site is physically suitable for the type of the use being proposed, including access, utilities, and the absence of physical constraints.

17.31.060 Conditions of Approval

In approving a Conditional Use Permit, the review authority may impose reasonable conditions or restrictions to achieve the following outcomes.

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the Board of Supervisors; and

B. Achieve the general purposes of this Title or the specific purpose of the zone in which the project is located; and

C. Achieve the findings for a Conditional Use Permit listed in Section 17.31.050, Required Findings; and

D. Mitigate any potentially significant impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act (CEQA).

The review authority may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

17.31.070 Appeals; Expiration, Extensions, and Revisions; Revocation

A. **Appeals.** Conditional Use Permit decisions are subject to the appeal provisions of Section 17.27.140, Appeals.

B. **Expiration, Extensions and Revisions.** Conditional Use Permit approval is subject to the effective dates, expiration, and extension provisions of Section 17.27.110, Effective Dates; Expiration and Extension.

C. **Revocation.** Conditional Use Permit approval may be revoked pursuant to Section 17.27.130, Revocation of Permits, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.32Temporary Use Permits

17.32.010 Purpose

This Chapter establishes a process for review and approval of uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

17.32.020 Applicability

Approval of a Temporary Use Permit is required for uses or activities specifically identified in Section 17.25.220.B, Temporary Uses, and/or any other section of this Title which requires a Temporary Use Permit.

17.32.030 Review Authority

The Planning Director shall act as the review authority for Temporary Use Permits based on consideration of the requirements of this Chapter.

17.32.040 Application

An application for a Temporary Use Permit shall be submitted at least 30 days before the use is intended to begin, pursuant to Section 17.27.020, Application Forms and Fees.

17.32.050 Required Findings

The Director must make both of the following findings to approve or conditionally approve a Temporary Use Permit application. The inability to make one or more of the findings shall result in denial of an application.

A. The proposed use will not unreasonably adversely affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the County; and

B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

17.32.060 Conditions of Approval

Permits, reviews, and regulations of other Departments and agencies may apply to a temporary use or activity. The Director may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Section 17.32.040, Required Findings, including, but not limited to, the items below.

A. Regulation of ingress, egress, and traffic circulation; and

B. Regulation of fire protection and access for fire vehicles; and

C. Regulation of noise, lighting and signage; and

D. Regulation of hours of operation, staffing, duration, or other aspects of the use; and

E. Removal of all trash, debris, temporary structures, electrical service, and temporary sanitation facilities; and

F. Mitigate any potentially significant impacts identified because of review conducted in compliance with the California Environmental Quality Act (CEQA).

The Director may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

Chapter 17.33 Reasonable Accommodation

17.33.010 Purpose

This Chapter establishes the procedures to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act ("the Acts") in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

17.33.020 Applicability

A. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment. This Chapter is intended to apply to those persons who are defined as disabled under the Acts.

B. A request for Reasonable Accommodation may include a change or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

17.33.030 Review Authority

The Planning Director shall act as the review authority for Reasonable Accommodation applications based on consideration of the requirements of this Chapter.

17.33.040 Procedures

A. **Application.** An application for a Reasonable Accommodation shall be filed to the Planning Department in accordance with Section 17.27.020, Application Forms and Fees. The application shall state in writing the nature of the request and explain how the required findings are satisfied. The applicant shall also submit plans delineating the requested Reasonable Accommodation.

B. **Public Noticing and Public Hearing Not Required.** No noticing or public hearing are required for a Reasonable Accommodation request.

C. **Decision.** The Director shall issue a written decision within 30 days of the date the County has determined the application to be complete and may grant the reasonable accommodation request, grant with modifications, or deny the request. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process.

17.33.050 Required Findings

The Planning Director must make all of the following findings in order to approve or conditionally approve request for Reasonable Accommodation that will be consistent with the Acts.

A. That the housing or other property which is the subject of the request for reasonable accommodation will be used by an individual or organization entitled to protection; and

B. If the request for accommodation is to provide fair access to housing, that the request for accommodation is necessary to make specific housing available to an individual protected under State or federal law; and

C. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and

D. That denial of the request would impose a substantial burden on religious exercise or would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

17.33.060 Conditions of Approval

In granting a request for Reasonable Accommodation, the Planning Director may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The Reasonable Accommodation may be conditioned to provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance.

17.33.070 Appeals, Expiration, Extensions, and Revisions

A. **Appeals.** Reasonable Accommodation decisions are subject to the appeal provisions of Section 17.27.140, Appeals.

B. **Expiration, Extensions, and Revisions.** Reasonable Accommodation approval is subject to the effective dates, expiration, and extension provisions of Section 17.27.110, Effective Dates; Expiration and Extension.

C. **Revocation.** Reasonable Accommodation approval may be revoked pursuant to Section 17.27.130, Revocation of Permits, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.34Limited Exceptions

17.34.010 Purpose

The purpose of this Chapter is to provide a mechanism for relief from the strict application of this Title in unique situations where strict application of dimensional requirements of property development standards would unreasonably require removal of or prohibit modifications of existing development.

17.34.020 Applicability

A. The Planning Director may, on a case-by-case basis, ministerially authorize deviations of up to 20 percent from the dimensional Development Standards applicable to a parcel's zone if all of the following apply:

1. The request is to modify existing development on the parcel;
2. The modification is not being requested to accommodate a change in the parcel's existing use;
3. The modification to the development on the parcel is required for one of the following reasons:
    a. Absent the deviation from dimensional standards, the existing use will not comply with current laws or regulations intended to ensure access for disabled persons; or
    b. Absent the deviation from dimensional standards, a minor modification that 1) would typically be allowed by right on other parcels in the same zone, and 2) would typically be associated with the existing use of the property, cannot be physically accommodated due to the property's unique characteristics.
4. The circumstances giving rise to the current legal non-compliance, or the current inability to enjoy a typical modification to an established use on the property, do not result from any action, inaction, or non-compliance by the applicant or property owner.
5. The Director has no evidence that authorizing the deviation will negatively impact existing permitted uses on neighboring properties.
6. The Director has no evidence that authorizing the minor deviation from dimensional standards will negatively impact the physical environment or the public health, safety, or welfare.

B. The Director shall only authorize the minimum amount of deviation to accomplish the purpose of the request.

17.34.030 Review Authority

The Planning Director shall act as the review authority for Limited Exception applications based on consideration of the requirements of this Chapter.

17.34.040 Procedures

A. **Application.** An application for a Limited Exception shall be filed with the Planning Department in accordance with Section 17.27.020, Application Forms and Fees. The application shall state in writing the nature of the request and explain how Section 17.34.020.A is satisfied. The applicant shall also submit plans delineating the requested Limited Exception.

B. **Public Notice and Hearing.** Limited Exceptions do not require a public hearing or notice.

Chapter 17.35Variances

17.35.010 Purpose

This Chapter is intended to provide a mechanism for relief from the strict application of this Title where it would deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

17.35.020 Applicability

Variances may be granted to vary or modify dimensional and performance standards but may not be granted to allow uses or activities that this Title does not authorize for a specific lot or site.

17.35.030 Review Authority

The Planning Commission shall act as the review authority for Variance applications based on consideration of the requirements of this Chapter.

17.35.040 Procedures

A. **Application.** Applications for a Variance shall be filed with the Planning Department on the prescribed application forms in accordance with the procedures in Section 17.27.020, Application Forms and Fees. In addition to any other application requirements, the application for a Variance shall include evidence showing that the requested Variance conforms to the required findings set forth in Section 17.35.050, Required Findings.

B. **Public Notice.** An application for a Variance shall require a public notice prior to the Planning Commission decision, pursuant to Section 17.27.070, Public Notice.

C. **Public Hearing.** An application for a Variance shall require a public hearing before the Planning Commission, pursuant to Section 17.27.080, Conduct of Public Hearings.

17.35.050 Required Findings

After conducting a public hearing, the Planning Commission must make all the following findings to approve or conditionally approve a Variance application. The Commission shall deny an application for a Variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination in writing.

A. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings; and

B. The strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and

C. The Variance authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

17.35.060 Conditions of Approval

In approving a Variance, the review authority may impose reasonable conditions or restrictions to achieve the following outcomes.

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the Board of Supervisors; and

B. Achieve the general purposes of this Title or the specific purposes of the zone in which the project is located; and

C. Achieve the findings for a Variance granted under this Chapter; and

D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act (CEQA).

The review authority may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

17.35.070 Appeals; Expiration, Extensions, and Revisions; Revocation

A. **Appeals.** Variance decisions are subject to the appeal provisions of Section 17.27.140, Appeals.

B. **Expiration, Extensions and Revisions.** Variance approval Design review is subject to the effective dates, expiration, and extension provisions of Section 17.27.110, Effective Dates; Expiration and Extension.

C. **Revocation.** Variance approval may be revoked pursuant to Section 17.27.130, Revocation of Permits, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.36 Planned Development

17.36.010 Purpose

This Chapter provides procedures for establishing a Planned Development (PD) Overlay Zone to facilitate orderly development of larger sites in the County consistent with the General Plan, especially where a particular mix of uses or character is desired that can best be achieved through an integrated development plan.

17.36.020 Applicability

The procedures in this Chapter shall apply to all proposals to establish a PD Overlay Zone and a PD Plan.

17.36.030 Procedures

A. Review Authority. A PD Overlay Zone and a PD Plan must be adopted by the Board of Supervisors. A public hearing before the Planning Commission is required prior to Board of Supervisors review; and the Planning Commission shall make a recommendation to the Board of Supervisors.

B. Review Procedures.

1. *Zoning Amendment.* An application for a PD Overlay District shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 17.38, Zoning Amendments, and shall include a PD Plan.

2. *PD Plan.* The PD Plan shall be processed in the same manner as a Conditional Use Permit application, pursuant to Chapter 17.31, Conditional Use Permits, except the Board of Supervisors shall be the final review authority.

3. *Tentative Subdivision Map.* When a PD requires the submission of a tentative subdivision map, the map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.

17.36.040 Required Findings

A PD Plan and/or PD Overlay Zoning Amendment shall only be approved if all the following findings are made:

A. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply; and

B. The subject site is physically suitable for the type and intensity of the land use being proposed; and

C. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare; and

D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area; and

E. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base zoning district, and will achieve superior community design, environmental preservation and/or substantial public benefit.

17.36.050 Conditions

In approving a PD Overlay Zone and PD Plan, the review authority may impose reasonable conditions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the County has adopted; and

B. Achieve the general purposes of this Title or the specific purpose of the zoning district in which the project is located; and

C. Achieve the findings listed in Section 17.36.040, Required Findings; and

D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act (CEQA).

17.36.060 Expiration and Extension

A. Expiration.

1. ***PD Plan.*** A PD Plan shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Plan may specify a development staging program exceeding two years.

2. ***Tentative Map.*** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.

3. ***Phased Development.*** If the review authority approves phased development, the PD Plan shall remain in effect so long as not more than one-year lapses between the end of one phase and the beginning of another phase.

B. **Extension.** Where it is found that the circumstances under which the PD Plan and if applicable, development phasing, were granted have not substantially changed, the Planning Director may approve a single two-year extension of a PD Plan or in the case of phased development, a two-year extension of each phase.

17.36.070 Amendments of Approved Plans

A. **Amended Plans.** Amendments to a PD Overlay Zone or PD Plan may be requested by the applicant or its successors. Amendments to the approved Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Planning Director shall determine if the proposed amendment constitutes a major or minor amendment.

B. **Major Amendments.** Major amendments to an approved PD Overlay Zone or PD Plan shall be considered by the Board of Supervisors at a duly noticed public hearing upon recommendation from the Planning Commission. An amendment will be deemed major if it involves one or more of the following changes.

1. A change in the boundary of the PD Overlay Zone; or
2. An increase or decrease in the number of dwelling units for the PD Overlay Zone that is greater than the maximum or less than the minimum stated in the PD Plan; or
3. An increase or decrease in the floor area for any non-residential land use that results in the floor area being less than the minimum or exceeding the maximum stated in the PD Plan; or
4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure; or
5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD Overlay Zone or to the overall street system; or
6. Any other proposed change to the PD Plan or the conditions of approval that substantively alters one or more of its components as determined by the Planning Director.

C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in 17.36.070.B above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Planning Director.

Chapter 17.37Development Agreements

17.37.010 Purpose

This Chapter establishes procedures and requirements for considering and entering into legally binding agreements with applicants for development projects, as authorized in Government Code Sections 65864-65869.5, that will assure the County that a proposed project will proceed to its completion in compliance with the plans submitted by the applicant and to guarantee the applicant that the project can proceed to its completion in accordance with the rules and regulations in effect at the time of project approval.

Development agreements are intended to accomplish two primary purposes: (1) provide more certainty to a landowner or developer through the grant of vested property rights for an agreed-upon term of years; and in return (2) provide more certainty to the County that public amenities and improvements will be provided according to an agreed-upon schedule and a level of quality sufficient to justify the grant of vested rights. Public benefits arising from a development agreement may include, but are not limited to, provision of public facilities such as streets, parks, open space, transportation, schools, utilities, and enhanced law enforcement and fire protection. The establishment of vested rights through a development agreement can ensure reasonable certainty, stability, and fairness in the land use approval process, provide for more efficient uses of resources, and foster cooperation between the public and private sectors in the area of land use planning.

17.37.020 Applicability

The County incorporates by reference the provisions of Government Code Sections 65864-65869.5. In the event of any conflict between those statutory provisions and this Chapter, the statutes shall control.

A. This procedure is available where a qualified applicant wishes to enter into such an agreement for development of a property with which the applicant has a legal or equitable interest.

B. Nothing in this Chapter shall be interpreted to require that the Board of Supervisors enter into a Development Agreement, or that any person be required to enter into a Development Agreement as a condition of obtaining a permit, approval or other land use grant or entitlement from the County.

17.37.030 Application

Applications for Development Agreements shall be filed with the Planning Department in accordance with the provisions set forth in Section 17.27.020, Application Forms and Fees. In addition to any other application requirements, the application for a Development Agreement shall include data or other evidence in support of the applicable findings required by Section 17.37.060, Required Findings.

17.37.040 Contents of Development Agreements

A. **Required Contents.** A Development Agreement shall specify its duration; the permitted uses of the subject property; the general location and density or intensity of uses; the general location, maximum height and size of proposed buildings; and provisions for reservation or dedication of land for public purposes. It shall contain provisions concerning its transferability.

B. **Additional Contents.** Development Agreements may also include the following:

1. ***Improvements and Fees.*** A Development Agreement may include requirements for construction and maintenance of onsite and offsite improvements or payment of fees in lieu of such dedications or improvements.

2. ***Conditions.*** A Development Agreement may also include conditions, terms, restrictions, and requirements for subsequent discretionary actions but does not eliminate the applicant's responsibility to obtain all required land use approvals.

3. ***Phasing.*** A Development Agreement may provide that the project be constructed in specified phases, that construction shall commence within a specified time, and that the project or any phase thereof be completed within a specified time.

4. ***Financing.*** If the Development Agreement requires applicant funding of necessary public facilities, it may include terms relating to subsequent reimbursement over time for such financing.

