

# Chapter 44

## ZONING CODE

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## **Article 44-0: Definitions**

### **44-0.10 Definitions.**

This article defines terms and phrases used in the zoning code that are technical or specialized, or which may not reflect common usage. If any of the definitions in this article conflict with others in the County Code, these definitions shall control only for the provisions of the zoning code. If a word is not

defined in this article or in other provisions of the zoning code, the director shall determine the appropriate definition.

### **A's:**

Abandoned sign. Abandoned sign means a sign which no longer directs, advertises or identifies a legal business establishment, product or activity on the premises where such sign is displayed.

Accessory building or structure. A detached building, the uses of which are secondary, supportive, and/or subordinate to the primary structure or principal permitted use on a parcel. An accessory dwelling unit is not considered an accessory building.

Accessory building or structure – attached. An attached building or structure the use of which is secondary, supportive, and/or subordinate to the primary structure or principal permitted use on a parcel. A second dwelling unit is not considered an accessory building.

Accessory retail use. The sale of goods or merchandise in support of the alternate primary use of the site. Examples include the sale of pet food at a veterinary office, the sale of hair care products at a salon, or the sale of laundry detergent at a laundromat.

Accessory sign. Any sign relating to business, service, or products including national brand products, supplied on the premises on which the sign is located.

Accessory unit or dwelling. A detached or attached permanent dwelling unit located on a lot which contains a single-family dwelling. A second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. Any term contained within this Chapter referring to second unit or secondary unit shall mean accessory unit.

Accessory use. A use that is permitted in the zone, is incidental and subordinate to the principal use of the site or a primary building on the site, and does not alter the primary use of such parcel, building, or zone, nor serve property other than the parcel of land on which the primary use is located.

Adult entertainment. An adult business establishment having a substantial or significant portion of its stock or fare in books, magazines, pictures, films, trade, media or live entertainment, which are distinguished or characterized by their emphasis on matter or live conduct depicting, describing, exposing, or relating to nudity or sexual activity.

Advertising. Advertising means that copy on a sign describing products or services being offered.



Agricultural buffer. An area of land void of development between an urban land use (such as housing or commercial uses) and an agricultural parcel.

Agricultural chemicals, commercial storage and distribution. The commercial sale, wholesale, storage, and/or distribution of chemicals and hazardous substances used in connection with agricultural operations. Examples include pesticides, fertilizers, and fungicides.

Agricultural chemicals, manufacturing. The manufacturing and/or production of chemicals and hazardous substances used in connection with agricultural operations. Examples include pesticides, fertilizers, and fungicides.

Agricultural chemicals, use and storage. The on-site storage and on-site use of chemicals and hazardous substances used in connection with agricultural operations conducted on site. Examples include pesticides, fertilizers, and fungicides. Excludes the storage of chemicals intended for commercial sale or distribution.

Agricultural easement. An agricultural easement is a legal property interest that dedicates land to agricultural uses. A landowner who enters into an agricultural easement agreement with an “easement holder” (such as a government or nonprofit entity) agrees to use the land predominantly for agricultural purposes, and forfeits the right to develop the land for other purposes.

Agricultural industrial. Industrial uses that directly support on- or off-site agricultural operations, including agricultural research, processing and storage, supply, services, crop dusting, agricultural chemical and equipment sales, and facilities and technologies that use agricultural byproducts.

Agricultural processing. The cooking, dehydrating, refining, milling, pressing, or other treatment of agricultural products that changes the naturally grown product for consumer use or for further processing, and receiving agricultural products from other growers for such processing. Examples of agricultural processing uses include cold storage houses, wineries (pursuant to the definition of “Winery production facility, limited”), hulling operations for on-site or off-site products, fruit dehydrators, dryers, and the sorting, cleaning, packing, bottling, storing or warehousing, pruning, and sale of orchard and farm wood, and the wholesaling, transportation, and distribution of agricultural products. Uses classified as “agricultural industrial” are excluded from this definition.

Agricultural processing, off-site. The processing of agricultural products grown or produced on a site different from where processing occurs.

Agricultural processing, on-site. The processing of agricultural products grown or produced on the same site where processing occurs.

Agricultural product sales, off-site. The sale of agricultural products grown or produced on a site different from where growing and/or production occurs.

Agricultural product sales, on-site. The sale of agricultural products grown or produced on the same site where growing and/or production occurs.

Agricultural products. Products that are the result of agriculture, including cultivating, harvesting, or raising orchards, field crops and/or livestock, or agricultural processing.

Agricultural tourism. Tourism and visitor-serving uses related to the agricultural industry. Examples include self-pick farms, dude ranches, farm tours, crop-based seasonal events, farmstays, and lodging.

Agricultural worker housing center. Housing for agricultural employees consisting of no more than thirty-six beds in a group quarters or twelve units designed for use by a single family or household.

Agricultural worker housing center, large. Housing for agricultural employees consisting of more than thirty-six beds in a group quarters or more than twelve units designed for use by a single family or household.

Agricultural worker housing unit. A dwelling unit accommodating six or fewer agricultural employees.

Agriculture. The use of land for the raising of crops, trees, or animals, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses thereto; provided, however, the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. As used in this definition, "accessory use" means supply, service, storage, and processing areas and facilities for any other agricultural land. Stockyards, slaughterhouses, fertilizer works, or plants for the reduction of animal matter are excluded from this definition.

Agriculture auction and sales yards. Areas designated for the temporary storage and sale of agricultural and farm equipment and supplies.

Airport, airstrip, and heliport. Any area of land or water where aircraft take off or land. This does not include places where aircraft land and take off solely for emergency purposes. It includes accessory structures and areas for aircraft storage, cargo, passengers, airport and airspace control facilities, repairs, or refueling.

Airport-related uses. Uses and activities commonly associated with airports and necessary to support airport operations. Examples include unscheduled air carrier and facilities; charter aircraft operations;

pilot training operations; aircraft rental and sightseeing services; aerial photography; aerial advertising and surveying; aircraft sales and service; aircraft storage; sale of aviation petroleum products; aircraft repair, restoration, and maintenance; sale of aircraft parts; unscheduled air cargo carriers; pilot lounges and airport offices; blast fences; taxiways, navigational aids, and obstruction lights; airport support facilities such as terminal buildings, control towers, hangars, fire training facilities, and flight service stations; airport parking facilities; and communication equipment and facilities associated with airport operations.

Airports for commercial farm services. Any area of land or water where aircraft dedicated to support operations for agricultural activities take off or land. Examples include airports used for crop dusting or other aerial chemical applications to farmlands. It includes accessory structures and areas for aircraft storage, cargo, materials storage, airport and airspace control facilities, repairs, or refueling. Passenger and/or cargo air services or passenger and/or cargo airports are excluded from this definition.

Animal and poultry husbandry. The agricultural practice of caring and breeding of livestock. This mainly involves raising and caring of domestic animals that are used for food or products. Such animals may include, but are not limited to, sheep, pigs, cattle, horses, and chickens.

Animal grazing. The keeping of cattle, sheep, goats, or other similar animals on fields for the purpose of grazing and feeding. Uses classified as dairy, intensive animal operations, and stables are excluded from this definition.

Animal hospitals. Any establishment that provides medical treatment for animals on the premises or regularly offers temporary boarding facilities for animals in association with the provision of medical care. Examples of animal hospitals include veterinarian clinics.

Animal processing and rendering. A facility where the slaughtering and processing of animals raised off-site for commercial purposes takes place, including rendering plants.

Animal raising and keeping, commercial. Any kennels, fowl or poultry ranches, rabbit farms, fur-bearing animal ranches, hog ranches, livestock feed lots, livestock ranches, and dairies kept and used for the purposes of raising or keeping animals that are used for food or products to be sold commercially.

Animal raising and keeping, private. "Private animal raising" means the keeping of any domestic animals within the standards established in this chapter for domestic animal raising including but not limited to household pets, club project animals, apiaries, aviaries, fowl, rabbits, or hooved animals for private, noncommercial use.

Animal services. Any establishment that keeps animals for sale or hire provides medical treatment for animals on the premises or regularly offers temporary boarding facilities for animals. Examples of animal services uses include veterinarian clinics, commercial dog and cat grooming businesses, animal hospitals, commercial kennels, and animal shelters.

Apiaries. Any place where one or more colonies or nuclei of bees are kept.

Applicant. The party or individual applying for a permit or other approval subject to the requirements of this zoning code.

Architectural projection. Architectural projection means a marquee, porch, canopy or other similar projection.

Awning sign. Any sign incorporated into, attached to, or painted on an awning.

B's:

Banner sign. A sign made of fabric, cloth, or any other nonrigid material.

Bars, nightclubs, and lounges. Businesses devoted to the on-site sale and consumption of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. Uses may include indoor entertainment such as live music and dancing.

Base zoning classification. The primary zoning classification on a parcel of land, as shown on the Colusa County zoning map and shown in Table 44-2.10-1.

Bed and breakfast. A structure with one or more managers in permanent residence and from one to eight guestrooms without individual cooking facilities rented for overnight lodging, and serving at least one meal per day. Hotels and motels are excluded from this definition.

Bioenergy. Bioenergy is energy contained in living or recently living biological organisms, a definition which specifically excludes fossil fuels. Organic material containing bioenergy is known as biomass. Examples include wood pulp and agricultural prunings.

Boat ramps and landings. Facilities used for the launching and removal of boats to and from the water.

Breeders. Individuals, groups, or organizations involved in the breeding of animals for commercial purposes.

**Building.** Any structure having a roof intended and/or used for the shelter or enclosure of persons, animals, property, or for use in commercial, industrial, or other enterprises.

**Business frontage.** The lineal frontage of a business that abuts a public right-of-way or other area accessible to the public such as business frontage on a parking lot or parking structure generally open to the public or on a publicly used waterway such as the Sacramento River.

## **C's:**

**Cabin.** A dwelling for vacation or recreation uses that is subject to the same requirements as a single-family residence, except as specified under section [44-4.100](#).

**Camper.** A portable unit, consisting of a roof, floor, and sides, designed to be loaded onto, and unloaded from, a truck and designed for human habitation for recreational or emergency occupancy (Health and Safety Code Section [18012.4](#)).

**Campground.** An area of land used for overnight camping activities where guests pay a fee to use the site and/or facilities. Facilities may include, but are not necessarily limited to, fire pits, picnic tables, restrooms, and firewood sales. Recreational vehicle parks are excluded from this definition.

**Caretaker quarters.** A permanent residence that is provided as an accessory use to a nonresidential use, and is used to house an owner, operator, guard or caretaker, and his or her family, to provide around-the-clock service, support, care or monitoring of the use and/or site.

**Cemetery.** A place used for the interment of human or animal remains or cremated remains. Burial parks, crematoriums, and mausoleums are included in this definition.

**Child day care center.** Any child day care facility other than a family day care home, including centers for infants, preschools, and school age child care centers (Health and Safety Code Section [1596.76](#)).

**Child day care facility.** A facility that provides nonmedical care to children under eighteen years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis. Child day care facilities include family day care homes and child day care centers (Health and Safety Code Section [1596.750](#)).

**Club project animals.** Those animals raised or kept for a temporary club project such as 4-H or FFA.

**Clubs, lodges, and private meeting halls.** An organization and its premises catering primarily to its members for social, educational, recreational, or athletic purposes. This definition does not include

hunting and fishing clubs or adult entertainment uses.

Clustered development. Clustered development is the grouping of residential properties on a development site in order to utilize the extra land as open space, recreational or agricultural uses. Clustered development often includes individual lots that are below the minimum lot sizes established in the base zoning classification.

Cogeneration energy facility. Combined heat and power systems that result in the simultaneous production of electricity and heat from a single fuel source, such as: natural gas, biomass, biogas, coal, waste heat, or oil.

Combination zoning classification. Any zoning classification which permits expansion of or limitations on the uses or development standards allowed or permitted under the regulations of the principal zoning classification with which it is combined.

Commercial coach. A structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit, and shall include a trailer coach as defined in Vehicle Code Section [635](#) (Health and Safety Code Section [18001.8](#)).

Commercial energy facilities. Commercial energy facilities are facilities where energy, primarily electricity, is generated for the primary purpose of selling the energy on the open market for use in off-site locations.

Commercial recreation, indoor. An establishment that provides entertainment activities or services in an indoor setting for a fee or admission charge. Examples include movie theaters, bowling alleys, electronic game arcades, billiard rooms, sports clubs, commercial gymnasiums, and dance clubs. Establishments such as a restaurant or laundromat that offer a small number of game machines to its customers as an accessory use are excluded from this definition.

Commercial recreation, outdoor. An establishment that provides entertainment activities or services outside of a building for a fee or admission charge. Examples include: golf driving ranges, shooting ranges, water parks, amusement parks, fairgrounds, commercial sports centers, amphitheater or theater entertainment facilities for the performance of concerts or other entertainment events, facilities for rodeos and equestrian events, ranges, boat ramps, docks, landing facilities, commercial camps and campgrounds, and other similar uses. Water ski lakes, golf courses and country clubs, hunting and fishing clubs, duck clubs, adult entertainment uses, and off-highway vehicle uses are excluded from this definition.

Common interest development. A type of housing, composed of individually owned units, such as condominiums, townhouses, or single-family homes, that share ownership of common areas, such as swimming pools, landscaping, and parking. Common interest developments (also known as community interest developments or CIDs) are managed by homeowners' associations.

Common sense. Sound and prudent judgment based on a simple and reasonable perception of the situation or facts.

Community apartment. A development as defined by California Business and Professions Code Section [11004](#) in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.

Community centers. Public locations where members of a community tend to gather for group activities, social support, public information, and other purposes. They may sometimes be open for the whole community or for a specialized group within the greater community.

Community colleges and universities. Public or private institutions or facilities offering educational services beyond the high school level. Facilities may include classrooms, support facilities, on-site lodging, and other support services and facilities related to higher education.

Community event sign. Any temporary sign for a temporary event, including signs for a carnival or fair, for a farmer's market, for an athletic event or competition, for a vehicle show, or for an election campaign, but not including those signs which are otherwise differentiated in this chapter.

Community identification sign. A sign that identifies or announces entry into a community.

Compost. Compost means the product resulting from the controlled biological decomposition of organic wastes that are source-separated from the municipal solid waste stream, or which are separated at a centralized facility. "Compost" includes vegetable, yard, and wood wastes which are not hazardous waste.

Composting facility. An operation or facility that processes, transfers, or stores compostable materials. Handling of compostable materials results in controlled biological decomposition. Handling includes composting, screening, chipping and grinding, and storage activities related to the production of compost, compost feedstock, and chipped and ground materials. "Compostable materials handling operation or facility" does not include activities excluded from regulation in California Code of Regulations, Title 14, Section 17855. "Compostable materials handling operation or facility" also includes (1) agricultural material composting operations; (2) green material composting operations and

facilities; (3) research composting operations; and (4) chipping and grinding operations and facilities. (California Code of Regulations, Title 14, Section 17852(a)(12)).

Condominium. As defined by Section [783](#) of the California Civil Code, an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof.

Conservation easement. An agreement between a landowner and a government agency or a qualified land trust organization or other entity creating a legally enforceable encumbrance on real property imposing limitations, restrictions, or affirmative obligations, the purposes of which include retaining or protecting agriculture, natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources, including wetlands, riparian and wildlife habitat; or maintaining air or water quality. Examples include agricultural preservation easements, wetland conservation easements, Swainson's hawk foraging habitat easements or land trusts, and wetland/vernal pool mitigation banks.

Construction, maintenance, and repair services. Businesses providing construction, maintenance, and repair services off site, but that have an office, store equipment and materials, and/or perform fabrication or similar work on site. Examples include off-site plumbing shops, general contractors, appliance repair, janitorial services, electricians, pest control, heating and air conditioning, roofing, painting, landscaping and septic tank service.

Construction sign. A sign that identifies the name of the contractor, builder, architect, etc., for a project that is under development.

Convenience store. A small store that stocks a range of everyday items such as groceries, toiletries, alcoholic and soft drinks, tobacco products, and newspapers. Such stores may also offer money order and wire transfer services.

Corner lot. A lot located at the intersection of two or more streets. The front of the lot shall be the lesser of two street frontages.

Correctional institutions and facilities. Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Cottage food operation. The business of preparing and/or packaging certain foods in private home kitchens as defined at Section [113758](#) of the Health and Safety Code.



Country club. A country club is a private club, often with a closed membership, that typically offers a variety of recreational sports facilities and is located in city outskirts or rural areas. Activities may include, but are not limited to, golf, tennis, swimming or polo.

Crop production and cultivation. The growing and harvesting of agricultural produce for food and fiber. Examples include farms, orchards, groves, greenhouses and wholesale nurseries primarily engaged in growing crops, plants, vines, or trees and their seeds, excluding the growing of marijuana for medicinal purposes.

Cultural institutions. A public or nonprofit facility for the cultural, intellectual, scientific, environmental, or artistic enrichment of the people of Colusa County. Examples of cultural institutions includes historic areas, interpretative institutions, public theaters and auditoriums, libraries, museums, botanic gardens, and zoos.

Cumulative remedies. A remedy created by statute in addition to one which still remains in force. All remedies contained in this zoning code for the handling of violations or enforcement of the provisions of this zoning code shall be cumulative and not exclusive of any other applicable provisions of local, state, or federal law.

#### D's:

Dairy. A place where five or more cows, sheep, or goats are kept and maintained for the purpose of producing milk or other dairy products for commercial purposes.

Day. Calendar day.

Design flood. Design floods are hypothetical floods used for planning and floodplain management investigations. A design flood is defined by its probability of occurrence (for example the one-hundred-year or one- percent-probability flood).

Development. Any human-caused change to land that requires a permit or approval from the county.

Development footprint. The development footprint is the total area affected by development or by project site activity. Access roads, parking lots, paved and improved areas, nonbuilding facilities, and the building itself are all included in the development footprint.

Development plan. A plan for development submitted by a project applicant that includes details deemed necessary by the director in order for an application to be processed. A development plan may be required to include details regarding parcel lines, proposed site access, building envelopes,

surrounding land uses, water and sewer infrastructure, and other project details deemed necessary by the director.

Directional sign. An on-site sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.

Directory sign. A sign listing the tenants of a multiple tenant center.

Disability. The meaning of “disability” is the same as defined by the Americans with Disabilities Act (ADA) at Title 42, Chapter 126 of the United States Code beginning at Section 12102. As defined by the ADA, the term “disability” means, with respect to an individual: (1) a physical or mental impairment that substantially limits one or more major life activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment. “Major life activities” include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A “major life activity” also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Domestic animals. Animals adopted by humans so as to live and breed in tame conditions. Examples include, but are not limited to, cows, horses, sheep, goats, pigs, rabbits, and chickens.

Duck club. Any establishment that provides outdoor duck hunting activities or services for a fee or admission charge, or common interest share. The establishment may include day use facilities, such as a clubhouse, and/or overnight accommodations in the form of seasonal residences. Facilities must be connected to an approved sewage disposal system. Seasonal residential unit densities may not exceed the standards established in this zoning code. On-site residency is limited to not more than a total of six months of a year. A duck club must be licensed by the California Department of Fish and Wildlife (CDFW).

Duplex. A structure that contains two dwelling units with a shared roof, separated by a common wall, each with its own entrance. Each unit within a duplex home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, multifamily. A building containing three or more dwelling units.

Dwelling or dwelling unit. A building or a portion of a building containing one or more habitable rooms used or designed for occupancy by one family for living and sleeping purposes, including kitchen and

bath facilities.

Dwelling, single-family. A building containing one dwelling unit.

Dwelling, two-family. A building containing two dwelling units.

## **E's:**

Electronic changeable display. The display of electronic text or graphical information in which each graphic, alphanumeric character, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable displays include computer-programmable, microprocessor-controlled electronic displays.

Emergency shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (Health and Safety Code Section [5080](#) I (e)).

Energy generation for off-site use. The production and generation of electricity for use in areas outside of the site on which the energy was generated. Examples include solar or wind farms where electricity generated is sold to a utility provider for use in off-site locations.

Energy generation for on-site use. The production and generation of electricity on a site for use on the same site. Examples include solar arrays or wind turbines used to power on-site operations.

Environment. The land, air, water, minerals, organisms, and all other external factors surrounding and affecting the natural resources in Colusa County and the surrounding areas.

Equestrian facilities, commercial. A facility for keeping horses available to the public for hire. This may also include larger facilities, including accessory structures, that specialize in breeding and raising of horses, equestrian training, exhibitions, and boarding. Commercial stables do not include the keeping or breeding of horses for personal use, training, or horse boarding consistent with a home occupation.

Equestrian facilities, private. A facility that is used for the shelter, breeding, and raising of horses for the exclusive use of the property owner or occupant, or for training and horse boarding consistent with a home occupation.

Equipment sales and rentals. Businesses selling or renting tools, trucks, tractors, construction equipment, agricultural implements, and similar equipment. Equipment sales and rental uses may include the storage, maintenance, and servicing of such equipment.

**Exclusive remedy.** For the purposes of this zoning code, the term “exclusive remedy” applies to the procedure for appeals to zoning decisions made by the director, zoning administrator, or planning commission. An appeal to the board of supervisors is the exclusive remedy, or sole available option, for challenging any decisions made by the director, zoning administrator, or planning commission.

## **F’s:**

**Family.** Two or more related persons living in a dwelling unit or any group of up to six individuals living together in a dwelling unit as the functional equivalent of a family where the residents may share living expenses and responsibilities. A family includes, for example, the residents of group homes for seniors or persons with disabilities. A family does not include larger institutional group living situations such as large residential care facilities, dormitories, fraternities, sororities, monasteries, or convents. “Household” has the same definition as “family.”

**Family day care home.** A dwelling where care, protection, and supervision for fourteen or fewer children are provided in the provider’s own home, for periods of less than twenty-four hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home (Health and Safety Code Section [1596.78](#)).

**Family day care home, large.** Facilities providing family day care for seven to fourteen children, inclusive, including children under the age of ten years who reside at the home, as set forth in Health and Safety Code Section [1597.465](#) (Health and Safety Code Section [1596.78\(b\)](#)).

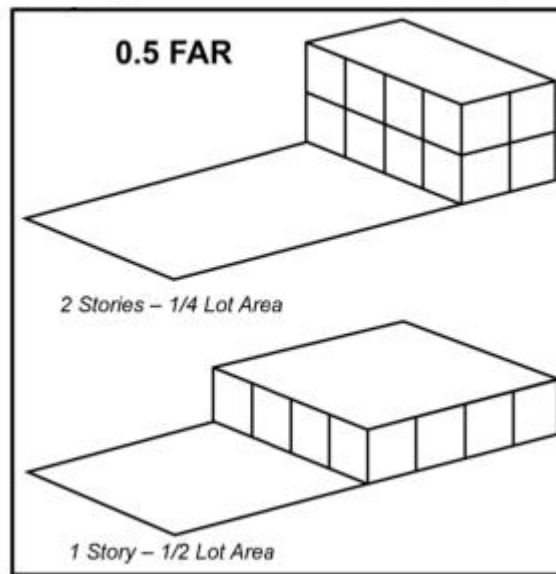
**Family day care home, small.** A home that provides family day care for eight or fewer children, including children under the age of ten years who reside at the home, as set forth in Health and Safety Code Section [1597.44](#) (Health and Safety Code Section [1596.78\(c\)](#)).

**Farm equipment.** Tools, implements, apparatus, and vehicles used in support of farming activities. Examples include tractors, hailers, haulers, generators, etc.

**Farmstays.** A form of agricultural tourism where a farmer or rancher hosts tourists at their farm or ranch to familiarize the visitors with the daily activities associated with farming or ranching. Farmstays are a secondary use to the primary agricultural use of a property.

**Floor area.** The sum of the horizontal areas of each floor of a structure, measured from the interior faces.

**Floor area ratio (FAR).** The ratio of the total gross floor area of all buildings on a site, excluding structured parking areas, divided by the total site area. See Figure 1 – Floor Area Ratio (FAR).

**Figure 1 – Floor Area Ratio (FAR)**

**Food truck.** A vehicle from which food items are sold. Food items may include items cooked and prepared on the food truck, as well as food items cooked elsewhere.

**Forestry and logging.** The growing and harvesting of timber, pulp woods, and other forestry products for commercial purposes. Timber processing activities for finished products, such as wood mills, are excluded from this definition.

**Foster home.** Any residential facility providing twenty-four-hour care for six or fewer children, licensed pursuant to the regulations of the state, which is owned, leased, or rented and is the residence of the foster parent or parents in whose care the foster children have been placed.

**Freestanding sign.** A sign that is supported by a base structure that rests on the ground and is not supported by or attached to a building. Freestanding signs include monument, pole, and pylon signs.

**Freight and truck terminals and yards.** A building or area in which freight brought by motor truck is assembled, stored, and/or transferred for routing in intrastate or interstate shipment by motor truck. May include provisions for truck parking and maintenance/repair services.

**Future tenant sign.** A temporary sign that identifies the name(s) of future businesses, organizations, and/or entities that will occupy a site or structure.

### G's:

**Garage, commercial.** A building other than a private garage used for the parking, repair or servicing of vehicles, trailers, recreational vehicles, and boats. A commercial garage is considered a commercial

or light industrial use.

Garage, private. A fully enclosed accessory building, either attached or detached, or a portion of a building designed and/or used primarily for the shelter or storage of vehicles, trailers, recreational vehicles, and boats by the occupants of the dwelling.

Garbage. Discarded items, food waste, and materials, including animal, vegetable, or other waste matter.

Gas and service station. Any facility used primarily for the retail sale and dispensation of motor fuels, lubricants and motor vehicle accessories. A gas and service station may include food and beverage sales, as well as a car wash, as an accessory use. Vehicle repair and maintenance services are not included in this definition.

Golf course. An area of land laid out for golf with a series of nine or eighteen holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. Golf courses may include related accessory uses such as a clubhouse, restaurant, putting greens, driving range, and sales shops (pro shop).

Grading. The act of excavation, cutting, or filling or combination thereof or any leveling to a horizontal or sloping surface on a property.

Greenhouse. An agricultural structure, with transparent or translucent roof and/or wall panels intended for the raising of agricultural plants.

Grocery store. A store selling foodstuffs and various household supplies.

Group day care center. A facility that provides nonmedical care to persons eighteen years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis.

Group home. See “residential care home.”

Group quarters. A place where people live in a group living arrangement.

Guest houses. Detached living quarters of permanent construction, without a kitchen, which are clearly subordinate and incidental to the use of the main building on the same lot. Guest houses shall not be let, leased, or rented, in whole or in part, independently of the main building. Guest houses may include a bathroom.

## H's:

Habitat management. The active management of land or natural resources for the purposes of providing compensatory mitigation for off-site projects, or for the active management of resource lands that may or may not involve active agricultural production and use of the land.

Habitat mitigation. The establishment of a mitigation bank, conservation easement, or other similar mechanism for the purposes of offsetting or mitigating impacts to sensitive habitat that occurred in an off-site location.

Height. The vertical distance from the structure's average finished grade (the midway point between the highest and lowest points of where the structure contacts the ground) to the highest point of the structure.

Home occupation. "Home occupation" means any use customarily carried on within a dwelling by the inhabitants thereof which is incidental to the residential use of the dwelling, and which use:

- (1) Is confined completely within a legal structure and occupies not more than twenty-five percent of the floor space of a dwelling or fifty percent of that of an accessory building;
- (2) Involves no sales of merchandise other than that produced on the premises, or directly related to and incidental to the service offered;
- (3) Is carried on by the members of the family occupying the dwelling with no other persons employed;
- (4) Produces no evidence of its existence upon or beyond the premises such as external alteration creating nonresidential or unsightly appearance of a structure, noise, smoke, odors, vibrations, etc., except one sign not to exceed two square feet in area and pertaining directly to the particular home occupation.

Hospital. A medical facility engaged primarily in the provision of diagnostic services and extensive medical treatment, including surgical services and inpatient beds.

Hotel and motel. A facility containing guestrooms where lodging is provided for a fee, and where no provision is made for cooking in sixty percent or more of the individual rooms or suites. Bed and breakfast establishments are excluded from this definition.

Household. Two or more related persons living in a dwelling unit or any group of up to six individuals living together in a dwelling unit as the functional equivalent of a family where the residents may share

living expenses and responsibilities. A household includes, for example, the residents of group homes for seniors or people with disabilities. A family does not include larger institutional group living situations such as large residential care facilities, dormitories, fraternities, sororities, monasteries, or convents.

Household pets. Small domestic animals that are not used for the production of food or fiber.

Examples include dogs and cats. Other small animals that may potentially be used for food or fiber, such as rabbits or chickens, are excluded from this definition, regardless of whether or not the owner intends to use the animals for food or fiber. Animals kept exclusively indoors are excluded from the standards established in this zoning code.

Hunting and fishing club. Any establishment that provides outdoor hunting and fishing activities or services for a fee, admission charge, or common interest share. The establishment may include day use facilities, such as a clubhouse, and/or overnight accommodations in the form of seasonal residences. Facilities must be connected to an approved sewage disposal system. Seasonal residential unit densities may not exceed the standards established in this zoning code. On-site residency is limited to not more than a total of six months of a year.

Hydrozone. A portion of a landscaped area having plants with similar water needs. A hydrozone may be irrigated or nonirrigated.

l's:

Identification sign. An identification sign identifies the name of a specific business, organization, or entity.

Immature animals. Animals that have not yet reached the age of maturity for sexual reproduction.

Impervious surface. Any surface that does not permit the passage of water. Impervious surfaces include buildings, parking areas, and all paved surfaces.

Install. Refers to the erection, placement, location, relocation, or other action putting a building or sign up, replacing an existing building or sign, or modifying an existing building or sign.

Intensive animal operations. The raising or fattening of animals in a manner that produces potentially adverse environmental impacts or adverse impacts to neighboring properties. Examples of intensive animal operation uses include dairies, hog farms, feedlots, aquaculture, confined animal feeding operations (CAFOs), large-scale bee keeping, and other similar operations. Animal processing, dairy, and stables are excluded from this definition.



J's:

Junk yard. Any area of two hundred square feet or more used for the storage of junk or scrap materials, or for the wrecking or dismantling of automobiles or other vehicles or machinery. This definition includes “wrecking yards.”

Jurisdiction. “Jurisdiction” refers to the geographical area of land and range of legal decisions and authorizations subject to the legal authority of Colusa County. The geographical jurisdiction for this zoning code includes all unincorporated lands within Colusa County. Zoning and land use decisions subject to the legal jurisdiction of Colusa County are identified in Article 44-1.

K's:

Kennel. Any place used for the breeding, boarding or keeping of six or more dogs or eight or more cats over the age of four months. The term “kennel” includes for-profit establishments, such as a pet boarding service, as well as nonprofit and charitable organizations, such as an animal shelter. The term “kennel” does not include veterinarians, provided that all animals in the veterinary office are housed indoors.

Kitchen. A “kitchen” means an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains one or both of the following:

- (1) Cooking appliances or rough in facilities including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills or microwave ovens or similar appliances, two-hundred-forty-volt electrical outlets or any gas lines; or
- (2) A sink less than eighteen inches in depth with a waste line drain one and one-half inches or greater in diameter and a refrigerator exceeding five cubic feet in capacity or space opening with an electrical outlet that may reasonably be used for a refrigerator exceeding five cubic feet in capacity.

An approved kitchen may have more than one sink, stove, oven or refrigerator in the same room.

L's:

Lineal street frontage. The lineal distance that a parcel or parcels occupied by a business or businesses abuts a public right-of-way. This lineal distance will be used to calculate sign area for multiple tenant center signs and to determine additional business identification and/or multiple tenant center signs.

Live/work unit. A live/work unit is defined as a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

Livestock. Larger animals traditionally kept for use on a farm, including but not limited to pigs, sheep, goats, equine, and bovine animals such as horses and cows, and large flightless birds such as ostriches and emus.

Lot. A parcel of land of record in the county under one ownership (i.e., individual, corporation, or trust) and used, or capable of being used, under the regulations of this chapter. "Parcel" has the same meaning as "lot."

M's:

Manufactured housing. Housing, including modular and mobile homes, that is transportable in one or more sections but is not constructed with a permanent hitch and does not have permanently attached wheels or axles. When placed on a permanent foundation, manufactured housing is the same as a dwelling. Manufactured housing does not include a recreational vehicle, commercial coach, or camper, as defined by state law.

Manufacturing, general. A facility accommodating manufacturing processes where the intensity or scale of operations is greater than those classified under "manufacturing, light," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples include establishments that makes or processes raw materials into finished machines or parts for machines; the manufacturing of motor vehicles and transportation equipment; establishments that cut, shape, and finish marble, granite, slate, and other stone; and establishments that produce brick and structural clay products.

Manufacturing, heavy. Manufacturing or processing operations that necessitate the storage of large volumes of hazardous or unsightly materials, or which produce dust, smoke, fumes, odors or noise at levels that would affect surrounding uses. Examples include the manufacturing of chemical products; the manufacturing of concrete, gypsum, and plaster products; glass product manufacturing; paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries including the smelting and refining of ferrous and nonferrous metals from ore or scrap; asphalt and concrete plants; medical waste processing/incineration; paint removal and sandblasting; hazardous material disposal; wrecking, junk or salvage yards; and pulp and pulp product manufacturing, including paper mills.

Manufacturing, light. The manufacturing and assembly of finished products or parts, primarily using previously prepared materials. Examples include clothing and fabric product manufacturing; electronics, equipment, and appliance manufacturing; food and beverage product manufacturing; commercial bakeries; laundry, dry-cleaning, and carpet cleaning plants; establishments manufacturing and assembling small products primarily by hand, including jewelry, pottery and other ceramics; woodworking, including cabinet making and furniture manufacturing; metal products fabrication, including machine, sheet metal and welding shops; repair of scientific or professional instruments and electric motors; printing, publishing and lithography; establishments that convert premanufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, and that coat or glaze premanufactured paper; and photo/film processing labs. Businesses primarily engaged in the sale of consumer products produced off site are excluded from this definition.

Marina. A boat basin that has docks, moorings, supplies, and other supporting facilities for small boats. Examples of supporting facilities include boat ramps, boat hoists, boat storage, refueling, washing and repair facilities, marine and boat chandlers, stores and restaurants. A marina may include ground facilities such as parking lots for vehicles and boat trailers.

Marquee sign. A sign that is attached to a marquee or architectural projection.

Medical offices and clinics. A facility, not including a hospital, where medical, mental, dental, or other personal health services are provided on an outpatient basis using specialized equipment. Examples include, but are not limited to, offices providing medical services and containing medical professionals such as physicians, dentists, chiropractors, optometrists or other similar medical professionals.

Mining. The extraction of sand, gravel, rock, soil, minerals, or other material from the land in the amount of one thousand cubic yards or more and the removal thereof from the site. For the purpose of this zoning code, mining shall not include: the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats or utility and highway construction, minor agricultural and sod removal except as further regulated herein.

Mobile home. A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. "Mobile home" does not include recreational vehicle, commercial coach, or factory built housing as defined in Section [19971](#) of the Health and Safety Code.

Mobile home park. An area of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any

such mobile home shall be deemed to include rental for the lot it occupies. "Mobile home park" also means a mobile home development constructed according to the requirements of paragraph 2.1 (commencing with Section [18200](#)) of Division 13 of the Health and Safety Code, and intended for use and sale as a mobile home condominium or cooperative park, or as a mobile home planned unit development.

Modular home. A modular home is constructed of premade parts and unit modules. A complete kitchen and bath may be preset in the house. Wall panels, trusses, and other prefabricated house parts are transported on a flatbed truck from the factory to the building site. Modular homes must meet all applicable local and state building code requirements. Mobile homes and manufactured homes are excluded from this definition.

Monument sign. A permanent freestanding sign where the entire supporting base of the sign is affixed to the ground and is not attached to or supported by a building.

Multiple family dwelling. A structure that contains three or more dwelling units. Each unit within a multiple family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Examples include apartment buildings, single-room occupancy buildings, residential condominiums, townhouses, and rowhouses.

Multiple tenant center. A development consisting of three or more separate uses or tenancies that share either the same parcel, set of parcels or structure and use common access and parking facilities.

#### N's:

Nameplate. A sign which designates the name of a person, persons or building occupying the premises upon which it is located. A nameplate may include the address.