5. ***Indemnity.*** A Development Agreement may contain an indemnity clause requiring the applicant to indemnify and hold the County harmless against claims arising out of or in any way related to the actions of applicant in connection with the application or the development process, including all legal fees and costs.

6. ***Performance Obligation Fees.*** A Development Agreement may include provisions to guarantee performance of obligations stated in the agreement.

7. ***Other Items.*** Other components and provisions as negotiated by County.

17.37.050 Public Notice and Hearing

A. **Planning Commission.**

1. ***Notice.*** Public notice of hearings by the Planning Commission for a Development Agreement shall be given as specified in Section 17.27.070, Public Notice.

2. ***Hearing.*** The Planning Commission shall conduct a public hearing for making recommendations to the Board of Supervisors in conformance with the provisions of Section 17.27.080, Conduct of Public Hearings.

3. ***Recommendation to Board of Supervisors.*** Following the public hearing, the Planning Commission shall make a written recommendation on the proposed Development

Agreement. The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the Board of Supervisors.

a. *Approval.* If the Planning Commission has recommended approval of the Development Agreement, the Board of Supervisors is required to take final action pursuant to Section 17.37.050.B, Board of Supervisors.

b. *Denial.* If the Planning Commission has recommended against the Development Agreement, the Board of Supervisors is not required to take any action unless an appeal is filed in accordance with Section 17.27.140, Appeals.

B. Board of Supervisors.

1. ***Notice.*** Public notice of hearings by the Board of Supervisors for a Development Agreement shall be given as specified in Section 17.27.070, Public Notice.

2. ***Hearing.*** If the Planning Commission recommends approval or an appeal has been filed, after receiving the report from the Planning Commission but no later than the time specified by Section 65943 of the Government Code, the Board of Supervisors shall hold a public hearing in conformance with the provisions of Section 17.27.080, Conduct of Public Hearings.

3. ***Decision.*** After the Board of Supervisors completes the public hearing, the Board of Supervisors shall approve, modify, or deny the Development Agreement. Approval of a Development Agreement shall be by ordinance. The ordinance shall refer to and incorporate by reference the text of the Development Agreement. Matters not previously considered by the Planning Commission during its hearing may, but need not, be referred to the Planning Commission for report and recommendation. The Planning Commission may, but need not, hold a public hearing on matters referred to it by the Board of Supervisors.

17.37.060 Required Findings

The Board of Supervisors must make the following findings to approve a Development Agreement:

A. The Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plans; and

B. The Development Agreement will not be detrimental to the health, safety and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the County as a whole; and

C. The Development Agreement will not adversely affect the orderly development of property or the preservation of property values; and

D. The Development Agreement will facilitate the implementation of any applicable specific plan; and

E. The Development Agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5 and CEQA.

17.37.070 Recordation of Development Agreement

Within 10 days of Board of Supervisors approval of the Development Agreement, the Director shall execute the Development Agreement on behalf of the County, and the County Clerk shall record the Development Agreement with the County Recorder.

17.37.080 Annual Review

The applicant shall be required to demonstrate compliance with the provisions of the Development Agreement at least once every 12 months at which time the Director shall review each approved Development Agreement.

A. Finding of Compliance. If the Director, on the basis of substantial evidence, finds compliance by the applicant with the provisions of the Development Agreement, the Director shall issue a finding of compliance, which shall be in recordable form and may be recorded with the County Recorder after conclusion of the review.

B. Finding of Noncompliance. If the Director finds the applicant has not complied with the provisions of the Development Agreement, the Director may issue a finding of noncompliance which may be recorded by the County with the County Recorder after it becomes final. The Director shall specify in writing to the applicant the respects in which applicant has failed to comply, and shall set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement shall be subject to termination or revision pursuant to this Chapter.

C. Appeal of Determination. Within seven days after issuance of a finding by the Director of compliance or noncompliance, any interested person may file a written appeal of the finding with the Board of Supervisors. The appellant shall pay fees and charges for the filing and processing of the appeal in amounts established by resolution of the Board of Supervisors. The appellant shall specify the reasons for the appeal. The issuance of a finding of compliance or finding of noncompliance by the Director and the expiration of the appeal period without appeal, or the confirmation by the Board of Supervisors of the issuance of the finding on such appeal, shall conclude the review for the applicable period and such determination shall be final.

17.37.090 Amendment, Modification, Cancellation, or Termination

A. **After Finding of Noncompliance.** If a finding of noncompliance does not include terms of compliance, or if applicant does not comply with the terms of compliance within the prescribed time limits, the Director may refer the Development Agreement to the Board of Supervisors for termination or revision. The Board of Supervisors shall conduct a public hearing. After the public hearing, the Board of Supervisors may terminate or modify the Development Agreement, revise the finding of noncompliance, or rescind the finding of noncompliance, and issue a finding of compliance.

B. **Mutual Agreement**. Any Development Agreement may be terminated or amended by mutual consent of the parties following the same procedures for entering into a Development Agreement in the first instance. A Development Agreement may also specify procedures for administrative approval of minor amendments by mutual consent of the applicant and Director.

C. **Recordation.** If the parties to the agreement or their successors in interest amend or cancel the Development Agreement, or if the County terminates or revises the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the County Clerk shall record notice of such action with the County Recorder.

D. **Rights of the Parties After Cancellation or Termination**. In the event that a Development Agreement is cancelled or terminated, all rights of the applicant, property owner or successors in interest under the Development Agreement shall terminated. If a Development Agreement is terminated following a finding of noncompliance, the County may, in its sole discretion, determine to return any and all benefits, including reservations or dedications of land, and payments of fees, received by the County.

17.37.100 Effect of Action

A. **Existing Rules and Regulations**. Unless otherwise specified in the Development Agreement, the County's rules, regulations, and official policies governing permitted uses of the property, density and design, and improvement standards and specifications applicable to development of the property shall be those County rules, regulations and official policies in force on the effective date of the Development Agreement.

B. **Future Rules and Regulations**.

1. Unless modified, amended, canceled, or terminated pursuant to this Chapter, a Development Agreement shall be enforceable by any party thereto notwithstanding any change in the General Plan or any applicable specific plan, zoning, subdivision, or building regulation or other ordinance or resolution adopted by the County.

2. A Development Agreement shall not prevent the County, in subsequent actions applicable to the property, from applying new rules, regulations and policies that do not conflict with those rules, regulations and policies applicable to the property as set forth in the Development Agreement.

3. A Development Agreement shall not prevent the County from denying or conditionally approving any subsequent land use permit or authorization for the project on the basis of such existing or new rules, regulations, and policies.

C. State and Federal Rules and Regulations. In the event that state or federal laws or regulations, enacted after a Development Agreement has been entered into, prevent or preclude compliance with one or more provisions of the Development Agreement, such provisions of the agreement shall be revised or suspended as may be necessary to comply with such state or federal laws or regulations.

17.37.110 Enforcement

The procedures for enforcement, amendment, revision, cancellation, or termination of a Development Agreement specified in this Chapter and in Government Code Section 65865.4 or any successor statute, are nonexclusive. A Development Agreement may be enforced, amended, revised, cancelled, or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.

Chapter 17.38 Zoning Amendments

17.38.010 Purpose

This Chapter establishes procedures by which changes may be made to the text of this Zoning Code and to the Zoning Map, whenever the public necessity, convenience, general welfare, or good practice justify such amendment, consistent with the General Plan.

17.38.020 Applicability

The procedures in this Chapter shall apply to all proposals to change the text of this Zoning Code or to revise a zone or boundary line shown on the Zoning Map.

17.38.030 Review Authority

The Planning Commission shall act as the advisory body for all amendments to the Zoning Code and Zoning Map and provide recommendations to the Board of Supervisors. The Board of Supervisors shall act as the review authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify all amendments to the Zoning Code and Zoning Map.

17.38.040 Initiation of Amendment

An amendment to the Zoning Code or Zoning Map may be initiated by any qualified applicant identified in Section 17.27.020, Application Forms and Fees, by the Planning Director, or the Board of Supervisors or Planning Commission.

17.38.050 Procedures

A. Application. A qualified applicant shall submit an application accompanied by the required fee, pursuant to Chapter 17.27, Common Procedures. The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application. Amendments to the Zoning Code and Zoning Map may be processed concurrently with other applications.

B. Public Hearing and Notice. All amendments to the Zoning Code and Zoning Map shall be referred to the Planning Commission, which shall conduct at least one public hearing in accordance with Section 17.38.060.A, on any proposed amendment.

17.38.060 Planning Commission Hearing and Recommendation

A. **Planning Commission Hearing.** Before submitting a recommendation report to the Board of Supervisors, the Planning Commission shall conduct at least one public hearing in accordance with Section 17.27.080, Conduct of Public Hearings.

B. **Recommendation to Board of Supervisors.** Following the public hearing, the Planning Commission shall make a written recommendation on the proposed amendment. A recommendation for approval shall be made by the affirmative vote of not less than three members of the Planning Commission. The Planning Commission's recommendation shall be transmitted to the Board of Supervisors.

1. ***Approval.*** If the Planning Commission has recommended approval of the proposed amendment, the Board of Supervisors is required to take final action pursuant to Section 17.38.070, Board of Supervisors Hearing and Action.

2. ***Denial.*** If the Planning Commission has recommended against the proposed amendment, the Board of Supervisors is not required to take any action unless an appeal is filed in accordance with Section 17.27.140, Appeals.

17.38.070 Board of Supervisors Hearing and Action

A. **Board of Supervisors Hearing.** After receiving the recommendation of approval from the Planning Commission or if an appeal has been filed on a recommendation of denial, the Board of Supervisors shall hold a hearing in accordance with Section 17.27.080, Conduct of Public Hearings. The notice for the hearing shall include a summary of the Planning Commission recommendation.

B. **Board of Supervisors Action.** After the conclusion of the hearing, the Board of Supervisors may approve, modify, or deny the proposed amendment. If the Board proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 45 days after the referral shall be deemed a recommendation for approval and the amendment shall be returned to Board for adoption.

17.38.080 General Plan Consistency Required for Zoning Amendments

The Planning Commission shall not recommend, and the Board of Supervisors shall not approve a Zoning Amendment unless the proposed amendment is found to be consistent with the General Plan.

Chapter 17.39 General Plan Amendments

17.39.010 Purpose

This Chapter establishes procedures by which changes may be made to the General Plan to address changes in applicable law and problems and opportunities that were unanticipated at the time of General Plan adoption or the last amendment.

17.39.020 Applicability

The procedures in this Chapter shall apply to all proposals to change the text of the General Plan and the maps that illustrate the application of its provisions.

17.39.030 Review Authority

The Planning Commission shall act as the advisory body for all amendments to the General Plan and provide recommendations to the Board of Supervisors. The Board of Supervisors shall act as the review authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify all amendments to the General Plan.

17.39.040 Initiation of Amendment

An amendment to the General Plan may be initiated by any qualified applicant identified in Section 17.27.020, Application Forms and Fees, by the Planning Director, the Board of Supervisors or Planning Commission.

17.39.050 Maximum Number of General Plan Amendments

Except as otherwise provided by applicable law, no mandatory element of the General Plan can be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time, as determined by the Board of Supervisors. Each amendment may include more than one change to the General Plan.

17.39.060 Procedures

A. Application. A qualified applicant shall submit an application accompanied by the required fee, pursuant to Chapter 17.27, Common Procedures. The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to

process the application. Amendments to the General Plan may be processed concurrently with other applications.

B. **Referral and Consultation.** The County shall refer the proposed action and conduct consultations with California Native American tribes pursuant to Government Code Sections 65352-65352.5.

C. **Public Hearing and Notice.** All amendments to the General Plan shall be referred to the Planning Commission, which shall conduct at least one public hearing, on any proposed amendment.

17.39.070 Planning Commission Hearing and Recommendation

A. **Planning Commission Hearing.** Before submitting a recommendation report to the Board of Supervisors, the Planning Commission shall conduct at least one public hearing in accordance with Section 17.27.080, Conduct of Public Hearings.

B. **Recommendation to Board of Supervisors.** Following the public hearing, the Planning Commission shall make a written recommendation on the proposed amendment. A recommendation for approval shall be made by the affirmative vote of not less than three members of the Planning Commission. The Planning Commission's recommendation shall be transmitted to the Board of Supervisors.

1. ***Approval.*** If the Planning Commission has recommended approval of the proposed amendment, the Board of Supervisors is required to take final action pursuant to Section 17.39.080, Board of Supervisors Hearing and Action.

2. ***Denial.*** If the Planning Commission has recommended against the proposed amendment, the Board of Supervisors is not required to take any action unless an appeal is filed in accordance with Section 17.27.140, Appeals.

17.39.080 Board of Supervisors Hearing and Action

A. **Board of Supervisors Hearing.** After receiving the recommendation of approval from the Planning Commission or if an appeal has been filed on a recommendation of denial, the Board of Supervisors shall hold a hearing in accordance with Section 17.27.080, Conduct of Public Hearings. The notice for the hearing shall include a summary of the Planning Commission recommendation.

B. **Board of Supervisors Action.** After the conclusion of the hearing, the Board of Supervisors may approve, modify, or deny the proposed amendment. If the Board proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission

to report within 45 days after the referral shall be deemed a recommendation for approval and the amendment shall be returned to Board for adoption.

Chapter 17.40Specific Plans

17.40.010 Purpose

The purpose of this Chapter is to establish a process for preparing, processing, reviewing, adopting, and amending specific plans in compliance with Government Code Section 65450 et seq., or as that Section may be amended or replaced from time to time. The purpose of a specific plan is to systematically implement the General Plan in particularly designated areas.

17.40.020 Applicability

The procedures of this Chapter shall apply to all proposals for the adoption or amendment of a specific plan.

17.40.030 Review Authority

The Planning Commission shall act as the advisory body for all Specific Plans and provide recommendations to the Board of Supervisors. The Board of Supervisors shall act as the review authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify all Specific Plans.

17.40.040 Initiation

A Specific Plan may be initiated by any qualified applicant identified in Section 17.27.020, Application Forms and Fees, the Planning Director, or by the Board of Supervisors or Planning Commission.

17.40.050 Application Requirements

A qualified applicant shall submit an application accompanied by the required fee, pursuant to Chapter 17.27, Common Procedures. The Planning Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

17.40.060 Specific Plan Contents

A specific plan shall include, but is not limited to, text and diagrams that specify all of the following in detail:

A. The distribution, location and extent of individual land uses, including open space, within the area covered by the plan;

B. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, parks and other essential

facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;

C. Land use and development standards that, at a minimum, address land use, density, height, setbacks, landscaping, and parking;

D. Standards that address the conservation, development and utilization of natural resources, where applicable;

E. A program of implementation measures, including regulations, programs, public works projects, financing measures and a statement of consistency with any existing master/capital improvement plan necessary to carry out subsections A, B and C listed above;

F. A statement of relationship of the specific plan to the General Plan, including a statement of how the specific plan implements the goals and policies of the General Plan; and

G. Any other subject that, in the judgment of the Planning Director, Planning Commission or Board of Supervisors, are necessary or desirable for implementation of the General Plan.