Natural resources buffer area. Lands within fifty feet of a wetland, waterway, riparian habitat, or sensitive habitat shall be referred to as a natural resources buffer area. Natural resource buffer areas shall include areas between the banks and fifty feet in width measured outward from the top of bank of any lakes, perennial ponds, rivers, creeks, sloughs, and perennial streams. Natural resource buffer areas shall also include lands within fifty feet of sensitive habitat, as determined by a qualified biologist, and lands within fifty feet of a wetland subject to the jurisdiction of the U.S. Army Corps of Engineers. Excluded from this definition are culverted creeks and engineered systems developed by a public agency for the collection of storm- or floodwaters, or systems other than natural creeks designed to deliver irrigation or water supplies.

Nonconforming structure. A structure that was lawfully constructed, but that no longer conforms with the development standards of the zoning classification in which it is located.

Nonconforming uses. “Nonconforming uses” means those structures, buildings, mobile homes, and uses which were lawful when established, but which do not conform to subsequently established zoning requirements. “Nonconforming uses” includes uses, and buildings and structures.

Nursery. Commercial agricultural establishments engaged in the production of agricultural and ornamental plants and other nursery products, grown under cover or outdoors. A nursery can be wholesale and retail, incidental to agriculture, or a combination of both.

Nursing home. A facility in which nursing, dietary and other personal services are rendered to convalescents, invalids, or aged persons and in which surgery is not performed and primary treatment, such as customarily is given in hospitals, is not provided. A “convalescent home” means the same as a “nursing home.”

#### **O's:**

Off-highway vehicle (OHV) recreation area. An area designated for the use of offhighway vehicles. “Off-highway vehicle” means a motorized vehicle of any size that is operated or used exclusively off the roads or highways and not legally equipped for operation or use on such highways. Examples include dirt bikes, quads, dune buggies, etc.

Off-site signs. A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premises as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premises, does not constitute the principal item for sale or manufactured on the premises. An off-site sign is the same as a billboard sign.

Offices, governmental. A place of employment occupied by governmental agencies and their employees.

Offices, professional. A place of employment occupied by businesses providing professional services. Examples include offices for accountants, attorneys, commercial art and design services, news services, photographers, counselors and psychologists, engineers, real estate agents, and other professions.

Oil and gas extraction. The operation or development of oil and gas fields and wells. Oil and gas extraction uses include exploration for crude petroleum and natural gas; drilling, completing, and equipping wells; reinjection wells for natural gas; operating separators, emulsion breakers, desilting

equipment, and field gathering lines for crude petroleum and natural gas; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property.

Orchard. An orchard is an intentional planting of trees or shrubs that is maintained for food production. Orchards comprise fruit- or nut-producing trees which are grown for commercial production.

P's:

Parcel. See definition of "lot."

Parking area. The portion of a parcel or lot dedicated to vehicle parking.

Parks and recreational facilities, private. A privately owned facility that provides active or passive recreational opportunities, including tennis courts, indoor and outdoor swimming pools, gymnasiums and other similar facilities. Commercial amusement facilities such as water slides, go-carts and miniature golf courses are included in this definition.

Parks and recreational facilities, public. A noncommercial public facility that provides active or passive recreational opportunities. Parks and recreational facilities include neighborhood parks, regional parks, ball fields, tennis courts, indoor and outdoor swimming pools, gymnasiums and other similar facilities.

Perennial stream. A perennial stream or perennial river is a stream or river (channel) that has continuous flow in parts of its stream bed all year round during years of normal rainfall. "Perennial" streams are contrasted with "intermittent" streams which normally cease flowing for weeks or months each year, and with "ephemeral" channels that flow only for hours or days following rainfall. During unusually dry years, a normally perennial stream may cease flowing, becoming intermittent for days, weeks, or months depending on severity of the drought.

Permanent sign. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Permissive. Allowed but not mandatory.

Permittee. A person, business, or entity that receives a permit.

Person with a disability. Any individual who has an impairment as defined in Section 705(20) of 29 U.S. Code Section 794. An individual with a disability as: (1) having a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment and can benefit in terms of an employment outcome from certain vocational rehabilitation, or (2) in certain

cases, an individual with a physical or mental impairment that substantially limits one or more major life activities.

Personal services. An establishment other than a professional office that provides services to individuals as a primary use, and that may provide accessory retail sales of products related to the services provided. Examples include beauty and barber shops, shoe repair shops and tailor shops, dry cleaners, laundrettes, driving schools, martial arts studios, fitness centers, photography studios, funeral parlors and mortuaries, and other similar uses.

Planned development. A planned development is a document, adopted by the board of supervisors, which establishes details specific to an individual development project on one or more contiguous parcels. The planned development establishes, among other things, allowed land uses, development standards, lot sizes, development phasing, infrastructure plans, and other development criteria specific to an individual project. A planned development must be accompanied by a planned development overlay zone applicable to the parcel, or contiguous parcels, upon which the planned development applies.

Pole sign. A permanent freestanding sign that is supported by one upright, brace, pole, or similar structural element and is not attached to or supported by a building.

Poultry husbandry. The raising of domesticated birds such as chickens, turkeys, ducks, and geese, for the purpose(s) of breeding and/or producing meat and/or eggs.

Primary business frontage. Where a business has more than one business frontage, the longest single frontage is considered the primary business frontage.

Primary structure. A structure that accommodates the primary use of the site.

Primary use. The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur. The primary use constitutes the principal use, permitted by right, in a particular zoning classification.

Private farm airstrip. A privately held and privately used runoff and/or strip where small aircraft land and take off. The primary purpose of private farm airstrips is to facilitate the aerial application of crop pesticides and fertilizers.

Produce stand. A business established and operated for the display and sale of agricultural products grown on the premises or on other lands in Colusa County owned or leased by the operator, which

may include a limited amount of prepackaged food, such as preserved, baked, or packaged products from crops grown on site that have been prepared on site, subject to all applicable health codes.

Project. A proposed development, such as a single-family home, subdivision, multifamily development, restaurant, grocery store, manufacturing facility, or other commercial, residential, industrial, or other development, or proposed land use, including the uses listed in Article 44-2.

Projecting sign. A sign, other than a wall sign, that is suspended from or supported by a structure attached to a building and projecting or is placed outward from the building. This sign type includes signs that hang from marquees or architectural projections.

Promotional sign. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, new service, grand opening, or to promote a special sale.

Public/mini storage. A building or group of buildings with controlled access that contains individual and compartmentalized stalls or lockers for storage of customers' goods.

Public safety facility. A facility operated by a public agency for the purpose of protecting public safety, including but not limited to fire stations and other firefighting facilities, police stations and ambulance dispatch facilities.

Pylon sign. A permanent freestanding sign that is supported by two or more uprights, braces, poles, or similar structural elements and is not attached to or supported by a building.

Q's:

None.

**R's:**

Real estate sign. A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property.

Reasonable accommodation. An adjustment to the provisions within the zoning code to accommodate the needs of persons with disabilities.

Recreational facilities, public and private. See "parks and recreational facilities, public" and "private."

Recreational lodging facility. An establishment primarily engaged in the provision of commercial lodging to the general public on a short term or transient basis (on a transient basis, thirty days or



less). Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests.

Recreational vehicle. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:

- (1) It contains less than three hundred twenty square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
- (2) It contains four hundred square feet or less of gross area measured at maximum horizontal projections.
- (3) It is built on a single chassis.
- (4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

Recreational vehicle park. Any area or tract of land, or a separate designated section within a mobile home park where two or more lots are rented, leased, or 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 owners or users of recreational vehicles, camping cabins, or tents.

Recycling collection facility. A center for the acceptance by donation, redemption or purchase, of recyclable materials from the public.

Recycling processing facility. A building or enclosed space used for the collection and processing of recyclable materials. Processing means preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

Rehabilitated landscapes. A previously landscaped area that is reconstructed, reconfigured, or repurposed with new landscaping on sixty percent or more of the previously landscaped area. Applies to landscaped areas two thousand five hundred square feet or larger.

Religious facilities and institutions. A site or building used by a religious group for regular organized workshop. Religious facility uses include churches, synagogues, mosques, temples and other similar places of worship.

Rendering plant. An establishment engaged in the rendering of inedible stearin, grease, and tallow from animal fat, bones and meat scraps.

Repair shop. See “vehicle repair and maintenance.”

Research and development. A business that engages in research, testing, and development of commercial products or services in technology-intensive fields. Research and development uses do not involve the mass manufacture, fabrication, processing, or sale of consumer products, and do not produce dust, smoke, fumes, odors or noise at levels that would affect surrounding uses. Prototype development and product testing may be included as part of a research and development use. Examples of research and development uses include bio-technology laboratories, alternative energy technology development, agricultural research, and aviation and aerospace technology development.

Residential care facility. A residential care home for more than fourteen persons.

Residential care home. Facilities providing residential, social, and personal care, but where medical care is not a major element, for persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Residents may include children, the elderly, and/or people with limited ability for self-care. Convalescent hospitals, nursing homes, and similar facilities with medical care services are excluded from this definition. A residential care home is the same as a group home and a special care home.

Residential care home, large. A residential care home for seven to fourteen persons.

Residential care home, small. A residential care home for six or fewer persons. A small residential care facility is the same as a group home serving six or fewer persons. The count of “six or fewer” does not include the licensee, members of the licensee’s family, or the residential care home’s staff. A small residential care facility is considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone (Health and Safety Code Sections [1267.8\(c\)](#), [1267.16\(a\)](#), [1566.2](#), and [1568.031\(a\)](#)).

Restaurant. Any retail business that sells cooked or hot ready-to-eat food or beverages primarily for on-premises consumption.

Retail, general. Stores and shops selling merchandise to the general public. Examples include retail banks, appliance stores, bookstores, clothing stores, convenience stores, department stores, drug stores, food and beverage stores, furniture stores, art galleries, home improvement stores, vehicle parts and accessories sales, and hardware stores.

Retail, large projects. Stores greater than forty thousand square feet selling merchandise to the general public. Examples include bulk discount stores, club stores, and national chain specialty stores. Grocery stores are excluded from this definition.

Reverse vending machine. An automatic mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state.

Rider sign. An additional smaller sign that is attached to the primary sign.

Right-of-way. A piece of land acquired by fee title or easement that is occupied or intended to be occupied by certain transportation and/or public use facilities, such as roadways, railroads, and/or utility lines, whether or not the entire area is actually used for such purpose(s).

Riparian habitat. A habitat that is strongly influenced by water and that occurs adjacent to streams, shorelines, and wetlands.

#### **S's:**

Schools. Facilities for primary, secondary, or higher education. Includes trade and vocational schools, colleges and universities.

Sensitive habitat. Sensitive habitat means vegetation types and habitat types that are relatively limited in distribution, and support concentrations of plants or animals legally protected under the California Endangered Species Act or the Federal Endangered Species Act.

Sensitive receptors. A land use that is sensitive to noise, such as a school, library, church, group of homes or residences, and/or hospital.

Setback line. A line established by this chapter to govern the placement of buildings with respect to lot lines, streets, and alleys.

Sewage disposal site. A location where sewage effluent generated off site is discharged.

Shooting range. An indoor or outdoor facility used primarily for the discharge of firearms in a controlled and regulated environment.

Sign. Any device, structure or fixture designed or used to attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters,

figures, designs, symbols, fixtures, colors, illumination, or projected image.

Sign height. The vertical distance from the uppermost part of a sign to the highest elevation of the finished grade immediately below and adjoining the sign. See Figure 44-3.50-2.

Single-family home. See “dwelling, single-family.”

Single room occupancy. A residential use where occupants have separate bedrooms and living quarters and share common kitchen and bathroom facilities.

Soil amendment. Soil amendment includes all inorganic and organic substances which may be added to the existing soil, ground, or property either directly or mixed into other substances, including but not limited to compost, mulch, soil, or other delivery medium for the purpose of improving a property’s agricultural productivity. Examples include, but are not limited to, gypsum, lime, sulfur, perlite, vermiculite, manure, peat, humus, and finished compost.

Soil amendment facility. An operation or facility that stores, mixes and/or distributes soil amendments for off-site use.

Solar photovoltaic system. A solar photovoltaic system (PV system) is an arrangement of components designed to supply usable electric power for a variety of purposes, using sunlight as the power source.

Solid waste disposal site. A location where solid waste is disposed.

Special care home. A residential home providing twenty-four-hour nonmedical care and supervision that is eligible for a license from the State Department of Social Services, Community Care Licensing Division or a licensing agency authorized by the Department as a “group home – children,” “transitional home,” “adult residential home,” “residential care facility for the elderly or handicapped,” or “foster home.”

Special-status species. A species that is listed, is proposed to be listed, or is a candidate for listing as threatened or endangered under the federal or state Endangered Species Act, a California species of concern, or a plant that is identified by the California Native Plant Society as rare, threatened, endangered, or of limited distribution in California.

Stables, commercial. A stable, other than a private stable, where sixteen or more equine animals are boarded, that are not owned or leased pursuant to a written agreement, by either the property owner or resident. Commercial stables may include the retail or wholesale sales of tack, feed, and other equestrian products. Shows, exhibitions, or other public/quasi events related to equine animals may be included as a part of the commercial stable.

Stables, private. Those facilities used for the shelter, breeding, and/or training of horses and similar equine animals for the use of the residents and their guests. Private stables may include the boarding of fifteen or fewer equine animals that are not owned or leased pursuant to a written agreement, by either the property owner or resident. Private stables that hold more than six events per year shall be considered a commercial stable, regardless of the number of horses boarded.

Stock cooperative. A development as defined by Section [11003.2](#) of the California Business and Professions Code in which a corporation holds title to improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owners' interest in the corporation shall be deemed to be an interest in a common interest development and a real estate development.

Street. A public or private right-of-way, which provides a primary means of vehicular access to abutting property.

Structure. Anything constructed or erected that requires attachment to the ground or permanently located on the ground, including swimming pools, but excluding driveways, patios, or parking spaces where the area is unobstructed from the ground up.

Substandard legal parcel. A parcel that does not conform to the development standards, including the lot size and/or width regulations, of the zoning classification in which it is located, and which was lawfully established pursuant to the State Subdivision Map Act and/or this Code, or has subsequently become a lawful parcel.

Substantial commencement, new construction. The site has been graded and the foundation is complete.

Substantial commencement, rehabilitation. The portion of the existing structure that will be rehabilitated has been demolished and any new foundation has been completed. For rehabilitation projects that do not involve demolition or foundation, any new framing must be complete.

Supportive housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (Government Code Section [65582\(f\)](#)). Supportive housing is considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

T's:

Target shooting range. See “shooting range.”

Tasting rooms. A part of a winery or olive oil production operation at which guests and customers may sample products produced on site.

Telecommunications facilities. An unstaffed facility for the transmission and reception of electromagnetic signals.

Temporary sign. A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area, or neighboring property.

Temporary structure. A structure that is erected for a limited period of time, typically no longer than one hundred eighty days, except as otherwise provided in Article 44-4, and that does not permanently alter the character or physical facilities of a property.

Temporary use. A short-term activity, as specified in Article 44-4, that may or may not meet the normal development or use standards of the applicable zone, but that occurs for a limited period of time and does not permanently alter the character or physical facilities of a property.

Three-dimensional sign. A sign that has a depth or relief on its surface greater than six inches.

Timber processing. Facilities for forest product processing including sawmills, pulp mills, veneer mills, other timber processing plants, log decks, by-product storage sites, and related operating areas.

Trail head parking or staging area. Parking lots, restrooms, and similar noncommercial facilities for the convenience of pedestrians, hikers, equestrians, and/or bicyclists at a trail head or intersection of a trail and road easement or right-of-way.

Transitional housing. A dwelling unit or building used as temporary housing targeted to recently homeless persons that is operated under a program that requires the termination of assistance and recirculating of the assisted unit to another eligible resident at a predetermined future point in time that shall be no less than six months from the beginning of the assistance (Government Code Section [65582\(h\)](#)). Transitional housing is considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

U's:

Use. The purpose, form or activity for which a site or structure is used, occupied, or maintained.

Utilities, major. Large-scale facilities of a regional nature including power plants, electricity transmission substations, water storage tanks, community wastewater treatment plants, commercial and industrial composting operations, and similar facilities. Photovoltaic power stations and large wind turbines are included in this definition.

Utilities, minor. Utility facilities that are necessary to support development within the immediate vicinity and that involve only minor structures. Examples include power lines, water and sewer lines, water transmission lines, storm drainage facilities, transformers, and water and sewer pump stations.

#### V's:

Vector control. Vector control is any method to limit or eradicate the mammals, birds, insects or other arthropods which transmit disease pathogens. The most frequent type of vector control is mosquito control using a variety of strategies.

Vehicle repair and maintenance. An establishment for the repair, alteration, restoration or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, and towing. Gasoline sales are allowed under this definition. Repair shops that are part of a vehicle sales or rental establishment on the same site are excluded from this definition.

Vehicle sales and rental. A facility from which vehicles are sold, leased, or rented.

Vineyard. A plantation of grape-bearing vines, commercially grown mainly for winemaking, but also raisins, table grapes and nonalcoholic grape juice.

Visitor-serving agricultural support use. A tourism-based use that provides opportunities to generate additional income in support of a primary on-site agricultural use or operation. Examples include self-pick farms, dude ranches, lodging, crop-based seasonal events, and accessory restaurants or stores.

#### W's:

Wall sign. A sign attached to, painted on, or erected against a wall of a structure with the exposed face of the sign generally parallel to the structure wall.

Warehousing, wholesaling, and distribution. Establishments engaged in wholesaling, storage, warehousing, and bulk sale distribution of goods to retailers, contractors, commercial purchasers, or other wholesalers.

Water bodies. Any significant accumulation of water on the Earth's surface. Water bodies include lakes, rivers, streams, creeks, ponds, wetlands, canals, or sloughs.

Waterways. A waterway is any navigable body of water. Waterways can include rivers, lakes, seas, oceans, and canals. In order for a waterway to be navigable, it must meet several criteria: the waterway must be deep enough to allow the draft depth of the vessels using it; the waterway must be wide enough to allow passage for the beam width of the vessels using it; the waterway must be free of barriers to navigation such as waterfalls and rapids, or have a way around them (such as canal locks and boat lifts); and the current of the waterway must be mild enough to allow vessels to make headway.

Wayfinding sign. A noncommercial sign, landmark, or other visual graphic communication that is part of a coordinated and county-sponsored program for the purpose of directing pedestrian and vehicular traffic to local destinations.

Wetlands. Land that qualifies as a jurisdictional wetland by displaying hydric soils, hydrophilic plants, and wetlands hydrology, as defined by the U.S. Army Corps of Engineers or California Department of Fish and Wildlife. Wetlands include those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, prevalence of vegetation typically adapted for life in saturated soil conditions.

Wind anemometers. A device used for measuring wind speed.

Wind farm. A concentration or array of wind turbines assembled and operated for the purposes of generating electrical power.

Window sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view. Wall signs include any interior sign which faces a window exposed to public view and is located within five feet of the window.

Winery. A building, or portion thereof, used for the crushing of grapes, the fermenting and/or processing of grape juice, the aging, processing, storage, and bottling of wine, or the warehousing and shipping of wine. It shall also include accessory uses, such as: related office, laboratory, wholesale, and retail sales activities and wine tasting and winery tours.

Wrecking yard. Any enclosed or unenclosed surface area of more than two hundred square feet within any parcel, lot or contiguous lots which is used for the storage, keeping, dismantling, processing, baling, or wrecking of inoperable vehicles or portions thereof, inoperable machines, scrap metal, discarded tire casings, used lumber yards or yards for storage of salvaged buildings, wrecking and structural steel materials and equipment and similar materials. This definition includes auto wrecking yards and junk yards; however, it does not include any noncommercial use of the land which is



accessory or incidental to an agricultural operation on such land including use, storage, and repair of farm equipment.

**X's:**

Xeriscape landscaping. Landscaping and/or gardening that reduces or eliminates the need for supplemental water from irrigation. Examples include rocks, gravel, bark, or other such materials.

**Y's:**

Yards. The area of a lot extending between the property line and the setback line(s) and/or structures on a parcel.

**Z's:**

Zoning administrator. The zoning administrator shall be the director of the department of planning and building or his or her designee.

Zoning classification. A portion of the land within the county where certain uniform regulations and requirements, or various combinations thereof, apply pursuant to the provisions of this chapter. (Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 1; Ord. No. 796, § 2.)

## **Article 44-1: Administrative Provisions**

**44-1.10 Title.**

Chapter [44](#) of the Colusa County Code shall be known and officially cited as the “zoning code.” (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.20 Purpose.**

The zoning code carries out the policies of the Colusa County General Plan by classifying and regulating the uses of land and structures, consistent with the General Plan. This zoning code is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the unincorporated County. More specifically, the purpose of this zoning code is to:

(a) Provide standards and guidelines for the continuing orderly growth and development that will assist in encouraging economic growth, protecting the rural and agricultural character, and providing property owners the ability to develop and optimize the use of their land;

- (b) Promote the County's agricultural character and open spaces, including view sheds, cultural and historic resources, forests, hills, and waterways;
- (c) Promote proposed development and new land uses that conserve energy and natural resources;
- (d) Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, waste water, energy, and other public facilities and utilities;
- (e) Promote proposed development within established communities that is designed to contribute to the character of the community, through compatible building types and appearance, attractive streetscapes, and appealing pedestrian spaces; and
- (f) Promote compatibility between different types of development and land uses. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.30 Authority.**

This zoning code is enacted based on the authority vested in the County of Colusa by the State of California, including but not limited to: the State Constitution (Article XI, Section 7); the Planning and Zoning Law (Government Code Section [65000](#) et seq.); and the California Environmental Quality Act (Public Resources Code Section [21000](#) et seq.) (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.40 Responsibility for Administration.**

This zoning code shall be administered by the County of Colusa Board of Supervisors, hereafter referred to as the "Board"; the County of Colusa Planning Commission, referred to as the "Commission;" the Director of Planning and Building, referred to as the "Director;" and the Department of Planning and Building, hereafter referred to as the "Department." (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.50 Applicability.**

This zoning code applies to all land uses, subdivisions, and development within unincorporated areas under Colusa County jurisdiction. For lands within the unincorporated areas of Colusa County that are not subject to the County's jurisdiction, such as Federal Lands, this zoning code provides guidance and recommendations that reflect the County's vision and intent for uses and development within these areas. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.50.010 New Land Uses or Structures, Changes to Land Uses or Structures.**

It is unlawful and a violation of this zoning code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of this zoning code. No planning permit, building permit, or grading permit shall be issued by the County unless the

proposed development complies with all applicable provisions of this zoning code. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.50.020 Subdivisions.**

Any subdivision of land proposed after the effective date of this zoning code shall be consistent with the minimum lot size requirements of Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards) and Colusa County Code Appendix IV (Subdivisions), and all applicable requirements of this zoning code. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.50.030 Minimum Requirements.**

The provisions of this zoning code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this zoning code provides for discretion or common sense interpretation on the part of a County official or body, that discretion or interpretation may be exercised to require more stringent measures than set forth in this zoning code, in order to promote orderly land use and development, agricultural resource protection, and the other purposes of this zoning code. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.60 Interpretation.**

The Colusa County zoning code is a permissive zoning code. Only those uses of land that are expressly permitted outright or permitted with a discretionary permit by the applicable zoning district are allowed. Notwithstanding the aforementioned, an undefined accessory use located upon the same parcel as the primary use or building may be allowed if determined by the director of community development to be subordinate and customarily incidental to the primary use or building. (Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 798, § 2)

#### **44-1.60.010 Authority.**

The zoning administrator is delegated the responsibility and authority to interpret the meaning and applicability of all provisions in this chapter. The director of community development, or his designee, shall serve as the zoning administrator. (Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 798, § 3)

#### **44-1.60.020 Exercise of Discretion.**

In the event that a provision of this zoning code allows the reviewing authority to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:

- A. The development complies with all applicable provisions of this zoning code;
- B. The exercise of discretion will act to ensure the compatibility of the development with its property boundaries, surrounding properties, and the community; and

C. The decision is consistent with the General Plan. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.60.030 Interpretation and Addressing Conflicting Requirements.**

A. Zoning Code Requirements. Where there is a conflict between text and any figure, graphic, or caption, the text governs. The words “shall,” “will,” “is to,” and “are to” are mandatory. “Should” means 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” means permitted, but not required.

B. County Code and Zoning Code Provisions. If a conflict occurs between requirements of this zoning code and the requirements of the Colusa County Code, or other regulations of the County, the most restrictive shall apply.

C. Development Agreements, Planned Developments, or Specific Plans. If a conflict occurs between the requirements of this zoning code and standards adopted as part of any development agreement, planned development, or applicable specific plan, the requirements of the development agreement, planned development, or specific plan shall apply.

D. Private Agreements. This zoning code applies to all land uses and development regardless of whether it requires a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of any agreement or restriction.

E. Other Requirements May Apply. Nothing in this zoning code eliminates the need for obtaining any other permits required by the County, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any state, or federal agency. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.70 Permit application and review procedures.**

This article establishes procedures and requirements for the preparation, filing, and processing of permit applications required by the zoning code. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-1.70.010 Review Authority.**

Table 44-1.70-1 identifies the review authority that is responsible for reviewing and making decisions on each type of permit required by this zoning code. Application for any of the decisions identified in Table 44-1.70-1 shall be filed with the Department by completing an application form provided by the Department and accompanied by the appropriate filing fee.

#### **TABLE 44-1.70-1: PLANNING AND DEVELOPMENT PERMIT REVIEW AUTHORITY**

TYPE OF DECISION	APPLICABLE ZONING CODE SECTION	ROLE OF REVIEW AUTHORITY <sup>1</sup>		
		ZONING ADMINISTRATOR <sup>2</sup>	PLANNING COMMISSION	BOARD OF SUPERVISORS
Interpretation	<a href="#">44-1.60</a>	Decision	Appeal	Appeal
Site Plan Review	<a href="#">44-1.80.010</a>	Decision	Appeal	Appeal
Administrative Permit	<a href="#">44-1.80.020</a>	Decision	Appeal	Appeal
Minor Use Permit	<a href="#">44-1.80.030</a>	Decision	Appeal	Appeal
Use Permit	<a href="#">44-1.80.030</a>	Recommend	Decision	Appeal
Temporary Use Permit	<a href="#">44-1.80.040</a>	Decision	Appeal	Appeal
Variance	<a href="#">44-1.80.050</a>	Recommend	Decision	Appeal
Minor Variance	<a href="#">44-1.80.060</a>	Decision	Appeal	Appeal
Reasonable Accommodation	<a href="#">44-1.80.070</a>	Decision	Appeal	Appeal
Density Bonus	<a href="#">44-3.40</a>	Recommend	Decision	Appeal
Planned Development	<a href="#">44-2.80.010</a>	-	Recommend	Decision
Development Agreement	<a href="#">44-1.100</a>	-	Recommend	Decision
Zoning Code Amendment (Text or Map)	<a href="#">44-1.110</a>	-	Recommend	Decision
Specific Plan	-	-	Recommend	Decision
General Plan Amendment	-	-	Recommend	Decision

## Notes:

<sup>1</sup> “Recommend” means that the review authority makes a recommendation to a higher decision-making body; “Decision” means that the review authority makes the final decision on the matter; “Appeal” means that the review authority may consider and decide upon appeals the decision of an earlier decision-making body, in compliance with Article 44-1.80.080 (Appeals).

<sup>2</sup> The Zoning Administrator may defer action and refer the request to the Commission, so that the Commission may instead make the decision.

(Ord. No. 765 § 2 (Exh. A) (part))

#### 44-1.70.020 Application Preparation and Filing.

A. Application Contents. All applications for a permit required by the zoning code shall be filed with the Department on an official County application form. The application shall be filed with all required fees, deposits, information, and materials as specified by the Department.

B. Fees for Application Processing. Each applicant for a planning permit processed in compliance with this chapter shall be required to pay all costs incurred by the County for the processing of each application. The Board shall establish a schedule of fees for the processing of the applications and other actions required by this zoning code, hereafter referred to as the County's fee schedule.

C. Eligibility for Filing. An application for a planning permit may only be filed by the owner of the property subject to the planning permit application, or a lessee or authorized agent of the owner that has the written consent of the property owner to file the application on the owner's behalf.

D. Concurrent Permit Processing. If more than one planning permit application is submitted for a single project, the applications shall be processed concurrently, with all the permits being considered and acted upon by the highest applicable review authority. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.70.030 Review of Application.**

A. Review for Completeness. Review and processing of permits shall be in accordance with the Permit Streamlining Act (Section [65943](#) of the California Government Code).

1. The Director may require a pre-application conference.
2. The Department shall review each application for completeness and accuracy before it is deemed suitable for submission. A final determination of completeness is not provided at this stage.
3. Receipt of the application by the Department shall be based on the County's list of required application contents and any additional written instructions provided to the applicant in a pre-application conference or during the initial application review period.
4. As per Permit Streamlining Act, within 30 days of application receipt, except as provided below, the Director shall determine whether or not the application is complete. The applicant shall be informed in writing of the determination that either:
  - a. the application is complete and has been accepted for processing;
  - b. the application is incomplete and that specific information is required to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with County standards and requirements; or

c. the application requests permission for an action not allowed in the applicable zone or that cannot lawfully be approved by the County and is not accepted for processing.

In order to expedite the process for administrative permits, temporary use permits, and minor use permits, the Director shall determine whether the application is complete within 14 days unless the applicant is otherwise notified in writing within that time period of additional information necessary to complete the application.

5. If additional information or submittals are required and the application is not made complete within six months of the completeness determination letter or if a written request for extension of time that includes evidence that the applicant is working toward completeness is not provided by the applicant, the application shall be deemed to have been withdrawn and no action will be taken on the application. Unexpended fees, as determined by the Director, will be returned to the applicant provided the applicant submits a written request for a refund.

6. When the Director determines that an application is incomplete and the applicant believes that the application is complete or that the information requested by the Department is not required, the applicant may appeal the determination in compliance with Section [44-1.90.090](#) (Appeals) and the Permit Streamlining Act (Section [65943](#) of the California Government Code).

7. After the Director has accepted an application as complete, the Department may require the applicant to submit additional information for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA).

**B. Application Review.** After acceptance of a complete application, the project shall be reviewed in accordance with the review procedures established by this chapter and the environmental review procedures of the CEQA. The Director will consult with other departments as appropriate to ensure compliance with all provisions of the County Code and other adopted plans and requirements. The Department staff will prepare a report to the designated review authority (Zoning Administrator, Commission, and/or Board) describing the project, along with a recommendation to approve, conditionally approve, or deny the application.

**C. Types of Review.** The review procedures for various types of planning applications will be subject to one of the following three procedures:

1. **Zoning Administrator Review without Public Notice.** The Zoning Administrator shall render decisions for all ministerial zoning applications (administrative permit, temporary use permit, and reasonable accommodation) based upon standards that have been adopted by the County as

law or as policy without the requirement of a public hearing or notice to surrounding property owners and other parties.

2. Zoning Administrator Review with Public Notice. The Zoning Administrator shall provide written or published notice to affected and interested parties regarding specific findings or conditions prior to a decision for all minor use permit applications. The notice shall be designed to inform interested parties of the pending decision and provide the public a chance to comment before the Zoning Administrator renders a decision.

3. Public Hearing. In accordance with planning and zoning law, the Subdivision Map Act, and the California Environmental Quality Act, public hearings shall be required for all discretionary actions of the County (variance, use permit, planned developments, specific plans, zoning amendments, and General Plan amendments). A public hearing may be conducted before the Board, the Commission, or the Zoning Administrator. During the course of the public hearing, the applicable review authority shall invite public testimony for and against the project, review evidence, and then render its decision in compliance with Section [44-1.80.080](#) (Decision and Conditions of Approval). (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.70.040 Referral of Application.**

At the discretion of the Department, or where otherwise required by the County Code, State, or federal law, an application may be referred for comment to any public agency that may have an interest in the project. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.70.050 Staff Evaluation.**

The Director shall review all discretionary applications filed in compliance with this article to determine whether they comply and are consistent with the provisions of this zoning code, other applicable provisions of the County Code, the General Plan, and any other applicable County requirements.

A. Staff Report. Department staff shall provide a written recommendation to the Zoning Administrator, Commission, and/or Board (as applicable) on whether the application should be approved, approved subject to conditions, or denied.

B. Report Distribution. Each staff report shall be provided to the applicant at the same time as it is provided to the applicable review authority prior to a hearing on the application. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.70.060 Public Notice.**

Notice of public hearings or staff-level review with notice procedures shall be provided as set forth in California Government Code Section [65090](#) et seq., except that notice shall be provided to owners of



real property, as shown on the latest equalized assessment roll, within 300 feet of the real property that is the subject of the public hearing or staff-level review.

A. Requests for Notification. Any person who requests to be on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the Department. The County may require payment of a reasonable fee for the purpose of recovering the cost of such notification.

B. Failure to Receive Notice. Failure of any person or entity to receive notice required by law of any hearing as required by this title shall not constitute grounds for any court to invalidate the actions of a designated review authority for which the notice was given. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.70.070 Hearing Procedure.**

Hearings as provided for in this chapter shall be held at the date, time, and place for which notice has been given as required in this chapter. The designated review authority shall conduct the public hearing and hear testimony. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.70.080 Decision and Conditions of Approval.**

The review authority shall make a decision of whether to approve, approve with conditions, or deny a project. In approving an application for a permit or authorization, the review authority may establish reasonable conditions to its approval that are found to be necessary to mitigate impacts created by the proposed project, that are consistent with the General Plan, zoning code, and other applicable laws, ordinances, standards, or regulations, and that protect the public health, safety, and welfare.

A. Conditions of approval may be revised in compliance with Section [44-1.90.080](#) (Revisions to an Approved Permit).

B. The violation of any required condition shall constitute a violation of this article and may constitute grounds for revocation of the permit or authorization in compliance with Section [44-1.90.090](#) (Permit Revocation or Modification).

C. The review authority may require recordation of the conditions of approval. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.70.090 Post-Decision Notice.**

A. Within 10 days of a final decision on an application for an allowed use decision or permit required by this Article, the County shall provide notice of its final action to the applicant and to any person(s)

who specifically requested notice of the County's final action and has provided a self-addressed stamped envelope.

B. The notice shall contain the final decision by the review authority, any conditions that may have been required, and the findings made to support the decision. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.80 Types of Permits.**

This section describes zoning permits and the process to review and approve or deny permit applications. The review authority for each permit is identified in Table 44-1.70-1. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-1.80.010 Site Plan Review.**

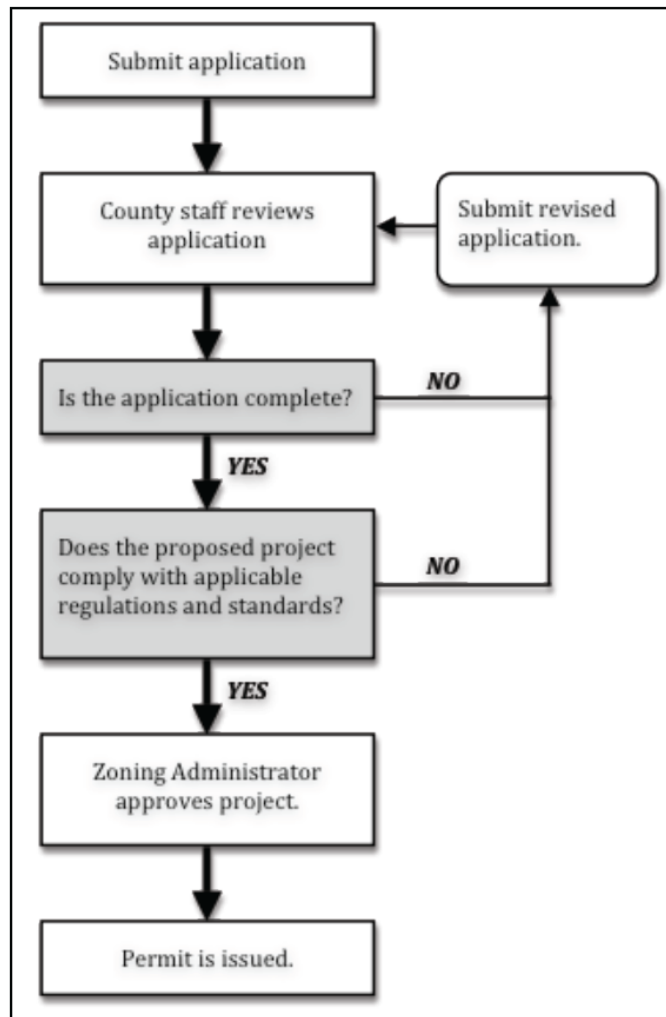
The purpose of the site plan review process is to ensure compliance with applicable provisions of this chapter. Site plan review is required for all permitted uses identified in Article 44-2 that require a building permit.

A. Approvals. The Administrator is the designated approving authority for site plan review. Site plan approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., conditional use permit, variance).

B. Procedure. Site plan review is a ministerial approval. The procedures for site plan review shall be performed prior to issuance of building permit. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-1.80.020 Administrative Permit.**

## ADMINISTRATIVE PERMIT PROCESS



An administrative permit is a ministerial zoning action that is subject to specific zoning code standards. An administrative permit is required in cases where limited review of a proposed structure or use through the site plan review process is necessary to verify compliance with established standards. The administrative permit shall also be used to establish the legal nonconforming status of a use or structure in compliance with Section [44-1.120](#) (Nonconforming Uses).

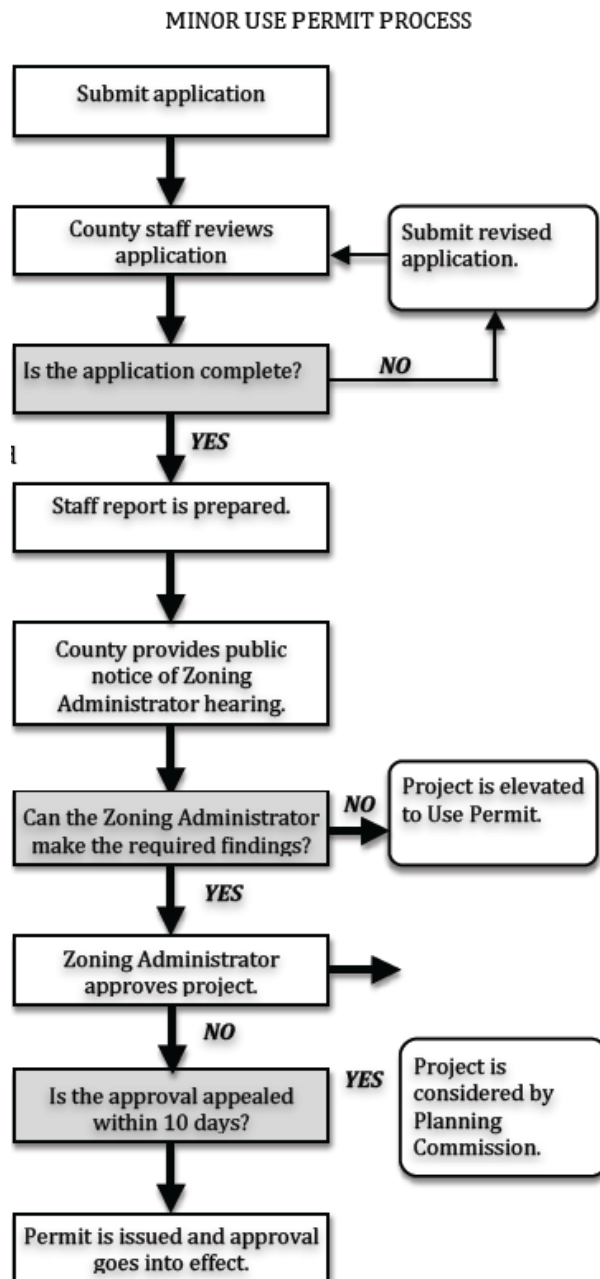
A. Timing. Where Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards) of this zoning code requires an administrative permit as a prerequisite to establishing a land use, the administrative permit shall be required at the time of Department review of any building, grading, or other construction permit, or other authorization required by this zoning code for the proposed use.

B. Procedure and CEQA. The procedure shall be staff-level without public notice. The issuance of an administrative permit shall be a ministerial project pursuant to CEQA, and shall not be subject to CEQA review.

C. Findings for Approval. When issuing an administrative permit, the Zoning Administrator must find that:

1. The project is consistent with the General Plan, in compliance with the applicable provisions, standards or requirements of this Chapter, any applicable specific plans, or any other regulations adopted by the County through ordinance or resolution; and
2. The project is in compliance with requirements and conditions of previously approved entitlements, such as use permits, or variances, if applicable. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.80.030 Use Permits.**

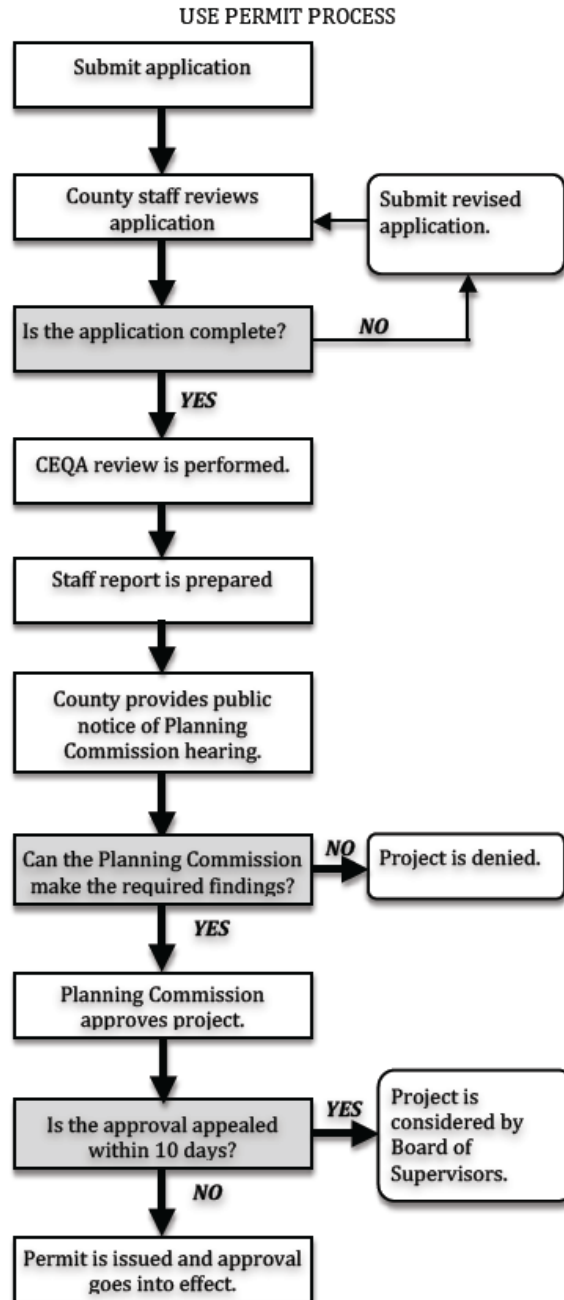


A use or minor use permit is required for uses that are generally appropriate within a zone but due to their nature require site-specific review and consideration of site design to ensure compatibility with surrounding areas and uses. A use or minor use permit is a discretionary action that enables the County to ensure that a proposed use is consistent with all General Plan goals and policies and will not create negative impacts to adjacent properties or the general public. A use or minor use permit is required for all uses specifically identified as requiring a use permit in Article 44-2 (Zoning Classifications, Allowable Land Uses, and Development Standards) and Article 44-4 (Special Use Regulations) of this chapter.

A. Minor Use Permit Findings. Minor use permits provide for a review of minor projects or uses that are allowed, but do not meet the standards for administrative review. Unless the Administrator makes the following findings, the project will be processed as a use permit in compliance with this article:

1. The project incorporates design standards that are capable of mitigating potentially significant environmental impacts to a level less than significant; and
2. The project is planned for immediate development and does not include a phased development.

B. Use Permit Findings. Use permits are discretionary and shall be granted only when the review authority determines that the proposed use or activity complies with all of the following findings:



1. The proposed use is consistent with the General Plan and all applicable provisions of this title.
2. The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use.

A. Conditions. The following standard conditions shall apply to all minor use permits and use permits:

1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this Use Permit, constitutes cause for the revocation of said permit in

accordance with the procedures set forth in the Colusa County zoning code, including Section [44-1.90.090](#).

2. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
3. changes may be approved administratively by the Directors of Planning and Building (Zoning Administrator), Environmental Health, or Public Works or their respective designee upon receipt of a substantiated written request by the applicant. Prior to such approval, verification shall be made by each Department or Division that the modification is consistent with the application fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application or amendment.
4. The use granted by this permit must be established within two years of the delivery of the countersigned permit to the Permittee. If any use for which a Use Permit has been granted is not established within two years of the date of receipt of the countersigned permit by the Permittee, the permit shall become null and void and re-application and a new permit shall be required to establish the use.
5. The terms and conditions of this permit shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors and assigns of the Permittee.

The review authority may require additional conditions, or remove conditions recommended by staff, to ensure conformance with this chapter and/or to protect public health and safety, including conditions related to:

1. Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation.
2. Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat).
3. Regulation of maintenance and site restoration during and after termination of the use permit. A bond or other form of security acceptable to the review authority may be required prior to the initiation of the use to ensure cleanup after the use is finished. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.80.040 Temporary Use Permit.**

The purpose of a temporary use permit is to allow uses of a temporary nature on private property to exist for a specified length of time, in a manner which will not adversely impact the general welfare of

persons residing in the community. A temporary use permit is required prior to the construction or operation of any facilities or uses associated with any activity that requires authorization of a temporary use permit. Also see temporary use provisions in Article 44-4.80 (Temporary Uses).

A. Findings. A temporary use permit shall be granted only when the designated review authority finds that the proposed activity complies with all of the following criteria:

1. The establishment, maintenance or operation of the temporary use will not be detrimental to the public health, safety or welfare of the persons residing or working in the neighborhood or vicinity of the proposed use (e.g., excessive dust, noise, light, odor, or other objectionable characteristics).
2. The temporary use is in conformance with applicable provisions of this chapter and other regulations of the County, including but not limited to fire access and prevention, security provisions, and access to necessary water and sewer services.
3. for removal of the use and site restoration have been required.

B. Conditions. The following standard conditions shall apply to all Temporary Use Permits:

1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this temporary use permit, constitutes cause for the revocation of said permit in accordance with the procedures set forth in the Colusa County zoning code, including Section [44-1.90.090](#).
2. Unless otherwise provided for in a special condition to this Temporary Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
3. Minor changes may be approved administratively by the Directors of Planning and Building (Zoning Administrator), Environmental Health, or Public Works or their respective designee upon receipt of a substantiated written request by the applicant. Prior to such approval, verification shall be made by each Department or Division that the modification is consistent with the application fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application or amendment.
4. The terms and conditions of this permit shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors and assigns of the Permittee.

The review authority may require additional conditions to ensure conformance with this chapter and/or to protect public health and safety, including conditions related to:



1. Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation.
2. Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat).
3. Regulation of maintenance and site restoration during and after termination of the temporary use or expiration of the temporary use permit. A bond or other form of security acceptable to the review authority may be required prior to the initiation of the use to ensure cleanup after the use is finished. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.80.050 Variance.**

In accordance with Section [65906](#) of the California Government Code, a variance request allows the County to grant exception to the development standards and provisions of this chapter in cases where, because of special circumstances applicable to the property, the strict application of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning classifications. A variance approval is required to grant exception from any of the development standards and provisions of this chapter. Variance applications may not be granted for uses or activities not otherwise permitted by zoning classification regulations.

A. Findings. The review authority may approve and/or modify any variance application in whole or in part, with or without conditions, only if the applicant can demonstrate that the circumstances of their particular case can justify making all of the following findings:

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning classifications.
2. That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which such property is located.
3. That granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
4. That granting the variance is consistent with the objectives of the General Plan and this chapter.

B. Conditions. The review authority may require conditions for the variance to ensure compliance with this section and other applicable provisions of this chapter. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.80.060 Minor Variance.**

The Zoning Administrator may grant a minor variance from the standards set forth in this Title of up to the limits set forth in the applicable sections, or 25 percent of the area or dimension, whichever is greater, subject to the following procedures:

1. After submittal of a complete application, the Department shall notify property owners within 300 feet of the project by mail of the proposed request;
2. A period of 10 days shall be provided to the adjacent property owners to comment on the proposed request;
3. If an objection is received during the comment period, the Zoning Administrator shall not approve the proposed request, and elevate the review to the Commission. The Administrator may also, at his or her discretion, elevate the review to the Commission regardless of whether an objection is received.
4. If an objection is not received during the comment period, prior to approval of the minor variance the Zoning Administrator must make all of the following findings:
  - a. The proposed waiver or relief does not exceed the limits set forth in this article;
  - b. There are no objections from any adjacent property owner; and
  - c. The proposed waiver or relief will not be detrimental to the public health, safety, and welfare. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.80.070 Reasonable Accommodation.**

This article provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws, building regulations, and other land use regulations, policies and procedures.

A. Applicability. A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law, building regulation, or other land use regulation, policy or practice 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 such impairment or anyone who

has a record of such impairment. This article is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development, improvement, 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. Requests for reasonable accommodation shall be made in the manner prescribed by Paragraph B - Application Requirements.

B. Application Requirements. Requests for reasonable accommodation shall be submitted on an application form provided by the Department of Planning and Building, or in the form of a letter, to the Director of Planning and Building and shall contain the following information:

1. The applicant's name, address, and telephone number.
2. Address of the property for which the request is being made.
3. The current actual use of the property.
4. The basis for the claim that the individual is considered disabled under the Acts.
5. The County Code provision, zoning code provision, or other regulation or policy from which reasonable accommodation is being requested.
6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

If the project for which the request for reasonable accommodation is being made also requires some other approval or permit (including but not limited to: administrative permit, use permit, development plan review, general plan amendment, zone change, etc.), then the applicant shall file the information required by Paragraph B for concurrent review with the application for discretionary approval.

C. Review Procedure.

1. Director Review. The Director, or his designee, shall make a written determination within 30 days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section [44-1.80.080](#) (Decisions and Conditions of Approval).
2. Other Reviewing Authority. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the

discretionary land use application in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with Paragraph D (Findings and Decision) of this section.

3. Additional Information. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with the Acts, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty day period to issue a decision is stayed until the applicant responds to the request.

#### D. Findings and Decision.

1. Findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

- a. Whether the structure or use that is the subject of the request will be used by an individual with a disability protected under the Acts.
- b. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
- c. Whether the requested reasonable accommodation would result in an undue financial or administrative burden on the County.
- d. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a County program or law, including but not limited to land use and zoning.
- e. Potential impact on surrounding uses.
- f. Physical attributes of the property and structures.
- g. Alternative reasonable accommodations which may provide an equivalent level of benefit.

2. Conditions. In granting a request for reasonable accommodation, the reviewing authority may require any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Paragraph (1) above. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.80.080 Appeals.**

Any decision by the Director, Zoning Administrator, or Commission may be appealed by the applicant or any other affected party as described below.

**A. Eligibility.**

1. An appeal may be filed by any person affected by an administrative determination or action by the Director or Zoning Administrator, as described in this article;
2. In the case of a decision with public notice and/or hearing decision described in this article, an appeal may be filed by anyone who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed the County in writing of the nature of their concerns before the hearing or determination.

**B. Filing.** An appeal must be filed within 10 days from the decision by the review authority by submitting an appeals request in writing together with the applicable fee to the Board Clerk. The appellant shall clearly identify in the appeal documentation the specific reasons for the appeal and the relief requested.

**C. Scope.** The appeal of a decision made by a review authority at a noticed public hearing may be as to the whole decision or only a part of the decision. If an appellant chooses, an appeal may be taken solely from a finding, action, or condition.

**D. Consideration.** The hearing body for the appeal shall consider all issues raised by the appellant and may consider other relevant issues related to the project being appealed. The hearing body for the appeal shall be as follows:

1. All decisions of the Director are appealable to the Commission and then to the Board.
2. All decisions of the Zoning Administrator are appealable to the Commission and then to the Board.
3. All decisions of the Commission are appealable to the Board.
4. All decisions of the Board are final.

**E. Timing of Hearing.** The hearing on an appeal shall be set no more than 45 days from receipt of a completed appeal form and fee. If the Commission or Board meeting is canceled for any reason on the date on which the appeal would normally be heard, the appeal shall be heard on the first available regularly-scheduled meeting following the canceled meeting date. The 45-day time limitation may be

extended by mutual consent of the appellant(s), the applicant, if different from the appellant, and the appeals body. Once the date and time for the hearing is established the hearing may be continued only by such mutual consent.

F. Withdrawal. In any appeal action brought in compliance with this Section, the appellant(s) may withdraw the appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this Section, the public hearing shall be deemed commenced upon the taking of any evidence, including reports from staff.

G. Judicial Review. No person shall seek judicial review of a County decision on a planning permit or other matter in compliance with this chapter until all appeals to the Commission and Board have been first exhausted in compliance with this section.

H. Findings and Decision. The appeal body shall conduct a public hearing in compliance with Sections [44-1.70.060](#) (Public Notice) and [44-1.70.070](#) (Hearing Procedure).

1. When reviewing an appeal the review authority may consider any issue associated with the project, including the applicable environmental determination for which a decision is being appealed, in addition to the specific grounds for the appeal.
2. If new or different evidence is presented during the appeal hearing, the Commission or Board, may refer the matter back to the Director, Zoning Administrator, or Commission, as applicable, for a report on the new or different evidence prior to a final decision on the appeal.
3. Decision. After a public hearing, the appeal body may:
  - a. Approve, modify, or deny the appealed decision based on the record on appeal and the evidence received at the hearing on appeal; and
  - b. Adopt additional conditions of approval deemed reasonable and necessary. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.90 Permit Implementation, Time Limits, and Extensions.**

This section provides requirements for the implementation of approved permits and authorizations required by this zoning code, including time limits, procedures for granting revisions or extensions of time to an approved permit, and revocation of approvals. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-1.90.010 Effective Date.**

An administrative permit, use permit, minor use permit, variance, or minor variance shall become effective on the eleventh calendar day following the date of application approval by the review

authority, provided that no appeal has been filed in compliance with Section [44-1.80.080](#) (Appeals) of this chapter. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.90.020 Effect of Permit Approval.**

Development of a new land use authorized through a permit approved in compliance with this chapter shall be established only as approved by the review authority and in compliance with all conditions of approval. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.90.030 Applications Deemed Approved.**

A permit application deemed approved in compliance with Government Code Section [65956](#) shall be subject to all applicable provisions of this zoning code, the General Plan, the County's improvement standards, and other adopted policies or regulations which shall be satisfied by the applicant before a building permit is issued or a land use not requiring a building permit is established. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.90.040 Permits to Run with the Land.**

Any permit or authorization that is granted in compliance with this chapter shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and/or becomes void in compliance with Section [44-1.90.070](#) (Permit Time limits, Extensions, and Expiration) of this article, provided the project is in compliance with any licensing requirements. All applicable conditions of approval shall continue to apply after a change in property ownership. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.90.050 Performance Conditions.**

A. As a condition of approval of a use permit, minor use permit, variance, minor variance, upon a finding that it is warranted for public health, safety and welfare, the review authority may require a form of surety in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval. The security shall, as required by law or otherwise at the option of the County, be in the form of a performance bond, or other security acceptable to the County, executed by the applicant and a corporate surety authorized to do business in California. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.

B. Security required in compliance with this section shall be payable to the County.

C. Upon satisfaction of all applicable provisions of this article, the security deposit will be released.

D. Upon failure to perform any secured condition, the County may perform the condition, or cause it to be done, and may collect from the applicant, and surety in case of a bond, all cost incurred, including engineering, legal, administrative, and inspection costs. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.90.060 Effect of Permit Denial.**

If a permit application is either denied by the review authority without appeal, or is denied by an appeal body, no new application for the same or substantially similar proposal shall be filed with the County for at least twelve months from the date of the final decision denying the application or proposal. Any unused portion of the security shall be refunded to the applicant after deduction of the cost of the work. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.90.070 Permit Time Limits, Extensions, and Expiration.**

A. Time Limits. Any permit or approval not exercised within 24 months of the effective date shall expire and become void unless a condition of approval or other provision of this article establishes a different time limit.

1. The permit shall not be deemed “exercised” until the applicant or property owner has substantially commenced or alteration under an active building permit or, in cases where a building permit is not required, has substantially commenced the allowed use or activity on the site in compliance with the conditions of approval.
2. After it has been exercised, a planning permit shall remain valid as long as a building permit is active for the project, the applicant has complied with all applicable conditions of approval, and after a final building inspection or certificate of occupancy has been granted.
3. If a project is to be developed in approved phases, each subsequent phase shall be exercised within two years from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall expire and be void. If the project also involves the approval of a tentative map, the phasing shall be consistent with the tentative map and the permit shall be exercised before the expiration of the tentative map, or the permit shall expire and be void.

B. Time Extensions. Upon written request by the applicant, the original review authority for the permit may extend the time limit for the permit to be exercised in compliance with the following procedures:

1. The applicant shall file a written request, together with the filing fee required by the County’s fee schedule, for an extension of time with the Department before the expiration of the permit. Upon the timely filing of an extension request, permit expiration shall not occur until action by the County on the extension request.
2. The review authority shall determine whether the applicant has made a good faith effort to exercise the permit. The burden of proof is on the applicant to establish, with substantial evidence, that circumstances beyond the control of the applicant have prevented exercising the permit.



3. A permit may be extended by the review authority for no more than one additional 12-month period, provided that the review authority first finds that there have been no changes in the conditions or circumstances of the site or project such that there would have been grounds for denial of the original project. Modified or additional conditions may be required when a time extension is granted that update the permit where required to protect the public health and safety or to comply with provisions of state or federal law. The decision of the review authority on a time extension may be appealed in compliance with this title.

C. Effect of Expiration. After the expiration of a planning permit in compliance with 44-1.100.070(A) of this section, no further work shall be done on the site until a new planning permit and any required building permit or other County permits are first obtained. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.90.080 Revision to an Approved Permit.**

Development or a new land use authorized through a permit granted in compliance with this zoning code shall be established only as approved by the review authority, and in compliance with all conditions of approval, except where a change to the project is approved as follows:

A. An application for the revision to an approved permit is submitted to the Department. The application shall consist of a written description of the proposed modifications, appropriate supporting documentation, plans, or other information deemed necessary by the Director to evaluate the proposed change.

B. The Director may authorize one or more minor changes to an approved site plan, architecture, landscape plan, parking layout, or the nature of the approved land use where the Director first finds that each change:

1. Is consistent with all applicable provisions of this chapter;
2. Does not involve a feature of the project that was specifically addressed in the conditions of approval or mitigation measures or was the basis for the project approval or findings in a negative declaration or environmental impact report for the project;
3. Is minor and will not adversely affect the surrounding area;
4. Does not substantially alter the original approval; and
5. Does not result in an expansion of the project.

C. The Director may choose to refer any requested change to the original review authority for review and final action.

D. Changes Approved by Original Review Authority. A proposed change that does not comply with the criteria in Paragraph B of this section shall only be approved by the original review authority for the project through an application amendment. The amendment to the original application request shall be submitted in writing.

E. If the original approval required a public hearing, the applicable review authority shall hold a public hearing on the proposed amendment in accordance with Sections [44-1.70.060](#) (Public Notice) and [44-1.70.070](#) (Hearing Procedure). (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.90.090 Permit Revocation or Modification.**

The County may revoke, or modify the conditions of approval, of any discretionary permit as provided for in this article.

##### A. Review Authority.

1. A permit may be revoked or modified by the review authority which originally approved the permit.
2. In instances where the Zoning Administrator was the review authority, the Zoning Administrator may choose to refer any action to revoke or modify a permit to the Planning Commission for review and final decision.

B. Public Hearing. Public notice and hearing for any action to revoke or modify a permit shall be conducted in accordance with Sections [44-1.70.060](#) (Public Notice) and [44-1.70.070](#) (Hearing Procedure).

C. Findings. The review authority may revoke or modify a permit only if one or more of the following findings can be made:

1. The applicant or property owner has altered the circumstances under which the permit was granted to a degree that one or more of the findings required to grant the original permit can no longer be made.
2. Permit issuance was based on misrepresentation by the applicant, either through omission or the making of a false material statement in the application, or in public hearing testimony.
3. One or more conditions of approval have been violated or have not been complied with or fulfilled.

4. The use or structure for which the permit was granted no longer exists or has been discontinued for a continuous period of at least 12 months.
5. The applicant or property owner has failed to accommodate or refused to allow inspections for compliance.
6. Improvements authorized by the permit are in violation of the zoning code or any law, ordinance, regulation, or statute.
7. The use or structure is being operated or maintained in a manner which constitutes a nuisance.

D. Effect of Revocation. The revocation of a permit shall have the effect of terminating the approval and denying the use or project granted by the permit. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.100 Development Agreements.**

This section establishes procedures and requirements for the adoption and amendment of development agreements in compliance with Government Code Section [65864](#) et seq. A development agreement provides assurances to an applicant of a development project that, upon approval, the project may proceed in accordance with the conditions placed upon it by the review authority, as well as with existing policies, rules, and regulations. Development agreements strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.100.010 Review Authority.**

The designated approving authority for development agreement applications is the Board, with consideration to the review and recommendation by the Commission in compliance with Sections [44-1.80](#) (Permit Application and Review Procedures). Approval of a development agreement shall be by ordinance. The approval of a development agreement is a discretionary project pursuant to CEQA. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.100.020 Findings.**

A development agreement may only be granted when the Board makes all of the following findings:

- A. The development agreement is consistent with the General Plan, the County Code, and any other applicable plans or regulations.
- B. The development agreement is in conformance with the public convenience and general welfare of persons residing in the immediate area and will not 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.

C. The development agreement will promote the orderly development of property or the preservation of property values.

D. The development agreement specifies the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes.

E. The development agreement is consistent with the requirements of State law, including Government Code Sections [65865](#) through [65869.5](#). (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.100.030 Recordation and Filing of Agreement.**

Within 10 days after the effective date of a development agreement or any amendment thereof, the Clerk of the Board shall have the agreement or amendment recorded with the County Recorder. Additionally, the Clerk of the Board shall be the official custodian of the agreement file. Said file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, and/or cancellations to the agreement. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.100.040 Amendment, Assignment, or Cancellation.**

A. Either party may propose an amendment to or cancellation in whole or in part of any development agreement. The applicant may request the assignment of the agreement to another party. The procedure for proposing amending, cancelling, or assigning the development agreement shall be the same procedure for entering into an agreement as set forth in this section.

B. Any amendment or cancellation shall be by mutual consent of the parties or as otherwise provided in the agreement. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.100.050 Periodic Review.**

The Director shall review the development agreement every 12 months from the date the agreement is entered into and provide a written report to the Board. The burden of proof is on the applicant to provide necessary information verifying compliance with the terms of the agreement. The applicant shall also pay applicable fees for such review. If the Director finds that any aspect of the development project is not in strict compliance with the terms of the agreement or may warrant consideration by the Board, the Director may schedule the matter before the Board for review. If the Board determines on the basis of substantial evidence that the applicant has not complied in good faith with the terms and conditions of the agreement during the period under review, the Board may modify or terminate the agreement. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.110 Zoning Code Amendment.**

The purpose of a zoning code amendment is to allow modification to any provisions of this chapter (including the adoption of new regulations or deletion of existing regulations) or to change the zoning designation on any parcel(s). This section is consistent with Section [65853](#) of the California Government Code. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.110.010 Approving Authority.**

The designated approving authority for zoning amendments is the Board. The Director and Commission provide recommendations and the Board approves, conditionally approves, or denies the zoning amendment in accordance with the requirements of this section. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.110.020 Initiation of Amendment.**

A zoning amendment to this chapter may be initiated by motion of the Board or Commission, by application by property owner(s) of parcel(s) to be affected by zoning amendment, or by recommendation of the Director to clarify text, address changes mandated by state law, maintain General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the County. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.110.030 Findings for Zoning Amendment (Text or Map).**

Zoning amendments shall be granted only when Board makes the following findings:

A. The proposed zoning amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.110.040 Conditions/Restrictions.**

When considering rezone applications, the Board has the authority to require restrictions on property including the restriction of use. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.120 Nonconforming Uses.**

(Ord. No. 765 § 2 (Exh. A) (part))

**44-1.120.010 Provisions.**

Existing uses, structures and buildings, and lots or parcels which do not conform to the regulations of the zone in which they are located shall be subject to these specific regulations. Within the zoning classifications established by this chapter, as it may be amended, there exist lots, structures and uses which were legal prior to the effective date of the provisions codified in this chapter or future amendments thereof, but which would be prohibited, regulated or restricted by the terms of such provisions on the effective date. Such lots, structures and uses are herein called "legal

nonconformities.” Legal nonconformities may be continued notwithstanding the prohibition, regulation, or restriction of those provisions subject to the provisions of this chapter. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.120.020 Purpose.**

It is the purpose of this section to establish procedures to permit the continued operation of nonconforming uses where the nonconforming uses are appropriate while eliminating nonconforming uses through abandonment, obsolescence, or destruction. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.120.030 Types of Nonconforming Uses.**

As used in this chapter, the term nonconforming uses includes several types of nonconformities. Several distinct types of nonconformities can be distinguished from one another. These include:

- A. Nonconforming building. That situation which occurs when a building or structure does not conform to the zone regulations because of size, height, location, materials, or proximity to other buildings;
- B. Nonconforming use of a building. That situation which occurs when the use of a building or structure does not conform although the building or structure does;
- C. Nonconforming uses of land. That situation where the use of the land regardless of any buildings or structures does not conform; and
- D. Conditional use without use permit. That situation where a use which is listed as a conditional use of the zone in which it is located does not have a use permit.

For the purposes of this chapter these various nonconformities shall be known as nonconforming uses. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.120.040 Continued Use of a Legal Nonconforming Use.**

Except as otherwise provided, any use, building or structure, existing on the effective date of this chapter may be continued even though such use, building or structure may not conform with the regulations of the zone in which it is located. Provided, however, that such use must have been lawfully established and not in violation of any ordinance, statute or regulation in effect at the time. Furthermore, such use, structure or building must have been in existence at the time, not merely contemplated. Use permits, variances, building permits, or other permits not exercised within the required time do not establish the right to a legal nonconforming use. Pursuant to law, the party asserting a right to a nonconforming use has the burden of proof to establish the lawful and continuing existence of the use at the time of the enactment of the ordinance, statute, or regulation. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.120.050 Change or Expansion of Nonconforming Use.**

Except as otherwise provided, no nonconforming use shall be expanded, enlarged, extended, reconstructed, substituted, or structurally altered unless made to conform to the use standards, and regulations for the zone within which it is located. Provided, however, that any nonconforming use may be changed to another nonconforming use, expanded, enlarged, extended, reconstructed, or structurally altered upon obtaining a use permit. When considering a use permit for a nonconforming use, the reviewing authority shall grant the use permit when it finds that the change, expansion, enlargement, extension, reconstruction or structural alteration of such use will not conflict with, impair or be detrimental to the uses both permitted and conditional of the zone in which it is located and/or adjoins. This finding shall be in addition to the findings required by Section [44-1.80.030](#). Pursuant to Section [44-1.80.030](#), the reviewing authority may require conditions upon the issuance of the use permit which are reasonably related to the use of the property for which the use permit is requested. In addition, the reviewing authority may at its own discretion establish a date for either the termination of the use or review of the use permit. Whenever a nonconforming use has been changed to conform to the uses, standards, and regulations of the zone in which it is located, it shall not subsequently be changed to a nonconforming use. Agricultural uses and agricultural operations are exempt from these requirements. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.120.060 Residential Substitution Permitted.**

The substitution of a single nonconforming residential building or structure is permitted subject to a review and conditions required by the Director. Such conditions shall be limited to setbacks, yards, locations, height, and placement of the building or structure on the property. Substitution of a nonconforming mobile home shall be considered a permitted residential substitution under the terms of this chapter. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.120.070 Maintenance and Repairs for Safety.**

Nothing in this chapter shall prevent the normal, ordinary, customary maintenance of a nonconforming use provided that such maintenance does not include major structural alterations which have the effect of expanding, enlarging or extending the nonconforming use. Nothing in this chapter shall prevent any such repair, alteration or restoration to a safe condition of any portion of a nonconforming use when so directed by the Director upon a finding that such is necessary for the protection of the public health and safety. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.120.080 Construction, Use Permits, and Amendments.**

A. Nothing in this chapter shall require any change in the plans, construction size, or designated use of any land, building, or structure for which building permits have been issued in accordance with the provision of this chapter or ordinances then in effect. Provided, however, that the actual use or

construction under such permit has started prior to the effective date of this chapter and in all such cases be carried out in a normal manner until completion.

B. Except as provided by this section and Section [44-1.80.030](#), any rezoning or subsequent amendment of this chapter which has the effect of eliminating a particular conditional use or changing the conditions under which a particular conditional use may be allowed shall remain valid, unless specifically stated to the contrary in the amending ordinance. Subject to the limitations of this section and Section [44-1.80.030](#), any such use permits shall remain valid and may be used, extended, transferred, or modified through amendment pursuant to Section [44-1.80.030](#). No extension of a use permit shall be granted following such rezoning or amendment unless the applicant makes a satisfactory showing to the reviewing authority that there have been substantial expenditures made in reliance upon the continued effectiveness of the use permit within the prescribed time period and/or the inability to complete the project authorized by the use permit is due to reasons beyond the applicant's control. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.120.090 Nonconforming Parcels of Record.**

A. A nonconforming parcel that does not comply with the applicable zoning district's area, width, or depth requirements shall be considered a legal parcel which may be used and built upon the same as any other legal parcel that fully complies with the applicable zoning district's area, width, or depth requirements if it meets at least one of the following criteria to the satisfaction of the director of community development:

1. Approved Subdivision. The parcel was created by a recorded subdivision;
2. Individual Parcel Legally Created. The parcel was legally created before the effective date of the zoning amendment that made the parcel nonconforming;
3. Variance. The parcel was approved through a variance; or
4. Partial Government Acquisition. The parcel was legally created, but was made nonconforming or an existing nonconformity increased when a portion was acquired by a governmental entity.

B. A legal nonconforming parcel may be part of a lot line adjustment and shall not be required to meet the applicable zoning district's area, width, and/or depth requirements; provided, that the nonconforming development standard is not increased.

C. Development on a legal nonconforming parcel shall be required to be built in full conformity with all development standards unless a variance for any nonconformity is approved.



D. Any development on a legal nonconforming parcel shall meet any applicable water and sewer requirements of the environmental health division. (Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 798, § 3)

#### **44-1.120.095 Physically Divided Parcels of Record.**

Notwithstanding any provision to the contrary, legally established parcels of land of record meeting minimum parcel requirements, which are physically divided or split, by a public work of improvement or public project, such as a highway, a water delivery canal, a water storage facility or like type of public improvement, authorized and constructed by a public entity, may be divided into legal parcels that do not meet minimum parcel size requirements. Any such division shall conform with state law, the County Code, and shall not result in legal parcels smaller than the physical division. (Ord. No. 778 § 1)

#### **44-1.120.100 Abandonment of Nonconforming Use.**

A. Abandonment – Consequences. A nonconforming use shall be abandoned when it is voluntarily discontinued with the intent not to resume it. There shall be a presumption that a nonconforming use which has been discontinued for a period of twelve consecutive months has been abandoned; however, the property owner, occupant or other party asserting the right to a legal nonconforming use has the burden of proving the legal and continuing existence of the use. Once abandoned, a nonconforming use shall no longer be a legal nonconforming use entitled to the rights and privileges described in this chapter and thereafter shall be made to conform to the uses, standards, and requirements of the zone in which it is located.