17.40.070 Review Procedures

A. Public Hearing and Notice. All specific plans shall be referred to the Planning Commission, which shall conduct at least one public hearing on any proposed specific plan. At least ten days before the date of any public hearing, the County shall provide notice as provided for in Section 17.27.070, Public Notice. Notice of the hearing also shall be mailed or delivered to any local agency expected to provide essential facilities or services to the property that is the subject of the proposed specific plan.

B. Planning Commission Hearing and Recommendation.

1. *Planning Commission Hearing.* Before submitting a recommendation report to the Board of Supervisors, the Planning Commission shall conduct at least one public hearing in accordance with Section 17.27.080, Conduct of Public Hearings.

2. *Recommendation to Board of Supervisors.* Following the public hearing, the Planning Commission shall make a written recommendation on the proposed specific plan. A recommendation for approval shall be made by the affirmative vote of not less than three members of the Planning Commission. The Planning Commission's recommendation shall be transmitted to the Board of Supervisors

a. *Approval.* If the Planning Commission has recommended approval of the proposed specific plan, the Board of Supervisors is required to take final action pursuant to Section 17.40.070.C, Board of Supervisors Hearing and Action.

b. *Denial.* If the Planning Commission has recommended against the proposed specific plan, the Board of Supervisors is not required to take any action unless an appeal is filed in accordance with Section 17.27.140, Appeals.

C. Board of Supervisors Hearing and Action

1. ***Board of Supervisors Hearing.*** After receiving recommendation of approval from the Planning Commission or if an appeal has been filed on a recommendation of denial, the Board of Supervisors shall hold a noticed public hearing in accordance with Section 17.27.070, Public Notice, and Section 17.27.080, Conduct of Public Hearings. The notice for the hearing shall include the Planning Commission's recommendation.

2. ***Board of Supervisors Action***. After the conclusion of the hearing, the Board of Supervisors may approve, modify, or deny the proposed specific plan. If the Board proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 45 days after the referral shall be deemed a recommendation for approval and the specific plan shall be returned to Board for adoption.

D. In connection with adoption of a specific plan, the Zoning Map shall be amended by an ordinance adopted by the Board of Supervisors to apply the SP Overlay Zone to the area covered by such specific plan.

17.40.080 Required Findings

The Planning Commission shall not recommend and the Board of Supervisors shall not adopt a specific plan or amendment thereto, unless the following findings are made:

A. The Specific Plan implements and is consistent with the General Plan.

B. The proposed development will be superior to development otherwise allowed under conventional zoning.

C. The proposed development will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the County.

D. The Specific Plan complies with the California Environmental Quality Act (CEQA).

17.40.090 Method of Adoption

The specific plan shall be adopted by ordinance, or by resolution of the Board, in compliance with State law (Government Code Section 65453) and shall become effective on the 31st day following the date the public decision is rendered by the Board.

17.40.100 Amendments of Approved Specific Plans

A specific plan may be amended in the same manner as it was adopted, except minor amendments as provided for below.

A. Minor Amendments. Minor amendments that are consistent with the original findings and do not substantively alter one or more of the approved specific plan components may be approved by the Planning Director. The Director has discretion to require any request for an amendment to a specific plan be processed through the same procedure identified by this Chapter for the adoption of a specific plan.

Chapter 17.41 Enforcement

17.41.010 Purpose

The purpose of these provisions is to assure that all provisions of this Title are properly administered and complied with.

17.41.020 Enforcement

The Director, the Chief Building Official, the Sheriff, or their designated agent(s), may enforce the provisions of this Title.

17.41.030 Conformity of Permits and Licenses

Every department and every employee of the County authorized to issue permits or licenses affecting the use or occupancy of land or of a building or structure shall comply with the provisions of this Title and shall not issue any permits, certificates, or licenses that do not conform to it. Where an application for a permit, certificate, or license must be referred to the Director for review of its compliance with this Title, no permit, certificate, or license involved shall be issued unless and until such compliance has been ascertained and the time within which any further appeal could have been taken has expired. The issuing of a permit which is in conflict with the applicable Zoning Code shall not constitute a waiver of the provisions of that applicable Zoning Code.

17.41.040 Inspection and Right of Entry

A. Permit Application. Whenever an application is made for a discretionary approval under this Title is made, the officials responsible for enforcement or administration of the zoning regulations or their duly authorized representatives may enter on any building site, or building or structure thereon, for the purpose of investigation, provided they do so in a lawful manner. Advance notice shall not be required before an inspection is made. The property shall not be entered without the consent of the owner or occupant thereof, nor shall the owner or occupant, after reasonable notice and opportunity to comply, refuse to permit such entry. If the owner and/or occupant nonetheless refuses to grant the officials permission to enter the premises, such refusal shall constitute a valid reason for denial of the permit applied for.

B. Suspected Violations. Whenever the County shall have cause to suspect a violation of any provision of the zoning regulations or permit conditions under any of the procedures described in this Title, the officials responsible for enforcement or administration of the zoning regulations or their duly

authorized representatives may enter on any building site, or building or structure thereon, for the purpose of investigation, provided they do so in a lawful manner. Advance notice shall not be required before an inspection is made. The property shall not be entered without the consent of the owner or occupant thereof, nor shall the owner or occupant, after reasonable notice and opportunity to comply, refuse to permit such entry. If the owner and/or occupant nonetheless refuses to grant the officials permission to enter the premises, a search warrant or inspection warrant may be obtained to allow for lawful entry.

C. Nuisance Declared. Any building or structure erected, constructed, moved, altered or maintained and/or any use of property contrary to the provisions of the Zoning Code shall be and the same is hereby declared to be unlawful and a public nuisance; and any failure, refusal, or neglect to obtain a permit as required by the terms of the Zoning Code shall be prima facie evidence of the fact that a public nuisance has been committed.

17.41.050 Infraction; Fines and Penalties

All violations of this Title committed by any person, whether as agent, employee, officer, principal or otherwise, shall be an infraction subject to the administrative enforcement and civil penalties described herein.

A. Every person or entity who fails to stop work when so ordered by the Director or their delegee because of an apparent violation of this Title shall be guilty of an infraction subject to the administrative enforcement and civil penalties described herein.

B. Whenever any County enforcement official determines that a violation of this Title exists within the unincorporated county, he or she is authorized to utilize the enforcement, abatement, cost recovery, and administrative hearing provisions described in Chapter 8.06 of the County Code, including, as necessary, the summary abatement provisions of that Chapter. The county shall also have the right to utilize any injunction, enforcement, cost recovery, abatement or other administrative, criminal or civil remedy available to the county under applicable laws, including but not limited to all available civil, criminal and administrative remedies. These remedies are deemed to be cumulative and in addition to all other remedies under this Title and state and federal law.

C. In any enforcement action brought to enforce the provisions of this Chapter, each parcel owner, permittee, and/or occupant who causes, permits, authorizes, or maintains activities in violation of this Chapter shall be jointly and severally liable for all resulting administrative fines and for any and all actual costs of enforcement incurred by the county, including all allowable attorneys' fees, in the event the county brings and prevails in any administrative proceeding, civil suit, or any other action to enforce the provisions of this Chapter.

17.41.060 Permit Issuance and Unresolved Violations of County Code

A. No discretionary permit shall be accepted for processing or issued under this Title on a parcel of land where the Director is aware of an unresolved noticed violation of the County Code or state or federal law related to land use, building, construction, or property development, unless the Director, in consultation with the County department that sent notice of the violation, first makes all of the following findings:

1. Approving the permit despite the unresolved violations will not increase or worsen the existing violation(s) or negatively impact the health, safety, or welfare impacts on the property or the surrounding properties.

2. The property owner has provided written acknowledgment of the existence of all outstanding violations affecting the property for which a permit is being sought.

3. The application, if approved, will provide for full abatement of all violations affecting the property for which the permit approval is being sought.

4. All outstanding administrative fees and costs, civil penalties, and enforcement costs incurred by the enforcing department have been paid; or, alternatively, the enforcing department, at their sole discretion, has approved a payment plan that is within the scope of their authority to approve.

B. A refusal to process or issue a permit pursuant to this Section may be timely appealed to the Planning Commission pursuant to 17.27.140(A)(1), Appeals.

Subtitle VI: Terms and Definitions

Chapter 17.42Use Classifications

17.42.010 Residential Uses

Residential Housing Types.

Single-Unit Dwelling, Detached. A dwelling unit that is designed for occupancy by one household with private yards on all sides and located on a separate lot from any other unit (except an accessory dwelling unit, where permitted). This subclassification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Single-Unit Dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except an accessory dwelling unit, where permitted), and is attached through common walls to more than one dwelling on abutting lots, such as townhomes.

Multi-Unit Dwelling. Two or more attached or detached dwelling units on a single lot. Types of multi-unit dwellings can include duplexes, multiple detached residential units, and apartment buildings.

Accessory Dwelling Unit. An attached or detached residential dwelling unit that is accessory to the primary single-unit dwelling on the same site and provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Employee Housing. Has the same meaning as "employee housing" as set forth in Health & Safety Code §17008 for farmworkers.

Caretaker Unit. A dwelling unit on the site of a nonresidential use that is occupied either by the business owner(s) and their immediate families or by employees (and their immediate families) employed by the owner for the purpose of on-site management, maintenance, or upkeep.

Co-housing. Developments containing clusters of small homes or multi-unit dwelling units generally near services and including at least one common building where residents can meet, eat, gather.

Family Day Care. A day care facility licensed by the State of California, located in a residential unit where the resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

Small. A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10 (California Health and Safety Code Section 1597.44).

Large. A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10 (California Health and Safety Code Section 1597.465).

Mobile Home Park. Any area or tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes, mobile homes, or recreational vehicles used for human habitation (California Health and Safety Code Section 18214).

Residential Facility, Assisted Living. A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include residential care facilities licensed by the State of California to provide care for more than six persons, assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, sometimes containing kitchen facilities and common amenities. The residents in these facilities require varying levels of assistance.

Single Room Occupancy (SROs). A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room and rented to one or two-person households. This use classification includes extended stay hotels intended for long-term occupancy (more than 30 days) but excludes Hotels and Motels, and Residential Care Facilities.

Small Residential Care Facilities. A facility licensed by the State of California to provide living accommodations, 24-hour care for six or fewer persons requiring personal services, supervision, protection, or assistance with daily tasks. Facilities may include shared living quarters, with or without a private bathroom or kitchen facilities. This classification includes both for- and not-for-profit institutions but excludes Supportive Housing and Transitional Housing.

Supportive Housing. Dwelling units with no limit on length of stay that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months (California Health and Safety Code Section 50675.2(h)).

17.42.020 Public/Semi-Public Uses

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Crematories. Establishments engaged in the cremation or decomposition (i.e., composting) of bodies of the dead.

Colleges and Trade Schools. Institutions of higher education primarily for adults providing curricula of a general, religious, or professional nature, granting degrees or professional certifications and including junior colleges, business and computer schools, management training, and technical and trade schools. This classification excludes Instructional Services such as music lessons.

Community Assembly. A facility for public or private meetings and gatherings, including community centers, union halls, meeting halls, religious facilities, and membership organizations. This classification includes the use of functionally related facilities for the use of members and attendees, such as kitchens, multi-purpose rooms, classrooms, and storage.

Community Garden. Use of land by several individuals or households for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. This classification excludes the cultivation of cannabis and any other controlled substance.

Cultural Institutions. A public or private institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular basis. This classification includes performing arts centers, spaces for display or preservation of objects of interest in the arts or sciences, libraries, museums, historical sites, aquariums, art galleries, zoos, and botanical gardens. This classification excludes schools or institutions of higher education providing curricula of a general nature (see Colleges and Trade Schools).

Day Care Centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Detention Facility. A facility providing housing, care, and supervision for persons confined by law under the direction and control of any law enforcement agency including the California State Department of Corrections, Federal Bureau of Prisons, and the U.S. Immigration and Naturalization Service.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided. This classification excludes temporary housing for residents who have lost their homes due to a disaster (see Chapter 17.23, Post-Disaster Recovery).

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts. This classification excludes corporation yards, equipment service centers, and similar facilities that require maintenance and repair services and storage facilities for related vehicles and equipment.

Hospitals and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abused programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

Clinic. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Hospitals. A facility providing medical, psychiatric, or surgical services for sick or injured persons, primarily on an inpatient basis, and including supplementary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. The institutions are to be licensed by the State of California to provide surgical and medical services.

Skilled Nursing Facility. A State-licensed facility or a distinct part of a hospital that provides continuous skilled nursing and supportive care to patients whose primary need requires the availability of skilled nursing care on an extended basis. The facility provides 24-hour inpatient care and, at a minimum, includes physician, nursing, dietary, pharmaceutical services, and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

Instructional Services. Establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, fitness, dancing, reading, and math instruction. Attendance is typically limited to hourly classes rather than full-day instruction. The establishments do not grant diplomas or degrees, though instruction could provide credits for diplomas or degrees granted by other institutions. This classification also includes tutoring facilities which offer academic instruction to individuals or groups.

Park and Recreation Facilities, Public. Noncommercial park and recreation facilities, including both passive and active areas used as parks, playgrounds, recreation facilities, trails, wildlife preserves, public campgrounds, related open spaces, and other recreational activities on land owned and/or managed by a public agency or non-profit organization. This classification also includes playing fields, courts, gymnasiums, swimming pools, skate parks, picnic facilities, tennis courts, public golf courses, and botanical gardens, as well as related visitor areas, food concessions, or community centers within the facilities.

Passive Recreation. Recreational activities that involve the existing natural resources and has minimal impact or development. Passive recreation generally consists of open space and/or trail systems for such activities as hiking, walking, bicycling, horseback riding, and picnicking.

Active Recreation. Recreation activities requiring some constructed facilities and/or playing fields.

Parking Lots. Surface lots and structures offering parking for a fee when such use is not incidental to another on-site activity.

Public Safety Facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, ranger stations, lookout towers, and forest stations, with incidental storage, training, and maintenance facilities.

Schools, Private. Facilities for primary or secondary education, including private and parochial schools, that provide full-time school instruction for children in the several branches of study required to be taught in the public schools of the State in a manner that is adequate to qualify its students for the exemption from compulsory public-school attendance in California Education Code § 48220 et. seq.

Social Service Facilities. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see Day Care Centers), clinics, and emergency shelters providing 24-hour care (see Emergency Shelter).

17.42.030 Commercial Uses

Animal Care and Boarding Services. Services related to the medical care and boarding of animals.

Animal Sanctuary. A facility for the care and/or rehabilitation of animals, including large, exotic, and/or undomesticated animals.

Animal Shelter. A public or nonprofit facility for the safekeeping and/or impoundment of dogs, cats, or other domestic animals not owned by the operator of the facility.

Animal Boarding. The commercial keeping, boarding, training, breeding, or maintaining, dogs, cats, or other household pets and animals not owned by the owner or operator of the facility. Overnight boarding may be offered.

Kennel, Private or Commercial. Private and commercial kennels as defined in Title 6, Animals, of the Calaveras County Code.

Veterinary Services. Veterinary services for dogs, cats, or other household pets and animals. This classification may allow 24-hour accommodation of animals receiving medical services and treatment, including animal hospitals, and pet clinics.

Banks and Financial Institutions. Institutions such as banks, credit unions, lending institutions, trust companies, credit agencies, brokers and dealers in securities and commodity contracts, investment companies, and similar financial services.