B. Determination of Abandonment – Appeal. The Director, at his or her sole discretion, may determine whether or not a nonconforming use has been abandoned and may mail notice of such determination to the property owner using the address from the latest equalized assessment roll of the County of Colusa and to the occupant at the street address of the property. The property owner or occupant may, within fifteen days of the mailing of said determination, appeal the determination to the Board. If no such appeal is filed, the determination of the Director shall be final. If such appeal is filed, it shall be filed and heard in the same manner as appeals pursuant to Section [44-1.70.010](#) (Review Authority) and Section [44-1.80.080](#) (Appeals). (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.120.110 Restoration of Nonconforming Buildings or Structures.**

A nonconforming building or structure which does not conform to the required side yard, rear yard, or street setback areas, which is in need of restoration by demolition totally or in part, may be restored to a total floor area or to the same extent as the original only upon securing a use permit pursuant to Section [44-1.80.030](#). (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.120.120 Restoration of Nonconforming Uses.**

A nonconforming use, building, or structure catastrophically damaged or destroyed totally or in part may be restored to a total floor area or to the same extent as the original without a use permit. Provided, however, that any expansion, enlargement, or extension of the nonconforming use be allowed only upon securing a use permit pursuant to Section [44-1.80.030](#). Any such restoration or reconstruction of a nonconforming use not requiring a use permit shall commence within twelve months and be completed within twenty-four months of the time of damage or it shall be deemed abandoned. Upon application to the planning commission an extension of time for the restoration of a nonconforming use may be granted not to exceed five years in total. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.120.130 Nonconforming Building or Structure – Relocation.**

A nonconforming building or structure shall not be moved to any other lot or to any other portion of the lot in which it is presently located unless, as a result of the move, the building or structure conforms to the regulations of the zone in which it will be located after the move. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.120.140 Nonconforming Use and Building – Additions, Enlargements, Repairs.**

Except where ordered by the building inspector to protect the health and safety of the occupant, there shall be no addition or alteration of any building or structure where the use of land and the structure are both nonconforming. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.130 Enforcement.**

(Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.130.010 Issuance of Permits, Certificates, and Licenses.**

All departments, officers, and public employees vested with the duty or authority to issue permits or licenses shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this zoning code. Any permit, certificate or license issued in conflict with the provisions of this zoning code shall be null and void. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.130.020 Enforcement.**

The Director shall be responsible for the primary enforcement of the provisions of this chapter. The Director shall be aided in this enforcement responsibility by the officers and authorized representatives of the county agencies, departments, and offices charged with the responsibility of administering, implementing, and ensuring compliance with the provisions of this chapter and the County Code. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-1.130.030 Penalties for Violations.**

Any person, whether principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five thousand dollars or by

imprisonment for not more than six months, or by both such fine and imprisonment. Abatement of the violation shall be required and shall be conducted in accordance with Chapter 42. (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.130.040 Public Nuisance and Abatement.**

Any building or structure, or any use of property contrary to or in violation of this chapter is a public nuisance, as established by Chapter 42. All abatement and enjoinder proceedings shall be conducted in accordance with Chapter 42.

Should a violation of a condition of approval of a permit not be corrected in a reasonable timeframe, the County may undertake proceedings to revoke the permit in accordance with Article 44-1.90.090 (Permit Revocation or Modification). (Ord. No. 765 § 2 (Exh. A) (part))

**44-1.130.050 Remedies Cumulative.**

The remedies provided herein shall be cumulative and not exclusive. (Ord. No. 765 § 2 (Exh. A) (part))

## Article 44-2: Zoning Classifications, Allowed Uses, and Development Standards

**44-2.10 Establishment of Zoning Classifications.**

The unincorporated area of Colusa County is hereby divided into zoning classifications, each of which is designated in this section, and each of which is identified for convenience by the letters indicated in Table 44-2.10-1.

**TABLE 44-2.10-1: ESTABLISHED ZONING CLASSIFICATIONS**

ZONING CLASSIFICATION DESIGNATION	LETTERS	ZONING CLASSIFICATION DESIGNATION	LETTERS
<b>Agricultural Classifications</b>		<b>Industrial Classifications</b>	
Foothill Agriculture	F-A	Light Industrial	M-1
Exclusive Agriculture	E-A	Heavy Industrial	M-2
Upland Conservation	U-C	Research and Development	RD
Upland Transition	U-T	<b>Natural Resources Classifications</b>	
Agricultural Transition	A-T	River Frontage	R-F
<b>Residential Classifications</b>		Flood Management	F-M
Residential Single-Family	R-1	Forest Residential	F-R

ZONING CLASSIFICATION DESIGNATION	LETTERS	ZONING CLASSIFICATION DESIGNATION	LETTERS
Residential Two-Family	R-2	Forest Management and Recreation	FMR
Residential Multiple Family	R-3	Resource Management	R-M
Apartment-Professional	R-4	<b>Special Purpose Classifications</b>	
<b>Commercial Classifications</b>		General Recreation	G-R
Neighborhood Commercial	C-1	Airport	A-V
Community Commercial	C-2	Public Facilities	P-F
Highway Service Commercial	C-H	Rural Services	R-S
Commercial Resort	C-R	<b>Overlay Zones</b>	
Mixed Use	MU	Planned Development	PD
		Energy Production	EP

(Ord. No. 765 § 2 (Exh. A) (part))

**44-2.20 Agricultural Zoning Classifications.**

(Ord. No. 765 § 2 (Exh. A) (part))

**44-2.20.10 Purpose of the Agricultural Zones.**

(a) Foothill Agriculture (F-A). The purpose of the F-A zone is to protect, support, and maintain a viable, long-term agricultural sector in areas of the County with soil types that are not optimal for crop production. The F-A zone is intended to be applied in areas where agricultural activities such as grazing, orchards, and vineyards are the natural and desirable primary land use, and where the protection of agriculture from the encroachment of incompatible land uses is essential to the general welfare and economic prosperity of the County.

(b) Exclusive Agriculture (E-A). The purpose of the E-A zone is to protect agricultural uses and agricultural operations in areas where fertile soils particularly suited to crop production are present, areas where agriculture is the natural and desirable primary land use, and where the protection of agriculture from the encroachment of incompatible land uses is essential to the general welfare and economic prosperity of the County.

(c) Upland Conservation (U-C). The purpose of the U-C zone is to protect the mountain and upland foothill areas where forestry, mining, grazing, and recreational uses are natural and desirable uses. The U-C zone is intended to provide protection in these areas of the County from man-made fire and erosion hazards, pollution, and other detrimental effects of incompatible land uses.

(d) Upland Transition (U-T). The purpose of the U-T zone is to provide opportunities for smaller-scale lot subdivision in the mountain and upland foothill areas where forestry, mining, grazing, and recreational uses are natural and desirable uses. The U-T zone provides opportunities for limited residential and commercial development in areas adjacent to established communities, and serves as a land use buffer between established communities and large-scale U-C parcels.

(e) Agricultural Transition (A-T). The purpose of the A-T zone is to provide areas for long-term rural and agricultural uses on smaller-scale parcels, and to provide a buffer around communities, urban areas, and planned future urban or community development. The A-T zone identifies areas where agricultural land has already been subdivided into parcels smaller than 40 acres, and areas where small-scale agricultural uses are appropriate. The A-T zone serves as a transition zone between established communities and the large-scale farms and agricultural operations beyond. Land in the A-T zone is intended to remain in agricultural use, and is not intended for conversion to urban or rural residential uses. The A-T zone includes A-T-10, which allows for a minimum 10-acre lot size, and A-T-20, which allows for a minimum 20-acre lot size. (Ord. No. 765 § 2 (Exh. A) (part))

**44-2.20.20 Development Standards in the Agricultural Zones.**

(a) General Standards. Allowed uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Title, unless a variance is obtained in compliance with Section [44-1.80](#) (Types of Permits). Table 44-2.20-1 identifies the development standards applicable to the agricultural zones.

**TABLE 44-2.20-1: DEVELOPMENT STANDARDS IN THE AGRICULTURAL ZONES**

Development Standards – Foothill Agriculture (F-A), Exclusive Agriculture (E-A), Upland Conservation (U-C), Upland Transition (U-T), and Agricultural Transition (A-T)						
Zoning Classifications						
	F-A	E-A	U-C	U-T	A-T	Special Regulations
Parcel Size and Density						
Minimum Parcel Size	80 ac	40 ac	80 ac	10 ac	10 ac	
Minimum Parcel Width	100 ft	100 ft	100 ft	100 ft	100 ft	
Minimum Parcel Depth	200 ft	200 ft	200 ft	200 ft	200 ft	
Maximum Dwelling Units per Parcel	One single-family unit, one accessory unit, and one caretaker unit, or agricultural worker housing as allowed by Section <a href="#">44-4.130</a>					
Setback and Height Standards						

Development Standards – Foothill Agriculture (F-A), Exclusive Agriculture (E-A), Upland Conservation (U-C), Upland Transition (U-T), and Agricultural Transition (A-T)							
Zoning Classifications							
		F-A	E-A	U-C	U-T	A-T	Special Regulations
Minimum Setbacks for Agricultural Structures	Front	25 ft	25 ft	25 ft	20 ft	20 ft	
	Rear	20 ft	20 ft	20 ft	20 ft	20 ft	
	Side	10 ft	10 ft	10 ft	10 ft	10 ft	
Minimum Setbacks for Nonagricultural Structures	Front	25 ft	25 ft	25 ft	25 ft	25 ft	
	Rear	25 ft	25 ft	25 ft	25 ft	25 ft	
	Side	25 ft	25 ft	25 ft	20 ft	20 ft	
Maximum Height for Agricultural Structures		50 ft	50 ft	50 ft	50 ft	50 ft	
Maximum Accessory Agricultural Structure Height		100 ft	100 ft	100 ft	50 ft	50 ft	
Maximum Height for Nonagricultural Structures		30 ft	30 ft	30 ft	30 ft	30 ft	

(b) Performance Standards. The following performance standards apply to permitted uses and uses allowed with an administrative permit in the agricultural zones as required in Table 44-2.20-2. Projects that cannot meet the following performance standards shall be elevated to a Minor Use Permit.

- (1) Maximum noise levels. Maximum noise levels shall meet the requirements of General Plan Table N-1. Further, maximum noise levels shall not exceed 60 dB at the property line of adjacent uses that are not in an agricultural or industrial zone.
- (2) Maximum daily trips. Daily trips shall not exceed 100 car or light truck vehicle trips or 70 heavy truck or bus vehicle trips, or a combination of the two.
- (3) Water and sewer. Adequate capacity for provision of on-site water and sewer service consistent with the requirements of the Department of Environmental Health shall be demonstrated to the satisfaction of the Director where the project will not connect to public water and/or wastewater infrastructure.
- (4) Flood management. Development shall comply with Chapter [33](#) (Flood Damage Prevention).

(5) Drainage and water quality. There shall be no net increase in off-site drainage flows, including peak flows during a storm event, and water quality measures shall be implemented to reduce stormwater pollutants.

(6) Roadway and access improvements. The project shall demonstrate adequate roadway and access improvements consistent with County standards to accommodate the maximum daily trips to the satisfaction of the Director of Public Works.

(g) Fire protection. The project shall demonstrate adequate fire protection measures to the satisfaction of the Chief Building Official. (Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 2)

**44-2.20.30 Allowed Uses in the Agricultural Zones.**

Table 44-2.20-2 identifies land uses allowed in the agricultural zones.

**TABLE 44-2.20-2: ALLOWED USES IN THE AGRICULTURAL ZONES**

<b>Permitted Uses – Foothill Agriculture (F-A), Exclusive Agriculture (E-A), Upland Conservation (U-C), Upland Transition (U-T), and Agricultural Transition (A-T)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>F-A</b>	<b>E-A</b>	<b>U-C</b>	<b>U-T</b>	<b>A-T</b>	<b>Special Regulations</b>
<b>Agricultural and Agricultural Support Uses</b>						
Agricultural Processing, Off-Site Products	A	A	A	U	U	<a href="#">44-2.20(B)</a>
Agricultural Processing, On-Site Products	P	P	P	M	M	<a href="#">44-2.20.20(b)</a>
Animal Grazing	P	P	P	P	P	<a href="#">44-2.20(B)</a>
Animal Processing and Rendering	U	U	U	-	-	
Animal Raising and Keeping, Commercial	P	P	P	M	M	<a href="#">44-2.20(B)</a>
Animal Raising and Keeping, Private	P	P	P	P	P	<a href="#">44-2.20(B)</a>
Apiaries	P	P	P	P	P	<a href="#">44-2.20(B)</a>

<b>Permitted Uses – Foothill Agriculture (F-A), Exclusive Agriculture (E-A), Upland Conservation (U-C), Upland Transition (U-T), and Agricultural Transition (A-T)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>F-A</b>	<b>E-A</b>	<b>U-C</b>	<b>U-T</b>	<b>A-T</b>	<b>Special Regulations</b>
Accessory Structures to Primary Agricultural Use	P	P	P	P	P	<a href="#">44-2.20(B)</a>
Crop Production and Cultivation, including Orchards and Vineyards	P	P	P	P	P	<a href="#">44-2.20(B)</a>
Intensive Animal Operations	U	U	U	U	U	
Nurseries and Greenhouses	P	P	P	P	P	<a href="#">44-2.20(B)</a>
Private Farm Airstrips	A	A	A	A	-	<a href="#">44-2.20(B)</a>
Stables, Commercial	P	P	P	P	P	<a href="#">44-2.20(B)</a>
Stables, Private	P	P	P	P	P	<a href="#">44-2.20(B)</a>
Visitor-Serving Agricultural Support Use	P	P	P	P	P	<a href="#">44-2.20.20(B)</a>
Wineries	P	P	P	P	P	<a href="#">44-2.20.20(b)</a>
<b>Natural Resource Uses</b>						
Energy Generation for Off-Site Use	U	U	U	U	U	<a href="#">44-2.80.020</a>
Energy Generation for On-Site Use	P	P	P	P	P	<a href="#">44-2.20(B)</a>
Forestry and Logging	P	P	P	M	M	<a href="#">44-2.20(B)</a>
Mining	U	U	U	U	U	Chapter 9A
Oil and Gas Extraction	U	U	U	U	U	
Timber Processing	U	U	U	U	-	
Habitat Mitigation and Management	-	-	-	-	-	<a href="#">44-5.30</a>
<b>Commercial Uses</b>						



<b>Permitted Uses – Foothill Agriculture (F-A), Exclusive Agriculture (E-A), Upland Conservation (U-C), Upland Transition (U-T), and Agricultural Transition (A-T)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>F-A</b>	<b>E-A</b>	<b>U-C</b>	<b>U-T</b>	<b>A-T</b>	<b>Special Regulations</b>
Agricultural Product Sales, Off-Site	M	M	M	M	M	
Agricultural Product Sales, On-Site	P	P	P	P	P	<a href="#">44-2.20.20(b)</a>
Agriculture Auction and Sales Yards	P	P	M	U	U	<a href="#">44-2.20.20(b)</a>
Agriculture Chemicals Manufacturing	-	-	-	-	-	
Agricultural Chemicals Commercial Storage and Distribution	U	U	U	-	-	
Agriculture Chemicals Use and Storage	P	P	P	P	P	
Animal Hospitals and Kennels	M	M	M	U	U	<a href="#">44-2.20(b)</a>
Bars, Nightclubs, and Lounges	-	-	-	-	-	
Bed and Breakfast	M	M	M	P	P	<a href="#">44-4.100</a>
Commercial Recreation, Indoor	-	-	-	U	U	
Commercial Recreation, Outdoor	U	-	U	U	U	
Construction, Maintenance, and Repair Services	M	M	M	M	M	
Equipment Sales and Rental	-	-	-	-	-	
Farm Equipment: Sale, Rental, Repair and Supplies	U	U	U	U	U	
Gas and Service Stations	-	-	-	-	-	
Grocery Stores	-	-	-	-	-	
Hotel and Motel	-	-	-	-	-	
Duck, Hunting, and Fishing Clubs	U	U	U	U	-	<a href="#">44-4.100</a>

<b>Permitted Uses – Foothill Agriculture (F-A), Exclusive Agriculture (E-A), Upland Conservation (U-C), Upland Transition (U-T), and Agricultural Transition (A-T)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>F-A</b>	<b>E-A</b>	<b>U-C</b>	<b>U-T</b>	<b>A-T</b>	<b>Special Regulations</b>
Medical Offices and Clinics	-	-	-	-	-	
Nursery, Retail	M	M	M	M	M	
Offices, Professional	-	-	-	-	-	
Personal Services	-	-	-	-	-	
Public/Mini Storage	-	-	-	-	-	
Recreational Vehicle Parks	-	-	-	U	U	
Restaurant	-	-	-	-	-	
Retail, General	-	-	-	-	-	
Retail, Large Projects	-	-	-	-	-	
Tasting Rooms	M	M	M	M	M	
Vehicle Repair, Service and Maintenance	-	-	-	-	-	
Vehicle Sales and Rental	-	-	-	-	-	
<b>Community and Recreational Uses</b>						
Boat Ramps and Landings	U	U	U	U	U	
Campground	M	M	M	M	M	
Cemeteries	-	-	-	-	-	
Child Care Center	-	-	-	U	U	<a href="#">44-4.20</a>
Clubs, Lodges, and Private Meeting Halls	M	M	M	-	-	
Community Centers	-	-	-	-	-	
Community Colleges and Universities	-	-	-	-	-	
Correctional Institutions and Facilities	-	-	-	-	-	

<b>Permitted Uses – Foothill Agriculture (F-A), Exclusive Agriculture (E-A), Upland Conservation (U-C), Upland Transition (U-T), and Agricultural Transition (A-T)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>F-A</b>	<b>E-A</b>	<b>U-C</b>	<b>U-T</b>	<b>A-T</b>	<b>Special Regulations</b>
Cultural Institutions and Museums	-	-	-	-	-	
Emergency Shelters	-	-	-	-	-	
Family Day Care, Small	P	P	P	P	P	<a href="#">44-2.20(B)</a>
Family Day Care, Large	M	M	M	M	M	<a href="#">44-4.20</a>
Golf Courses and Country Clubs	-	-	-	-	-	
Group Day Care Center	-	-	-	U	U	<a href="#">44-4.20</a>
Hospitals	-	-	-	-	-	
Marinas	-	-	-	-	-	
Off-Highway Vehicle Recreation Area	U	-	U	-	-	
Offices, Governmental	-	-	-	-	-	
Parks and Recreational Facilities, Public	M	M	M	M	M	
Public Safety Facilities	-	-	-	-	-	
Recreational Facilities, Private	M	M	M	M	M	
Religious Facilities and Institutions	-	-	-	U	U	
Schools, Public and Private	-	-	-	U	U	
Residential Care Facility	-	-	-	U	U	<a href="#">44-4.30</a>
Trail Head Parking or Staging Area	P	P	P	P	P	<a href="#">44-2.20(B)</a>
<b>Residential Uses</b>						
Agricultural Worker Housing Center	P	P	P	P	P	<a href="#">44-2.20.20(b)</a> ; <a href="#">44-4.130</a>

<b>Permitted Uses – Foothill Agriculture (F-A), Exclusive Agriculture (E-A), Upland Conservation (U-C), Upland Transition (U-T), and Agricultural Transition (A-T)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>F-A</b>	<b>E-A</b>	<b>U-C</b>	<b>U-T</b>	<b>A-T</b>	<b>Special Regulations</b>
Agricultural Worker Housing Unit	P	P	P	P	P	<a href="#">44-2.20(B)</a> ; <a href="#">44-4.130</a>
Caretaker Quarters	P	P	P	P	P	<a href="#">44-4.140</a>
Duplex Home	-	-	-	-	-	
Live/Work Unit	-	-	-	-	-	
Manufactured or Mobile Home	P	P	P	P	P	<a href="#">44-2.20(B)</a> ; <a href="#">44-4.70</a>
Mobile Home (Temporary)	T	T	T	T	T	<a href="#">44-4.80</a>
Mobile Home Park	-	-	-	-	-	
Multiple Family Dwelling	-	-	-	-	-	
Residential Care Homes, Large	-	-	-	M	M	<a href="#">44-4.30</a>
Residential Care Homes, Small	P	P	P	P	P	<a href="#">44-2.20(B)</a> ; <a href="#">44-4.30</a>
Accessory Dwelling	A	A	A	A	A	<a href="#">44-4.10</a>
Single-Family Home	P	P	P	P	P	
<b>Industrial Uses</b>						
Manufacturing, General	-	-	-	-	-	
Manufacturing, Heavy	-	-	-	-	-	
Manufacturing, Light	-	-	-	-	-	
Research and Development	-	-	-	-	-	
Warehousing, Wholesaling, and Distribution	U	U	U	-	-	
<b>Transportation, Communication, and Utility Uses</b>						
Airport-Related Uses	-	-	-	-	-	
Airports for Commercial Farm Services	U	U	U	-	-	

<b>Permitted Uses – Foothill Agriculture (F-A), Exclusive Agriculture (E-A), Upland Conservation (U-C), Upland Transition (U-T), and Agricultural Transition (A-T)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>F-A</b>	<b>E-A</b>	<b>U-C</b>	<b>U-T</b>	<b>A-T</b>	<b>Special Regulations</b>
Solid Waste Disposal Site	-	-	-	-	-	
Composting Facilities and Soil Amendment Facilities	U	U	U	-	-	
Sewage Disposal Site	-	-	-	-	-	
Freight and Truck Terminals and Yards	-	-	-	-	-	
Recycling Collection or Processing Facility, Large	-	-	-	-	-	
Recycling Collection or Processing Facility, Small	-	-	-	-	-	
Reverse Vending Machine	-	-	-	-	-	
Telecommunications Facilities	M	M	M	M	M	
Utilities, Major	-	-	-	-	-	
Utilities, Minor	P	P	P	P	P	

(Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 3; Ord. No. 796, § 3.)

#### **44-2.30 Residential Zoning Classifications.**

(Ord. No. 765 § 2 (Exh. A) (part))

##### **44-2.30.10 Purpose of the Residential Zones.**

(a) Rural Residential (R-R). The R-R zone is intended for areas where land ownership and parcel patterns preclude the use of land for agriculture, but the land is not appropriate for urban uses and densities due to lack of public water and/or sewer service. Allowed uses in the R-R zone include single-family housing, accessory units, crop cultivation, and small-scale agricultural activities that are not the primary use of the parcel. This designation accommodates semi-rural and rural living at average densities of one house per two to ten acres. This designation is used to preserve the attractive low-density character of the areas around or adjacent to established urban areas, such as Colusa, Williams, Arbuckle, and Maxwell and adjacent to rural community centers, such as Grimes, Princeton, and Stonyford and the partially developed nonsewered communities and settlements such

as College City and Century Ranch. The rural residential designation may serve as a buffer between farmland and urban uses. The R-R zone includes R-R-2, which allows for a minimum two-acre lot size, and R-R-5, which allows for a minimum five-acre lot size.

(b) Residential Single-Family (R-1). The purpose of the R-1 zone is to allow for single-family homes and related uses in residential neighborhoods. The standards for the R-1 zone are intended to preserve and protect the character of existing neighborhoods, and to ensure that new residential neighborhoods are developed in areas containing appropriate access, topography, utilities and public services to support single-family residential living. The R-1 zone is intended to accommodate the majority of future residential growth in or adjacent to existing communities and urban centers. Residential densities may range from one to five units per acre. The R-1 zone includes R-1-6, which allows for a minimum six thousand square foot lot size, and R-1-8, which allows for a minimum eight thousand square foot lot size.

(c) Residential Two-Family (R-2). The purpose of the R-2 zone is to provide opportunities for a mix of housing types to accommodate low-to medium-density residential development in areas close to urban centers where all utilities and services are available, and where housing demand justifies a density of two families on each building lot. Residential densities may range from three to nine units per acre.

(d) Residential Multiple Family (R-3). The purpose of the R-3 zone is to provide opportunities for a mix of housing types, including apartment complexes, duplexes, and condominiums to accommodate medium-density residential development in areas of the county close to urban centers where all utilities and services are available. Residential densities may range from six to twenty units per acre.

(e) Apartment-Professional (R-4). The purpose of the R-4 zone is to provide opportunities for higher-density residential development in areas of the county close to urban centers where all utilities and services are available. Professional and business offices are also appropriate uses in the R-4 zone. Residential densities may range from twelve to twenty units per acre. (Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 4)

#### **44-2.30.20 Development Standards in the Residential Zones.**

Allowed uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Title, unless a variance is obtained in compliance with Section [44-1.90.050](#). Table 44-2.30-1 identifies the minimum parcel standards and residential density standards applicable to the Residential Zones, and Table 44-2.30-2 identifies the applicable setbacks and height standards in the Residential Zones.

**TABLE 44-2.30-1: DEVELOPMENT STANDARDS (PARCEL SIZE AND DENSITY) IN THE RESIDENTIAL ZONES**

Development Standards (Parcel Size and Density) – Rural Residential (R-R), Residential Single-Family (R-1), Residential Two-Family (R-2), Residential Multiple Family (R-3), Apartment-Professional (R-4)						
Zoning Classifications	Minimum Parcel Size	Minimum Parcel Width	Minimum Parcel Depth	Maximum Units per Parcel	Residential Density (Units/Acre)	
					Minimum	Maximum
RR-2	2 ac	60 ft	100 ft	1 single-family home; 1 accessory dwelling	-	0.5 un/ac
RR-5	5 ac	60 ft	100 ft	1 single-family home; 1 accessory dwelling	-	0.2 un/ac
R-1-6	6,000 sf	50 ft	80 ft	1 single-family home; 1 accessory dwelling	1 un/ac	7.3 un/ac
R-1-8	8,000 sf	50 ft	80 ft	1 single-family home; 1 accessory dwelling	1 un/ac	5.4 un/ac
R-2	8,000 sf	40 ft	80 ft	N/A	3 un/ac	10.8 un/ac
R-3	4,000 sf	40 ft	80 ft	N/A	6 un/ac	20 un/ac
R-4	4,000 sf	35 ft	70 ft	N/A	12 un/ac	20 un/ac

**TABLE 44-2.30-2: DEVELOPMENT STANDARDS (SETBACKS AND HEIGHT) IN THE RESIDENTIAL ZONES**

Development Standards (Setbacks and Height) – Rural Residential (R-R), Residential Single-Family (R-1), Residential Two-Family (R-2), Residential Multiple Family (R-3), Apartment-Professional (R-4)						
Zoning Classifications						
	R-R	R-1	R-2	R-3	R-4	Special Regulations
<b>Setbacks and Height Standards</b>						

<b>Development Standards (Setbacks and Height) – Rural Residential (R-R), Residential Single-Family (R-1), Residential Two-Family (R-2), Residential Multiple Family (R-3), Apartment-Professional (R-4)</b>								
<b>Zoning Classifications</b>								
		<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>Special Regulations</b>	
<b>Minimum Setbacks</b>	<b>Front</b>	20 ft	20 ft	20 ft	20 ft	15 ft		
	<b>Rear</b>	20 ft	20 ft	15 ft	15 ft	15 ft		
	<b>Interior Side</b>	10 ft	6 ft	6 ft	6 ft	6 ft		
	<b>Street Side</b>	10 ft	8 ft	8 ft	8 ft	8 ft		
<b>Minimum Setbacks Accessory Structure [1]</b>	<b>Front</b>	20 ft	20 ft	20 ft	20 ft	20 ft		
	<b>Rear</b>	5 ft	5 ft	5 ft	5 ft	5 ft		
	<b>Interior Side</b>	5 ft [2]	5 ft [2]	5 ft [2]	5 ft [2]	5 ft [2]	5 ft [2]	
		3 ft [3]	3 ft [3]	3 ft [3]	3 ft [3]	3 ft [3]	3 ft [3]	
<b>Street Side</b>	10 ft	10 ft	10 ft	10 ft	10 ft			
<b>Maximum Structure Height</b>		30 ft	30 ft	30 ft	40 ft	40 ft		

Notes:  
 [1] Attached accessory buildings which are unenclosed and not conditioned space as per the California Building Code, used primarily for shade such as patio covers and awnings. Detached accessory buildings must be 5 feet from any building.  
 [2] Front 50% of lot.  
 [3] Rear 50% of lot.

(Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 5; Ord. No. 796, § 4.)

**44-2.30.30 Allowed Uses in the Residential Zones.**

Table 44-2.30-3 identifies land uses allowed in the residential zones.

**TABLE 44-2.30-3: ALLOWED USES IN THE RESIDENTIAL ZONES**

<b>Permitted Uses – Rural Residential (R-R), Residential Single-Family (R-1), Residential Two-Family (R-2), Residential Multiple Family (R-3), Apartment-Professional (R-4)</b>	
	<b>Zoning Classifications</b>
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit	



Permitted Use	Rural Residential (R-R)	Residential Multiple Family (R-1)	Residential Single-Family (R-2)	Single-Family (R-3)	(R-1), Residential Professional (R-4)	Special Regulations
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	R-R	R-1	R-2	R-3	R-4	Special Regulations
<b>Agricultural and Agricultural Support Uses</b>						
Agricultural Processing, Off-Site Products	-	-	-	-	-	
Agricultural Processing, On-Site Products	-	-	-	-	-	
Animal Grazing	P	-	-	-	-	
Animal Processing and Rendering	-	-	-	-	-	
Animal Raising and Keeping, Commercial	-	-	-	-	-	
Animal Raising and Keeping, Private	P	-	-	-	-	
Apiaries	P	-	-	-	-	
Accessory Structures to Primary Agricultural Use	P	-	-	-	-	
Crop Production and Cultivation, Including Orchards and Vineyards	P	-	-	-	-	
Dairy	-	-	-	-	-	
Intensive Animal Operations	-	-	-	-	-	
Nurseries and Greenhouses	M	-	-	-	-	
Private Farm Airstrips	-	-	-	-	-	
Stables, Commercial	U	-	-	-	-	
Stables, Private	M	-	-	-	-	
Visitor-Serving Agricultural Support Use	-	-	-	-	-	

<b>Permitted Uses – Rural Residential (R-R), Residential Single-Family (R-1), Residential Two-Family (R-2), Residential Multiple Family (R-3), Apartment-Professional (R-4)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	R-R	R-1	R-2	R-3	R-4	Special Regulations
	Wineries	-	-	-	-	-
<b>Natural Resource Uses</b>						
Energy Generation for Off-Site Use	-	-	-	-	-	
Energy Generation for On-Site Use	P	P	P	P	P	
Forestry and Logging	-	-	-	-	-	
Mining	-	-	-	-	-	
Oil and Gas Extraction	-	-	-	-	-	
Timber Processing	-	-	-	-	-	
Habitat Mitigation and Management	-	-	-	-	-	
<b>Commercial Uses</b>						
Agricultural Product Sales, Off-Site	-	-	-	-	-	
Agricultural Product Sales, On-Site	M	-	-	-	-	
Agriculture Auction and Sales Yards	-	-	-	-	-	
Agriculture Chemicals Manufacture, Distribution, Use and Storage	-	-	-	-	-	
Animal Hospitals and Kennels	U	-	-	-	-	
Bars, Nightclubs, and Lounges	-	-	-	-	-	
Bed and Breakfast	M	-	-	-	-	

<b>Permitted Uses – Rural Residential (R-R), Residential Single-Family (R-1), Residential Two-Family (R-2), Residential Multiple Family (R-3), Apartment-Professional (R-4)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>Special Regulations</b>
	Commercial Recreation, Indoor	-	-	-	-	-
Commercial Recreation, Outdoor	-	-	-	-	-	
Construction, Maintenance, and Repair Services	M	-	-	-	-	
Equipment Sales and Rental	-	-	-	-	-	
Farm Equipment: Sale, Rental, Repair and Supplies	-	-	-	-	-	
Gas and Service Stations	-	-	-	-	-	
Grocery Stores	-	-	-	-	-	
Hotel and Motel	-	-	-	-	-	
Duck, Hunting, and Fishing Clubs	-	-	-	-	-	
Medical Offices and Clinics	-	-	-	-	-	
Nursery, Retail	-	-	-	-	-	
Offices, Professional	-	-	-	-	P	
Personal Services	M	-	-	-	-	
Public/Mini Storage	-	-	-	-	-	
Recreational Vehicle Parks	U	-	-	-	-	
Restaurant	-	-	-	-	-	
Retail, General	-	-	-	-	-	
Retail, Large Projects	-	-	-	-	-	
Tasting Rooms	-	-	-	-	-	

<b>Permitted Uses – Rural Residential (R-R), Residential Single-Family (R-1), Residential Two-Family (R-2), Residential Multiple Family (R-3), Apartment-Professional (R-4)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>Special Regulations</b>
	Vehicle Repair, Service and Maintenance	M	-	-	-	-
Vehicle Sales and Rental	-	-	-	-	-	
<b>Community and Recreational Uses</b>						
Boat Ramps and Landings	-	-	-	-	-	
Campground	-	-	-	-	-	
Cemeteries	-	-	-	-	-	
Child Care Center	U	-	U	U	U	<a href="#">44-4.20</a>
Clubs, Lodges, and Private Meeting Halls	-	-	-	-	-	
Community Centers	-	-	-	-	-	
Community Colleges and Universities	-	-	-	-	-	
Correctional Institutions and Facilities	-	-	-	-	-	
Cultural Institutions and Museums	-	-	-	-	-	
Emergency Shelters	-	-	-	-	-	
Family Day Care, Small	P	P	P	P	P	
Family Day Care, Large	M	M	M	M	M	<a href="#">44-4.20</a>
Golf Courses and Country Clubs	-	-	-	-	-	
Group Day Care Center	U	-	-	U	U	<a href="#">44-4.20</a>
Hospitals	-	-	-	-	-	
Marinas	-	-	-	-	-	

<b>Permitted Uses – Rural Residential (R-R), Residential Single-Family (R-1), Residential Two-Family (R-2), Residential Multiple Family (R-3), Apartment-Professional (R-4)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>Special Regulations</b>
	Off-Highway Vehicle Recreation Area	-	-	-	-	-
Offices, Governmental	-	-	-	-	-	
Parks and Recreational Facilities, Public	M	M	M	M	M	
Public Safety Facilities	-	-	-	-	-	
Recreational Facilities, Private	-	-	-	-	-	
Religious Facilities and Institutions	-	-	-	U	U	
Residential Care Facility	-	-	-	U	U	<a href="#">44-4.30</a>
Schools, Public and Private	U	U	U	U	U	
Trail Head Parking or Staging Area	-	-	-	-	-	
<b>Residential Uses</b>						
Agricultural Worker Housing Center	-	-	-	P	P	
Agricultural Worker Housing Unit	-	-	-	-	-	
Caretaker Quarters	-	-	-	-	-	
Duplex Dwelling	-	-	P	P	P	
Live/Work Unit	-	-	-	-	P	
Manufactured or Mobile Home	P	P	P	P	P	<a href="#">44-4.70</a>
Mobile Home (Temporary)	T	T	T	T	T	<a href="#">44-4.80</a>
Mobile Home Park	-	-	-	U	U	
Multifamily Dwelling	-	-	P	P	P	

<b>Permitted Uses – Rural Residential (R-R), Residential Single-Family (R-1), Residential Two-Family (R-2), Residential Multiple Family (R-3), Apartment-Professional (R-4)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>Special Regulations</b>
	Residential Care Home, Large	M	M	M	M	M
Residential Care Home, Small	P	P	P	P	P	<a href="#">44-4.30</a>
Secondary Dwelling	P	P	P	P	P	
Single-Family Home	P	P	P	P <sup>1</sup>	P <sup>1</sup>	See footnote (R-3 and R-4).
<b>Industrial Uses</b>						
Manufacturing, General	-	-	-	-	-	
Manufacturing, Heavy	-	-	-	-	-	
Manufacturing, Light	-	-	-	-	-	
Research and Development	-	-	-	-	-	
Warehousing, Wholesaling, and Distribution	-	-	-	-	-	
<b>Transportation, Communication, and Utility Uses</b>						
Airport-Related Uses	-	-	-	-	-	
Airports for Commercial Farm Services	-	-	-	-	-	
Solid Waste Disposal Site	-	-	-	-	-	
Composting Facilities	-	-	-	-	-	
Sewage Disposal Site	-	-	-	-	-	
Freight and Truck Terminals and Yards	-	-	-	-	-	
Recycling Collection or Processing Facility, Large	-	-	-	-	-	

<b>Permitted Uses – Rural Residential (R-R), Residential Single-Family (R-1), Residential Two-Family (R-2), Residential Multiple Family (R-3), Apartment-Professional (R-4)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>Special Regulations</b>
	Recycling Collection or Processing Facility, Small	-	-	-	-	-
Reverse Vending Machine	-	-	-	-	-	
Telecommunications Facilities	-	-	-	-	-	
Utilities, Major	U	U	U	U	U	
Utilities, Minor	P	P	P	P	P	

<sup>1</sup> A single-family home in the R-3 and R-4 zones is only permitted if the single-family home is: (1) replacing an existing single-family unit on a one-for-one basis, (2) on an existing lot of eight thousand square feet or less, or (3) is part of a housing development with the majority of units affordable to extremely low, very low, and/or low-income households.

(Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788, § 6: Ord. No. 793, § 3.)

**44-2.40 Commercial Zoning Classifications.**

(Ord. No. 765 § 2 (Exh. A) (part))

**44-2.40.10 Purpose of the Commercial Zones.**

A. Neighborhood Commercial (C-1). The purpose of the C-1 zone is to allow for retail and service uses that meet the daily needs of nearby residents and workers, and to provide convenient residential access to sales and service facilities without detracting from the residential desirability of such areas.

B. Community Commercial (C-2). The C-2 zone is intended to apply to areas where more complete commercial facilities are necessary for community convenience. The purpose of the C-2 zone is to allow for a full range of retail, service, and office uses to serve residents, workers, and visitors.

C. Highway Service Commercial (C-H). The C-H zone is intended to provide necessary services and conveniences for the traveling public along main roads and highway frontages at proper intervals and locations in developments designed for safety, convenience, and suitable appearance.

D. Commercial Resort (C-R). The C-R zone is intended to provide opportunities for a mix of commercial uses oriented towards tourists and other visitors to the County, including but not limited to, agriculturally based tourism, sports fishing, hunting, marinas, lodging, and other related uses.

E. Mixed Use (MU). The MU zone is intended for areas appropriate for the planned integration of a combination of retail, office, residential, hotel, recreation, public facilities and/or other compatible use. The MU zone encourages placing housing, jobs, services, and recreational land uses close together within a project site, or on different stories of the same building. This zoning classification is established primarily in the community centers, downtown areas, and in-fill areas to encourage economic investment and revitalization of these core areas through promoting community-serving retail, office, and residential opportunities in a dense, compact form with opportunities for people to access the project and other destinations through bicycle, pedestrian, and mass transit modes. Projects in the MU zone should focus on compatibility between land uses, and the development potential of a given area compared to the existing and proposed mix of land uses and their development impacts. This zone is intended to protect and enhance the character of the area and to provide flexibility in design and use for contiguous parcels having multiple owners. (Ord. No. 765 § 2 (Exh. A) (part))

**44-2.40.20 Development Standards in the Commercial Zones.**

(a) Allowed uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this title, unless a variance is obtained in compliance with section [44-1.90.050](#). Table 44-2.40-1 identifies the development standards applicable to the Commercial Zones.

**TABLE 44-2.40-1: DEVELOPMENT STANDARDS IN THE COMMERCIAL ZONES**

<b>Development Standards – Neighborhood Commercial (C-1), Community Commercial (C-2), Highway Service Commercial (C-H), Commercial Resort (C-R), and Mixed Use (MU)</b>						
	<b>Zoning Classifications</b>					
	<b>C-1</b>	<b>C-2</b>	<b>C-H</b>	<b>C-R</b>	<b>MU</b>	<b>Special Regulations</b>
<b>Parcel Size and Density</b>						
<b>Minimum Parcel Size [1,2]</b>	None	None	None	None	6,000 sf	
<b>Minimum Parcel Width</b>	60 ft	65 ft	65 ft	60 ft	60 ft	
<b>Minimum Parcel Depth</b>	None	None	None	None	None	



<b>Development Standards – Neighborhood Commercial (C-1), Community Commercial (C-2), Highway Service Commercial (C-H), Commercial Resort (C-R), and Mixed Use (MU)</b>							
		<b>Zoning Classifications</b>					
		<b>C-1</b>	<b>C-2</b>	<b>C-H</b>	<b>C-R</b>	<b>MU</b>	<b>Special Regulations</b>
<b>Maximum Dwelling Units per Acre</b>		-	-	-	12	20	
<b>Minimum Dwelling Units per Acre</b>		-	-	-	-	10 dwelling unit per acre minimum if no commercial component	
<b>Maximum Floor Area Ratio (FAR)</b>		0.4	0.4	0.5	0.4[3]	1.5[3]	
<b>Setbacks and Height Standards</b>							
<b>Minimum Setbacks</b>	<b>Front</b>	None[1]	None[1]	15 ft	15 ft	None[4]	
	<b>Rear</b>	10 ft	10 ft	10 ft	10 ft	10 ft	
	<b>Side</b>	None[2]	None[2]	8 ft	8 ft	None[5]	
<b>Maximum Structure Height</b>		40 ft	40 ft	40 ft	40 ft	40 ft	
Notes:							
[1] Applies solely to new parcels created through a lot split or subdivision.							
[2] 1 acre outside of water and sewer district service area.							
[3] The calculation of floor area ratio excludes areas occupied by residential uses.							
[4] A 15-foot front setback shall be required when adjacent to a Residential Zone.							
[5] An 8-foot setback shall be required when adjacent to a Residential Zone. A zero side lot line must include fireproof walls and meet all applicable building and fire code requirements.							

(b) Performance Standards. The following performance standards apply to permitted uses and uses allowed with an administrative permit in Commercial Zones as required in Table 44-2.40-2. Projects that cannot meet the following performance standards shall be elevated to a minor use permit or use permit.

(1) Maximum Noise Levels. Maximum noise levels shall meet the requirements of General Plan Table N-1. Further, maximum noise levels shall not exceed sixty dB at the property line of adjacent uses that are not in an Agricultural or Industrial Zone.

(2) Maximum Daily Trips. Daily trips shall not exceed one hundred car or light truck vehicle trips or seventy heavy truck or bus vehicle trips, or a combination of the two.

(3) Water and Sewer. Adequate capacity for provision of on-site water and sewer service consistent with the requirements of the division of environmental health shall be demonstrated to the satisfaction of the director where the project will not connect to public water and/or wastewater infrastructure.

(4) Flood Management. Development shall comply with chapter 33 (Flood Damage Prevention).

(5) Drainage and Water Quality. There shall be no net increase in off-site drainage flows, including peak flows during a storm event, and water quality measures shall be implemented to reduce stormwater pollutants including the appropriate permits from Regional Water Quality Control Board.

(6) Roadway and Access Improvements. The project shall demonstrate adequate roadway and access improvements consistent with county standards to accommodate the maximum daily trips to the satisfaction of the director of public works.

(7) Fire Protection. The project shall demonstrate adequate fire protection measures to the satisfaction of the community development director.

(8) Air Quality. The project shall demonstrate adequate air quality protection measures related to air pollution, off-site particulate matter migration and odors to the satisfaction of air pollution control and community development. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 796, § 5.)

**44-2.40.30 Allowed Uses in the Commercial Zones.**

Table 44-2.40-2 identifies land uses allowed in the commercial zones.

**TABLE 44-2.40-2: ALLOWED USES IN THE COMMERCIAL ZONES**

<b>Allowed Uses – Neighborhood Commercial (C-1), Community Commercial (C-2), Highway Service Commercial (C-H), Commercial Resort (C-R), and Mixed Use (MU)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>C-1</b>	<b>C-2</b>	<b>C-H</b>	<b>C-R</b>	<b>MU</b>	<b>Special Regulations</b>
<b>Agricultural and Agricultural Support Uses</b>						

<b>Allowed Uses – Neighborhood Commercial (C-1), Community Commercial (C-2), Highway Service Commercial (C-H), Commercial Resort (C-R), and Mixed Use (MU)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>C-1</b>	<b>C-2</b>	<b>C-H</b>	<b>C-R</b>	<b>MU</b>	<b>Special Regulations</b>
Agricultural Processing, Off-Site Products	-	-	-	-	-	
Agricultural Processing, On-Site Products	-	-	-	-	-	
Animal Grazing	-	-	-	-	-	
Animal Processing and Rendering	-	-	-	-	-	
Animal Raising and Keeping, Commercial	-	-	-	-	-	
Animal Raising and Keeping, Private	-	-	-	-	-	
Apiaries	-	-	-	-	-	
Accessory Structures to Primary Agricultural Use	-	-	-	-	-	
Crop Production and Cultivation, Including Orchards and Vineyards	-	-	-	-	-	
Dairy	-	-	-	-	-	
Intensive Animal Operations	-	-	-	-	-	
Nurseries and Greenhouses	-	-	-	-	-	
Private Farm Airstrips	-	-	-	-	-	
Stables, Commercial	-	-	-	U	-	
Stables, Private	-	-	-	M	-	
Visitor-Serving Agricultural Support Use	-	-	-	M	-	
Wineries	U	U	U	M	-	
<b>Natural Resource Uses</b>						

<b>Allowed Uses – Neighborhood Commercial (C-1), Community Commercial (C-2), Highway Service Commercial (C-H), Commercial Resort (C-R), and Mixed Use (MU)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>C-1</b>	<b>C-2</b>	<b>C-H</b>	<b>C-R</b>	<b>MU</b>	<b>Special Regulations</b>
Energy Generation for Off-Site Use	-	-	-	-	-	
Energy Generation for On-Site Use	P	P	P	P	P	
Forestry and Logging	-	-	-	-	-	
Mining	-	-	-	-	-	
Oil and Gas Extraction	-	-	-	U	-	
Timber Processing	-	-	-	-	-	
Habitat Mitigation and Management	-	-	-	-	-	
<b>Commercial Uses</b>						
Agricultural Product Sales, Off-Site	P	P	P	P	P	
Agricultural Product Sales, On-Site	-	-	-	-	-	
Agriculture Auction and Sales Yards	-	-	U	-	-	
Agriculture Chemicals Manufacture, Distribution, Use and Storage	-	-	-	-	-	
Animal Hospitals and Kennels	U	U	M	M	-	
Bars, Nightclubs, and Lounges	P	P	P	P	P	
Bed and Breakfast	P	P	P	P	P	
Commercial Recreation, Indoor	P	P	P	P	M	
Commercial Recreation, Outdoor	M	M	P	P	M	

<b>Allowed Uses – Neighborhood Commercial (C-1), Community Commercial (C-2), Highway Service Commercial (C-H), Commercial Resort (C-R), and Mixed Use (MU)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>C-1</b>	<b>C-2</b>	<b>C-H</b>	<b>C-R</b>	<b>MU</b>	<b>Special Regulations</b>
Construction, Maintenance, and Repair Services	P	P	P	-	U	
Equipment Sales and Rental	M	M	P	-	-	
Farm Equipment: Sale, Rental, Repair and Supplies	M	M	P	-	-	
Gas and Service Stations	P	P	P	P	M	
Grocery Stores	P	P	P	P	P	
Hotel and Motel	M	P	P	P	U	
Duck, Hunting, and Fishing Clubs	-	-	-	P	-	<a href="#">44-4.100</a>
Medical Offices and Clinics	P	P	P	P	P	
Nursery, Retail	P	P	P	P	P	
Offices, Professional	P	P	P	P	P	
Personal Services	P	P	P	P	P	
Public/Mini Storage	U	U	M	U	-	
Recreational Vehicle Parks	-	-	U	U	-	
Restaurant	P	P	P	P	P	
Retail, General	P	P	P	P	P	
Retail, Large Projects	U	P	P	U	-	
Tasting Rooms	P	P	P	P	P	
Vehicle Repair, Service and Maintenance	M	M	P	-	-	
Vehicle Sales and Rental	M	P	P	-	-	
<b>Community and Recreational Uses</b>						
Boat Ramps and Landings	-	-	-	P	-	

<b>Allowed Uses – Neighborhood Commercial (C-1), Community Commercial (C-2), Highway Service Commercial (C-H), Commercial Resort (C-R), and Mixed Use (MU)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>C-1</b>	<b>C-2</b>	<b>C-H</b>	<b>C-R</b>	<b>MU</b>	<b>Special Regulations</b>
Campground	-	-	-	M	-	
Cemeteries	-	-	-	-	-	
Child Care Center	U	U	-	U	U	<a href="#">44-4.20</a>
Clubs, Lodges, and Private Meeting Halls	P	P	P	P	M	
Community Centers	M	M	M	M	M	
Community Colleges and Universities	U	M	M	-	U	
Correctional Institutions and Facilities	-	-	-	-	-	
Cultural Institutions and Museums	P	P	P	P	P	
Emergency Shelters	-	P	M	-	-	<a href="#">44-4.40</a>
Family Day Care, Small	-	-	-	P	P	
Family Day Care, Large	-	-	-	M	M	<a href="#">44-4.20</a>
Golf Courses and Country Clubs	-	-	-	P	-	
Group Day Care Center	U	U	-	U	U	<a href="#">44-4.20</a>
Hospitals	U	U	U	-	-	
Marinas	-	-	-	P	-	
Off-Highway Vehicle Recreation Area	-	-	-	U	-	
Offices, Governmental	P	P	P	-	P	
Parks and Recreational Facilities, Public	U	U	U	P	U	
Public Safety Facilities	U	U	U	U	U	

<b>Allowed Uses – Neighborhood Commercial (C-1), Community Commercial (C-2), Highway Service Commercial (C-H), Commercial Resort (C-R), and Mixed Use (MU)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>C-1</b>	<b>C-2</b>	<b>C-H</b>	<b>C-R</b>	<b>MU</b>	<b>Special Regulations</b>
Recreational Facilities, Private	P	P	P	P	P	
Religious Facilities and Institutions	P	P	P	P	P	
Residential Care Facility	U	U	-	U	U	<a href="#">44-4.30</a>
Schools, Public and Private	U	U	U	U	U	
Trail Head Parking or Staging Area	P	P	P	P	-	
<b>Residential Uses</b>						
Agricultural Worker Housing Center	-	-	-	-	-	
Agricultural Worker Housing Unit	-	-	-	-	-	
Caretaker Quarters	-	-	-	P	-	<a href="#">44-4.140</a>
Duplex Home	-	-	-	-	P	
Live/Work Unit	-	-	-	-	P	
Manufactured or Mobile Home	-	-	-	-	P	<a href="#">44-4.70</a>
Mobile Home (Temporary)	-	-	-	T	T	<a href="#">44-4.80</a>
Mobile Home Park	U	U	-	U	-	
Multiple Family Dwelling	-	-	-	-	P	
Residential Care Homes, Large	M	M	-	-	M	<a href="#">44-4.30</a>
Residential Care Homes, Small	-	-	-	U	P	<a href="#">44-4.30</a>
Accessory Dwelling	-	-	-	-	-	<a href="#">44-4.10</a>
Single-Family Home	-	-	-	U	P	
<b>Industrial Uses</b>						
Manufacturing, General	-	-	-	-	-	

<b>Allowed Uses – Neighborhood Commercial (C-1), Community Commercial (C-2), Highway Service Commercial (C-H), Commercial Resort (C-R), and Mixed Use (MU)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>C-1</b>	<b>C-2</b>	<b>C-H</b>	<b>C-R</b>	<b>MU</b>	<b>Special Regulations</b>
Manufacturing, Heavy	-	-	-	-	-	
Manufacturing, Light	-	U	U	-	-	
Research and Development	-	U	U	-	-	
Warehousing, Wholesaling, and Distribution	-	-	U	-	-	
<b>Transportation, Communication, and Utility Uses</b>						
Airport-Related Uses	-	-	-	-	-	
Airports for Commercial Farm Services	-	-	-	-	-	
Solid Waste Disposal Site	-	-	-	-	-	
Composting Facilities	-	-	-	-	-	
Sewage Disposal Site	-	-	-	-	-	
Freight and Truck Terminals and Yards	-	-	-	-	-	
Recycling Collection or Processing Facility, Large	-	-	-	-	-	
Recycling Collection or Processing Facility, Small	M	M	M	-	-	
Reverse Vending Machine	M	P	P	-	-	
Telecommunications Facilities	U	U	U	U	U	
Utilities, Major	U	U	U	U	U	
Utilities, Minor	P	P	P	P	P	

(Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 7)

#### **44-2.50 Industrial Zoning Classifications.**

##### **44-2.50.10 Purpose of the Industrial Zones.**



(a) Light Industrial (M-1). The purpose of the M-1 zone is to allow for light industrial and service commercial uses that have little potential to create noise, odor, vibration, or other similar impacts to adjacent uses and surrounding areas.

(b) Heavy Industrial (M-2). The purpose of the M-2 zone is to allow for a full range of industrial uses, including operations that necessitate the storage of large volumes of hazardous or unsightly materials, or which produce dust, smoke, fumes, odors, or noise at levels that would affect surrounding land uses.

(c) Research and Development (RD). The purpose of the RD zone is to provide areas for the location of high technology, non-polluting manufacturing plants, research and development facilities, corporate and industrial offices, and support service facilities in a rural or campus-like setting, such as a business park environment. (Ord. No. 765 § 2 (Exh. A) (part))

**44-2.50.20 Development Standards in the Industrial Zones.**

(a) Allowed uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this title, unless a variance is obtained in compliance with section [44-1.90.050](#); and subject only to such regulations as are needed to control congestion and protect surrounding areas from significant environmental impacts. Table 44-2.50-1 identifies the development standards applicable to the Industrial Zones.

**TABLE 44-2.50-1: DEVELOPMENT STANDARDS IN THE INDUSTRIAL ZONES**

<b>Development Standards – Light Industrial (M-1), Heavy Industrial (M-2), and Research and Development (RD)</b>				
	<b>Zoning Classifications</b>			
	<b>M-1</b>	<b>M-2</b>	<b>RD</b>	<b>Special Regulations</b>
<b>Parcel Size and Density</b>				
<b>Minimum Parcel Size [1]</b>	None	None	None	
<b>Minimum Parcel Width</b>	60 ft	60 ft	60 ft	
<b>Minimum Parcel Depth</b>	100 ft	100 ft	100 ft	
<b>Maximum Dwelling Units per Acre</b>	-	-	-	
<b>Minimum Dwelling Units per Acre</b>	-	-	-	
<b>Maximum Floor Area Ratio (FAR)</b>	0.6	0.6	0.75	
<b>Setbacks and Height Standards</b>				

<b>Development Standards – Light Industrial (M-1), Heavy Industrial (M-2), and Research and Development (RD)</b>					
<b>Zoning Classifications</b>					
		<b>M-1</b>	<b>M-2</b>	<b>RD</b>	<b>Special Regulations</b>
<b>Minimum Setbacks</b>	<b>Front</b>	None[2]	30 ft	None[2]	
	<b>Rear</b>	10 ft	15 ft[4]	10 ft	
	<b>Side</b>	None[3]	None[4]	None[4]	
<b>Maximum Primary Structure Height</b>		50 ft	100 ft	50 ft	
<b>Maximum Accessory Structure Height</b>		70 ft	200 ft	70 ft	
<p>Notes:</p> <p>[1] 1 acre outside of water and sewer district service area.</p> <p>[2] A 15-foot front setback shall be required when adjacent to a Residential Zone.</p> <p>[3] A 15-foot setback shall be required when adjacent to a Residential Zone. A zero side lot line must include fireproof walls and meet all applicable building and fire code requirements.</p> <p>[4] A 30-foot setback shall be required when adjacent to a Residential Zone. A zero side lot line must include fireproof walls and meet all applicable building and fire code requirements.</p>					

(b) Performance Standards. The following performance standards apply to permitted uses and uses allowed with an administrative permit in Industrial Zones as required in Table 44-2.50-2. Projects that cannot meet the following performance standards shall be elevated to a minor use permit or use permit.

- (1) Maximum Noise Levels. Maximum noise levels shall meet the requirements of General Plan Table N-1. Further, maximum noise levels shall not exceed sixty dB at the property line of adjacent uses that are not in an Agricultural or Industrial Zone.
- (2) Maximum Daily Trips. Daily trips shall not exceed one hundred car or light truck vehicle trips or seventy heavy truck or bus vehicle trips, or a combination of the two.
- (3) Water and Sewer. Adequate capacity for provision of on-site water and sewer service consistent with the requirements of the division of environmental health shall be demonstrated to the satisfaction of the director where the project will not connect to public water and/or wastewater infrastructure.
- (4) Flood Management. Development shall comply with chapter [33](#) (Flood Damage Prevention).

(5) Drainage and Water Quality. There shall be no net increase in off-site drainage flows, including peak flows during a storm event, and water quality measures shall be implemented to reduce stormwater pollutants including the appropriate permits from Regional Water Quality Control Board.

(6) Roadway and Access Improvements. The project shall demonstrate adequate roadway and access improvements consistent with county standards to accommodate the maximum daily trips to the satisfaction of the director of public works.

(7) Fire Protection. The project shall demonstrate adequate fire protection measures to the satisfaction of the community development director.

(8) Air Quality. The project shall demonstrate adequate air quality protection measures related to air pollution, off-site particulate matter migration and odors to the satisfaction of air pollution control and community development. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 796, § 6.)

**44-2.50.30 Allowed Uses in the Industrial Zones.**

Table 44-2.50-2 identifies land uses allowed in the industrial zones.

**TABLE 44-2.50-2: ALLOWED USES IN THE INDUSTRIAL ZONES**

<b>Allowed Uses – Light Industrial (M-1), Heavy Industrial (M-2), and Research and Development (RD)</b>				
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>			
	<b>M-1</b>	<b>M-2</b>	<b>RD</b>	<b>Special Regulations</b>
<b>Agricultural and Agricultural Support Uses</b>				
Agricultural Processing, Off-Site Products	M	P	U	
Agricultural Processing, On-Site Products	M	P	M	
Animal Grazing	-	-	-	
Animal Processing and Rendering	-	M	-	
Animal Raising and Keeping, Commercial	-	U	-	

<b>Allowed Uses – Light Industrial (M-1), Heavy Industrial (M-2), and Research and Development (RD)</b>				
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>			
	<b>M-1</b>	<b>M-2</b>	<b>RD</b>	<b>Special Regulations</b>
Animal Raising and Keeping, Private	-	-	-	
Apiaries	-	-	-	
Accessory Structures to Primary Agricultural Use	-	-	-	
Crop Production and Cultivation, Including Orchards and Vineyards	-	-	-	
Dairy	-	U	-	
Equestrian Facilities, Commercial	M	-	M	
Equestrian Facilities, Private	-	-	-	
Intensive Animal Operations	-	U	-	
Nurseries and Greenhouses	P	P	P	
Private Farm Airstrips	-	U	-	
Visitor-Serving Agricultural Support Use	M	M	M	
Wineries	M	M	-	
<b>Natural Resource Uses</b>				
Energy Generation for Off-Site Use	U	P	U	<a href="#">44-2.80.020</a>
Energy Generation for On-Site Use	P	P	P	
Forestry and Logging	-	-	-	
Mining	-	U	-	Chapter 9A
Oil and Gas Extraction	U	U	-	
Timber Processing	-	U	-	
Habitat Mitigation and Management	-	-	-	
<b>Commercial Uses</b>				
Agricultural Product Sales, Off-Site	-	-	-	
Agricultural Product Sales, On-Site	-	-	-	

**Allowed Uses – Light Industrial (M-1), Heavy Industrial (M-2), and Research and Development (RD)**

P = Permitted Use

A = Administrative Permit

M = Minor Use Permit

U = Use Permit

T = Temporary Use Permit

- = Use not allowed

**Zoning Classifications**

	<b>M-1</b>	<b>M-2</b>	<b>RD</b>	<b>Special Regulations</b>
Agriculture Auction and Sales Yards	M	P	P	
Agriculture Chemicals Manufacturing and Distribution	U	U	U	
Agriculture Chemicals Use and Storage	A	A	A	
Animal Hospitals and Kennels	P	P	P	
Bars, Nightclubs, and Lounges	U	-	-	
Bed and Breakfast	-	-	-	
Commercial Recreation, Indoor	P	P	P	
Commercial Recreation, Outdoor	-	-	-	
Construction, Maintenance, and Repair Services	P	P	P	
Equipment Sales and Rental	P	P	P	
Farm Equipment: Sale, Rental, Repair and Supplies	P	P	P	
Food Truck	P	P	P	
Gas and Service Stations	P	M	P	
Grocery Stores	-	-	-	
Hotel and Motel	U	-	U	
Duck, Hunting, and Fishing Clubs	-	-	-	
Medical Offices and Clinics	M	-	P	
Nursery, Retail	P	M	P	
Offices, Professional	P	M	P	
Personal Services	P	-	P	
Public/Mini Storage	P	P	M	
Recreational Vehicle Parks	-	-	-	

<b>Allowed Uses – Light Industrial (M-1), Heavy Industrial (M-2), and Research and Development (RD)</b>				
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>			
	<b>M-1</b>	<b>M-2</b>	<b>RD</b>	<b>Special Regulations</b>
Restaurant	M	-	-	
Retail, General	M	-	-	
Retail, Large Projects	-	-	-	
Tasting Rooms	M	M	M	
Vehicle Repair, Service and Maintenance	P	P	M	
Vehicle Sales and Rental	P	P	P	
<b>Community and Recreational Uses</b>				
Boat Ramps and Landings	-	-	-	
Campground	-	-	-	
Cemeteries	-	-	-	
Child Care Center	-	-	-	
Clubs, Lodges, and Private Meeting Halls	-	-	-	
Community Centers	M	-	M	
Community Colleges and Universities	M	-	M	
Correctional Institutions and Facilities	U	U	U	
Cultural Institutions and Museums	M	-	M	
Emergency Shelters	P	M	M	<a href="#">44-4.40</a>
Family Day Care, Small	-	-	-	
Family Day Care, Large	-	-	-	
Golf Courses and Country Clubs	-	-	-	
Group Day Care Center	-	-	-	
Hospitals	-	-	-	
Marinas	-	-	-	

<b>Allowed Uses – Light Industrial (M-1), Heavy Industrial (M-2), and Research and Development (RD)</b>				
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>			
	<b>M-1</b>	<b>M-2</b>	<b>RD</b>	<b>Special Regulations</b>
Off-Highway Vehicle Recreation Area	-	-	-	
Offices, Governmental	P	-	P	
Parks and Recreational Facilities, Public	-	-	-	
Public Safety Facilities	P	P	P	
Recreational Facilities, Private	M	-	M	
Religious Facilities and Institutions	P	-	P	
Residential Care Facility	-	-	-	
Schools, Public and Private	U	U	U	
Trail Head Parking or Staging Area	-	-	P	
<b>Residential Uses</b>				
Agricultural Worker Housing Center	-	-	-	
Agricultural Worker Housing Unit	-	-	-	
Caretaker Quarters	A	A	A	
Duplex Home	-	-	-	
Live/Work Unit	-	-	-	
Manufactured or Mobile Home	-	-	-	
Mobile Home (Temporary)	-	-	-	
Mobile Home Park	-	-	-	
Multiple-Family Dwelling	-	-	-	
Residential Care Homes, Large	-	-	-	
Residential Care Homes, Small	-	-	-	
Secondary Dwelling	-	-	-	
Single-Family Home	-	-	-	
<b>Industrial Uses</b>				

<b>Allowed Uses – Light Industrial (M-1), Heavy Industrial (M-2), and Research and Development (RD)</b>				
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>			
	<b>M-1</b>	<b>M-2</b>	<b>RD</b>	<b>Special Regulations</b>
Manufacturing, General	P	P	P	
Manufacturing, Heavy	U	P	U	
Manufacturing, Light	P	P	P	
Research and Development	P	P	P	
Warehousing, Wholesaling, and Distribution	P	P	M	
<b>Transportation, Communication, and Utility Uses</b>				
Airport-Related Uses	U	U	U	
Airports for Commercial Farm Services	U	U	U	
Solid Waste Disposal Site	U	U	U	
Composting Facilities and Soil Amendment Facilities	M	M	M	
Sewage Disposal Site	-	U	-	
Freight and Truck Terminals and Yards	M	P	M	
Recycling Collection or Processing Facility, Large	U	M	U	
Recycling Collection or Processing Facility, Small	M	P	M	
Reverse Vending Machine	P	P	P	
Telecommunications Facilities	P	P	P	
Utilities, Major	U	U	U	
Utilities, Minor	P	P	P	

(Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788, § 8; Ord. No. 793, § 4; Ord. No. 796, § 7.)

#### **44-2.60 Natural Resources Zoning Classifications.**

(Ord. No. 765 § 2 (Exh. A) (part))



**44-2.60.10 Purpose of the Natural Resources Zones.**

(a) River Frontage (R-F). The purpose of the R-F zone is to identify lands which lie within river, stream, or tidal channels, and to adjacent areas which are periodically inundated, or which are predicted to be inundated, by a “design flood.” Appropriate uses in the R-F zone include agricultural and recreational uses that do not include permanent structures.

(b) Flood Management (F-M). The F-M zone is intended to be applied to areas other than River Frontage areas which have been inundated by overflow floodwaters in the past, and which may reasonably be expected to be inundated by such floodwaters in the future. The Flood Management zone is intended to limit the use of areas subject to such inundation and flooding to protect lives and property from loss, damage, and destruction due to floodwaters and the transportation by water of wreckage and debris. Appropriate uses within the F-M zone include agricultural activities and resource management activities that do not impede flood flows.

(c) Forest Residential (F-R). The F-R zone is intended to allow for the development of limited single-family residential uses on privately owned parcels in the Mendocino National Forest, and to identify development standards addressing adequate access, fire hazard protection and management, water quality, and water supply.

(d) Forest Management and Recreation (FMR). The FMR zone is intended to accommodate a range of forest resource production activities, such as timber production, mining, and grazing, as well as forest-related recreational uses.

(e) Resource Management (R-M). The R-M zone identifies areas where the managed and deliberate protection of natural resources is appropriate, or where natural resource conservation easements have been applied that restrict development of the land. This designation is applied to rangelands under federal ownership, the National Wildlife Refuges, designated wild and scenic lands, and habitat, watershed, and natural resource lands requiring management and protection. Lands designated Resource Management are intended to ensure that resources are conserved and protected for existing and future generations through active or passive oversight and management of the resources. (Ord. No. 765 § 2 (Exh. A) (part))

**44-2.60.20 Development Standards in the Natural Resources Zones.**

(a) General Standards. Allowed uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Title, unless a variance is obtained in compliance with Section [44-1.90.050](#). Table 44-2.60-1 identifies the development standards applicable to the Natural Resources Zones.

**TABLE 44-2.60-1: DEVELOPMENT STANDARDS IN THE NATURAL RESOURCES ZONES**

<b>Development Standards – River Frontage (R-F), Flood Management (F-M), Forest Residential (F-R), Forest Management and Recreation (FMR), and Resource Management (R-M)</b>							
	<b>Zoning Classifications</b>						<b>Special Regulations</b>
	<b>R-F</b>	<b>F-M</b>	<b>F-R</b>	<b>FMR</b>	<b>R-M</b>		
<b>Parcel Size and Density</b>							
<b>Minimum Parcel Size [1]</b>	0.5 ac	1 ac	40 ac			160 ac[2]	
<b>Minimum Parcel Width</b>	None	60 ft	100 ft			None	
<b>Minimum Parcel Depth</b>	None	100 ft	200 ft			None	
<b>Maximum Dwelling Units per Parcel</b>	1	-	1			1	
<b>Minimum Dwelling Units per Parcel</b>	-	-	-			-	
<b>Setbacks and Height Standards</b>							
<b>Minimum Setbacks</b>	<b>Front</b>	None	10 ft	25 ft		None	
	<b>Rear</b>	None	10 ft	25 ft		None	
	<b>Side</b>	None	10 ft	10 ft		None	
<b>Maximum Structure Height</b>	30 ft[3]	30 ft[3]	30 ft			25 ft	
Notes:							
[1] Applicably solely to parcels newly created through lot split or subdivision							
[2] 40-acre minimum parcel size if contiguous to an existing wildlife refuge							
[3] If buildings are required to be elevated on stilts to protect against flood damage, maximum structure height is 25 feet above building floor elevation.							

(b) Performance Standards. The following performance standards apply to permitted uses in the Forest Residential Zone identified in Table 44-2.60-2. Projects that cannot meet the following performance standards shall be elevated to a minor use permit.

(1) Water and sewer. Adequate capacity for provision of on-site water and sewer service consistent with the requirements of the Department of Environmental Health shall be demonstrated to the satisfaction of the Director.

(2) Flood management. Development shall comply with Chapter [33](#) (Flood Damage Prevention).

(3) Drainage and water quality. There shall be no net increase in off-site drainage flows, including peak flows during a storm event, and water quality measures shall be implemented to reduce stormwater pollutants.

(4) Roadway and access improvements. The project shall demonstrate adequate roadway and access improvements consistent with County standards to ensure adequate emergency services access.

(5) Fire protection. The project shall demonstrate adequate fire protection measures to the satisfaction of the Chief Building Official. (Ord. No. 765 § 2 (Exh. A) (part))

**44-2.60.30 Allowed Uses in the Natural Resources Zones.**

Table 44-2.60-2 identifies land uses allowed in the natural resource zones.