Business Support Services. Establishments providing business related services, including printing, and copying, blueprint services, advertising and mailing, office equipment rental and leasing, office security, custodial services, photofinishing, and model building.

Cannabis.

Cannabis Retailer. See Chapter 17.17, Cannabis Retailers.

Commercial Cannabis Cultivation. See Chapter 17.18, Regulation of Commercial and Non-commercial Cannabis Cultivation and Commerce (Except for Cannabis Retailers Pursuant to Chapter 17.17).

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public on privately owned land. These classifications may include incidental restaurants, snack bars, and other related food and beverage services to patrons.

Agricultural Entertainment and Recreation. Commercial activities associated with agricultural operations such as self-pick fruit and vegetables, trails, picnic facilities, corn/hay mazes, pony rides, petting zoo, mini train rides, wagon rides, tours, and similar activities.

Equestrian Facility. Equine facilities, boarding stables, riding schools and academies, riding arenas, exhibition facilities, and other facilities that provide for the raising, boarding, breeding, training, riding, and showing of equines on a commercial basis.

Hunting/Fishing Club. Privately operated areas and facilities for participants engaged in the pursuit of fish and game species.

Indoor Entertainment and Recreation. Establishments providing sports, recreation, exercise, amusement, and entertainment services conducted primarily within an enclosed building. Typical uses include movie theaters, arcades, bingo halls, bowling alleys, billiard parlors, card rooms, health clubs, gymnasiums, ice- and roller-skating rinks, indoor racquetball courts, basketball courts, pickleball courts, athletic clubs, indoor shooting ranges, and physical fitness centers.

Outdoor Entertainment. Predominantly spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

Outdoor Sports and Recreation. Predominantly participant sports and entertainment activities conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, private golf courses, sports complexes, miniature golf courses, tennis clubs, basketball courts,

pickleball courts, outdoor batting cages, swimming pools, shooting and archery ranges, and motocross/ATV parks.

Drive-Through Facility. A motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. This classification includes banks and other financial services, fast food establishments, drugstores, and coffee kiosks, but excludes drive-in theaters (see Commercial Entertainment and Recreation), service stations, or car-wash operations (see Vehicle Sales and Services).

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars/Night Clubs/Lounges. Businesses serving alcoholic beverages for consumption on the premises as a primary use, including on-sale service of alcohol including beer, wine, and mixed drinks. This subclassification includes establishments where alcoholic beverages are sold and consumed but are not operated and maintained as bona fide eating establishments and establishments where beverage production, brewing, or distilling is subordinate to the sale of alcoholic beverages.

Restaurant. Establishments where food and beverages are served to patrons on-site or off-site, including full-service, limited-service, and take-out/delivery businesses. This subclassification includes cafes, coffee shops, delicatessens, fast-food businesses, and bakeries that have tables for on-site consumption of products, as well as establishments operated and maintained as a bona fide eating place that serves alcoholic beverages. It excludes catering services and commercial kitchens that do not sell food or beverages for on-site consumption.

Tasting Rooms. Operations offering tasting of food and beverage products that are available for purchase. Products offered for tasting and purchase may include wine, olive oil, honey, cheese, and/or other food and beverage products.

Event Center. An indoor or outdoor facility accommodating gatherings, assembly, entertainment, and related support facilities (e.g., kitchens, offices, etc.) for special events or occasions. Event centers may include overnight accommodations.

Farmer's Markets. Temporary but recurring outdoor retail sales of food, plants, flowers, and products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them.

Food Preparation. Establishments preparing and/or packaging food primarily for off-site consumption, including catering kitchens, retail bakeries, and small-scale specialty food production. This classification excludes establishments with an industrial character in terms of processes employed, waste produced, water used, and traffic generation.

Funeral Parlor. An establishment primarily engaged in the preparation of the dead for burial or cremation and conducting memorial services. This subclassification excludes crematories (see Crematories) and cemeteries and burial parks (see Cemeteries).

Home Occupation. A commercial use conducted on residential property by the inhabitants of the subject residence in compliance with Section 17.25.140, Home Occupations.

Lodging. An establishment providing overnight accommodations to transient patrons for payment for periods of less than 30 consecutive calendar days. Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests.

Agricultural Homestays and Dude Ranches. Lodging facilities operated by a resident of the property on which the facility is located that is accessory and subordinate to an on-site, bona fide agricultural or ranching operation which educates guests about the work done on-site and allows guests to take part in the on-site agricultural or ranching activities.

Bed and Breakfast Inn. A residential structure or a portion of such structure or dwelling unit inhabited by a full time, permanent resident, and a maximum of five bedrooms are rented independently for less than 30 consecutive days, with any meals available but limited exclusively for guests of the inn.

Campgrounds and RV Parks. An area developed where one or more campsites are rented or leased, or held out for rent or lease, to accommodate tents, trailers, and RV's for transient occupancy (30 days or less), including organizational group camps sponsored by a church, youth group, corporation, or other organization. Campgrounds and RV parks may include restrooms, electric hookups, recreational amenities, shower and laundry facilities, and incidental retail services.

Hotels and Motels. An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes hotels, motor lodges, motels, inns, hostels, and tourist courts.

Resort and Retreat Center. Establishments engaged in recreational, educational, therapeutic, and similar activities, with day use and overnight facilities to serve the guests. Establishments are often focused on self-improvement or relaxation in a natural setting, although indoor facilities such as conference rooms, lodging, and dining facilities for the guests may be included. It includes, but is not limited to conference, retreat, or outdoor education centers, and health spas but does not include health clubs and beauty salons/day spas where no lodging facilities are provided.

Office. Offices of firms, organizations, solo practitioners or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, legal, and real estate and mortgage brokerage services, but excludes banks and savings and loan associations with retail banking

services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings, but excludes clinics, independent research laboratory facilities (see Research and Development), and hospitals.

Personal Services. An establishment providing non-medical services of personal convenience to individuals. Personal services include barber and beauty shops, permanent makeup studios, day spas, nail salons, tanning salons, electrolysis, and other cosmetic and appearance care services; pet grooming, shoe and luggage repair, photographers, laundry and cleaning services and pick-up stations, tattoo and body modification parlors, repair and fitting of clothes, and similar services.

Repair and Maintenance Services. Establishments engaged in the maintenance or repair of larger consumer products, including office machines, household appliances, electronics, furniture, and similar items. This classification excludes repair and maintenance of motor vehicles (see Vehicle Sales and Services) and personal apparel (see Personal Services).

Retail Sales.

Agricultural Product Sales. The sale of agricultural products grown on-site, or products made with ingredients grown on-site.

Building Materials Stores. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales, or rental establishments, and includes establishments devoted principally to retail sales to individuals for their own use. This subclassification does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area, or plant nurseries.

Feed and Farm Supply Store. An establishment primarily engaged in selling or renting agricultural equipment and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching such as feed sales, irrigation equipment, fertilizer, agricultural sprays, livestock equipment, small indoor livestock such as rabbits and chickens, and fencing. The sale or rental of agricultural equipment does not include tractors and other motorized, self-propelled farm vehicles, which are included under Large Vehicle and Equipment Sales, Service, and Rental.

Food and Beverage Sales. Retail sales of food and beverages primarily for off-site preparation and/or consumption. This subclassification includes food markets, grocery stores, liquor stores, meat markets and butcher shops, and retail bakeries.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This subclassification includes retail establishments such as department stores, clothing stores, furniture stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: household pets and pet supplies, toys, books,

hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

Garden Shop. Any establishment(s) primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere.

Rural Home Industries. Small-scale industries which are secondary to the principal residential use of the property where the review authority finds the use is compatible with neighboring properties. These industries may process or manufacture goods or commodities, but not those which are hazardous or produce excessive noise, dust, or traffic.

Sexually Oriented Business.

A. Purpose. The purpose of defining and regulating sexually oriented businesses as a distinct use classification is to prevent community-wide adverse secondary effects that can be generated by the unregulated operation of sexually oriented businesses. These adverse secondary effects include, but are not limited to: depreciation of property values; increased vacancy rates in residential and commercial areas; increased criminal activity; increased litter, noise, and vandalism; and interference with the enjoyment of residential property in the vicinity of such businesses.

B. Definitions.

1. "Sexually oriented business" shall mean a business whose primary purpose is the offering of sexually explicit matter and includes any of the following:

a. Adult arcade. An "adult arcade" is an establishment where, for any form of consideration, as a regular and primary course of conduct one (1) or more still or motion picture projectors, or similar machines, for viewing by five (5) or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic, digital, or video reproductions that are characterized by an emphasis upon any specified sexual activities described in (B)(7) or the exposure of any specified anatomical area described in (B)(6).

b. Adult cabaret. An "adult cabaret" is an establishment that, for any form of consideration, as a regular and primary course of conduct presents live performances that are characterized by an emphasis upon any specified sexual

activities described in (B)(7) or exposure of any specified anatomical area described in (B)(6).

c. Adult motion picture theater. An "adult motion picture theater" is an establishment that, for any form of consideration, as a regular and primary course of conduct offers to show films, computer-generated images, motion pictures, video cassettes, slides, or other photographic, digital, or video reproductions that are characterized by an emphasis upon any specified sexual activities described in (B)(7) or the exposure of any specified anatomical area described in (B)(6).

d. Adult retail store. An "adult retail store" is an establishment that, for any form of consideration, as a regular and primary course of conduct offers for sale, rent, or viewing either any adult entertainment material described in (B)(2), any adult entertainment merchandise described in (B)(3) or both.

e. Any business that, for any form of consideration, as a regular and primary course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis upon any specified sexual activities described in (B)(7) or the exposure of any specified anatomical area described in (B)(6).

2. "Adult entertainment material" shall mean any audio tape, book, periodical, magazine, photograph, drawing, sculpture, motion-picture film, videotape recording, or other visual representation, characterized by an emphasis upon any specified sexual activities described in (B)(7) or the exposure of any specified anatomical area described in (B)(6). "Adult entertainment material" shall not include any material that does not fall within the definition of "Harmful Matter" in Sections § 313 et. seq. of the California Penal Code.

3. "Adult entertainment merchandise" shall mean adult entertainment implements or paraphernalia, such as, but not limited to: dildos; auto sucks; vibrators; edible underwear; benwa balls; inflatable orifices; anatomical balloons with orifices; simulated vaginas and similar adult entertainment devices that are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

4. "Characterized by an emphasis upon" shall mean the dominant or essential theme of the object described by such phrase.

5. "Regular and primary course of conduct" shall mean that any of the following conditions exist:

a. At least sixty percent (60%) of the stock-in-trade is devoted to adult entertainment material, adult entertainment merchandise, or both; provided, however, that this criteria shall not apply to mail order businesses or wholesale businesses with no patrons on the premises.

b. At least sixty percent (60%) of the total display area is devoted to adult entertainment material, adult entertainment merchandise, or both; provided, however, that this criteria shall not apply to mail order businesses or wholesale businesses with no patrons on the premises.

c. The business presents, as at least sixty percent (60%) of its total performance time presented, any type of entertainment, live or otherwise, characterized by an emphasis upon any specified sexual activities described in (B)(7) or featuring any specified anatomical area described in (B)(6).

d. At least sixty percent (60%) of the gross receipts of the business are derived from the sale, trade, rental, display or presentation of services, products, materials or entertainment that is characterized by an emphasis upon any specified sexual activities described in (B)(7) or the exposure of any specified anatomical area described in (B)(6).

6. "Specified anatomical areas" shall mean any of the following:

a. Less than completely and opaquely covered human (i) genitals or pubic region; (ii) female breast below a point immediately above the top of the areola;

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

c. Any device, costume or covering that simulates any of the body parts included in subparagraphs (1) or (2) above.

7. "Specified sexual activities" shall mean any of the following, whether performed directly or indirectly through clothing or other covering:

a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;

b. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;

c. Masturbation, actual or simulated;

d. Excretory functions as part of, or in connection with, any of the other activities described in subparagraphs (1) through (3) of this paragraph.

Smoking Lounge. A business which primarily serves tobacco or non-tobacco products (e.g., fruit, vegetables) whereby patrons, who are 18 years of age or older, smoke the tobacco or non-tobacco products or share them from a hookah, water pipe, or similar device.

Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair vehicles such as automobiles, pickup trucks, boats, recreational vehicles, trucks, vans, trailers, ATVs, and/or motorcycles.

Automobile Rental. Establishment providing for the rental of automobiles. Typical uses include car rental agencies.

Automobile/Vehicle Sales and Leasing. Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers.

Service and Repair, Minor. The service and repair of automobiles, light-duty trucks, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes automotive accessories and supply stores, and smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and quick-service oil, tune-up shops, and brake and muffler shops where repairs are made, or service provided in enclosed bays and no vehicles are stored overnight.

Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, boats, and recreational vehicles, generally on an overnight basis that may include disassembly, removal, or replacement of major components such as engines, drive trains, transmissions or axles, automotive body and fender work, vehicle painting, or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.

Large Vehicle and Equipment Sales, Service, and Rental. Sales, servicing, rental, fueling, and washing of large trucks, recreational vehicles, trailers, tractors, and other equipment used for construction, agriculture, moving, or landscape gardening activities.

Service Stations. Establishments primarily engaged in retailing automotive fuels and charging or retailing these fuels/charging in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services. These facilities may include “mini-marts” and/or convenience stores that sell products, merchandise, or services that are ancillary to the primary use related to the operation of motor vehicles.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve or automatic washing facilities.

17.42.040 Industrial Uses

Agricultural, Food, and Beverage Processing. Establishments engaged in the production, processing, packaging, or manufacturing of food or beverage products. This classification excludes the slaughtering of animals or fowl but does include butchering of already slaughtered animals. Examples include coffee roasters, micro-breweries, micro-distilleries, wine manufacturing, cheese makers, wholesale bakeries, and produce-on-premises operations which provide ingredients and equipment for customers to manufacture their own product, as well as cooking, dehydrating, refining, bottling, canning, milling, and other treatment of agricultural products.

Contractor and Materials Yards. Storage of construction and contractor materials or equipment on a site other than a construction site. This classification also includes non-government agency corporation yards and establishments that sell bulk landscaping materials such as soil or bark by the ton.

Custom Manufacturing. Any establishment primarily engaged in on-site production or fabrication of goods by small scale manufacturing or artistic endeavor, which involves the use of hand tools or small mechanical equipment, and which may include incidental instruction or direct sales for consumers. Typical uses include ceramic studios, fabric and needleworking, leather working, metalworking, glass working, candle-making shops, woodworking, and custom jewelry manufacturers.

Light Industrial. Establishments engaged in manufacturing of non-edible products and finished parts from already-manufactured base materials by means of physical assembly or reshaping. These industrial activities produce limited impacts on nearby properties, such as noise, gas, odor, or vibration. This classification includes uses where retail sales are clearly incidental to an industrial or manufacturing use, commercial laundries and dry-cleaning plants, monument works, printing and engraving, publishing, computer and electronic product manufacturing, furniture and related product manufacturing, and industrial services.

General Industrial. Establishments engaged in manufacturing of non-edible products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. This classification includes manufacturing for biomass energy conversion, commercial cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied products manufacturing, wood and paper, glass and glass products, medical/pharmaceutical products, plastics and rubber, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.