**TABLE 44-2.60-2: ALLOWED USES IN THE NATURAL RESOURCES ZONES**

<b>Allowed Uses – River Frontage (R-F), Flood Management (F-M), Forest Residential (F-R), Forest Management and Recreation (FMR), and Resource Management (R-M)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>R-F</b>	<b>F-M</b>	<b>F-R</b>	<b>FMR</b>	<b>R-M</b>	<b>Special Regulations</b>
<b>Agricultural and Agricultural Support Uses</b>						
Agricultural Processing, Off-Site Products	-	-	-		-	
Agricultural Processing, On-Site Products	-	U	U		-	
Animal Grazing	P	P	P		P	
Animal Processing and Rendering	-	-	-		-	
Animal Raising and Keeping, Commercial	-	U	M		M	
Animal Raising and Keeping, Private	P	P	P		P	
Apiaries	P	P	P		P	

<b>Allowed Uses – River Frontage (R-F), Flood Management (F-M), Forest Residential (F-R), Forest Management and Recreation (FMR), and Resource Management (R-M)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>R-F</b>	<b>F-M</b>	<b>F-R</b>	<b>FMR</b>	<b>R-M</b>	<b>Special Regulations</b>
Accessory Structures to Primary Agricultural Use	U	U	P		P	
Crop Production and Cultivation, Including Orchards and Vineyards	P	P	P		P	
Dairy	-	-	-		-	
Intensive Animal Operations	-	-	-		-	
Nurseries and Greenhouses	-	P	P		P	
Private Farm Airstrips	-	-	-		-	
Stables, Commercial	-	U	-		-	
Stables, Private	-	U	P		M	
Visitor-Serving Agricultural Support Use	-	-	-		-	
Wineries	-	-	-		-	
<b>Natural Resource Uses</b>						
Energy Generation for Off-Site Use	-	U	-		U	<a href="#">44-2.80.020</a>
Energy Generation for On-Site Use	-	M	P		M	
Forestry and Logging	-	-	P		M	
Mining	U	U	-		U	Chapter 9A
Oil and Gas Extraction	U	U	U		U	
Timber Processing	-	-	U		-	
Habitat Mitigation and Management	U	U	-		P	<a href="#">44-5.30</a>
<b>Commercial Uses</b>						

<b>Allowed Uses – River Frontage (R-F), Flood Management (F-M), Forest Residential (F-R), Forest Management and Recreation (FMR), and Resource Management (R-M)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>R-F</b>	<b>F-M</b>	<b>F-R</b>	<b>FMR</b>	<b>R-M</b>	<b>Special Regulations</b>
Agricultural Product Sales, Off-Site	-	-	-		-	
Agricultural Product Sales, On-Site	-	U	P		-	
Agriculture Auction and Sales Yards	-	-	-		-	
Agriculture Chemicals Manufacture, Distribution, Use and Storage	-	-	-		-	
Animal Hospitals and Kennels	-	-	-		-	
Bars, Nightclubs, and Lounges	-	-	-		-	
Bed and Breakfast	-	-	P		-	
Commercial Recreation, Indoor	-	-	-		-	
Commercial Recreation, Outdoor	M	M	M		M	
Construction, Maintenance, and Repair Services	-	-	-		-	
Equipment Sales and Rental	-	-	-		-	
Farm Equipment: Sale, Rental, Repair and Supplies	-	-	-		-	
Gas and Service Stations	-	-	-		-	
Grocery Stores	-	-	-		-	
Hotel and Motel	-	-	-		-	
Duck, Hunting, and Fishing Clubs	U	U	U		U	<a href="#">44-4.100</a>
Medical Offices and Clinics	-	-	-		-	
Nursery, Retail	-	-	-		-	

<b>Allowed Uses – River Frontage (R-F), Flood Management (F-M), Forest Residential (F-R), Forest Management and Recreation (FMR), and Resource Management (R-M)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>R-F</b>	<b>F-M</b>	<b>F-R</b>	<b>FMR</b>	<b>R-M</b>	<b>Special Regulations</b>
Offices, Professional	-	-	-		-	
Personal Services	-	-	-		-	
Public/Mini Storage	-	-	-		-	
Recreational Vehicle Parks	U	-	U		-	
Restaurant	-	-	-		-	
Retail, General	-	-	-		-	
Retail, Large Projects	-	-	-		-	
Tasting Rooms	-	-	-		-	
Vehicle Repair, Service and Maintenance	-	-	-		-	
Vehicle Sales and Rental	-	-	-		-	
<b>Community and Recreational Uses</b>						
Boat Ramps and Landings	U	U	-		U	
Campground	M	M	U		M	
Cemeteries	-	-	-		-	
Child Care Center	-	-	-		-	
Clubs, Lodges, and Private Meeting Halls	-	-	-		-	
Community Centers	-	-	-		-	
Community Colleges and Universities	-	-	-		-	
Correctional Institutions and Facilities	-	-	-		-	
Cultural Institutions and Museums	-	-	-		-	
Emergency Shelters	-	-	-		-	

<b>Allowed Uses – River Frontage (R-F), Flood Management (F-M), Forest Residential (F-R), Forest Management and Recreation (FMR), and Resource Management (R-M)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>R-F</b>	<b>F-M</b>	<b>F-R</b>	<b>FMR</b>	<b>R-M</b>	<b>Special Regulations</b>
Family Day Care, Small	-	-	P		-	<a href="#">44-2.60.20(b)</a>
Family Day Care, Large	-	-	-		-	
Golf Courses and Country Clubs	-	-	-		-	
Group Day Care Center	-	-	-		-	
Hospitals	-	-	-		-	
Marinas	-	-	-		-	
Off-Highway Vehicle Recreation Area	-	-	-		-	
Offices, Governmental	-	-	-		-	
Parks and Recreational Facilities, Public	M	M	M		M	
Public Safety Facilities	-	-	P		P	
Recreational Facilities, Private	M	U	P		-	
Religious Facilities and Institutions	-	-	-		-	
Residential Care Facility	-	-	-		-	
Schools, Public and Private	-	-	-		-	
Trail Head Parking or Staging Area	M	P	-		M	
<b>Residential Uses</b>						
Agricultural Worker Housing Center	-	-	-		-	
Agricultural Worker Housing Unit	-	-	P		-	<a href="#">44-2.60.20(b)</a>
Caretaker Quarters	M	-	M		M	<a href="#">44-4.140</a>

<b>Allowed Uses – River Frontage (R-F), Flood Management (F-M), Forest Residential (F-R), Forest Management and Recreation (FMR), and Resource Management (R-M)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>R-F</b>	<b>F-M</b>	<b>F-R</b>	<b>FMR</b>	<b>R-M</b>	<b>Special Regulations</b>
Duplex Home	-	-	-		-	
Live/Work Unit	-	-	-		-	
Manufactured or Mobile Home	-	-	P		-	<a href="#">44-4.70</a> ; <a href="#">44-2.60.20(b)</a>
Mobile Home (Temporary)	-	-	T		-	<a href="#">44-4.80</a>
Mobile Home Park	-	-	-		-	
Multiple Family Dwelling	-	-	-		-	
Residential Care Homes, Large	-	-	-		-	
Residential Care Homes, Small	-	-	P		-	<a href="#">44-4.30</a> ; <a href="#">44-2.60.20(b)</a>
Accessory Dwelling	-	-	A		-	<a href="#">44-4.10</a> ; <a href="#">44-2.60.20(b)</a>
Single-Family Home	-	-	P		-	<a href="#">44-2.60.20(b)</a>
<b>Industrial Uses</b>						
Manufacturing, General	-	-	-		-	
Manufacturing, Heavy	-	-	-		-	
Manufacturing, Light	-	-	-		-	
Research and Development	-	-	-		-	
Warehousing, Wholesaling, and Distribution	-	-	-		-	
<b>Transportation, Communication, and Utility Uses</b>						
Airport-Related Uses	-	-	-		-	
Airports for Commercial Farm Services	-	-	-		-	
Solid Waste Disposal Site	-	-	-		-	



<b>Allowed Uses – River Frontage (R-F), Flood Management (F-M), Forest Residential (F-R), Forest Management and Recreation (FMR), and Resource Management (R-M)</b>						
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>					
	<b>R-F</b>	<b>F-M</b>	<b>F-R</b>	<b>FMR</b>	<b>R-M</b>	<b>Special Regulations</b>
Composting Facilities and Soil Amendment Facilities	-	-	M		-	
Sewage Disposal Site	-	-	-		-	
Freight and Truck Terminals and Yards	-	-	-		-	
Recycling Collection or Processing Facility, Large	-	-	-		-	
Recycling Collection or Processing Facility, Small	-	-	-		-	
Reverse Vending Machine	-	-	-		-	
Telecommunications Facilities	U	U	U		U	
Utilities, Major	U	U	-		U	
Utilities, Minor	P	P	P		P	

(Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 9; Ord. No. 796, § 8.)

**44-2.70 Special Purpose Zoning Classifications.**

(Ord. No. 765 § 2 (Exh. A) (part))

**44-2.70.10 Purpose of the Special Purpose Zones.**

(a) General Recreation (G-R). The purpose of the G-R zone is to provide lands suitable for the development of active and passive recreational opportunities throughout the County. Appropriate uses in the G-R zone include public parks, sports fields, campgrounds, and trail systems.

(b) Airport (A-V). The A-V zone identifies lands suitable for, and used for, public or commercial airport purposes, including activities that are typically associated with airport operations, and preventing the encroachment of incompatible uses. Standards in the A-V zone are intended to support aeronautics-related businesses and services that benefit from, or require proximity to, an airport, and to ensure that airport operations and supporting uses to not pose a threat to public safety.

(c) Public Facilities (P-F). The P-F zone identifies lands used for governmental entities, and may include structures and facilities such as County buildings, schools, public safety facilities, utilities, and other public uses that enhance the quality of life within Colusa County.

(d) Rural Services (R-S). The R-S zone identifies areas suitable to provide necessary housing and services to the rural communities of Delevan, Sites, and Lodoga. The R-S zone facilitates multiple land uses on any given lot, consistent with and supportive of a higher intensity of development in the community area core that will contribute to a prosperous economy and higher quality of life in each of these rural centers. Subdivision or lot splitting into parcels smaller than two acres is prohibited, unless community water and septic/sewer systems can be provided to serve lots smaller than two acres.

(Ord. No. 765 § 2 (Exh. A) (part))

**44-2.70.20 Development Standards in the Special Purpose Zones.**

Allowed uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Title, unless a variance is obtained in compliance with Section [44-1.90.050](#). Table 44-2.70-1 identifies the development standards applicable to the Special Purpose Zones.

**TABLE 44-2.70-1: DEVELOPMENT STANDARDS IN THE SPECIAL PURPOSE ZONES**

Development Standards – General Recreation (G-R), Airport (A-V), Public Facilities (P-F), and Rural Services (R-S)					
	Zoning Classifications				Special Regulations
	G-R	A-V	P-F	R-S	
Parcel Size and Density					
<b>Minimum Parcel Size</b>	0.5 acre	1 acre or 6,000 sq-ft within water and sewer district service areas	1 acre or 6,000 sq-ft within water and sewer district service areas	2 acres or 12,000 sq-ft within water or sewer district service areas	
<b>Minimum Parcel Width</b>	60 ft	60 ft	60 ft	60 ft	
<b>Minimum Parcel Depth</b>	None	None	None	None	

<b>Development Standards – General Recreation (G-R), Airport (A-V), Public Facilities (P-F), and Rural Services (R-S)</b>						
<b>Zoning Classifications</b>						
		<b>G-R</b>	<b>A-V</b>	<b>P-F</b>	<b>R-S</b>	<b>Special Regulations</b>
<b>Maximum Dwelling Units per Parcel</b>		1 caretaker unit per parcel	-	-	2	
<b>Minimum Dwelling Units per Acre</b>		-	-	-	-	
<b>Setbacks and Height Standards</b>						
<b>Minimum Setbacks</b>	<b>Front</b>	None[1]	None[1]	None[1]	15 ft	
	<b>Rear</b>	10 ft	10 ft	10 ft	15 ft	
	<b>Side</b>	None[2]	None[2]	None[2]	10ft	
<b>Maximum Structure Height</b>		40 ft	35 ft	40 ft	40 ft	
Notes: [1] A 15-foot front setback shall be required when adjacent to a Residential Zone [2] An 8-foot setback shall be required when adjacent to a Residential Zone. A zero side lot line must include fireproof walls and meet all applicable building and fire code requirements.						

(Ord. No. 765 § 2 (Exh. A) (part))

**44-2.70.30 Allowed Uses in the Special Purpose Zones.**

Table 44-2.70-2 identifies land uses allowed in the special purpose zones.

**TABLE 44-2.70-2: ALLOWED USES IN THE SPECIAL PURPOSE ZONES**

<b>Allowed Uses – General Recreation (G-R), Airport (A-V), Public Facilities (P-F), and Rural Services (R-S)</b>					
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>				
	<b>G-R</b>	<b>A-V</b>	<b>P-F</b>	<b>R-S</b>	<b>Special Regulations</b>
<b>Agricultural and Agricultural Support Uses</b>					

<b>Allowed Uses – General Recreation (G-R), Airport (A-V), Public Facilities (P-F), and Rural Services (R-S)</b>					
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>				
	<b>G-R</b>	<b>A-V</b>	<b>P-F</b>	<b>R-S</b>	<b>Special Regulations</b>
Agricultural Processing, Off-Site Products	U	-	-	U	
Agricultural Processing, On-Site Products	P	-	-	P	
Animal Grazing	P	-	-	P	
Animal Processing and Rendering	-	-	-	-	
Animal Raising and Keeping, Commercial	P	-	-	-	
Animal Raising and Keeping, Private	P	-	-	M	
Apiaries	P	-	-	M	
Accessory Structures to Primary Agricultural Use	P	-	-	P	
Crop Production and Cultivation, including Orchards and Vineyards	P	-	-	P	
Dairy	-	-	-	-	
Intensive Animal Operations	-	-	-	-	
Nurseries and Greenhouses	P	-	-	P	
Private Farm Airstrips	-	P	-	-	
Stables, Commercial	M	-	-	-	
Stables, Private	M	-	-	M	
Visitor-Serving Agricultural Support Use	M	-	-	M	
Wineries	M	-	-	M	
<b>Natural Resource Uses</b>					
Energy Generation for Off-Site Use	U	-	-	-	<a href="#">44-2.80.020</a>
Energy Generation for On-Site Use	P	-	P	P	

<b>Allowed Uses – General Recreation (G-R), Airport (A-V), Public Facilities (P-F), and Rural Services (R-S)</b>					
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>				
	<b>G-R</b>	<b>A-V</b>	<b>P-F</b>	<b>R-S</b>	<b>Special Regulations</b>
Forestry and Logging	-	-	-	-	
Mining	-	-	-	-	
Oil and Gas Extraction	-	-	-	-	
Timber Processing	-	-	-	-	
Habitat Mitigation and Management	-	-	-	-	
<b>Commercial Uses</b>					
Agricultural Product Sales, Off-Site	-	-	-	-	
Agricultural Product Sales, On-Site	M	-	-	P	
Agriculture Auction and Sales Yards	-	-	-	-	
Agriculture Chemicals Manufacture, Distribution, Use and Storage	-	-	-	-	
Animal Hospitals and Kennels	-	-	-	U	
Bars, Nightclubs, and Lounges	-	-	-	P	
Bed and Breakfast	-	-	-	M	<a href="#">44-4.100</a>
Commercial Recreation, Indoor	P	-	-	M	
Commercial Recreation, Outdoor	P	-	-	M	
Construction, Maintenance, and Repair Services	-	-	-	P	
Equipment Sales and Rental	-	-	-	M	
Farm Equipment: Sale, Rental, Repair and Supplies	-	-	-	M	
Gas and Service Stations	-	-	-	P	
Grocery Stores	-	-	-	P	
Hotel and Motel	-	-	-	M	
Duck, Hunting, and Fishing Clubs	U	-	-	-	<a href="#">44-4.100</a>

<b>Allowed Uses – General Recreation (G-R), Airport (A-V), Public Facilities (P-F), and Rural Services (R-S)</b>					
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>				
	<b>G-R</b>	<b>A-V</b>	<b>P-F</b>	<b>R-S</b>	<b>Special Regulations</b>
Medical Offices and Clinics	-	-	-	P	
Nursery, Retail	-	-	-	P	
Offices, Professional	-	-	-	P	
Personal Services	-	-	-	P	
Public/Mini Storage	-	-	-	U	
Recreational Vehicle Parks	-	-	-	U	
Restaurant	-	-	-	P	
Retail, General	-	-	-	P	
Retail, Large Projects	-	-	-	-	
Tasting Rooms	-	-	-	P	
Vehicle Repair, Service and Maintenance	-	-	-	M	
Vehicle Sales and Rental	-	-	-	M	
<b>Community and Recreational Uses</b>					
Boat Ramps and Landings	M	-	U	-	
Campground	P	-	M	M	
Cemeteries	-	-	M	-	
Child Care Center	-	-	-	U	<a href="#">44-4.20</a>
Clubs, Lodges, and Private Meeting Halls	M	-	-	M	
Community Centers	P	-	-	M	
Community Colleges and Universities	-	-	U	U	
Correctional Institutions and Facilities	-	-	P	-	
Cultural Institutions and Museums	M	-	P	-	
Family Day Care, Small	-	-	-	P	<a href="#">44-4.20</a>

<b>Allowed Uses – General Recreation (G-R), Airport (A-V), Public Facilities (P-F), and Rural Services (R-S)</b>					
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>				
	<b>G-R</b>	<b>A-V</b>	<b>P-F</b>	<b>R-S</b>	<b>Special Regulations</b>
Family Day Care, Large	-	-	-	M	<a href="#">44-4.20</a>
Emergency Shelters	-	-	-	-	
Group Day Care Center	-	-	-	U	<a href="#">44-4.20</a>
Golf Courses and Country Clubs	P	-	-	-	
Hospitals	-	-	P	-	
Marinas	M	-	U	-	
Off-Highway Vehicle Recreation Area	U	-	-	-	
Offices, Governmental	-	-	P	P	
Parks and Recreational Facilities, Public	P	-	P	M	
Public Safety Facilities	-	U	P	U	
Recreational Facilities, Private	P	-	U	P	
Religious Facilities and Institutions	-	-	P	P	
Residential Care Facility	-	-	-	-	
Schools, Public and Private	U	-	P	U	
Trail Head Parking or Staging Area	P	-	P	M	
<b>Residential Uses</b>					
Agricultural Worker Housing Center	-	-	-	M	
Agricultural Worker Housing Unit	-	-	-	M	
Caretaker Quarters	P	-	-	M	<a href="#">44-4.140</a>
Duplex Home	-	-	-	-	
Live/Work Unit	-	-	-	P	
Manufactured or Mobile Home	-	-	-	P	<a href="#">44-4.70</a>
Mobile Home (Temporary)	-	-	-	T	<a href="#">44-4.80</a>

<b>Allowed Uses – General Recreation (G-R), Airport (A-V), Public Facilities (P-F), and Rural Services (R-S)</b>					
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>				
	<b>G-R</b>	<b>A-V</b>	<b>P-F</b>	<b>R-S</b>	<b>Special Regulations</b>
Mobile Home Park	-	-	-	U	
Multiple Family Dwelling	-	-	-	-	
Residential Care Homes, Large	-	-	-	M	<a href="#">44-4.30</a>
Residential Care Homes, Small	-	-	-	P	<a href="#">44-4.30</a>
Accessory Dwelling	-	-	-	A	<a href="#">44-4.10</a>
Single-Family Home	-	-	-	P	
<b>Industrial Uses</b>					
Manufacturing, General	-	-	-	-	
Manufacturing, Heavy	-	-	-	-	
Manufacturing, Light	-	-	-	U	
Research and Development	-	-	-	-	
Warehousing, Wholesaling, and Distribution	-	-	-	-	
<b>Transportation, Communication, and Utility Uses</b>					
Airport-Related Uses	-	P	M	-	
Airports for Commercial Farm Services	-	P	M	-	
Solid Waste Disposal Site	-	-	M	-	
Composting Facilities and Soil Amendment Facilities	M	-	M	-	
Sewage Disposal Site	-	-	P	-	
Freight and Truck Terminals and Yards	-	M	-	-	
Recycling Collection or Processing Facility, Large	-	-	M	-	



<b>Allowed Uses – General Recreation (G-R), Airport (A-V), Public Facilities (P-F), and Rural Services (R-S)</b>					
P = Permitted Use A = Administrative Permit M = Minor Use Permit U = Use Permit T = Temporary Use Permit - = Use not allowed	<b>Zoning Classifications</b>				
	<b>G-R</b>	<b>A-V</b>	<b>P-F</b>	<b>R-S</b>	<b>Special Regulations</b>
Recycling Collection or Processing Facility, Small	-	-	P	M	
Reverse Vending Machine	P	P	P	P	
Telecommunications Facilities	P	P	P	P	
Utilities, Major	M	M	P	M	
Utilities, Minor	P	P	P	P	

(Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 10; Ord. No. 796, § 9.)

**44-2.80 Overlay Zones.**

(Ord. No. 765 § 2 (Exh. A) (part))

**44-2.80.010 Planned Development (PD) Overlay Zone.**

(a) Purpose of the Planned Development Overlay Zone. The Planned Development (PD) overlay zone is intended to provide for flexibility in the development regulations and design standards and to allow mixtures of uses and clustering of land uses that are traditionally prohibited by conventional zoning. Through this flexibility in standards, many of the objectives of the General Plan can best be achieved. The Planned Development overlay zone establishes a process for the regulation of areas suitable for comprehensive development with detailed development plans (in the form of a Planned Development) and of those areas that require special planning to provide for development in harmony with natural features and other environmental considerations. Planned Developments may be residential, commercial, or industrial and may permit mixed uses under certain circumstances, if such uses are determined to be consistent with the intent of the General Plan. The objectives of the Planned Development overlay zone are to achieve one or more of the following purposes:

- (1) Permit flexibility in design and use of an individually owned property or a group of separately owned properties to allow for economy, convenience and amenity in development.
- (2) Permit cluster development in appropriate locations.
- (3) Allow certain uses not otherwise permitted in the zone under controlled circumstances.

(4) Encourage the provision of both on-site and off-site open space in consideration for increased density or other bonuses.

(5) Where appropriate, encourage energy efficiency, water conservation, variety in housing types, and greater public access to open space.

(b) Planned Development. A Planned Development is required in conjunction with any rezone request for a Planned Development overlay zone designation. To qualify for rezoning, projects must include developed or undeveloped property with one or more contiguous parcels totaling a minimum of two acres in size. Projects of less than two acres may be considered when determined that the development area is underutilized or problematic (e.g., infill, reuse, redevelopment) and that the surrounding area will be better served by the project.

(c) Approving Authority. The designated approving authority for a Planned Development is the Board (Table 44-1.1). A Planned Development shall be processed in accordance with the processing requirements of Article 44-1.

(d) Procedures. This process will be conducted by the Director in accordance with Section [44-1.70](#) (Permit Application and Review Procedures). A public hearing is required for a Planned Development.

(e) Deviations from Development Standards. The approving authority may grant requests to deviate from the development standards (e.g., minimum lot area, yard requirements, building heights), but shall not grant exceptions to the allowed land use or density of the base zoning classification that would result in a conflict with the intent of the General Plan. Physical development standards may be modified if the plan includes examples of superior design, environmental preservation and public benefit amenities, and the approving authority makes all of the required findings herein.

(1) Approval Findings. The approving authority shall make the following findings to approve a Planned Development application.

(A) The proposed project does not exceed the total density allowed under the base zoning classification or the General Plan land use designation.

(B) The proposed project is superior to development that could occur under the development standards of the base zoning classification in at least three of the following ways:

(i) Greater open space and common areas than required;

(ii) Greater landscaping than required that enhances the public street appearance (including street trees, benches, lights, special paving, water fountains, etc.) or

increases landscape buffers with adjacent properties;

(iii) Superior site design. Utilization of commercial/industrial design standards to achieve a superior site design;

(iv) Superior subdivision design. Utilization of design standards to achieve a superior subdivision design;

(v) Greater connectivity to surrounding public streets, bike paths, pedestrian walkways, and public open spaces than required by zoning or subdivision regulations;

(vi) Enhanced environmental preservation by clustering development to preserve sensitive plant or wildlife habitat, biological resources, or contiguous open space;

(vii) Reduced impacts on surrounding properties, in terms of privacy, protections for adjacent agricultural operations, access to sunlight, shadow, views, building bulk, noise, or other types of negative impacts, beyond what would be achieved under existing requirements.

(C) The proposed project incorporates best site planning practices for quality design and compatibility with surroundings.

(D) The proposed project incorporates high quality architectural design and durable materials.

(E) The proposed project shall not be substantially detrimental to adjacent property and will not materially impair the purposes of this zoning code, the general plan, or the public interest.

(f) Planned Development Overlay Designation. Planned Development overlay zones shall be delineated on the Zoning Map in a manner similar to that of any other overlay zone. The assignment of the Planned Development overlay zone designation serves to provide a reference to the corresponding Planned Development Zoning document adopted by ordinance of the Board. Applicable zoning regulations and standards applicable to the land area shall be provided in the Planned Development document.

(g) Allowed Uses. Allowed uses within a Planned Development overlay zone are those listed uses in the adopted Planned Development document. A Planned Development may reference the allowed use provisions of a concurrent base zoning classification contained in this article; however, in the event that there are conflicts between the provisions of the Planned Development and this title, the

Planned Development shall prevail. Where a Planned Development does not provide a listing of allowed uses, the regulations of the base zoning classification shall prevail.

(h) Development Standards. Development standards within the Planned Development overlay zone are those standards listed in the adopted Planned Development. A Planned Development overlay zone may reference the development standards of the base zoning classification, in which case the standards of the base zoning classification shall apply. Where a Planned Development is silent regarding a countywide standard (e.g., sign regulations), the adopted standard shall apply. Where a Planned Development establishes unique standards that are in conflict with the standards of this Chapter (Zoning), the Planned Development standards shall prevail. When a Planned Development does not establish development standards, the standards for the equivalent base zoning classification shall apply as determined and formally interpreted by the Director.

(i) Planned Development Application Contents. The application for a Planned Development and a Planned Development overlay zone designation shall contain the following information:

- (1) Legal description of the property.
- (2) Proposed land uses showing general locations of all buildings and proposed specific uses. For residential planned unit developments, building envelopes must be designated on all lots, either by setbacks or, for larger lots, designated building areas that can be defined by dimensions shown on the plans.
- (3) General circulation pattern indicating both public and private vehicular, bicycle, and pedestrian ways and parking areas.
- (4) A tabulation of the total land area and percentage designated for each proposed use, as well as a tabulation of residential units by type, and square footage of commercial, industrial, and other non-residential uses by type.
- (5) Delineation of development staging locations, if any.
- (6) Topographic map of the property with contours in intervals of not more than five feet or as determined by the Director.
- (7) If permanent open space is proposed, plans and a description of the property shall be submitted as well as a written statement by the property owner authorizing the applicant to negotiate with the County for acquisition of an easement or fee title.

(8) A preliminary report indicating provisions for storm drainage, sewage disposal, water supply, access, grading, and public utilities.

(9) A statement of provisions for ultimate ownership and maintenance of all parts of the development, including streets, structures, and open spaces.

(10) Building elevations, architectural renderings, or other information deemed necessary by the Director. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-2.80.020 Energy Production (EP) Overlay Zone.**

A. Purpose of the Energy Production Overlay Zone. The Energy Production (EP) overlay zone is intended to identify and designate areas suitable for the development of large-scale commercial energy facilities and to streamline the approval of such facilities. The application of the EP overlay zone should be based on the availability of resources, the location of existing or proposed infrastructure, and the potential for commercial energy facilities to be appropriately sited to effectively mitigate potential significant impacts.

B. Applicability. The EP overlay zone may be applied only within the following base zones:

- a. Foothill Agriculture (F-A)
- b. Exclusive Agriculture (E-A)
- c. Upland Conservation (U-C)
- d. Light Industrial (M-1)
- e. Heavy Industrial (M-2)
- f. Forest Management and Recreation (FMR)
- g. Public Facilities (P-F)

The uses and standards required in the EP overlay zone shall be in addition to those of the base zone.

C. Criteria for Designation. The EP overlay zone may be applied only to property meeting all of the following designation criteria:

- a. The EP overlay zone may not be applied within 500 feet of the R-R, R-1, R-2, R-3, R-4, and Mixed Use (MU) zones.
- b. The EP overlay zone shall not be placed on any property under Williamson Act contract unless power generation facilities are specifically allowed under the contract.
- c. The EP overlay zone shall not be placed on any parcel with a conservation or other restrictive easement unless power generation facilities are specifically allowed under the easement.
- d. The EP zone may be applied on prime farmland, farmland of statewide importance, and farmland of local importance as designated by the California Department of Conservation only if the applicant can demonstrate that the farmland is marginal and cannot produce agricultural products at the average rate of other farmland in the County with the same farmland designation.

D. Permitted Uses. All uses allowed as permitted uses by the underlying primary zone with which the EP overlay zone is applied shall be permitted in the EP overlay zone in compliance with the provisions and standards of the primary zone.

In addition to the uses allowed by the underlying primary zone, the following energy facilities shall be allowed as a permitted use, subject to a minor use permit and the site planning and development standards identified in this article.

- a. Exploratory wells for either low temperature or steam geothermal development;
- b. Commercial steam geothermal facilities for heat and power;
- c. Wind anemometers and wind electric generation facilities;
- d. Commercial solar photovoltaic facilities;
- e. Cogeneration and bioenergy production facilities;
- f. Natural gas fired power plants;
- g. Other hybrid or emerging energy technologies which in the opinion of the Director are of a similar and compatible nature to those uses described in this article;
- h. Electric power transmission infrastructure, including sub-stations, generating stations, pipelines and transmission lines; and

i. Accessory uses and buildings directly related to the operation and maintenance of the electric generating facilities.

E. Performance Standards. The following performance standards apply to energy production uses within the EP overlay zone. Projects that cannot meet the following performance standards shall be elevated to a use permit.

a. Farmland protection. In the agricultural zoning classifications, the project shall be sited to minimize the loss of Important Farmlands to the greatest extent feasible. A Right to Farm Declaration and Agricultural Use Easement shall be recorded to minimize conflicts with agricultural operations. If the project is located on a site under Williamson Act Contract, the project must serve as an agricultural or compatible use listed in the Uniform Rules for the Land Conservation Act Program.

b. Aesthetics. The project shall be sited to minimize view impacts from public roads and adjacent residential areas. Any lighting shall be fully shielded, downward casting, and not result in light spillage onto off-site structures or properties, or the night sky. The operator shall maintain the facility, including all required landscaping, in compliance with the approved plans.

c. Maximum noise levels. Maximum noise levels shall meet the requirements of General Plan Table N-1. Further, maximum noise levels shall not exceed 60 dB at the property line of adjacent uses that are not in an agricultural or industrial zone.

d. Maximum daily trips. Daily trips shall not exceed 100 car or light truck vehicle trips or 70 heavy truck trips, or a combination of the two.

e. Water and sewer. Adequate capacity for provision of on-site water and sewer service shall be demonstrated to the satisfaction of the Director where the project will not connect to public water and/or wastewater infrastructure.

f. Flood management. Development shall comply with Chapter [33](#) (Flood Damage Prevention). Improvements located within the 100-year floodplain, such as solar panels and wind turbines, shall be built in accordance with best practices and shall be flood-resistant or shall incorporate methods to minimize flood damage, such as being adequately anchored to prevent flotation or collapse, constructed with flood resistant materials below the base flood elevation, and be designed or located such that floodwater is prevented from entering or accumulating in the components that are not flood resistant during flooding events.

- g. Drainage. There shall be no net increase in off-site drainage flows, including peak flows during a storm event.
- h. Roadway and access improvements. The project shall demonstrate adequate roadway and access improvements consistent with County standards to accommodate the maximum daily trips to the satisfaction of the Director of Public Works.
- i. Fire protection. The project shall demonstrate adequate fire protection measures to the satisfaction of the Chief Building Official.
- j. Biological resources protection. The project shall not be sited within designated sensitive biological resource areas, including wetlands, streams, threatened or endangered species habitat areas and/or habitat connectivity corridors. (Ord. No. 765 § 2 (Exh. A) (part))

## **Article 44-3: Site Planning Provisions**

### **44-3.10 Landscaping.**

This section establishes standards for landscaping in urban areas of the County to enhance the aesthetic appearance of developed areas and to promote the efficient use of water resources. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.10.010 Applicability.**

The requirements in this section shall apply to properties located within urban zones, including residential (R-1, R-2, R-3, and R-4), commercial (C-1, C-2, C-H, C-R, and MU), and industrial (M-1, M-2, and RD) zones, and to properties within the recreational (G-R) zone. The following landscape projects are subject to the requirements of this section:

- A. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit, plan check, or zoning permit;
- B. New construction and rehabilitated landscapes which are developer-installed in single-family and multi-family subdivision projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit, plan check, or zoning permit;
- C. New construction and rehabilitated landscapes for commercial and industrial projects with a landscape area equal to or greater than 10 percent of the floor area ratio requiring a building permit, plan check, or zoning permit;



D. New construction and rehabilitated landscapes for all public or private parks and recreation projects;

E. This section does not apply to the following:

1. Registered local, state or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system; or
4. Plant collections, as part of botanical gardens and arboretums open to the public. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.10.020 General Landscape Guidelines.**

The following guidelines are encouraged within all urban zones, as identified above under Section [44-3.10.010](#).

A. Plant Selection. Plants should be selected from a County-approved list of native, water-conserving, and non-invasive species. Plant species that require extensive shearing shall be avoided, unless a sheared appearance is desired and no other suitable plant species exists.

B. Turf lawns.

1. Water-intensive turf should be limited to 25 percent of the total landscaped area of a site for all residential, commercial, and industrial projects. Recreational and parks projects may exceed this standard based on the nature of the proposed use at the site. For example, sports parks, ball fields, and other uses that require large areas of open turf may exceed this requirement.
2. Turf should be prohibited on slopes 25 percent or greater.

C. Plant Groupings. Where irrigation is proposed, plants with different watering needs should be grouped in separate hydrozones (i.e., plants within each irrigation valve area shall have the same watering requirements).

D. Water Features. Decorative water features (e.g., fountains, ponds, waterfalls) should have recirculating water systems. Where available, recycled water should be used as a source for decorative water features.

E. Mulch. A minimum two inch (2") layer of mulch should be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications. Stabilizing mulching products should be used on slopes greater than 10 percent.

F. Public Safety. Plant species should be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation and do not conflict with overhead lights or utility lines. Landscaping in fire-prone areas should address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section [4291](#)(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

G. Maintenance. All landscaped areas should be kept free of debris, trash, weeds, and other unsightly material. Landscape material requiring pruning or mowing should be maintained on a periodic basis to avoid overgrowth and visual deterioration. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.10.030 Residential Landscape Standards.**

The following standards apply within all urban residential zones (R-1, R-2, R-3, and R-4):

A. No more than 50 percent of required front and side setbacks may be covered with paving or other impervious surfaces. The review authority may grant exceptions to this requirement for small or irregularly shaped parcels if compliance would result in inadequate vehicular or pedestrian access to the site.

B. Unpaved areas shall be landscaped with any combination of living plants such as trees, shrubs and grass or related natural features such as rock, stone or bark chips. Decorative hardscape featuring pervious materials are permitted within required unpaved areas.

C. For multi-family residential dwellings, all front setbacks that are not occupied by a structure or used for required parking shall be landscaped or maintained as open space. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.10.040 Commercial, Mixed Use, and Industrial Landscape Standards.**

The following standards apply within all commercial, mixed use, and industrial zones (C-1, C-2, C-H, C-R, MU, M-1, M-2, and RD):

A. The minimum landscaped area on a site shall be as shown in Table 44-3.10-1 (Minimum Landscaped Areas in Non-Residential Zones). This minimum area is based upon the applicable zone and the gross floor area of all structures within the site.

**TABLE 44-3.10-1: MINIMUM LANDSCAPED AREAS IN NON-RESIDENTIAL ZONES**

ZONES	MINIMUM LANDSCAPED AREA <sup>1</sup>
Neighborhood Commercial (C-1)	10%
Community Commercial (C-2)	10%
Highway Service Commercial (C-H)	10%
Commercial Resort (C-R)	15%
Mixed Use (MU)	15%
Light Industrial (M-1)	5%
Heavy Industrial (M-2)	5%
Research and Development (RD)	10%

Notes:

(1) Based on gross floor area of structures located on-site. For example, a structure with a gross floor area of 10,000 square feet on a Neighborhood Commercial (C-1) site would require 1,000 square feet of landscaped area, regardless of parcel size.

B. All front setbacks that are not occupied by a structure or used for required parking shall be landscaped or maintained as open space. Impervious surfaces are prohibited within setbacks, except for driveways, emergency access lanes, pedestrian walkways, bicycle paths, and similar improvements as determined by the Zoning Administrator.

C. Xeriscape landscaping may be used to satisfy minimum landscaped area requirements. (Ord. No. 765 § 2 (Exh. A) (part))

**44-3.10.050 Parking Lot Landscaping.**

See Section [44-3.20.050](#). (Ord. No. 765 § 2 (Exh. A) (part))

**44-3.10.060 Landscape Plans.**

(a) Landscape Plan Required. Projects subject to the requirements of this section shall submit a landscape plan as part of applications for all permits as required by the zoning code and as part of Building Permit Applications when necessary.

(b) Require Landscape Plan Contents. Landscape plans shall include the following features and information:

(1) Site boundaries of the subject property;

- (2) Existing structures on the subject property;
- (3) Structures within 100 feet of the subject property lines;
- (4) All new structures and improvements proposed as part of the development project;
- (5) Existing landscaping, trees, and vegetation to be retained;
- (6) All new landscaping proposed as part of the development project, including dimensions and sizes of proposed landscaping areas;
- (7) Diagram or schematic depicting all proposed hydrozones within the landscaping area if necessary;
- (8) Identification of water supply type (e.g., potable, recycled, well) and identification of the local retail water purveyor if the applicant is not served by a private well;
- (9) Any additional information as determined by the reviewing authority to demonstrate compliance with the requirements of this section.

(c) Review and Approval. The Department of Planning and Building shall review all landscape plans to verify compliance with the requirements of this section. Landscape plans shall be approved by the review authority acting upon the permit application for the proposed new development (e.g., Planning Commission for a Use Permit or Zoning Administrator for an Administrative Permit or a Minor Use Permit).

(d) Changes to Approved Landscape Plans. If substantial modifications to an approved landscape plan are requested by an applicant, the modifications must be approved by the review authority which approved the landscape plan. The Zoning Administrator may approve minor modifications to a landscape plan previously approved by the Planning Commission or Board of Supervisors. Minor modifications are defined as changes to a landscape plan that do not decrease the total amount of landscaped area, alter the general design character of the landscaped area, or alter a feature of the landscaped area specifically required by the decision-making authority. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.10.070 Irrigation and Water Efficiency.**

Projects subject to the requirements of this section shall comply with the following irrigation and water efficiency standards.

(a) Irrigation System. Water-efficient irrigation systems (e.g., bubbler type, drip, mini-spray) shall be required. Irrigation systems shall include check valves to prevent low head drainage, appropriate nozzles to prevent overspray, and automatic and self-adjusting irrigation controllers that include moisture and/or rain sensor shutoff. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

(b) Irrigation Schedule. Landscape irrigation shall be scheduled between the hours of 8:00 p.m. and 10:00 a.m. to avoid irrigating during times of high wind, high temperature, and high water usage.

(c) Hydrozones. Each hydrozone shall have plant materials with similar water use. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.10.080 Model Water Efficient Landscaping Ordinance.**

In addition to the guidelines and standards contained in this section, all landscaping subject to the requirements of the California Water Conservation in Landscaping Act (Government Code Section [65591](#) et seq.) shall also comply with the Model Water Efficient Landscaping Ordinance prepared by the California Department of Water Resources (DWR). If conflicts occur between the Model Water Efficient Landscaping Ordinance and the Zoning Ordinance, the more restrictive shall apply. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.10.090.10**

##### **Fencing and Barrier Regulations.**

All fencing, walls, hedges and other barriers which are solid shall comply with chapter [12D](#) (Sight Distance Obstructions) and the following regulations. (Ord. No. 788 § 11 (part))

#### **44-3.10.090.20**

##### **Maximum Height Limits.**

(a) Three-Foot Limit. In all residential zones, no fencing, walls, hedges or other barriers that are solid or over three feet in height when measured from the elevation of the adjacent street grade shall be allowed in the following areas. The term “solid” as used in this section shall mean greater than fifty percent opaque and/or solid.

(1) In the required front yard setback.

(2) On the street side of a corner lot, no closer than ten feet to the street side property line, except that such structures may come to within five feet from the street side property line between the rear property line and a point set back fifteen feet from the front corner of the

residence closest to the street side yard; provided, that the structure does not pose a traffic sight obstruction.

(3) On the street side of a corner lot, within a triangle formed by measuring thirty feet from the front side yard street corner down the street side yard lot line and the front yard lot line.

(b) Four-Foot Height Limit. In the R-R zone, the maximum height allowed in subsection (a) of this section may be increased to four feet for such structures when measured from the elevation of the adjacent street grade which are seventy-five percent open to views through the fence.

(c) Seven-Foot Height Limit. No fence over seven feet in height shall be allowed in any setback in any residential zone. (Ord. No. 788 § 11 (part))

#### **44-3.10.090.30**

##### **Fencing in All Commercial (C-1, C-2, C-H, C-R, and M-U) and Industrial Zones (M-1, M-2, and R-D).**

Fencing in all commercial and industrial zones is subject to the site plan review provisions of section [44-1.80](#) to assure that all fencing plans meet building code requirements and chapter [12D](#) and shall be subject to the appeal provisions of section [44-1.80.080](#). (Ord. No. 788 § 11 (part))

#### **44-3.10.090.040**

##### **Fencing in All Agricultural Zones (F-A, E-A, U-C, U-T, and A-T).**

Fencing in all agricultural zones shall comply with chapter [12D](#). (Ord. No. 788 § 11 (part))

#### **44-3.20 Parking and Loading.**

This section establishes standards for vehicle parking facilities and freight loading areas. The purpose of these parking and loading standards is to promote public health, safety, and welfare by reducing street congestion, traffic hazards, requiring safe and convenient access to businesses, public services, and places of public assembly, and ensuring compatibility with surrounding land uses. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-3.20.010 Applicability.**

The requirements in this section shall apply to all new structures and uses and to changes in land uses or structures that require a permit pursuant to Articles 44-1 and 44-2. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-3.20.020 On-Site Parking Requirements.**

(a) Number of Spaces. All land uses shall provide on-site parking as required in Table 44-3.20-1.

**TABLE 44-3.20-1: ON-SITE PARKING REQUIREMENTS**

<b>USES, ACTIVITIES, AND FACILITIES</b>	<b>NUMBER OF REQUIRED ON-SITE PARKING SPACES</b>
<b>AGRICULTURAL AND AGRICULTURAL SUPPORT USES</b>	
Agricultural Processing, Off-Site Products	1 per employee
Agricultural Processing, On-Site Products	
Animal Grazing	
Animal Processing and Rendering	
Animal Raising and Keeping, Commercial	
Animal Raising and Keeping, Private	
Apiaries	
Accessory Structures to Primary Agricultural Use	
Crop Production and Cultivation, Including Orchards and Vineyards	
Intensive Animal Operations	
Nurseries and Greenhouses	
Private Farm Airstrips	
Stables, Commercial	
Stables, Private	None required
Visitor-Serving Agricultural Support Use	1 per 300 sq. ft. of floor area
Wineries	
<b>NATURAL RESOURCE USES</b>	
Energy Generation for Off-Site Use	1 per employee
Energy Generation for On-Site Use	None required
Forestry and Logging	1 per employee
Mining	
Oil and Gas Extraction	
Timber Processing	
Habitat Mitigation and Management	None required
<b>COMMERCIAL USES</b>	

USES, ACTIVITIES, AND FACILITIES	NUMBER OF REQUIRED ON-SITE PARKING SPACES
Agricultural Product Sales, Off-Site	1 per 300 sq. ft. of sales and display area
Agricultural Product Sales, On-Site	
Agriculture Auction and Sales Yards	As determined by a parking demand analysis and specified in the applicable discretionary permit
Agriculture Chemicals Manufacture, Distribution, and Storage	1 per employee
Animal Hospitals and Kennels	1 per 400 sq. ft. of floor area
Bars, Nightclubs, and Lounges	1 per 3 seats, or 1 per 200 sq. ft. of floor area, whichever is greater
Bed and Breakfast	1 per guestroom, plus 2 for resident manager
Commercial Recreation, Indoor	1 per 400 sq. ft. of floor area
Commercial Recreation, Outdoor	1 per 4 seats or 4-person capacity, or 1 per 400 sq. ft. of floor area, whichever is greater
Construction, Maintenance, and Repair Services	1 per 300 sq. ft. of floor area
Equipment Sales and Rental	1 per 400 sq. ft. of sales and display area
Farm Equipment: Sale, Rental, Repair and Supplies	
Gas and Service Stations	1 per 300 sq. ft. of floor area, plus 1 per 4 pump stations
Grocery Stores	1 per 300 sq. ft. of floor area
Hotel and Motel	1 per room, plus 1 per 300 sq. ft. of office area
Hunting, Fishing, and Duck Clubs	1 per 400 sq. ft. of lodge or meeting space floor area, plus 1 per cabin and 1 per guest room
Medical Offices and Clinics	1 per 300 sq. ft. of floor area
Movie Theater	1 per 3 seats
Nursery, Retail	1 per 300 sq. ft. of sales and display area
Offices, Professional	1 per 300 sq. ft. of floor area
Personal Services	
Public/Mini Storage	1 space per 100 storage units, or 5 spaces, whichever is greater



USES, ACTIVITIES, AND FACILITIES	NUMBER OF REQUIRED ON-SITE PARKING SPACES
Recreational Vehicle Parks	1 per 300 sq. ft. of floor area
Restaurant	1 per 4 seats, or 1 per 300 sq. ft. of floor area, whichever is greater
Retail, General	1 per 300 sq. ft. of floor area
Retail, Large Projects	
Target Shooting Ranges	As determined by a parking demand analysis and specified in the applicable discretionary permit
Tasting Rooms	1 per 300 sq. ft. of floor area
Vehicle Repair, Service and Maintenance	1 per 400 sq. ft. of floor area
Vehicle Sales and Rental	
<b>COMMUNITY AND RECREATIONAL USES</b>	
Boat Ramps and Landings	As determined by a parking demand analysis and specified in the applicable discretionary permit
Campground	1 per every 3 day users, plus 1 per each designated camping space
Cemeteries	1 per 6 seats in a chapel or other assembly area
Child Care Center	1 per 400 sq. ft. of floor area
Child Day Care	1 in addition to the spaces required for the primary use
Clubs, Lodges, and Private Meeting Halls	1 per 250 sq. ft. of floor area
Community Centers	1 per 300 sq. ft. of floor area
Community Colleges and Universities	
Correctional Institutions and Facilities	1 per 2,000 sq. ft. of floor area
Cultural Institutions and Museums	Theaters and auditoriums: 1 per 4 seats Other areas accessible to the public: 1 per 300 sq. ft.
Emergency Shelters	1 per 8 beds, plus 1 per 300 sq. ft. of office or other nonresidential area
Golf Courses and Country Clubs	1 per hole, plus 1 per 300 sq. ft. of floor area

USES, ACTIVITIES, AND FACILITIES	NUMBER OF REQUIRED ON-SITE PARKING SPACES
Hospitals	1 per 400 sq. ft. of floor area, or as determined by a parking demand analysis and specified in the applicable discretionary permit
Marinas	As determined by a parking demand analysis and specified in the applicable discretionary permit
Off-Highway Vehicle Recreation Area	1 per every 3 day users, plus 1 per each designated camping space
Offices, Governmental	1 per 300 sq. ft. of floor area
Parks and Recreational Facilities, Public	As determined by a parking demand analysis and specified in the applicable discretionary permit
Public Safety Facilities	
Recreational Facilities, Private	
Religious Facilities and Institutions	1 per 6 seats, plus 1 per 300 sq. ft. of classroom or office area
Schools, Public and Private	As determined by a parking demand analysis and specified in the applicable discretionary permit
Trail Head Parking or Staging Area	1 per every 3 day users
<b>RESIDENTIAL USES</b>	
Agricultural Worker Housing Center	Group quarters: 1 per 4 beds Dwelling units: 2 per dwelling
Agricultural Worker Housing Unit	2 per dwelling
Caretaker Quarters	1 per dwelling
Duplex Home	2 per dwelling
Live/Work Unit	2 per unit
Manufactured Home	2 per dwelling
Mobile Home	1 per dwelling
Mobile Home Park	1 per dwelling, plus 1 guest space for every 5 dwellings, and 1 recreational vehicle parking space for every 5 dwellings

USES, ACTIVITIES, AND FACILITIES	NUMBER OF REQUIRED ON-SITE PARKING SPACES
Multiple Family Dwelling	1 guest space for every 4 dwellings and 1 employee space for every 300 sq. ft. of office and other nonresidential space, plus: Studio units: 1.25 per dwelling One-bedroom units: 1.5 per dwelling Two-or-more-bedroom units: 2 per dwelling
Residential Care Homes, Large	1 per 4 beds, plus 1 per 300 sq. ft. of office or other nonresidential areas
Residential Care Homes, Small	1 in addition to the spaces required for the primary use
Accessory Dwelling	1 per dwelling
Single-Family Home	2 per dwelling (two-car covered off-street parking in R-1 through R-4 zones)
<b>INDUSTRIAL USES</b>	
Manufacturing, General	1 per 1,000 sq. ft. of floor area
Manufacturing, Heavy	
Manufacturing, Light	
Research and Development	1 per 1,000 sq. ft. of laboratory or manufacturing area, and 1 per 300 sq. ft. of the remaining area
Warehousing, Wholesaling, and Distribution	1 per 2,000 sq. ft. of floor area
<b>TRANSPORTATION, COMMUNICATION, AND UTILITY USES</b>	
Airport-Related Uses	1 per 2,000 sq. ft. of floor area, or as determined by a parking demand analysis and specified in the applicable discretionary permit
Airports for Commercial Farm Services	
Solid Waste Disposal Site	1 per 1,000 sq. ft. of floor area
Composting Facilities	
Sewage Disposal Site	1.1 per employee
Freight and Truck Terminals and Yards	1 per 2,000 sq. ft. of floor area
Recycling Collection Facility	1 per 1,000 sq. ft. of floor area
Recycling Processing Facility	
Reverse Vending Machine	1 per machine

USES, ACTIVITIES, AND FACILITIES	NUMBER OF REQUIRED ON-SITE PARKING SPACES
Telecommunications Facilities	None required
Utilities, Major	1 per employee, or as determined by a parking demand analysis and specified in the applicable discretionary permit
Utilities, Minor	None required

(b) Unlisted and Unidentified Uses.

(1) The Zoning Administrator shall determine on-site parking requirements for uses not listed in Table 44-3.20-1 or for non-residential “shell” structures with no identified uses or tenants.

(2) On-site parking requirements for unlisted uses shall be based on the parking requirements of similar or anticipated uses in Table 44-3.20-1.

(3) The Zoning Administrator may require the preparation of a parking demand study to determine the parking requirements for unlisted uses.

(c) Multiple Uses. When more than one land use is conducted on a parcel, the required number of parking spaces shall be the sum of the number of parking spaces required for each individual use.

(d) Fractional Spaces. If the number of required parking spaces does not result in a whole number, the number shall be rounded down to the nearest whole number.

(e) Replaced Uses. A new use that replaces an existing use shall provide parking only for the additional parking required for the new use beyond that which was required by the existing use.

(f) Availability and Use of Spaces.

(1) Required parking spaces shall be permanently available and maintained for parking purposes for the use they are intended to serve.

(2) Owners, lessees, tenants, or persons having control of the operations of a use for which parking spaces are required shall not prevent or restrict authorized persons from using these spaces.

(3) Required parking spaces shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats,

campers, mobile homes, merchandise, or equipments, or for any other use not authorized by the zoning code. (Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 12)

#### **44-3.20.030 Adjustments and Special Parking Requirements.**

##### **(a) Compact Car Spaces.**

(1) Parking requirements for non-residential uses requiring ten or more parking spaces may include compact car spaces for up to 25 percent of the number of required parking spaces.

(2) Compact parking spaces shall be a minimum of 8 feet in width and 16 feet in length.

(3) All parking spaces for compact cars shall be clearly marked with the word "Compact" either on the wheel stop or curb, or on the pavement at the opening of the space.

(4) Compact parking stalls shall be reasonably dispersed throughout the parking area.

##### **(b) Parking for Persons with Disabilities.**

(1) Parking facilities shall be properly designed, constructed, and maintained to provide for access by the physically disabled from designated disabled parking spaces to the public right-of-way and into structures on the parcel.

(2) The number of parking spaces for the disabled shall be as required by the Uniform Building Code, the Federal Accessibility Guidelines, and the California Code of Regulations (Title 24, Part 2, Chapter 2-71).

(3) Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by Table 44-3.20-1.

**C. Shared Parking.** Where two or more non-residential uses on a single site are developed as a recognized shopping or professional center, and have distinct and differing hours of use and peak traffic period (e.g., a movie theater and a bank), the required parking may be adjusted by the approving authority, provided that the reduction does not exceed fifty percent of the amount of spaces required by the most intensive of the two or more uses sharing the parking. Such reductions shall apply only to those spaces within 300 feet of the affected use.

**D. Off-Site Parking.** Required parking may be located off-site when all of the following requirements are met:

1. Off-site parking for commercial or industrial uses is located on a site where parking is otherwise allowed and is located within 500 feet of the site which it is intended to serve.
2. There shall be no hazardous traffic safety conditions for pedestrians utilizing off-site parking facilities.
3. A parking covenant subject to approval of County Counsel is recorded between all concerned parties ensuring the continued availability of the of-site parking facilities for the life of the use it is intended to serve.

E. Downtown Arbuckle and Downtown Maxwell. Within the Downtown Arbuckle and Downtown Maxwell areas (see Figure 44-3.50-4), the following special parking standards shall apply: Owners or lessees with existing structures within the Downtown areas who construct new floor area, expand by converting existing floor area, and/or intensify the occupancy load (as defined by the California Building Code) of an existing building, and whose location limits the development of on-site parking as required by this section may be permitted to obtain a development permit, and not be required to provide the required on-site parking spaces, unless there is adequate on-site area available for parking lot expansion or development. A deviation of parking application must be considered and approved by the approving authority in such cases.

F. Increases and Decreases in Parking Requirements.

1. Increases. The number of parking spaces required by this section may be increased by the approving authority as a condition of a use permit or other applicable zoning permit where it is determined that the proposed use would have a parking demand in excess of the requirements of this section.
2. Decreases. Administrative relief from strict compliance with the provisions for non-residential uses may be granted by the approving authority on the relevant zoning permit for a project where the approving authority finds all of the following:
  - a. The intent of the parking standards in this section is preserved.
  - b. The parking provided is sufficient to serve the use for which it is intended.
  - c. The modification will not be detrimental to the public health or safety.

In considering requests for reduction in the number of parking spaces, the approving authority shall consider:

- i. Size and type of use or activity;
- ii. Composition and number of tenants;
- iii. Peak traffic and parking loads;
- iv. Rate of turnover; and
- v. Availability of public or alternative transportation, including bus stops, carpools or employer-provided transportation. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.20.040 Parking Design Standards.**

The following parking design standards shall apply in all zones.

##### **A. Dimensions.**

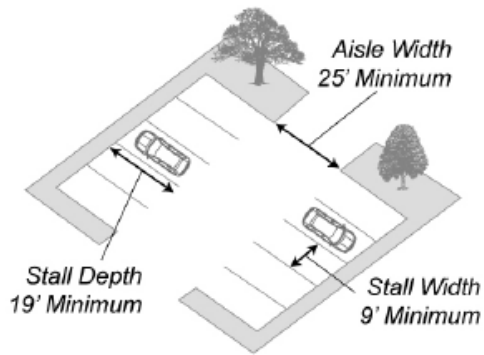
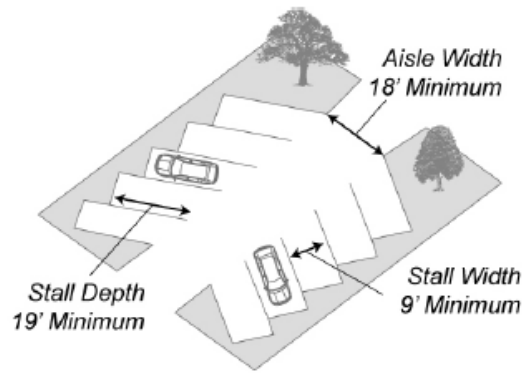
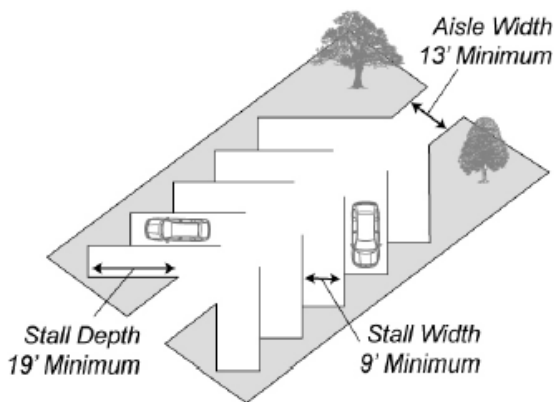
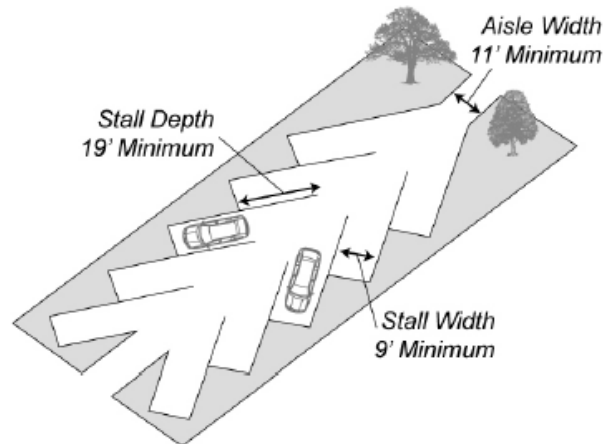
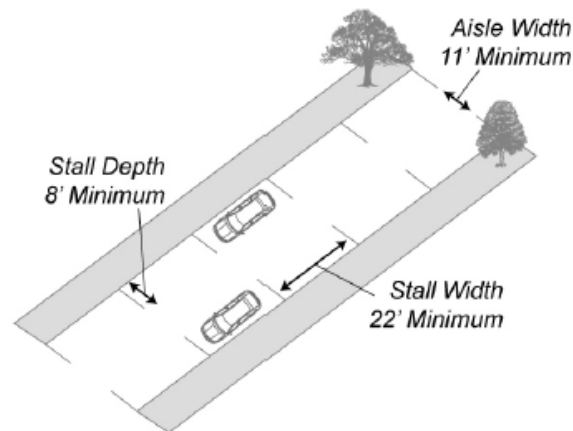
1. Standard parking spaces shall be 9 feet wide by 19 feet long.
2. Angles and parallel parking spaces and parking lot aisles shall comply with the dimensions in Table 44-3.20-2 (Minimum Angled and Parallel Parking Stall Dimensions) and Figure 44-3.20-1 (Parking Dimension Standards).

**TABLE 44-3.20-2: MINIMUM ANGLED AND PARALLEL PARKING STALL DIMENSIONS**

<b>ANGLE</b>	<b>STALL WIDTH</b>	<b>STALL DEPTH</b>	<b>MINIMUM AISLE WIDTH</b>
90°	9 feet	19 feet	25 feet
60°	9 feet	19 feet	18 feet <sup>1</sup>
45°	9 feet	19 feet	13 feet <sup>1</sup>
30°	9 feet	19 feet	11 feet <sup>1</sup>
0° (Parallel)	8 feet	22 feet	11 feet <sup>1</sup>

Notes: 1) indicates minimum aisle width for one-way travel aisle.

**FIGURE 44-3.20-1: PARKING DIMENSION STANDARDS**

**90° ANGLED PARKING****60° ANGLED PARKING****45° ANGLED PARKING****30° ANGLED PARKING****0° ANGLED PARKING (PARALLEL)****B. Access.**

1. Every parking and loading stall shall be individually accessible from the drive aisle without displacement of other vehicles.
2. Except for one- and two-family dwellings, parking stalls shall be designed so as to prohibit the backing of vehicles directly into any public right-of-way in order to exit any parking space.



### C. Surfacing and Drainage.

1. All parking areas shall either be paved with asphalt, concrete, or other all-weather surface, or shall be treated with dust-minimizing measures.
2. Permeable paving materials such as porous concrete/asphalt, open-jointed pavers, and turf/gravel grids are a permitted surface material.
3. The use of light colored materials to help reduce surface temperatures is encouraged.
4. All parking areas shall be graded to provide adequate drainage for all surface areas, and shall drain into a street, alley, or other improved stormwater drainage infrastructure.
5. The gradient of all parking surfaces and aisles shall not exceed six percent.

D. Lighting. All employee and visitor parking areas shall include lighting capable of provide adequate illumination for security and safety. All outdoor lighting used to illuminate parking areas shall comply with the requirements of Section [44-3.30](#).

E. Passenger Loading Areas. Passenger loading areas shall be provided for any building or building complex that will generate 50 or more employees at maximum occupancy. Such areas shall be located convenient to the primary employee entrances, and shall be designated either by signs or painted pavement. (Ord. No. 765 § 2 (Exh. A) (part))

### **44-3.20.050 Parking Lot Landscaping.**

Parking areas with 10 or more parking spaces shall comply with the following landscaping standards.

#### A. Screening.

1. When a parking lot is located adjacent to a public street, a 6-foot landscaped buffer strip shall be provided between the parking area and the public street.
2. Within commercial zones, industrial zones, and agricultural zones containing industrial-type uses (such as agricultural processing facilities), parking areas that abut residentially zoned property shall be screened by a row of densely planted evergreen trees, tall shrubs, or similar landscaping.

#### B. Interior Landscaping.

1. Where a parking lot contains 20 or more parking spaces, interior landscaping equivalent to 5 percent of the gross area used for parking and access purposes should be devoted to landscaping. Interior landscaping excludes landscaping buffer strips along the property line.
2. At least one tree having a minimum size of 15 gallons or equivalent shall be provided for each 10 parking spaces, exclusive of the landscape buffers.
3. All plant materials shall be nonpoisonous and shall be maintained free from weeds, debris, and undesirable materials. Plant materials showing damage from insects or disease shall be replaced in accordance with the approved landscape plan.
4. Landscaped areas shall emphasize the use of living plant material. However, the use of bark, decorative rock, water, and similar materials or features may be utilized, providing such materials do not exceed 30 percent of the required landscape area.

C. Maintenance. All landscaped areas should be kept free of debris, trash, weeds, and other unsightly material. Landscape material requiring pruning or mowing should be maintained on a periodic basis to avoid overgrowth and visual deterioration. (Ord. No. 765 § 2 (Exh. A) (part))

**44-3.20.060 Off-Street Loading.**

A. General Requirements.

1. Off-street freight and equipment loading spaces shall be provided for all commercial, office, and industrial land uses meeting the minimum gross floor area sizes shown in Table 44-3.20-3 (Required Loading Spaces).
2. The minimum numbers of loading spaces are shown are shown in Table 44-3.20-3.

**TABLE 44-3.20-3: REQUIRED LOADING SPACES**

LAND USE	TOTAL GROSS FLOOR AREA	REQUIRED LOADING SPACES
Office	Less than 7,500 sq. ft.	0
	More than 7,500 sq. ft.	1
Commercial	Less than 10,000 sq. ft.	0
	10,000 sq. ft. to 30,000 sq. ft.	1
	30,000 sq. ft. to 50,000 sq. ft.	2
	50,000 sq. ft. to 75,000 sq. ft.	3

LAND USE	TOTAL GROSS FLOOR AREA	REQUIRED LOADING SPACES
	More than 75,000 sq. ft.	4
Industrial	Less than 20,000 sq. ft.	1
	More than 20,000 sq. ft.	2

3. Industrial developments with two or more dock-high loading spaces shall provide one trailer parking/waiting space, a minimum of 12 feet wide by 45 feet long, for each two loading spaces.

4. All designated loading areas shall be striped and clearly identified as for loading purposes only.

#### B. Dimensions.

1. Each loading space shall have minimum dimensions of 12 feet wide, 40 feet long, and 14 feet vertical clearance.

2. Deviations from the minimum dimension standards may be approved by the Zoning Administrator if the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific business.

#### C. Location.

1. Loading areas shall be designed to ensure that loading and unloading takes place on-site and in no case within adjacent public rights-of-way.

2. Loading and maneuvering areas shall not encroach into required employee or visitor parking areas or other areas on-site required for vehicle circulation.

3. Loading and maneuvering areas shall not encroach into required front yard setback areas. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.30 Outdoor Lighting.**

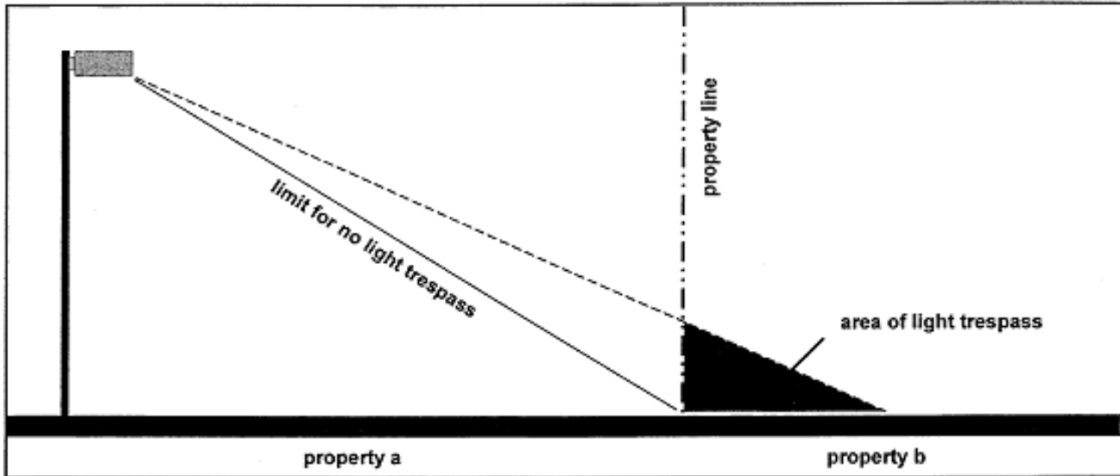
This section establishes minimum requirements for outdoor lighting in order to reduce light trespass, reduce glare, improve and maintain views of the night sky, and to protect the health, property and well-being of Colusa County residents and visitors. The requirements of this section apply to all outdoor lighting in all residential, commercial, industrial, and special purpose classifications, and to all outdoor lighting in other classifications adjacent to a residential or commercial classification. This section does

not apply to lighting and publicly owned facilities, including public rights-of-way. (Ord. No. 765 § 2 (Exh. A) (part))

**44-3.30.010 Lighting Standards.**

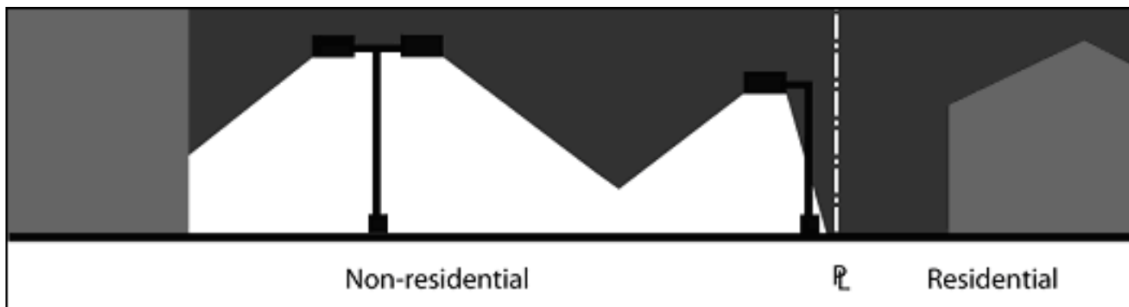
A. Nuisance Prevention. All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way as illustrated in Figure 44-3.30-1 (Light Trespass).

**FIGURE 44-3.30-1: LIGHT TRESPASS**



B. Shielding. Except as otherwise exempt, all outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties and to reduce illumination of the night sky. Each fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the site. Fixtures located higher than 6 feet above the ground shall have shielding that limits the angle of the cone of direct illumination to 60 degrees or less, as shown on Figure 44-3.30-2 (Light Shielding). Examples of adequate and inadequate light fixture shielding are shown on Figure 44-3.30-3 (Acceptable and Unacceptable Shielding).

**FIGURE 44-3.30-2: LIGHT SHIELDING**



**FIGURE 44-3.30-3: ACCEPTABLE AND UNACCEPTABLE SHIELDING**



C. Level of Illumination. Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid the harsh contrasts in lighting levels between the project site and adjacent properties. Moving, flashing, or animated lighting shall require a Use Permit.

D. Energy-Efficient Fixtures Required. Outdoor lighting shall utilize energy-efficient (high-pressure sodium, metal halide, low-pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater efficiency) fixtures and lamps. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.

E. Accent Lighting. Architectural features may be illuminated by uplighting, provided that the lamps are low intensity to produce a subtle lighting effect and no glare or light trespass is produced. Where ever feasible, solar-powered fixtures should be used.

F. Signs. Lighting of signs shall be in compliance with Section [44-3.50](#) of this zoning code.

G. Telecommunications Towers. Telecommunication towers and related equipment shall be unlit, except as provided below:

1. A manually operated or motion-detector-controlled light above the equipment shed door may be provided, except that the light shall remain off except when personnel are present at night; and
2. The minimum tower lighting required under FAA regulation; and
3. Where tower lighting is required, said lighting shall be shielded or directed downward to the greatest extent possible to ensure that such light does not spill over onto abutting properties, especially residential zoning classifications or uses. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.30.020 Exempt Lighting.**

The following items shall be exempt from this section.

- A. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas fixtures.
- B. Temporary lights used for holiday decorations.
- C. Emergency or temporary lighting erected for official purposes by local, state, or federal agencies.
- D. Lighting for temporary uses and special events permitted by Colusa County. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.30.030 Prohibited Lighting.**

The following types of lighting are prohibited:

- A. Neon tubing or band lighting along buildings and/or structures, except as approved through a Minor Use Permit, Use Permit, or Sign Permit.
- B. Search lights, laser source lights, or any similar high-intensity light, except for emergency use by police or fire personnel, or for approved temporary lighting for a special event approved by the County.
- C. Lighting fixtures operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular travel.
- D. Illumination of entire buildings.

E. Roof-mounted lighting, except for security purposes. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.40 Density Bonus.**

The purpose of this section is to provide a means for granting density bonuses and incentives in compliance with Government Code Sections [65915](#) through [65917](#). This section provides density bonuses and incentives for projects that are affordable to very low, low, and moderate income households and projects restricted to occupancy by senior citizens. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-3.40.010 Definitions.**

Unless otherwise specified in this section or unless the context plainly requires otherwise, the words and phrases used in this shall have the meanings defined by this chapter and the meanings attributed to them in Government Code Section [65915](#) et seq.

A. “Project” or “development” as used in this section, means either a project with five or more residential units, including projects to substantially rehabilitate existing residential units as defined by Government Code Section [65863.4](#) where the rehabilitation would result in a net increase in residential units.

B. “Density bonus” means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the County.

C. “Affordable housing unit” means any extremely low, very low, low, or moderate income unit created pursuant to this section.

D. “Senior housing unit” means any housing unit restricted to occupancy by a senior citizen household pursuant to this chapter.

E. “Extremely low income households” means persons and families earning less than 30 percent of the area median income adjusted for household size and whose incomes do not exceed the qualifying limits for very low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937, per Section [50106](#) of the Health and Safety Code.

F. “Very low income households” means persons and families earning less than 50 percent of the area median income adjusted for household size and whose incomes do not exceed the qualifying limits for very low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937, per Section [50105](#) of the Health and Safety Code.

G. “Low” or “Lower income households” means persons and families earning less than 80 percent of the area median income adjusted for household size and whose incomes do not exceed the qualifying

limits for very low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937, per Section [50079.5](#) of the Health and Safety Code.

H. “Moderate income households” means persons and families whose income exceeds the amount established for low income households and is less than 120 percent of area median income per Section [50093](#) of the Health and Safety Code.

I. “Child care facility” is defined as means a child day care facility other than a family day care home. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.40.020 Eligibility for Density Bonus and Incentives.**

The provisions of this section shall apply to the following types of projects that meet the following affordability and/or age requirements.

A. Types of Projects. The provisions of this section shall apply to:

1. New residential projects, including projects with a mix of residential and other uses, of 5 or more dwelling units, regardless of the type of dwelling units proposed;
2. Renovation of one or more multi-family residential structures containing at least 5 units so as to result in a net increase the number of residential units.
3. Development that will change the use of an existing building from nonresidential to residential and that will provide at least 5 residential units.
4. Developments that include the conversion of at least 5 residential rental units to ownership housing.

B. Affordability and Age Requirements. In order for a project to receive a density bonus, incentives, and/or concessions under this section, the project shall meet one of the following requirements:

1. A minimum of 10 percent of the dwelling units are for low income households; or
2. A minimum of 5 percent of the dwelling units are for very low or extremely low income households; or
3. A minimum of 10 percent of the total dwelling units in a common interest development, as defined in Civil Code Section [1351](#), are for households of moderate income, provided that all units are offered to the public for purchase.



4. A senior citizen project or a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections [51.2](#), [51.3](#), [798.76](#), or [799.5](#). Senior citizen projects shall be restricted to occupancy by senior citizens in perpetuity.

5. Length of Affordability. Extremely low, very low, and low income units shall be affordable to eligible households for a minimum period of 30 years, beginning at the initial occupancy of each affordable housing unit, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Projects that provide moderate income units in a common interest development shall ensure the initial occupancy of the unit by a moderate income household and the occupancy and resale of the unit shall be governed by an affordable housing agreement. (Ord. No. 765 § 2 (Exh. A) (part))

**44-3.40.030 Amount and Calculation of Density Bonus.**

A project that complies with the eligibility requirements of Section [44-3.40.020](#) shall be entitled to a density bonus. The applicant shall elect whether the density bonus shall be awarded on the basis of paragraph A, B, C, D, E, or F of this subsection. The applicant may request a smaller density bonus.

A. Bonus for Units for Very Low Income Households. For developments that include 5 percent of the total dwelling units for very low income households, the density bonus shall be calculated as follows:

**TABLE 44-3.40-1: VERY LOW INCOME DENSITY BONUS**

<b>PERCENTAGE OF BASE UNITS PROPOSED</b>	<b>DENSITY BONUS PERCENTAGE</b>
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

B. Bonus for Units for Low Income Households. For developments that include 10 percent of the total dwelling units for low income households, the density bonus shall be calculated as follows:

**TABLE 44-3.40-2 – LOW INCOME DENSITY BONUS**

<b>PERCENTAGE OF BASE UNITS PROPOSED</b>	<b>DENSITY BONUS PERCENTAGE</b>
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

C. Bonus for Units for Moderate Income Households. For developments that include 10 percent of the total dwelling units in a common interest development for households of moderate income, the density bonus shall be calculated as follows:

**TABLE 44-3.40-3 – MODERATE INCOME DENSITY BONUS**

<b>PERCENTAGE OF BASE UNITS PROPOSED</b>	<b>DENSITY BONUS PERCENTAGE</b>
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15

<b>PERCENTAGE OF BASE UNITS PROPOSED</b>	<b>DENSITY BONUS PERCENTAGE</b>
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

D. Bonus for Senior Citizen Housing. For an eligible senior citizen project, the density bonus shall be 20 percent of senior citizen housing units.