Intensive Industrial. Industrial uses that regularly use hazardous chemicals or procedures or produce hazardous materials or byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and

radioactive materials. This classification also includes petrochemical tank farms, gasification plants, smelting, oil refining, asphalt and concrete plants, chemical manufacturing, and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation, and traffic.

Lumbermill/Sawmill. Facility where logs are cut into lumber.

Research and Development. A facility for the scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities, in addition to involving the production of prototypes.

Salvage and Wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange, or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Storage, Warehousing, and Wholesaling. Storage, warehousing, and wholesaling facilities that store and/or engage in wholesale sales of merchandize to retail establishments; industrial, commercial, institutional, agricultural, or professional businesses; or facilities acting as agents or brokers in buying or selling merchandise/commodities to such businesses. Wholesalers are primarily engaged in business-to-business sales but may sell to individual consumers through mail or internet orders. These establishments have little or no display of merchandize and are not designed to solicit walk-in traffic except for storage space exclusively and directly accessible to a specific tenant.

> *Indoor.* Storage, warehousing, and wholesaling of goods and merchandise within an enclosed building.
>
> *Boat and RV Storage.* Facilities offering outdoor storage areas with individual access for boats, RVs, trailers, and other recreational vehicles. This subclassification does not include indoor facilities which are considered Personal Storage.
>
> *Outdoor.* Storage, warehousing, and wholesaling of goods in open lots.
>
> *Personal Storage.* Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage, and records or inventory storage for businesses. This classification includes moving company businesses which offer storage and transporting services, but excludes workshops, hobby shops, manufacturing, or commercial activity.
>
> *Chemical, Mineral, and Explosives Storage.* Establishments other than Intensive Industrial or Service Station uses, the business of which includes the storage of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

Woodyard. Storage of wood for seasoning, splitting, cutting, or bucking as firewood for sale or resale.

17.42.050 Transportation, Communication, and Utility Uses

Aviation.

Personal Landing Field. A private use aviation landing area that is used for fixed-wing aircraft or helicopter landing operations that are incidental and ancillary to established allowable land uses, including, but not limited to, agricultural, ranching or mining activities, as long as no aviation-related commerce is conducted at the personal landing fields. Personal landing fields do not engage in scheduled or nonscheduled air transportation activities, or in any scenic and sightseeing transportation service, or any other form of aviation commerce. The term "personal landing field" does not apply to "nonmunicipal air strips and glider ports," or to public airports operated by any federal, state, or local government agencies.

Nonmunicipal Air Strips and Glider Ports. Any Federal Aviation Administration (FAA) recognized public use landing area, privately owned, and operated for scheduled or nonscheduled air transportation activities, where commercial uses and aviation-related commerce can occur. Such use may include provision of landing privileges, hangar, and tie-down lease/rental spaces, fuel and lubrication service, flight instruction, plane rental, mechanical repairs, or any other form of aviation commerce. Uses can also include scenic and sightseeing transportation service, including helicopter rides, glider plane rides, air balloon rides, ultra-light and experimental aircraft activities and aircraft charters. The term "nonmunicipal air strips and glider ports" does not apply to public airports operated by any federal, state, or local government agencies. The term also does not apply to a personal landing field that is used for fixed-wing aircraft or helicopter landing operations that are incidental and ancillary to established allowable uses, including, but not limited to, agricultural, ranching or mining activities, as long as no aviation-related commerce is conducted at the personal landing fields.

Airports. Facilities for the takeoff and landing of airplanes, including runways, related facilities, and support activities.

Heliports. Facilities for the takeoff and landing of helicopters, including helipads, related facilities, and support activities.

Communication Facilities. Facilities for the provision of broadcasting and other information-relay services using electronic and telephonic mechanisms.

Facilities Within Buildings. Indoor facilities which include radio, television or recording studios, and telephone switching centers.

Telecommunication. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. This subclassification includes wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

Freight/Truck Terminals and Distribution. Property and improvements used for freight, courier, and postal services; freight transfer truck terminals; transfer, loading, and unloading points for trucks and automobiles carrying goods and produces; or for the operations of a "common carrier trucking company," including the parking, or servicing, or repairing, or storage of trucks, truck tractors, and/or truck trailers.

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses.

Public Works and Utilities. Generating plants; commercial energy facilities, including wind arrays and solar farms; solid waste collection, including transfer stations and materials recovery facilities; landfills; commercial composting and waste reduction facilities; solid waste treatment and disposal; wastewater treatment plants; potable water facilities occupying more than one acre of land and/or with treatment facilities; elevated water storage tanks; and, similar facilities of public agencies or public/private utilities. This classification also includes private corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

Reverse Vending Machine. An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Recycling Collection Facility. An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable or reusable materials but where the processing and sorting of such items is not conducted on-site.

Small Collection Facility. Small collection facilities occupy no more than 200 square feet and may include:

A “mobile recycling unit,” which means an automobile, truck, trailer, or van, licensed by the Department of Motor Vehicles, and used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or

containers transported by trucks, vans or trailers, and used for the collection of recyclable materials;

Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;

Booth-type units which may include permanent structures; and

Unattended containers placed for the donation of recyclable materials.

Large Collection Facility. A recycling facility for the acceptance by donation, redemption, or purchase of recyclable materials from the public. A large collection facility does not use power-driven processing equipment and occupies an area greater than 200 square feet.

Recycling Processing Facility. A facility that receives, sorts, stores and/or processes recyclable materials.

17.42.060 Agricultural and Natural Resource Use Classifications

Agricultural Production.

Animal Production. Commercial facilities engaged in the raising, production, and sale of livestock, including cattle, sheep, goats, pigs, horses, llamas, rabbits, fur-producing animals, poultry, fowl, fish, and all other kinds of animal husbandry; includes dairying and ranching. This classification excludes feedlots, stockyards, slaughterhouses, fertilizer works, or plants for the reduction of animal matter.

Crop and Horticulture Production. Commercial facilities engaged in the cultivation and tillage of the soil, irrigation, pruning, protection against frost, control of bird or animal damage, lawful and proper use of agricultural chemicals, pesticides, and fertilizers, growing and harvesting of any agricultural commodity, including timber, trees, shrubs, vines, berries, flowers, herbs, vegetables, hay, grains, and all other plants, food and fiber crops. Includes viticulture, horticulture, apiculture, aquaculture.

Agricultural/Environmental Education Center. An educational center consistent with Education Code Sections 8700 through 8784.

Feed Lot. Confined animal feeding operation where cattle and/or other livestock are concentrated in numbers per acre without the limitations of Section 17.25.070, Animal Production, and fed, without reliance on grazing, prior to slaughter. Does not include stockyards, places where feeding is incidental, pens for weaning or doctoring and locations used for youth projects such as 4-H, Future Farmers of America and Grange Youth Fair Program.

Forest Improvement Program. Projects under the auspices of the California Forest Improvement Program (CFIP), or any other state, federal, or public forestation program.

Forestry. The operation and harvesting of timber tracts, tree farms, forest nurseries, whether planted or of natural growth, standing or down, including Christmas trees and nursery stock for restocking commercial forest land and related activities such as reforestation services, also the gathering of gums, barks, sap, moss and other forest products.

Stockyard. Any place, establishment, or facility commonly known as stockyards, conducted, or operated for compensation or profit as a public market, consisting of pens, or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats, are received, held, or kept for sale or shipment in commerce.

Mineral Extraction. The act or process of extracting resources, such as rock, sand, gravel, ores, coal, oil, clay, hydrocarbons, or mineral from the earth. The term also includes exploration; quarrying; excavating; drilling; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as part of a mining activity.

Nurseries and Greenhouses, Wholesale. A business which is primarily engaged in the raising, propagation, growth of landscape vegetation and garden plants for sale or for planting elsewhere.

Resource Management. Lands and management activities dedicated to the protection and conservation of natural resources, such as aquatic environments, wetland and sensitive riparian habitat, water recharge areas, and rare or endangered plant or animal habitat. Resource management includes the utilization of techniques to improve grazing potential and wildlife habitat, reduce erosion, protect watershed, and minimize the risk of wildfire. These techniques include, but are not limited to, brush removal, tree thinning, control burns, re-seeding, pond and spring development, application of herbicides, and fencing.

Slaughterhouse. Establishments engaged in the slaughtering and butchering of animals, including facilities dedicated for dead animal reduction and fat rendering.

Chapter 17.43 Definitions

The following terms shall have the following meanings when used in this Zoning Code.

17.43.010 "A" Terms.

A. **Abutting.** Having a common boundary.

B. **Access.** The place or way through which pedestrians and/or vehicles have safe, adequate, and usable ingress and egress to a property or use.

C. **Accessory Building.** See "Building, Accessory".

D. **Accessory Structure.** See "Structure, Accessory".

E. **Accessory Use.** See "Use, Accessory".

F. **Adjacent.** Directly abutting, having a common boundary or property line, or contiguous to.

G. **Adjoining.** See "Abutting".

H. **Administrative Use Permit.** A land use permit issued in a zone for uses that are consistent with the goals, objectives, and policies of the General Plan and purposes of the zone where they are proposed and are generally limited in potential impacts, but still require special consideration to ensure that they can be designed, located, and operated in a manner that will be compatible with the surrounding area and uses. See Chapter 17.30, Administrative Use Permits.

I. **Agent or Authorized Agent.** Any person who can show certified written proof that they are representing and acting in the place of another person or individual.

J. **Aggrieved Person.** Any person who, in person or through a representative, appeared at a County public hearing in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who, for good cause, was unable to do either and whose position has not been adopted by the reviewing body. This definition is not intended to and does not confer standing to maintain an action in a court of law where standing would not otherwise exist.

K. **Agricultural Equipment or Machinery.** Any tool, implement, piece of equipment or machinery that serves a function within an agricultural operation.

L. **Alley.** A public or private way, other than a street, which is designated as an alley by the County, reserved primarily for secondary vehicular access to abutting lots.

M. **Allowed Use.** A use of land identified as a use permitted or conditionally permitted.

N. **Alteration.** Any change, addition, or modification that changes a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

O. **Applicant.** The person, partnership, corporation, or state or local government agency applying for a permit, certificate, zoning approval, or other entitlement.

P. **Architectural Feature.** An exterior building feature, including a roof, walls, windows, doors, porches, posts, pillars, recesses or projections, and exterior articulation or walls, and other building surfaces.

Q. **Assessor.** The Tax Assessor of the County of Calaveras.

R. **Attached Building or Structure.** See "Building, Attached" and "Structure, Attached".

S. **Awning.** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

17.43.020 "B" Terms.

A. **Basement.** The portion of building between the floor and ceiling which has more than 50 percent below the natural or finished grade of the exterior ground surface.

B. **Bedroom.** Any room meeting the standards of the Building Code as a sleeping room.

C. **Block.** All property fronting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, undivided land or watercourse.

D. **Board of Supervisors.** The Board of Supervisors of Calaveras County.

E. **Buffer.** An open area or barrier used to separate potentially incompatible activities and/or development features.

F. **Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or property of any kind.

1. ***Building, Accessory.*** A detached, subordinate building used only as incidental to the main building or structure, or principal use on the same lot.

2. ***Building, Attached.*** A building which has a four or more linear feet of common wall or roof with another building or structure that is four feet in length or more.

3. ***Building, Detached.*** A building which does not have a common wall or roof with another building or structure or whose common wall or roof with another building is less than four feet in length.

4. ***Building, Main***. A building in which a principal use of the parcel on which it is located is conducted.

5. ***Building, Nonconforming.*** A building, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the adoption of or amendment to the Zoning Code, no longer conforms with the standards and requirements of the Zoning Code.

G. **Building Code.** Any ordinance or regulations of the County governing the type and method of construction of buildings and structures, including sign structures and any amendments thereto and any substitute therefor including, but not limited to, the California Building Code and other State-adopted uniform codes.

H. **Building Face.** The general outer surface of the structure or walls of a building.

I. **Building Footprint.** See "Footprint".

J. **Building Frontage.** See "Frontage, Building".

K. **Building Height.** See "Height".

L. **Building Site.** A lot or parcel of land occupied or to be occupied by a building or group of buildings.

17.43.030 "C" Terms.

A. **California Environmental Quality Act (CEQA).** Public Resources Code §§21000, et seq. or any successor statute and regulations promulgated thereto (14 California Code of Regulations §§15000, et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

B. **Camper.** As defined in the California Vehicle Code.

C. **Canopy.** A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

D. **Carport.** An accessible and usable covered space enclosed on not more than two sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

E. **Centerline.** The line located equidistant from the edges of an easement or right-of-way. Centerline of a road right-of-way or easement does not mean the center of the physical location of the road.

F. **Change of Use.** The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the type of an existing use; does not include a change of ownership, tenancy, or management associated with a use for which the previous type of use will remain substantially unchanged.

G. **Commission.** See "Planning Commission".

H. **Common Area.** A parcel or parcels that are part of a subdivision which are retained in the common ownership of the property owners of the subdivisions for common use or development. Common area parcels may not be separately sold or developed for other than common use.

I. **Compatible.** That which is harmonious with and will not adversely affect buildings and/or uses in the surrounding area.

J. **Condition of Approval.** A performance standard, required change in a project, environmental mitigation measure, or other requirement imposed by the decision-making body to alter or modify a project in any manner from the description in the application originally submitted for County approval.

K. **Conditional Use.** A use that is generally compatible with other permitted uses, but that requires individual review of its location, design, configuration, and intensity and density of use and structures, and may require the imposition of conditions pertinent thereto to ensure the appropriateness of the use at that location.

L. **Conditionally Permitted.** Permitted subject to approval of a Use Permit.

M. **Conditional Use Permit.** A land use permit issued in a zone for uses which have the potential to be incompatible with neighboring land uses and zoning and are to be permitted following a public hearing in which interested parties have the opportunity to comment. See Chapter 17.31, Conditional Use Permits.

N. **Condominium.** As defined in the Business and Professions Code. In general, it is a multiple-unit residential land use in which the interior air space of each dwelling unit is individually owned. The exterior walls, structures and common area are held by a corporation made up of the condominium owners. It is a system of separate ownership of individual units in a multiple-unit building.

O. **Construction.** The physical development of a parcel, including site excavation and grading, framing and finishing, up to the point of final inspection, use or occupancy, whichever occurs first.

P. **County.** The County of Calaveras.

17.43.040 "D" Terms.

A. **Deck.** A platform, either freestanding or attached to a building that is supported by walls, pillars or posts.

B. **Density.** The number of dwelling units per acre of land.

C. **Detached Building.** "See Building, Detached".

D. **Detached Structure.** "See Structure, Detached".

E. **Development.** Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

F. **Development Agreement.** An agreement between the County and any person having a legal or equitable interest in real property for the development of such property, and which complies with the applicable provisions of the Government Code for such development agreements. See Chapter 17.37, Development Agreements.

G. **Director.** The Planning Director of Calaveras County or their designee.

H. **District.** See "Zoning District".

I. **Driveway.** An accessway that provides direct vehicular access for vehicles between a street and the parking or loading facilities located on an adjacent property.

J. **Dwelling Unit.** One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household.

17.43.050 "E" Terms.

A. **Easement.** Any legal right defined as an easement in the California Code of Civil Procedure, Section 800 et seq. Generally, an easement is the right, privilege or interest which one party has in the land of another.

B. **Effective Date.** The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

C. **Electrical Code.** The California Electrical Code and any local code regulating the alteration, repair, and the installation and use of electricity or electrical fixtures.

D. **Emergency.** A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

E. **Emergency Vehicle.** A self-propelled vehicle or trailer used in the discharge of duties of public districts, agencies or departments, or privately-owned public utilities responsible for fire prevention and control, policing, sanitation, sewerage, drainage, levee maintenance, flood control, public utility lines and all essential services.

F. **Environmental Impact Report (EIR).** An Environmental Impact Report as required under the California Environmental Quality Act (CEQA).

G. **Environmental Review.** An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

H. **Equipment.** Non-vehicular items such as, but not limited to, boats, campers, camper shells, tents and related camping supplies, tools, machinery, aircraft, barrels, drums, large cans or containers and parts related to these items.

I. **Erect.** To build, construct, attach, hang, place, suspend, or affix to or upon any surface. Such term also includes the painting of wall signs.

J. **Explosives.** Any explosive substance as defined in Cal. Health & Safety Code §12000.

17.43.060 "F" Terms.

A. **Façade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

B. **Family.** One or more persons living together in a single household unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food; who share living expenses, including rent or mortgage payments, food costs and utilities, and who maintain a single mortgage, lease, or rental agreement for all members of the household.

C. **Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

D. **Fence.** Any horizontal or vertical structural device forming a physical barrier intended to enclose areas, separate properties, form a screen, or prevent intrusion.

E. **Floor Area.** The total horizontal area of all floors below the roof and within the outer surface of the walls of a building or other enclosed structure unless otherwise stipulated. See also Section 17.02.030.F, Determining Floor Area.

F. **Floor Area Ratio (FAR).** The ratio of the total floor area of all buildings on a lot to the lot area or building site area. See also Section 17.02.030.G, Determining Floor Area Ratio.

G. **Foot-Candle.** A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. It is equal to one lumen uniformly distributed over an area of one square foot.

H. **Footprint.** The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves.

I. **Freeway.** A multilane State or Interstate highway for through traffic with full control of access and with grade separations at all intersections and railroad crossings, and to which highway the owners of abutting lands have no right of easement or access to or from their abutting lands.

J. **Frontage, Building.** The face of a building that is parallel to or is at a near parallel angle to a street.

K. **Frontage, Street.** That portion of a lot or parcel of land that borders a street. Street frontage shall be measured along the common lot line separating said lot or parcel of land from the street, highway, or parkway.

17.43.070 "G" Terms.

A. **Garage.** An accessory structure or portion of a main structure, enclosed on all sides and containing accessible and usable enclosed space designed, constructed, and maintained for the parking and storage of one or more motor vehicles.

B. **General Plan.** The General Plan of Calaveras County.

C. **Glare.** The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

D. **Government Code.** The Government Code of the State of California.

E. **Grade.** The location of the ground surface.

1. ***Grade, Existing or Natural.*** Ground elevation prior to any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

2. ***Grade, Finished.*** Final ground elevation after the completion of any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

F. **Grading.** Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition.

G. **Ground Floor.** The first floor of a building other than a basement that is closest to finished grade.

17.43.080 "H" Terms.

A. **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health,

safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

B. **Heat.** Thermal energy of a radiant, conductive, or convective nature.

C. **Height.** The vertical distance from a point on the ground below a structure to a point directly above. See also Section 17.02.030.C, Measuring Height.

D. **Household.** See "Family."

17.43.090 "I" Terms.

A. **Illegal Use.** Any use of land or building that does not have the currently required permits, and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

B. **Improvement.** An object affixed to the ground other than a structure.

C. **Impervious Surface.** Impervious surfaces are mainly artificial structures—such as pavements (roads, sidewalks, driveways and parking lots, as well as industrial areas such as airports, ports and logistics and distribution centers) that are covered by impenetrable materials such as asphalt, concrete, brick, stone, etc.

D. **Incidental Use.** See "Use, Incidental".

E. **Intensity of Use.** The extent to which a use or the use in combination with other uses affects the natural and/or built environment in which it is located; the demand for services; and persons who live, work, and visit the area. Measures of intensity include, without limitation: requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light, or glare generated; the number of persons attracted to the site, or in eating establishments, the number of seats.

F. **Intersection, Street.** The area common to two or more intersecting streets.

17.43.100 "J" Terms.

A. **Junk.** Junk means, and is not limited to, trash, refuse, paper, glass, cans, bottles, rags, ashes, trimming from lawns, yards, trees, and shrubbery, including plants and leaves, and other solid waste or salvageable materials other than garbage; inoperable appliances, parts, tools; inoperable and unregistered vehicles, vehicle parts, vehicle hulks; discarded furniture; dirt, rocks, and materials from the demolition, alteration or construction of buildings or structures, unless such

dirt, rocks, or other materials from demolition, alteration or construction are being used for purposes of fill.

17.43.110 "K" Terms.

A. **Kelvin.** Kelvin is used in lighting to measure the color temperature of a light bulb. In short, the higher the Kelvin rating (expressed in K), the whiter the light will be.

B. **Kitchen.** Any room or space within a building intended to be used for the cooking or preparation of food.

17.43.120 "L" Terms.

A. **Land Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

B. **Landscaping.** The planting, configuration, and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth-patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

C. **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

1. ***Full Cutoff.*** A light fixture constructed and mounted such that the luminous intensity (in candelas) at or above an angle of 90° above nadir is zero, and the luminous intensity (in candelas) at or above a vertical angle of 80° above nadir does not numerically exceed 10 percent of the luminous flux (in lumens) of the lamp or lamps in the lighting fixture.

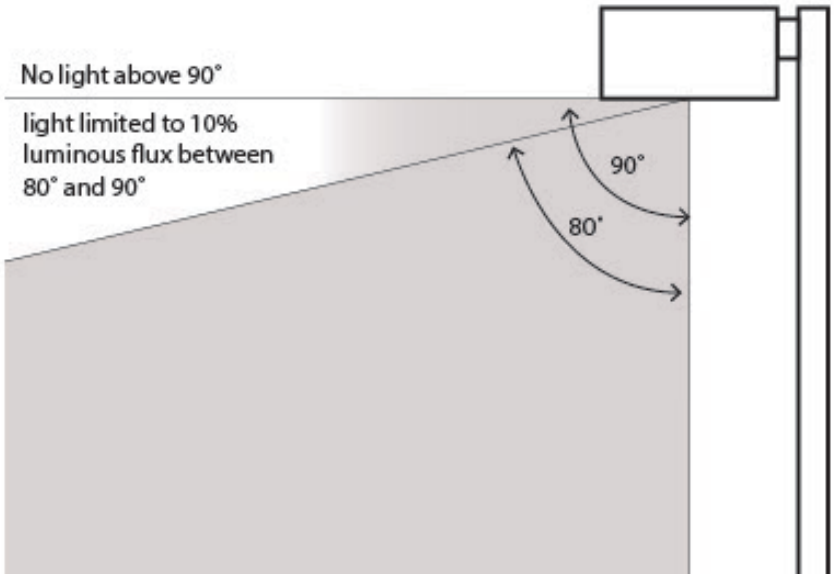


FIGURE 17.43.120.C.1: FULL CUTOFF LIGHT FIXTURE

2. ***Fully Shielded.*** A light fixture constructed and mounted such that the luminous intensity (in candelas) at or above an angle of 90° above nadir is zero.

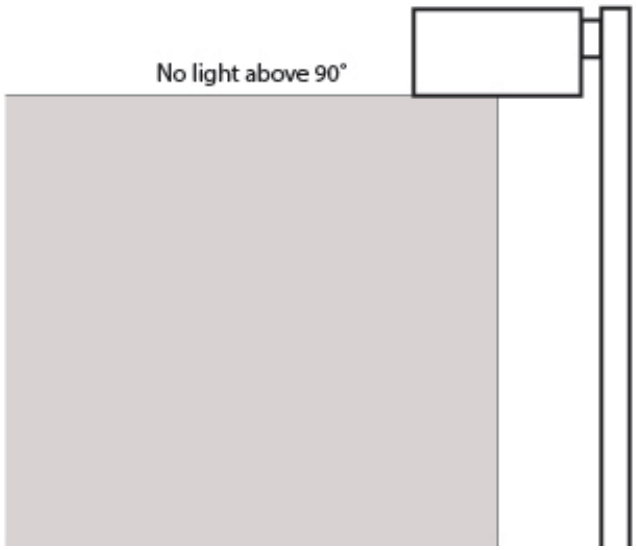


FIGURE 17.43.120.C.2:FULLY SHIELDED LIGHT FIXTURE

3. ***Partially Shielded.*** A light fixture constructed and mounted such that most light emitted by the fixture is projected below the horizontal. A partially shielded light fixture may allow

some light to pass through a semi-translucent barrier, and/or may allow visibility of the lamp from certain perspectives.

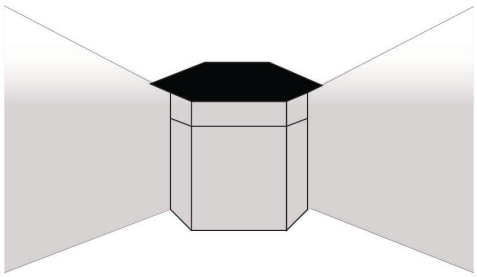


FIGURE 17.43.120.C.3: PARTIALLY SHIELDED LIGHT FIXTURE

4. ***Unshielded.*** A light fixture that allows light to be emitted above the horizontal direction from the lowest point of the bulb within the fixture.



FIGURE 17.43.120.C.4: UNSHIELDED LIGHT FIXTURE

D. **Living Area.** The legally permitted interior area of a dwelling unit, with the exception of a garage or any accessory structure, including basements and attics which meet the habitability requirements of the building code.

E. **LED.** LED stands for light emitting diode. LED lighting products produce light up to 90% more efficiently than incandescent light bulbs. An electrical current passes through a microchip, which illuminates the tiny light sources we call LEDs and the result is visible light.

F. **Lumen.** A unit of light quantity equal to the light on a unit surface all points of which are at a unit distance from a point source of light having a strength of one candle.

G. **Luminaire.** A fixture with an integrated light source, usually LED.

H. **Lot.** A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or recorded map, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

1. ***Abutting Lot.*** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

2. ***Corner Lot.*** A lot or parcel bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

3. ***Double Frontage Lot.*** See "Through Lot".

4. ***Flag Lot.*** A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.

5. ***Interior Lot.*** A lot other than a corner lot.

6. ***Through Lot.*** A lot having frontage on two parallel or approximately parallel streets.

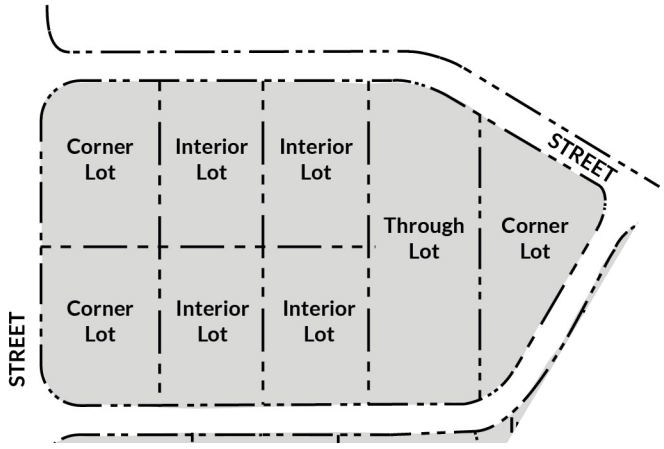


FIGURE 17.43.120.H: LOT TYPES

I. **Lot Area.** The area of a lot enclosed by bounding lot lines, measured horizontally.

J. **Lot Depth.** The horizontal distance between the front and rear property lines of a site. See also Section 17.02.030.D, Measuring Lot Width and Depth.

K. **Lot Frontage.** See "Frontage, Street."

L. **Lot Line.** The boundary between a lot and other property or the public right-of-way.

1. ***Front Lot Line.*** On an interior lot, the line separating the lot from the street. On a corner lot, the shorter lot line abutting a street. On a through lot, the lot line abutting the street

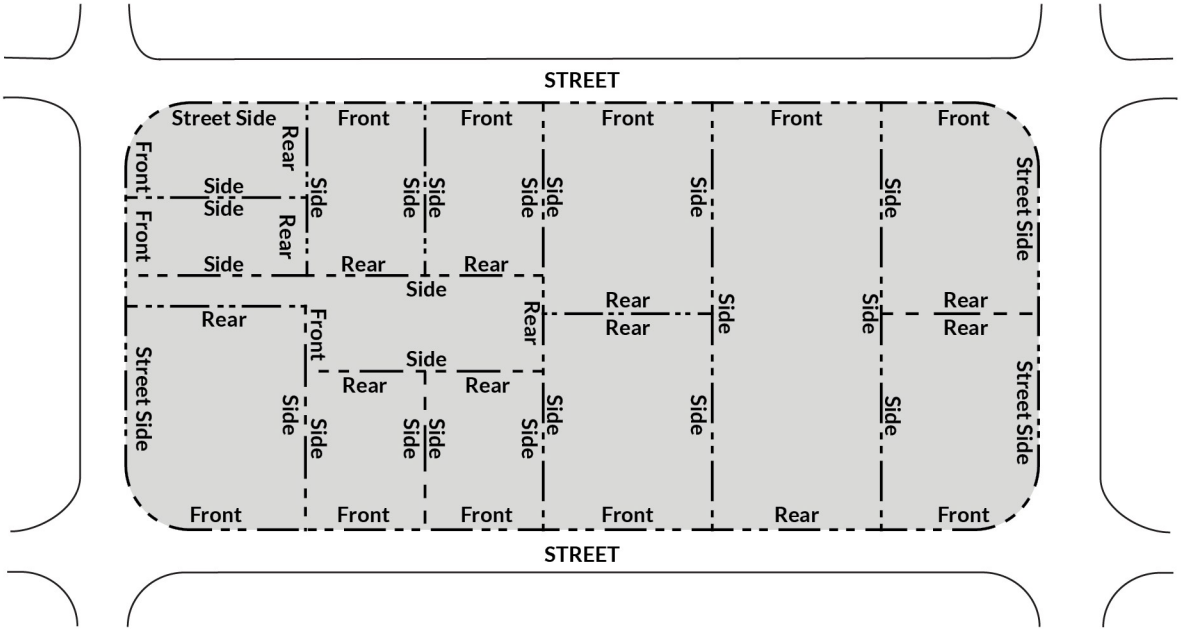
providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

2. ***Corner Side Lot Line.*** A side lot line of a corner lot that is adjacent to a street.

3. ***Interior Lot Line.*** Any lot line that is not adjacent to a street.

4. ***Rear Lot Line.*** The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for establishing the minimum rear setback.

5. ***Side Lot Line.*** Any lot line that is not a front or rear lot line.



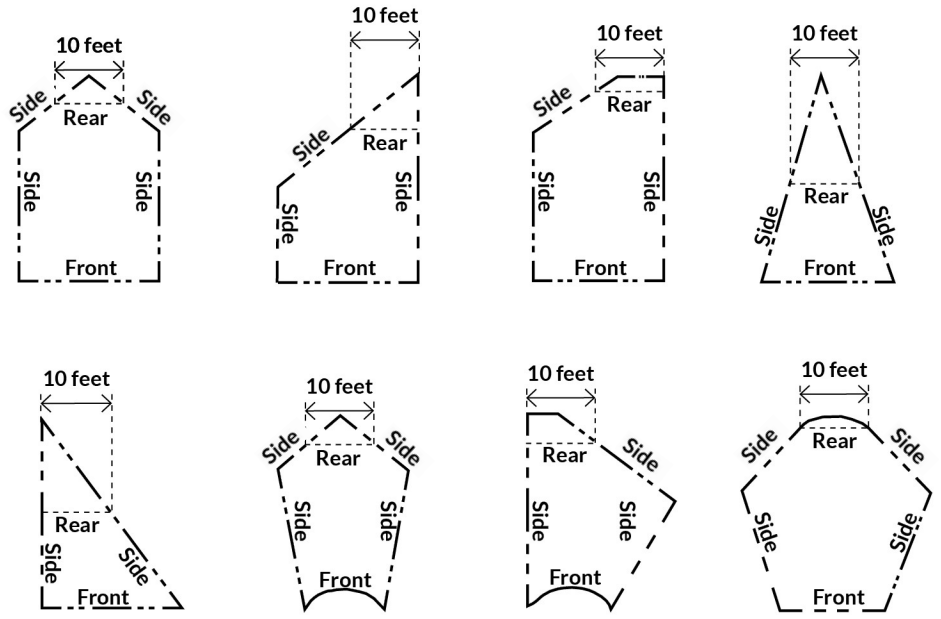


FIGURE 17.43.120.L: LOT LINE TYPES

M. **Lot, Nonconforming.** A legal parcel of land having less area, frontage, or dimensions than required by the Zoning Code.

N. **Lot Width**. The average distance between the side lot lines measured at right angles to the lot depth. See also Section 17.02.030.D, Measuring Lot Width and Depth. When not applicable due to irregularity of lot shape, lot width shall be determined by the Director.

17.43.130 "M" Terms.

A. **Maintenance and Repair.** The repair or replacement of walls, fixtures, wiring, roof, or plumbing that restores the character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

B. **Mobile Home.** A structure transportable in one or more sections, and which is built on a permanent chassis, and designed to be used as a dwelling unit.

C. **Municipal Code.** The Calaveras County Municipal Code.

17.43.140 "N" Terms.

A. **Noise.** Any sound.

B. **Nonconforming Building.** See "Building, Nonconforming".

C. **Nonconforming Lot.** See "Lot, Nonconforming".

D. **Nonconforming Structure.** See "Structure, Nonconforming".

E. **Nonconforming Sign.** See "Sign Terms", "Nonconforming Sign".

F. **Nonconforming Use.** See "Use, Nonconforming".

17.43.150 "O" Terms.

A. **Off-Site.** An improvement or other reference concerning a proposed project or subject property which is not located on the parcel under discussion.

B. **On-Site.** An improvement or other reference located on-site concerning the subject property under discussion.

C. **Outdoor Storage.** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 72 hours, except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the County.

D. **Owner.** A person or persons holding single or unified beneficial title to the property, including without limitation, the settlor of a grantor trust, a general partner, firm, or corporation.

17.43.160 "P" Terms.

A. **Parapet.** That part of a wall that extends above the roof line.

B. **Parcel.** A described area of land within an ownership. Parcel may also mean a parcel established for tax purposes, sometimes called an "assessor parcel."

C. **Parking Area.** An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

D. **Passenger Vehicle.** As defined in the California Vehicle Code.

E. **Permit.** A property development approval or temporary use permit issued by the County. Permits include variances, use permits, planned development permits, mining permits, reclamation plans, encroachment permits, septic system permits or building permits, as well as any other development permits issued by the County.

F. **Permitted Use.** See "Use, Permitted".

G. **Person.** Any individual, firm, association, organization, partnership, business trust, company, or corporation.

H. **Planning Commission.** The Planning Commission of Calaveras County.

I. **Planning Department.** The Planning Department of Calaveras County.

J. **Planning Director.** The Planning Director of Calaveras County or their designee.

K. **Pre-existing.** In existence prior to the effective date of this Zoning Code.

L. **Principal Use.** See "Use, Principal".

M. **Project.** Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this Zoning Code. This term includes, but is not limited to, any action that qualifies as a "project" as defined by the California Environmental Quality Act.

N. **Property Line.** The recorded boundary of a lot or parcel of land.

O. **Public Agency.** A political subdivision, federal, state or local government or its departments, or governmental jurisdictions or districts.

P. **Public Resources Code.** The Public Resources Code of the State of California.

Q. **Public Works Director.** The Public Works Director of Calaveras County.

17.43.170 "Q" Terms.

A. **Qualified Applicant.** The property owner, the owner's agent, or any person, corporation, partnership, or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land, or otherwise has an enforceable proprietary interest in such land.

17.43.180 "R" Terms.

A. **Reasonable Accommodation.** Any deviation requested and/or granted from the strict application of the County's zoning and land use laws, rules, policies, practices and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

B. **Recreational Vehicle.** A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy.

C. **Review Authority.** Body or entity responsible for making decisions on applications.

D. **Right-of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

E. **Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

17.43.190 "S" Terms.

A. **Scenic Highway.** A road identified as a State scenic highway.

B. **Senior Citizen.** An individual 62 years of age or older.

C. **Setback.** The distance between a property line and a building or structure that must be kept unoccupied and unobstructed from the ground upward, except as otherwise provided by this Zoning Code.

1. ***Front Setback*** A setback area extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front setback shall be a distance specified by this Zoning Code for the zoning district in which it is located and measured inward from the front lot line.

2. ***Interior Setback.*** A setback which does not abut a street.

3. ***Interior Side Setback.*** A setback area extending from the rear line of the required front setback, or the front property line of the site where no front setback is required, to the front line of the required rear setback, or the rear property line of the site where no rear setback is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site and which does not abut a street.

4. ***Rear Setback.*** A setback area extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Zoning Code for the zoning district in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for establishing the minimum rear setback.

5. ***Required Setback.*** A setback area which complies with the minimum setback requirements for the zoning district in which the lot is located.

6. ***Side Setback.*** A setback area extending from the rear line of the required front setback, or the front property line of the site where no front setback is required, to the front line of the required rear setback, or the rear property line of the site where no rear setback is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.

7. ***Street Side Setback.*** A setback area on a corner lot extending from the front setback to the rear lot line between the building setback line and the nearest side street lot line.

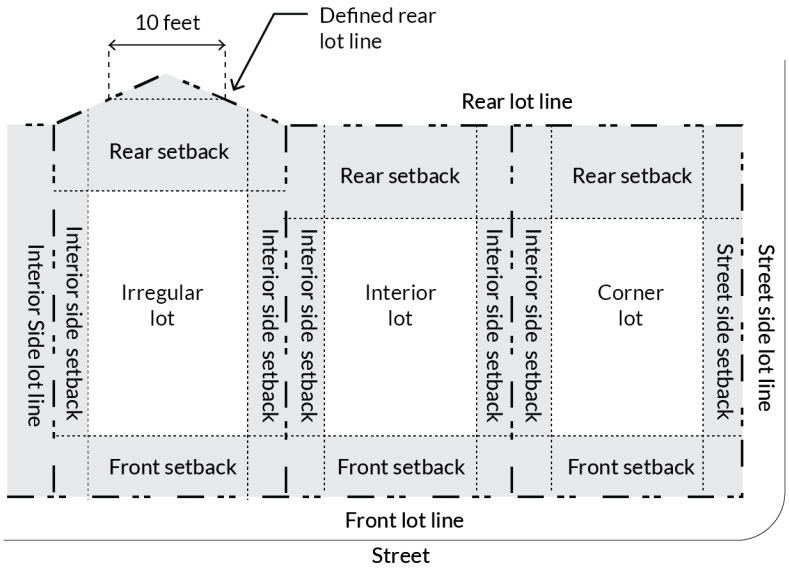


FIGURE 17.43.190.B: SETBACK TYPES

D. **Sidewalk.** A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

E. **Sign Terms.**

1. ***Animated Sign.*** A sign with messages that visually change, or images that move or appear to move, flash on or off, wink or blink with varying light intensity, show motion or create the illusion of motion, or revolve to create an illusion of being on or off.

2. ***Awning Sign.*** A sign placed on an awning.

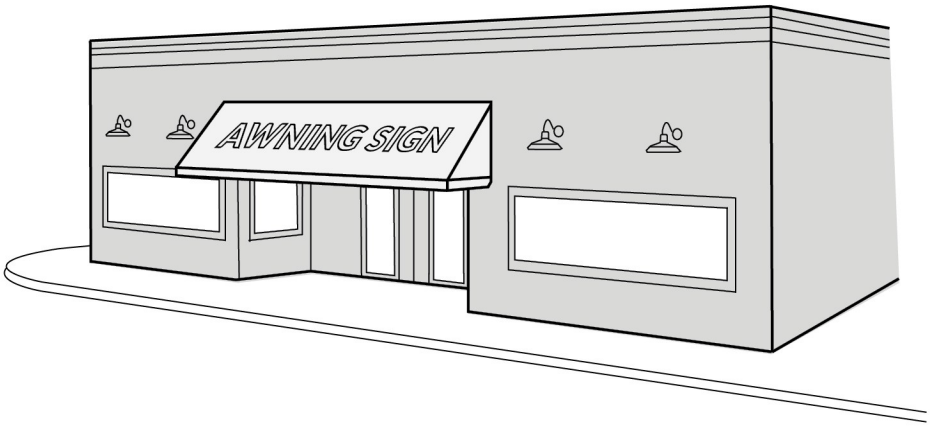


FIGURE 17.43.190.D.2: AWNING SIGN

3. ***Balloon.*** Any air or gas-filled device used for the purposes of signage or advertising.

4. ***Banner Sign.*** A sign that is painted or printed on lightweight flexible material and hung from a staff or other device by ropes, wires or similar means in a manner to minimize movement.

5. ***Billboard.*** An outdoor sign advertising, promoting or informing of a business, product, issue or activity which takes place or is available at a location other than the location of the billboard.

6. ***Canopy Sign.*** A sign placed on a canopy.

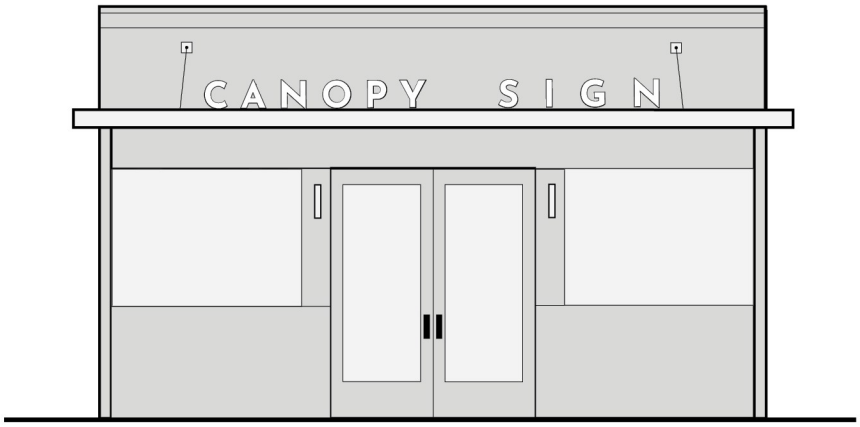


FIGURE 17.43.190.D.6: CANOPY SIGN

7. ***Commercial Message.*** A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discussion in the marketplace of goods and services.

8. ***Copy.*** Also called "sign copy." The visually communicative elements mounted on a sign.

9. ***Digital Display.*** A method of displaying a communicative visual image by use of LEDs (light emitting diodes) or their functional equivalent, that allows for the message or image to be easily changed, typically by remote control or computer programming. This definition applies to signs displaying a series of still images, as well as those presenting the appearance of motion.

10. ***Directional Sign.*** A sign promoting a visitor-oriented use, attraction or place pursuant to Section 17.24.100.C, Directional Signs.

11. ***Electronic Message Center Sign.*** A sign with a static message formed by the selective illumination of an array of light bulbs, light emitting diodes (LEDs), or liquid crystal displays (LCDs) that can be changed electronically. These signs may display text and/or graphic images, and may be programmable.

12. ***Flag.*** Any fabric or banner containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

13. ***Freestanding Sign.*** A sign supported by structures or supports that are placed on or anchored in the ground, and which are structurally independent from any building, including "monument signs", "pole signs", and "ground signs".

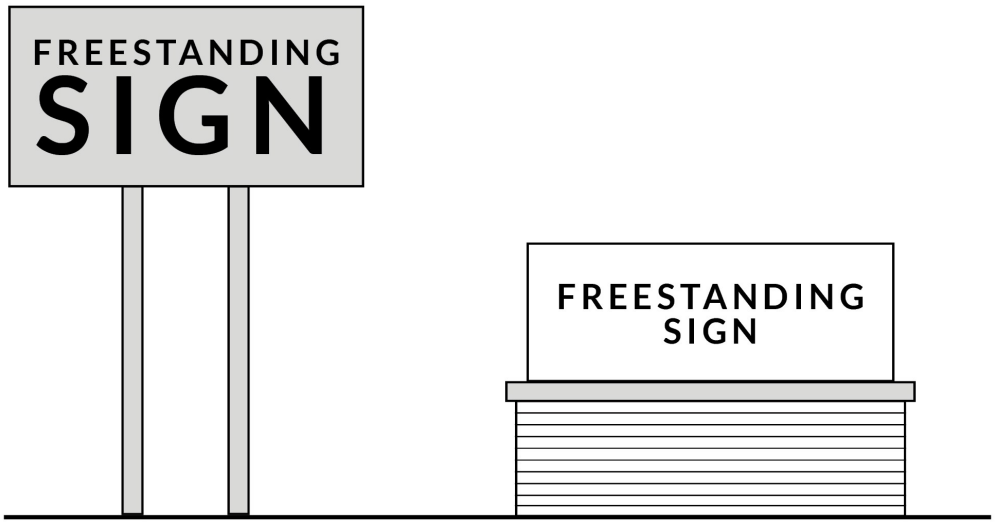


FIGURE 17.43.190.D.13: FREESTANDING SIGN

14. ***General Advertising for Hire.*** The advertising or promoting of other businesses, establishments or causes using methods of advertising, typically for a fee or other consideration, in contrast to self-promotion or on-site advertising.

15. ***Graffiti.*** Marks, such as inscriptions, drawings, or designs, which are placed, scratched, etched, painted, or sprayed on public or private property without the owner's consent.

16. ***Inflatable Sign.*** A form of inflatable device (e.g., shaped as an animal, blimp, or other object) that is displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside a building to attract attention to or to advertise a business, a business location, a service, a product, or an event.

17. ***Informational Sign***. A sign that directs or guides pedestrian or vehicular traffic and which is non-advertising in nature (e.g., accessible parking, one-way, exit, and entrance).

18. ***Mobile Billboard.*** Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or other general advertising for hire.

19. ***Moving Sign***. A sign or any portion thereof that rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means.

20. ***Non-Commercial Message.*** A message or image on a sign that directs public attention to or advocates an idea or issue of public interest or concern that does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

21. ***Nonconforming Sign.*** A sign lawfully erected and maintained, but which, because of the adoption of or amendment to the Zoning Code, no longer complies with the standards and requirements of the Zoning Code.

22. ***Outdoor Advertising Structure.*** Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced.

23. ***Pennant.*** A device made of flexible materials, (e.g., cloth, paper, or plastic) that may or may not contain copy, and which is installed for the purpose of attracting attention.

24. ***Permanent Sign.*** A sign that is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall, or building.

25. ***Projecting Sign.*** A sign that projects horizontally from the face of a building.

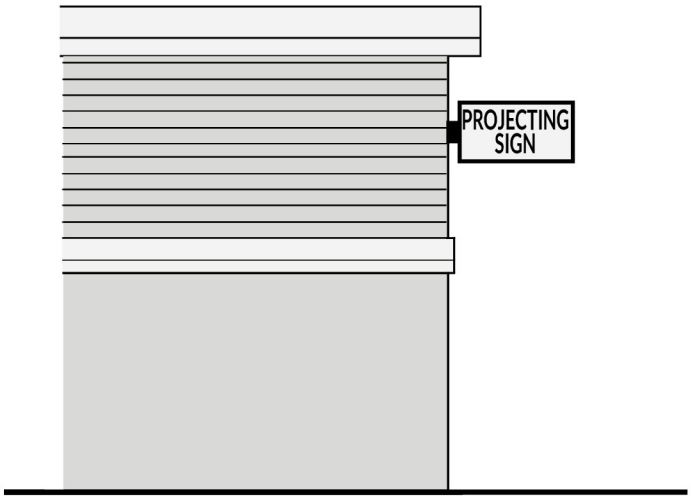


FIGURE 17.43.190.D.25: PROJECTING SIGN

26. ***Sandwich Board.*** A freestanding portable upright, rigid, self-supporting frame sign ordinarily in the form of a triangle, a sideways "H", or some variation thereof, which is

readily movable and not permanently attached or anchored to the ground, a building, or any other structure.

27. ***Shingle Sign.*** A sign that is suspended beneath a marquee, covered walkway, canopy, or awning.

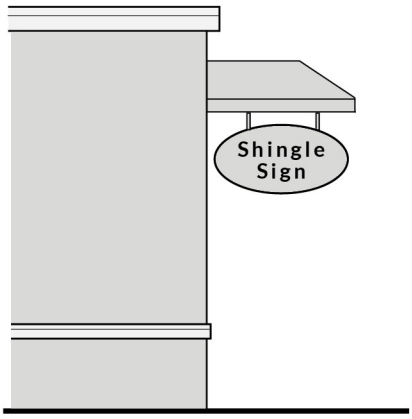


FIGURE 17.43.190.D.27: SHINGLE SIGN

28. ***Sign.*** Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the general public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information. A display, device, or thing need not contain lettering to be a sign.

29. ***Sign Area.*** The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.

30. ***Sign Face.*** An exterior display surface of a sign, including non-structural trim, exclusive of the supporting structure. The area of a sign which is available for mounting and public display of the visually communicative image.

31. ***Temporary Sign.*** A structure or device used for the public display of visual messages or images, which is typically made of lightweight or flimsy materials which is not intended for or suitable for long term or permanent display.

32. ***Traffic Sign.*** A sign for traffic direction, warning, and roadway identification.

33. ***Wall Sign.*** A sign affixed to and wholly supported by a building in such a manner that its exposed face is approximately parallel to the plane of such building.

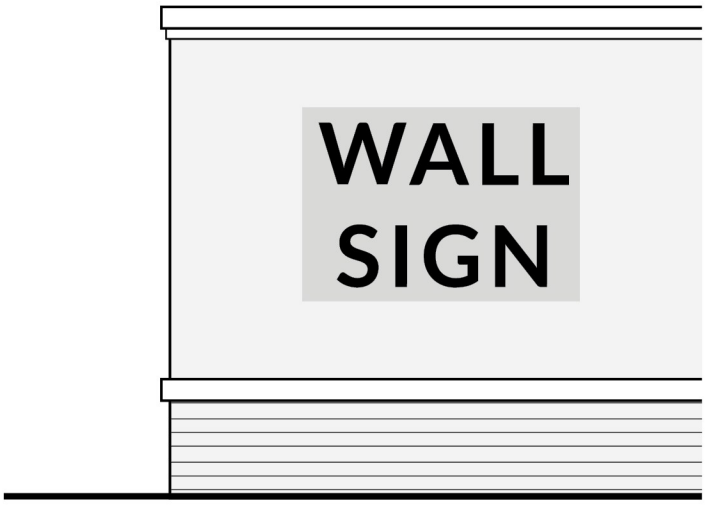


FIGURE 17.43.190.D.33: WALL SIGN

34. ***Window Sign.*** A temporary or permanent sign with a single face of copy that is adhered to a glass window or door.

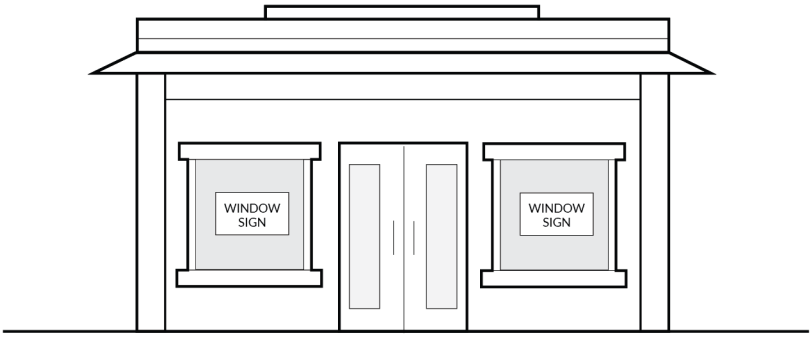


FIGURE 17.43.190.D.34: WINDOW SIGN

F. **Site.** A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Zoning Code and is in a single ownership or under unified control.

G. **Soil.** Naturally occurring superficial deposits overlying bedrock.

H. **Specific Plan.** A plan for all or part of the area covered by the General Plan that is prepared to be consistent with and to implement the General Plan, pursuant to the provisions of Government Code, §§ 65450 et seq.

I. **State.** The State of California.

J. **Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above.

K. **Street.** A public or private thoroughfare, which affords the principal means of access to a block and to abutting property. "Street" includes avenue, court, circle, crescent, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley or walkway.

L. **Street Line.** The boundary between a street and a lot or parcel of land.

M. **Structure.** Anything constructed or erected which requires a location on the ground, including a building but not including a swimming pool.

1. ***Structure, Accessory.*** A detached subordinate structure used only as incidental to a main building or structure, or principal use on the same site or lot.

2. ***Structure, Attached.*** A structure which is affixed to another building or structure on the site with a common wall or roof that is four feet in length or more.

3. ***Structure, Detached.*** A structure which is not affixed to another building or structure on the site or whose common wall or roof with another building or structure is less than four feet in length.

4. ***Structure, Nonconforming.*** A building or structure, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the adoption of or amendment to the Zoning Code, no longer complies with the standards and requirements of the Zoning Code.

5. ***Structure, Main.*** A structure housing the primary or principal use of a site or functioning as the primary or principal use.

6. ***Structure, Temporary.*** A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

N. **Swimming Pool.** A pool, pond, lake, or open tank capable of containing water to a depth greater than 18 inches at any point.

17.43.200 "T" Terms.

A. **Tandem Parking.** An arrangement of parking spaces such that one or more spaces must be driven across to access another space or spaces.

B. **Tenant.** A person renting or leasing a housing unit or non-residential space.

C. **Trailer.** A vehicle with or without motor power, which is designed or used for hauling materials or vehicles, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer, and mobile home, but not including mobile homes on a permanent foundation.

17.43.210 "U" Terms.

A. **Use.** The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged or for which either a site or a structure is or may be occupied or maintained.

1. ***Use, Accessory.*** A use that is customarily associated with, and is incidental and subordinate to, a principal use and located on the same lot as a principal use.

2. ***Use, Incidental.*** A secondary use of a lot and/or building that is located on the same lot, but is not customarily associated with the principal use.

3. ***Use, Nonconforming.*** The use of a building, structure, site, or portion thereof, which was lawfully established and maintained, but which, because of the adoption of or amendment to the Zoning Code, no longer complies with the standards and requirements of the Zoning Code.

4. ***Use, Permitted.*** Any use or structure that is allowed in a zone without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zone.

5. ***Use, Principal.*** A primary, principal, or dominant use established, or proposed to be established, on a lot.

B. **Use Classification**. A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential, public/semi-public, commercial, industrial, and transportation, communication, and utilities, and agricultural and natural resource. See Chapter 17.42, Use Classifications.

C. **Use Permit.** A discretionary permit which may be granted by the appropriate authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval. See Chapter 17.30, Administrative Use Permits, and Chapter 17.31, Conditional Use Permits.

D. **Use Type.** A category that classifies similar uses based on common functional, product, or compatibility characteristics.

E. **Utilities.** Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

17.43.220 "V" Terms.

A. **Variance.** A discretionary grant of permission to depart from the specific requirements of this Zoning Code that is warranted when, due to special circumstances regarding the physical characteristics of the property, the strict application of standards would deprive the property of privileges available to other property in the same zone. See Chapter 17.35, Variances.

B. **Vehicle.** Any vehicle, as defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

C. **Vibration.** Oscillations occurring about an equilibrium point.

D. **Visible.** Capable of being seen (whether legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

17.43.230 "W" Terms.

A. **Wall.** Any vertical exterior surface of building or any part thereof, including windows and/or a solid horizontal or vertical structural device forming a physical barrier intended to enclose areas, separate properties, form a screen, or prevent intrusion.

B. **Wireless Telecommunication Terms.**

1. ***Antenna.*** Any system of wires, poles, rods, horizontal or vertical elements, panels, reflecting discs, or similar devices used for the transmission and/or reception of electromagnetic waves.

2. ***Co-Location.*** The location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure, or otherwise sharing a common location. Co-location also includes the location of wireless communications facilities with other facilities, such as buildings, water tanks, light standards, and other utility facilities and structures.

3. ***Mast.*** A pole of wood or metal or a tower fabricated of metal that is used to support an antenna and maintain it at the proper elevation.

4. ***Personal Communications Services (PCS).*** Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. PCS is also sometimes known as Personal Communication Network (PCN).

5. ***Multi-User Telecommunication Facility.*** A telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity, excluding research and development industries with antennas serving internal company uses only.

6. ***Satellite Dish.*** A device (also known as a parabolic antenna) incorporating a reflective surface that is solid, open, or mesh or bar-configured, and is in the shape of a shallow dish, cone, horn cornucopia, or flat plate that is used to receive or transmit radio or electromagnetic waves between terrestrially and/or orbitally based units. This term includes satellite earth stations, satellite receivers, satellite discs, direct broadcast systems, television-reception-only systems, and satellite microwave antennas.

7. ***Support Equipment.*** The physical, electrical, and/or electronic equipment included within a telecom facility used to house, power, transport, and/or process signals from or to the facility's antenna or antennas.

8. ***Tower.*** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas.

9. ***Tower, Lattice.*** A multiple-sided, open, metal frame support structure that supports antennas and related equipment, typically with three or four support legs.

17.43.240 "X" Terms.

Reserved.

17.43.250 "Y" Terms.

A. Yard. The area between the property line and the nearest wall of the first main building on a lot.

1. ***Front Yard.*** A yard extending across the front of a lot for the full width of the lot between the side lot lines.

2. ***Interior Yard.*** A yard which does not abut a street.

3. ***Rear Yard.*** A yard extending across the rear of a lot for its full width between side lot lines.

4. ***Side Yard.*** A yard extending from the rear line of the front yard to the front line of the rear yard.

5. ***Street Side Yard.*** A yard on a corner lot along a street side lot line extending from the rear line of the front yard to the rear lot line.

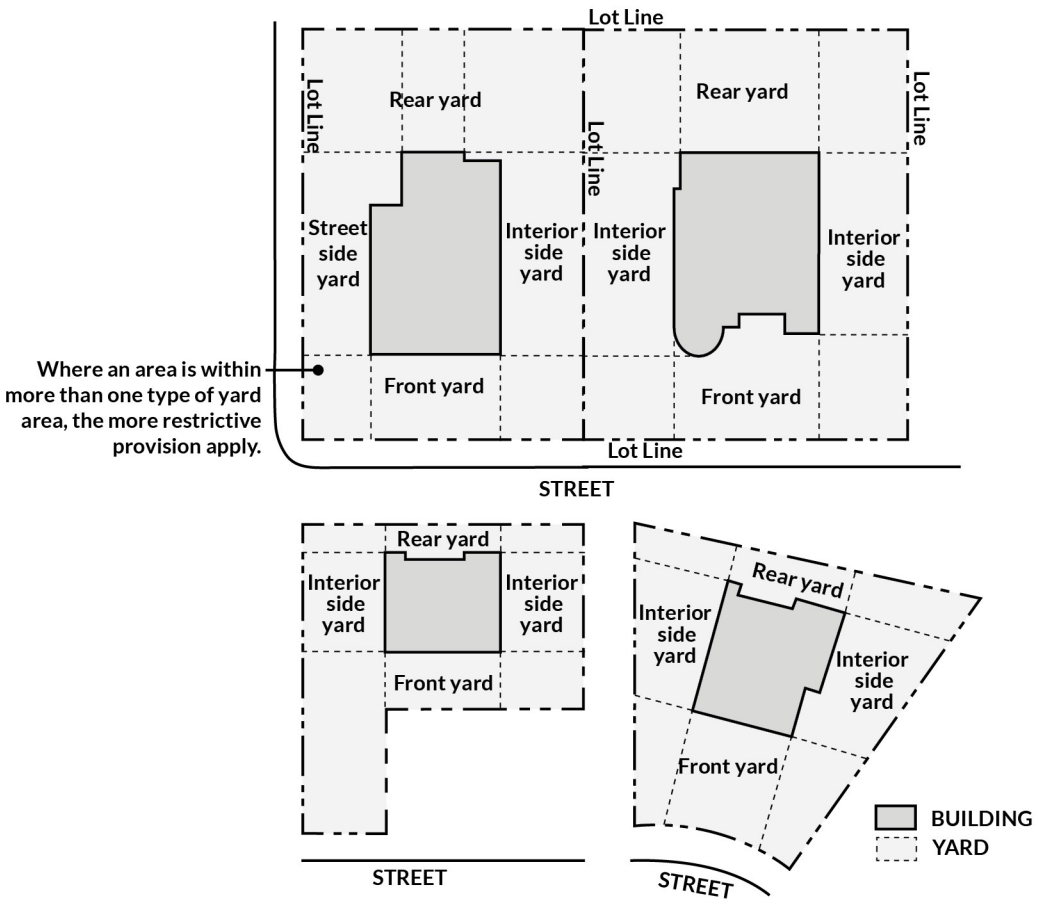


FIGURE 17.43.250.A: YARD TYPES

17.43.260 "Z" Terms.

A. **Zone.** See "Zoning District".

B. **Zoning District.** A specifically delineated area in the County within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.