E. Bonus for Land Donation. When an applicant for a residential development agrees to donate land to the County for very low income households, the applicant shall be entitled to a density bonus for the entire market rate development, provided that nothing in this section shall be construed to affect the authority of the County to require a developer to donate land as a condition of development.

1. The applicant shall be entitled to a density bonus increase above the maximum allowed residential density for the entire market-rate residential development. The Density Bonus for land

dedication shall be in addition to any other density bonus allowed by this chapter, up to a maximum total density bonus of 35 percent. The density bonus for land donation shall be calculated as follows:

**TABLE 44-3.40-4 – VERY LOW INCOME DENSITY BONUS  
– LAND DONATION**

<b>PERCENTAGE OF VERY LOW INCOME UNITS ACCOMMODATED</b>	<b>DENSITY BONUS PERCENTAGE</b>
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

2. Eligibility for Land Donation Bonus. An applicant shall be eligible for the increased Density Bonus described in this section if all of the following conditions are met:

- a. The applicant donates and transfers the land to the County no later than date of approval by the County of the final subdivision map, parcel map, or residential development that is the subject of the density bonus.
- b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of market-rate residential units of the proposed development.
- c. The transferred land: i) is at least one acre in size or of sufficient size to permit development of at least 40 units; ii) has the appropriate General Plan designation and is appropriately zoned for development of very low income housing; iii) is or will be served by adequate public facilities and infrastructure for the development of very low income housing; iv) has appropriate zoning and development standards to make the development of the very low income housing units feasible; and v) has all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units, except that the County may subject the proposed development to subsequent design review, if the design is not reviewed by the County prior to the transfer.
- d. The transferred land and very low income housing units shall be subject to a deed restriction, which shall be recorded on the property upon dedication, ensuring affordability consistent with Section [44-3.40.020\(B\)\(5\)](#).
- e. The land is transferred to the County or to a housing developer approved by the County.
- f. The transferred land is within the proposed development or, if approved by the County, within one-quarter mile of the boundary of the proposed development.
- g. A proposed source of funding for the development of very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

F. Bonus for Condominium Conversions. When a development is the conversion of an existing apartment complex to a condominium complex and the applicant agrees to make at least 33 percent of the total units of the development affordable to moderate income households for 30 years, or 15 percent of the total units of the proposed development affordable to lower income households for 30

years, and agrees to pay for the administrative costs incurred by the County to process the application and to monitor the continued affordability and habitability of the affordable housing units, the County shall either:

1. Grant a density bonus of 25 percent, or
2. Provide other incentives of equivalent financial value as determined by the County.

An applicant shall be ineligible for a density bonus or other incentive(s) under this section if the apartments proposed for conversion are part of a project for which a density bonus or other incentive(s) were previously provided under this chapter or Government Code Section [65819](#) et seq.

G. Bonus for Projects with a Child Care Facility. When an applicant proposes to construct a development that conforms to the requirements of Section [44-3.40.020](#) and includes a child care facility located on the premises, or as part of, or adjacent to, the development, the County shall grant either of the following:

1. An additional density bonus of 5 percent provided that the total density bonus for the project does not exceed 35 percent. The density bonus is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility and shall not exceed a maximum of 5 square feet of floor area of new structures for each 1 square foot of floor area contained in the child care facility; or
2. An additional incentive or concession designated by the County that contributes significantly to the economic feasibility of the construction of the child care facility. This incentive or concession is in addition to the number of incentives the project may be granted under Section [44-3.40.040\(A\)](#).

H. Calculation of Density Bonus.

1. All density calculations resulting in fractional units shall be rounded up to the next whole number.
2. For the purposes of this chapter “total dwelling units” does not include units added by a density bonus awarded pursuant to this section or any other density bonus allowed by the County or State law.
3. If the site of a development proposal that requests a density bonus is located in two or more General Plan designations or zoning classifications, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zones. The permitted

number of dwelling units may be distributed within the development without regard to the zoning boundaries.

4. If the applicant desires to develop a density bonus project available to a mix of income levels or age groups, the project may combine its allowed density bonus, based on calculations approved by the Director, to a maximum density bonus of 35 percent.

5. The density bonus shall be based on “maximum allowable residential density” which means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

6. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the project other than the areas where the units for the lower income households are located. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.40.040 Incentives and Concessions.**

When an applicant seeks a density bonus or seeks to donate land for housing, the County shall provide the applicant with incentives or concessions for the production of housing units. These incentives are also applicable to child care facilities as described under Section [44-3.50](#). The applicant must request a density bonus on their project application, as described in Article 44-1, identifying the specific incentives or concessions that the applicant requests.

A. Number of Incentives. The County shall grant the following number of incentives, except as provided in Section [44-3.50\(A\)](#):

1. One incentive or concession for a project that includes: at least 10 percent of the total units affordable to low income households, at least 5 percent of the total units affordable to very low income households, or at least 10 percent of the total units affordable to households of moderate income in a common interest development; or
2. Two incentives or concessions for a project that includes: at least 20 percent of the total units affordable to low income households, at least 10 percent of the total units affordable to very low income households, at least 5 percent of the total units affordable to extremely low income

households, or at least 20 percent of the total units affordable to households of moderate income in a common interest development; or,

3. A total of three incentives or concessions for a project that includes: at least 30 percent of the total units affordable to low income households, at least 15 percent of the total units affordable to very low income households, or at least 30 percent of the total units affordable to households of moderate income in a common interest development.

4. One additional incentive for a project that is affordable to low income households and provides any of the following: at least 25 percent of the units as 3- or 4- bedroom units, at least 25 percent of the units accommodate disabled persons and are set-aside for occupancy by disabled persons, or at least 10 percent of the units are affordable to extremely low income households.

5. Any combination of the above incentives shall not exceed three incentives per project.

B. Types of Incentives or Concessions. For the purposes of this chapter, “incentive” or “concession means any of the following:

1. A reduction in the site development standards that results in identifiable, financially sufficient, and actual cost reductions. The reduction may include, but is not limited to:

- a. Reduced minimum lot size,
- b. Reduced minimum lot width,
- c. Reduced minimum setback,
- d. Increased maximum building height,
- e. Reduced on-site open-space requirement,
- f. Increased maximum lot coverage,
- g. Increased floor area ratio, or
- h. Reduced parking requirement.

2. A reduction in architectural design requirements that exceeds the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety



Code Section [18901](#) et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions.

3. Approval of mixed use development in conjunction with the proposed development if non-residential uses will reduce the development cost of the residential portion of the proposed development, and if the non-residential uses are compatible with the proposed development and with existing or planned development in the area.

4. Expedited project processing. The project will receive expedited project processing, which will include:

a. Mandatory Pre-Development Review Meeting. An applicant requesting expedited project processing must participate in a mandatory pre-development review meeting prior to submittal of the project application, and must pay all applicable pre-development meeting fees.

b. The review period(s) to determine completeness of the project application will be reduced from 30 calendar days to 25 calendar days.

c. Upon completion of project processing, including completion of the environmental document, if necessary, at the applicant's request the County will schedule the project for a public hearing, if required, and for project consideration by the decision-making body.

5. Other regulatory incentives or concessions proposed by the applicant or the County that result in identifiable, financially sufficient, and actual cost reductions.

6. A direct financial contribution, waiver of fees, or reduction of fees, when financially feasible, at the sole discretion of the Board of Supervisors. Nothing in this chapter shall be construed to require the provision of direct financial incentives for the development, including the provision of publicly owned land by the County or other waiver of fees or dedication requirements. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.40.050 Maximum Parking Standards.**

A. Upon the request of the applicant, a project shall be required to comply with the following parking standards:

1. Zero to one bedroom: one on-site parking space.
2. Two to three bedrooms: two on-site parking spaces.

3. Four and more bedrooms: two and one-half on-site parking spaces.

B. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

C. For purposes of this section, a development may provide “on-site parking” through tandem parking or uncovered parking, but not through on-street parking.

D. This subdivision shall only apply at the specific written request of the applicant to a development that meets the requirements the criteria of Section [44-3.40.020](#). An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to Section [44-3.40](#). (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.40.060 Processing of Density Bonus, Incentives, and Concessions.**

A. Application. In order to receive a density bonus, concessions, and/or incentives pursuant to this section, an Applicant must submit to the County a density bonus request which will be treated as part of the development application. At any time during the review process, the Director may require from the applicant additional information reasonably necessary to clarify and supplement the application or to determine the development’s consistency with the requirements of this section. The density bonus request shall include the following:

1. A description of the project, including the total number of proposed market rate units, affordable housing units, and/or senior housing units;
2. The zoning and General Plan designations and assessor’s parcel number(s) of the project site;
3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveways and parking layout;
4. A description of the concessions or incentives requested;
5. If an additional incentive(s) is requested, the application shall describe why the additional incentive(s) is necessary to provide the affordable housing units;
6. The draft Affordable Housing Plan meeting the requirements described in Paragraph B of this section; and
7. Any other information reasonably requested by the County to aid in the implementation of this section.

B. Affordable Housing Plan. An applicant shall submit an affordable housing plan as part of the density bonus request. The affordable housing unit plan shall include the following:

1. The location, structure (attached, semi-attached, or detached), proposed tenure (sale or rental), and size of proposed market-rate, and affordable housing units and the proposed tenure and size of non-residential uses included in the development.
2. A floor or site plan depicting the location of the affordable housing units and a floor plan describing the size of the affordable housing units in square feet;
3. The income level to which each affordable housing unit will be made affordable;
4. Draft of the documents to be used to assure that the units remain affordable for the desired term, such as resale and rental restrictions, deed of trust, and rights of first refusal and other documents;
5. For phased developments, a phasing plan that provides for the timely development of affordable housing units in proportion to other housing units in each proposed phase of development as required by this section;
6. A marketing plan that describes how the applicant will inform the public, and those within the appropriate income groups, of the availability of affordable housing units;
7. A financial report (pro forma) to evaluate: i) whether the concessions or incentives sought would result in identifiable, financially sufficient, and actual cost reductions and ii) whether the concessions or incentives sought would reduce the cost of the project; and
8. Any other information reasonably requested by the Director to assist with evaluation of the Affordable Housing Plan or density bonus request.

C. The granting of a density bonus, incentive, and/or concession shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

D. Approval Authority. The entity with approval authority for the administrative permit, minor use permit, subdivision map, parcel map, or other primary entitlement requested by the applicant shall consider the requested density bonus, incentives, and concessions.

E. Affordable Housing Agreement. Applicants, including the property owner, receiving a density bonus, incentives, and/or concessions pursuant to this section shall enter into an affordable housing agreement with the County.

1. Condition of Approval. An affordable housing agreement shall be a condition of approval for all residential developments subject to this chapter and shall be recorded as a restriction on any residential development on which the affordable and/or senior housing units will be constructed.
2. Timing. The affordable housing agreement shall be recorded prior to or concurrently with final parcel map or final subdivision map approval, or, where the residential development does not include a map, prior to issuance of a building permit for any structure in the residential development. The affordable housing agreement shall run with the land and bind all future owners and successors in interest.
3. Duration. The affordable housing agreement shall be binding on all future owners and successors in interest for the applicable affordability period, which shall begin at the initial occupancy, of each affordable housing unit. Senior projects shall be restricted to occupancy by senior citizens in perpetuity.
4. Contents. The affordable housing agreement shall address the occupancy, affordability, resale, and other restrictions identified at Government Code Section [65915\(c\)](#) and shall include the following, at a minimum without limitation:
  - a. The total number of units approved for the residential development and the number, location, and level of affordability of the affordable and senior units.
  - b. Standards for determining affordable rent or affordable ownership cost for the affordable units.
  - c. The location, unit size in square feet, and number of bedrooms of the affordable and senior units.
  - d. Provisions to ensure initial and continuing affordability, including the execution and recordation of subsequent agreements.
  - e. A schedule for completion and occupancy of affordable and senior units in relation to construction of market rate units.
  - f. A description of remedies for breach of the agreement by either party. The County may identify tenants or qualified purchasers as third party beneficiaries under the agreement.
  - g. Procedures for qualifying tenants and prospective purchasers of affordable and senior units.

- h. Provisions requiring maintenance of records to demonstrate compliance with this chapter.
- i. Provisions requiring fair housing practices, as defined by the California Fair Employment and Housing Act (Government Code Section [12900](#) et.seq.) in the marketing, rental, or sale of any affordable housing unit.
- j. Other provisions to ensure implementation and compliance with this chapter.

F. Child Care Facility Agreement. Applicants, including the property owner, receiving a density bonus, incentives, and/or concessions for a child care facility pursuant to this section shall enter into an affordable housing agreement with the County. The County shall require a child care facility agreement as a condition of approving the development. The agreement shall include the following conditions governing the use and operation of the child care facility during the use restriction period:

1. The child care facility shall remain in operation as long as or longer than the time period during which the affordable housing units are required to remain affordable pursuant to the affordable housing agreement; and
2. Of the children who attend the child care facility, the children of very low income households, low income households, moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are made affordable to very low income households, low income households, or moderate income households pursuant to the affordable housing agreement.
3. If the developer uses the space allocated for the child care facility for purposes other than for a child care facility, an assessment based on the square footage of the project shall be levied and collected by the County. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project shall be levied and collected by the County. The assessment shall be consistent with the market value of the space. If the assessment is levied against a consortium of developers, the assessment shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this requirement shall be deposited by the County into a special account to be used for child care services or child care facilities.
4. Once the child care facility has been established, the facility shall not be closed, undergo change in use, or be reduced in physical size unless the County makes a finding that the need

for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

G. Administrative Fee. The County shall charge an Administrative Fee to applicants to cover the County's cost of on-going enforcement of this section. The amount of the administrative fee shall be established from time-to-time by Board ordinance. Fees will be charged for costs, including staff time and materials, associated with: review and approval of applications for the project; project marketing and lease-up materials associated with the affordable housing units; and long-term compliance with the applicable provisions of this section.

H. Denial of Density Bonus, Incentives, and or Concessions for Affordable Housing. The density bonus, incentives, and/or concessions requested shall be granted unless the County denies specific incentives and/or concessions based on the entity with approval authority making any of the following written findings, based on substantial evidence:

1. The incentive or concession is not required to provide for affordable housing costs as defined in Health and Safety Code Section [50052.5](#), or for rents for the targeted units set as specified in this section; or
2. The incentive or concession would have a specific adverse impact, as defined in Government Code Section [65589.5\(d\)\(2\)](#), upon public health and safety, the physical environment, or on any real property that is listed in the California Register of Historic Resources, the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or
3. The incentive or concession would be contrary to State or Federal law.

I. Denial of Density Bonus, Incentives, and/or Concessions for a Child Care Facility. Notwithstanding any requirement of this section, the County need not provide a density bonus, incentive, or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.40.070 Design, Distribution and Timing of Development of Affordable Housing Units.**

A. Affordable housing units must be constructed concurrently with market-rate units. Affordable housing units shall be integrated into the project and be comparable in infrastructure (including sewer, water and other utilities), construction quality, and exterior design to the market-rate units. The affordable housing units must also comply with the following criteria:

1. Rental Developments: Rental units shall be integrated within and reasonably dispersed throughout the project. All affordable housing units shall reflect the range and numbers of bedrooms provided in the project as a whole, and shall not be distinguished by design, construction, or materials.

2. Owner-occupied Developments: Owner-occupied units shall be integrated within the project. Affordable housing units may be smaller in size and have different interior finishes and features than market-rate units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing as determined by the Director. All affordable housing units shall reflect the range and numbers of bedrooms provided in the project as a whole, except that affordable housing units need not provide more than four bedrooms.

B. No building permits will be issued for market-rate units until permits for all affordable housing units have been obtained, unless affordable housing units are to be constructed in phases pursuant to a plan approved by the County.

C. Market-rate units will not be inspected for occupancy until all affordable housing units have been constructed, unless affordable housing units are to be constructed in phases pursuant to a plan approved by the County. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.40.080 Compliance.**

The provisions of this section shall apply to all agents, successors and assignees of an applicant receiving a density bonus, incentive, and/or concession pursuant to this chapter. No tentative map, use permit, special development permit or occupancy permit shall be issued for any project that has been granted a density bonus under this section unless that map or permit is exempt from or in compliance with the requirements of this chapter.

A. If the Director determines that rents in excess of those allowed by the affordable housing agreement have been charged to a tenant residing in a rental affordable housing unit, the County may take the appropriate legal action to recover, and the rental unit owner shall be obligated to pay to the tenant (or to the County in the event the tenant cannot be located), any excess rent paid.

B. If the Director determines that a sales price in excess of that allowed by the affordable housing agreement has been charged for an ownership affordable housing, the County may take the appropriate legal action to recover, and the seller of the affordable housing unit shall be obligated to pay to the purchaser (or to the County in the event the purchaser cannot be located), any excess sales costs.

(c) Failure of any official or agency to enforce the requirements of this section shall not constitute a waiver or excuse any applicant or owner from the requirements of this section. No permit, license, map, or other approval or entitlement for a residential development shall be issued, including without limitation a final inspection or certificate of occupancy, until all applicable requirements of this section have been satisfied. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.50 Sign Regulations.**

(Ord. No. 765 § 2 (Exh. A) (part))

##### **44-3.50.010 Purpose.**

This section establishes regulations relating to the permitted type, size, height, placement, and design of signs. The intent of these regulations is to:

- (a) Support economic vitality and promote local businesses without detracting from the scenic qualities of the County, including the County's rural, agricultural, and open space areas;
- (b) Promote high quality and aesthetically pleasing design within the County's communities;
- (c) Minimize hazards to pedestrians, motorists, and bicyclists caused by distracting sign displays; and
- (d) Provide standards for signs that safeguard and protect life, health, property, and public safety and welfare. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-3.50.020 Applicability.**

The standards in this section apply to signs within all zones. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-3.50.030 Compliance Required.**

No sign shall be installed on any real property situated in the County without approval in accordance with this section, unless the sign is allowed without a permit as identified at section [44-3.50.040](#). (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-3.50.040 Signs Allowed Without Permits.**

(a) Permanent Signs Allowed Without a Permit. Sign type, placement, location and other standards identified at section [44-3.50.070](#) apply to permanent signs allowed without a permit. Permanent signs allowed without a permit shall not be illuminated and shall be no more than six feet in height if freestanding and no more than five feet in height if affixed to a building or other structure. The following signs are allowed without a permit and do not count towards the allowable area or number of signs on a site.



- (1) Signs no greater than eight square feet that are consistent with all applicable standards in this section.
- (2) Signs required by state or federal law, the County Code, a government agency, a public utility or service, or a court order.
- (3) On-site directional or informational signs that provide information for the convenience or safety of the public, with a maximum area of five square feet. This type of sign includes directional signs in parking lots, signs listing hours of business, and signs identifying the locations of telephones or restrooms.
- (4) Official flags of any state, nation, or government entity displayed in a manner consistent with the flag code (U.S.C.A. Title 36, Section 173 et seq.)
- (5) Signs within a building or within an interior area on the property that are not visible from a public right-of-way.
- (6) One commemorative sign that is cut into a permanent building material or made of a noncombustible material with a maximum area of sixteen square feet.
- (7) One professional name plate identifying the name of a business or the name of an occupant of a commercial, industrial, public, or semi-public building with a maximum area of sixteen square feet.
- (8) One bulletin board on the premises of a meeting facility or public building, with a maximum area of twelve square feet.

(b) Temporary Signs Allowed Without a Permit. Sign type, placement, location and other standards identified at section [44-3.50.070](#) apply to temporary signs allowed without a permit. However, with the exception of holiday decorations, temporary signs allowed without a permit shall not be illuminated and shall be no more than five feet in height if freestanding and no more than six feet in height if affixed to a building or other structure. Signs installed pursuant to this section shall not be placed on public property or in the public right-of-way. The following temporary signs are allowed without a permit:

- (1) Holiday decorations commonly associated with any national, local or religious holidays, provided that such decorations be displayed for a period of no more than 45 consecutive calendar days or no more than 60 calendar days in one year;

(2) Campaign or political signs pertaining to an election to any public office or ballot measure may be installed on private property with the property owner's consent with the following restrictions:

(A) The maximum sign height shall be twelve feet;

(B) All signs that have a height greater than seven feet require a building permit in accordance with the building code;

(C) No campaign or political signs shall be greater than thirty-two square feet; and

(D) In no case shall a campaign or political sign through its construction, placement, or size endanger the health, safety, or welfare of any member of the public.

(3) New business signs that constitute a window sign or banner sign up to five square feet that identifies the name of the establishment may be installed upon submittal of an application for a permanent business identification sign. The temporary identification sign shall be removed upon installation of the permanent identification sign;

(4) One construction sign, with a maximum area of 32 square feet, may be placed in the front or side yard on private property with the property owner's consent during construction activities and up to 30 days following completion of construction activities.

(5) Real estate signs (e.g., for sale, for lease, under construction, etc.) for a residence that are six square feet or less per sign. One sign may be installed per public frontage. The signs shall be removed upon sale or lease of unit or building. Up to two rider signs up to one square foot each may be attached to the real estate sign;

(6) Real estate signs (e.g., for sale, for lease, under construction, etc.) for a non-residential use that are 20 square feet or less per sign. One sign may be installed per public frontage. The signs shall be removed upon sale or lease of the unit or building;

(7) Open house signs, including A-frame signs, to direct traffic from major collector and arterial streets to the subject property. These signs shall be removed daily at the close of the open house. One sign may be placed for each change in direction up to a maximum of six signs per open house each with a maximum sign area of two square feet per sign; and

(8) Temporary signs not exceeding twenty square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that such signs are:

- (A) Posted on private property with the property owners' consent;
- (B) Posted no more than 21 calendar days before the event and only while the event is in progress; and
- (C) Removed no more than five calendar days after the event.

(c) Changes to Sign Face. Changes to an on-premise sign face that do not structurally alter the sign or its size are allowed without a permit provided that the changes are consistent with the standards of this section. (Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 13)

#### **44-3.50.050 Permit Requirements.**

(a) Administrative Permit Required. All signs not specifically identified in Section [44-3.50.040](#) (Signs Allowed Without Permits) require Zoning Administrator approval of an Administrative Permit.

B. Submittal Requirements. An Administrative Permit application for a sign shall include all information and materials required by Title 44-1. Applications shall also include:

1. The name and address of the property owner and the sign contractor;
2. Site plans showing the location of the proposed sign;
3. Scale drawings showing the sign design and materials;
4. An inventory of the location, sign area, and sign type of all existing signs on the site, excluding signs that are allowed without a permit; and
5. Any additional information required by the Zoning Administrator to verify compliance with this section. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.50.060 Prohibited Signs.**

The following signs shall be prohibited:

A. Signs that identify a use, facility, or service which is not located on the parcel or premise where the sign is located, except for temporary real estate signs consistent with Section [44-3.50.040](#) (Signs Allowed Without Permits) and off-site billboards consistent with Section [44-3.50.080](#) (Signs Allowed With a Permit).

B. Any sign that projects above the building roof to which it is affixed.

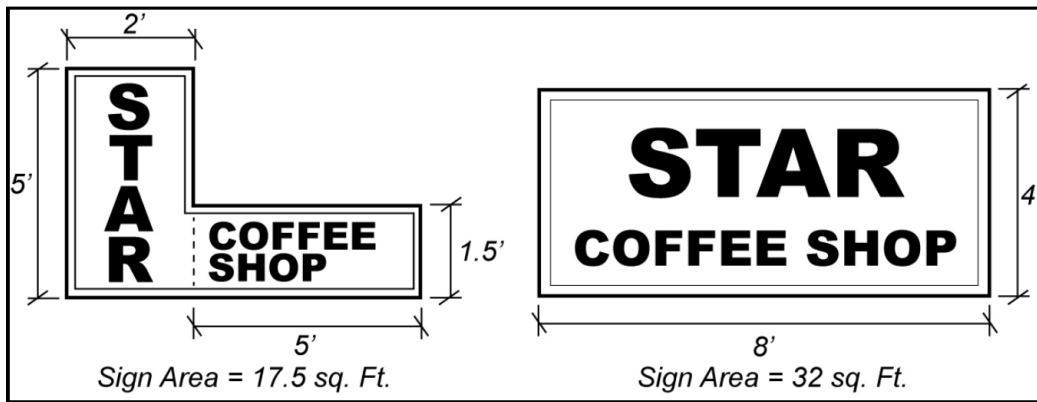
- C. Signs that obstruct a door, window, fire escape, or other required access way.
- D. Signs that encroach into any right-of-way or easement, means of ingress or egress, or path of travel, except as specifically allowed by this section.
- E. Signs that emit sound, with the exception of a permitted drive-through or menu sign.
- F. Signs adversely affecting traffic control or safety, including signs that interfere with visibility for drivers at an intersection, public right-of-way, or driveway.
- G. Signs located on public property or in the public right-of-way, excluding official signs that are posted or required by a government agency, public utility, or public service and temporary signs that are specifically authorized by this section.
- H. Signs that have less horizontal or vertical clearance from overhead utilities than required by State agencies.
- I. Signs that have become a public nuisance due to inadequate maintenance, dilapidation, or abandonment.
- J. Signs that were unlawfully installed, erected, or maintained.
- K Signs containing obscene, pornographic, or sexually explicit matter. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.50.070 General Standards.**

##### **A. Measurement of Sign Area.**

1. The area of each face of a sign is measured as the area of the smallest rectangle or single continuous perimeter composed of no more than eight straight lines drawn at right angles that encloses all of the words, characters, images, and symbols on the sign face, and also includes any border or frame and any background color on the sign face. See Figure 44-3.50-1.

#### **FIGURE 44-3.50-1: MEASUREMENT OF SIGN AREA**



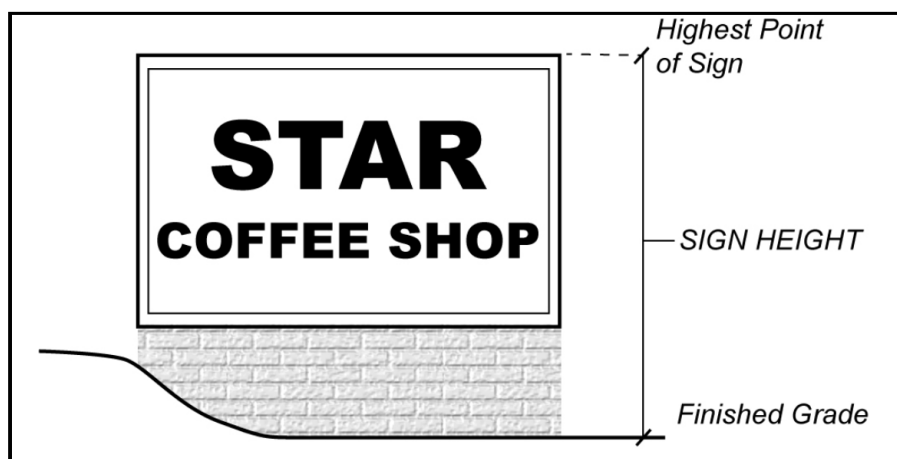
The area of a sign that has two parallel and back-to-back faces is counted only once if the distance between each sign face does not exceed two feet. For such a sign, the area shall be measured as the area of the largest face.

2. The area of a three-dimensional sign is measured as the area of the smallest rectangle that encloses the projection of that sign onto a vertical plane.

3. The total sign area on a site is calculated as the sum of the sign areas of all types of signs on the site, excluding signs that are exempt from obtaining an Administrative Permit.

B. Measurement of Sign Height. Sign height shall be measured from the upper most part of the sign used in determining the area of the sign to the lowest elevation at the base of the sign. See Figure 44-3.50-2.

**FIGURE 44-3.50-2: SIGN HEIGHT**



C. Maintenance. Signs shall be maintained in a state of good repair at all times. Damage to signs, including cracked sign faces, frayed or weathered fabric, and broken lighting, shall be repaired.

D. Illumination.

1. All signs may be illuminated from an internal or external light source. Illuminated signs in residential zones shall comply with the provisions of Section [44-3.30](#) (Lighting Standards). Signs with individual, three-dimensional letters may also use rear “halo” illumination for each letter.
2. Signs shall not have blinking, flashing, or fluttering lights or other illumination devices that have a changing light intensity, brightness, direction or color, with the exception of signs allowed by Section [44-3.50.080](#) (Signs Allowed with a Permit).
3. Electrical conduits shall be placed so that they are not within public view. Where this is physically impractical, or doing so would damage significant architectural features or materials, the Zoning Administrator may grant a waiver of this requirement provided all conduits, raceways, and similar devices are kept as small as possible and are painted the same colors as adjacent wall surfaces.
4. Electronic Changeable Display. Wall, off-site, pole, and monument signs in the commercial, industrial, and agricultural classifications may have electronic changeable displays consistent with the following standards:
  - a. Only permitted in commercial, industrial, and agricultural zones.
  - b. Sign edge shall be 150 feet from any residential zones and shall not be visible from any residential zones.
  - c. Sign shall be a minimum of 150 feet from other electronic changeable copy signs.
  - d. Display (text or graphics) shall not change or move more often than every 30 seconds, except if display is text only. If the changing portion of the display is text only, the text shall not change or move more frequently than every 10 seconds.
  - e. Text shall not exceed 10 words at any one time.
  - f. Illumination shall be in accordance with Section [44-3.30](#).
  - g. Signs displaying graphics shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

E. Setbacks. Freestanding, monument, and off-site signs with a height greater than 42 inches shall not be located within 15 feet of any parcel line or within 14 feet of any driveway or alley or placed within

any road right-of-way or obstruct adequate and safe sight distance for vehicles as determined by the Director of Public Works. There shall be no setback requirements for all other types of signs.

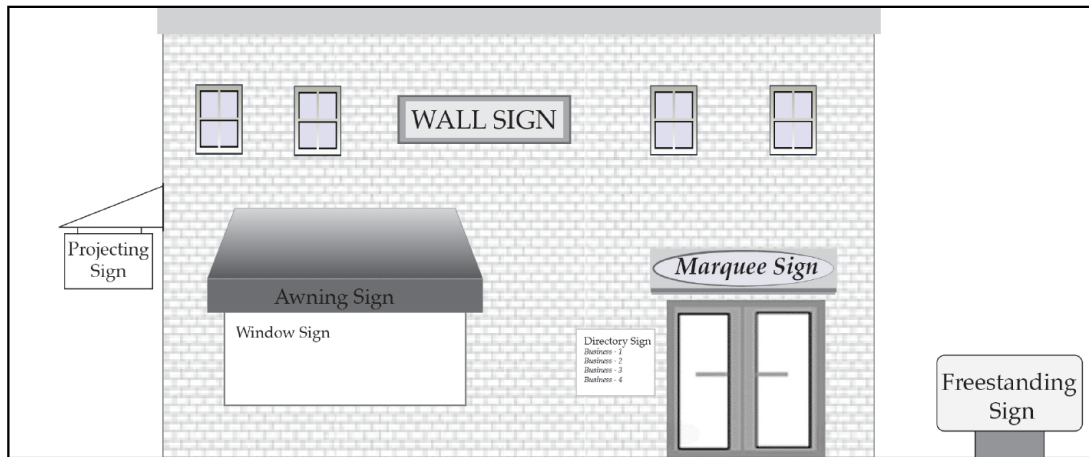
F. Removal. If an establishment ceases to operate for a period of two years, all signs and their structures associated with the establishment shall be removed. Blank, broken, abandoned, or unused signs on a parcel not used by the existing business shall be removed, unless a plan for use is presented and approved by the Zoning Administrator.

G. Traffic Safety. No sign shall restrict safe sight distances for vehicles on any public or private road. (Ord. No. 765 § 2 (Exh. A) (part))

#### 44-3.50.080 Signs Allowed with a Permit.

Types of signs are defined in Article 44-6 (Definitions) and various sign types are illustrated on Figure 44-3.50-3.

**FIGURE 44-3.50-3: SIGN TYPES**



A. Identification Signs. Identification signs consistent with the following standards are allowed for non-residential and residential uses. Non-residential uses may have identification signs as described by Table 44-3.50-1. Residential uses may have identification signs as described by Table 44-3.50-2.

1. Number of Signs. All businesses and organizations may have at least one sign. Businesses may have one additional sign per business frontage. Where businesses have a lineal street frontage in excess of 300 feet, one additional sign is allowed for every 300 feet of lineal street frontage in excess of 300 feet.

2. Sign Area. A business may have up to 1.5 square feet of sign area per one lineal foot of primary business frontage, up to:

- a. 80 square feet of sign area for freestanding businesses, except if a business is adjacent to a highway or if a business is in a multiple tenant center; or
- b. 100 square feet of sign area if a freestanding business is adjacent to a highway and is not in a multiple tenant center; or
- c. 60 square feet of sign area for each business in a multiple tenant center. If more than one business occupies a single store front, the combination of identification signage for businesses within that single store front shall not exceed 60 square feet. If one business occupies more than one store front, identification signage for that business shall not exceed 70 square feet.
- d. Buildings in excess of 5,000 square feet with a minimum of 100 lineal feet of street level frontage are allowed up to 140 square feet of sign area.
- e. Where a business has less than five lineal feet of primary business frontage, it may have up to 20 square feet of sign area.

3. Downtown. Signs in the downtown Arbuckle and downtown Maxwell areas as shown on Figure 44-3.50-4 shall conform with the following standards:

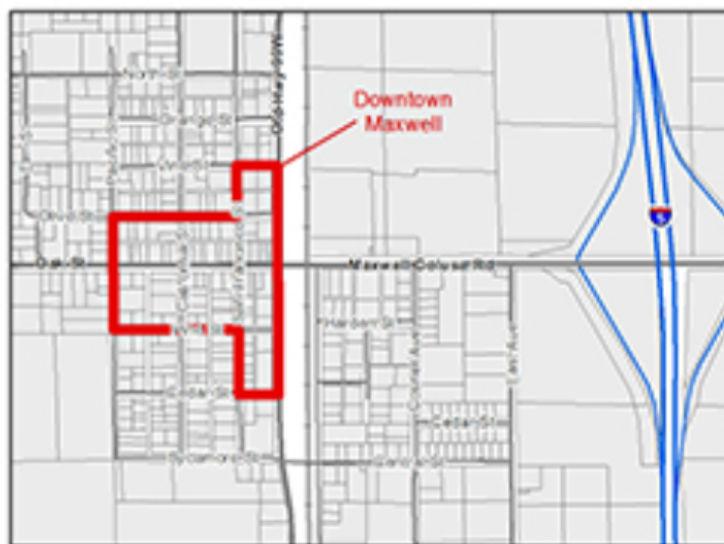
- a. The sign is scaled and oriented to the pedestrian level;
- b. The sign is designed and constructed with a high level of craftsmanship and detail that complements the architectural features, scale and finish of the building.
- c. The design of the sign complements the downtown area and includes any two of the following five elements:
  - i. The most prominent lettering element on a sign, such as the business' name, uses a serif or script font.
  - ii. The sign includes a frame, background, or lettering in natural wood.
  - iii. The sign includes a frame, background, or lettering in wrought iron or a metallic material that is brass, gold, or copper in appearance.
  - iv. The sign has raised lettering or a raised border such that the sign is not one-dimensional in appearance.



v. The sign is projecting or a hanging sign and is attached to a decorative mounting bracket.

d. In order to preserve the integrity of the buildings in the downtown areas, signs affixed to a building shall have a mounting mechanism that allows the sign to be changed without removing the mounting materials from the building.

**FIGURE 44-3.50-4: DOWNTOWN AREAS**



**TABLE 44-3.50-1: BUSINESS IDENTIFICATION SIGNS**

<b>SIGN TYPE</b>	<b>MAXIMUM AREA PER SIGN</b>	<b>MAXIMUM HEIGHT</b>	<b>OTHER REQUIREMENTS</b>
<b>BUILDING SIGNS</b>			
Awning Sign	Downtown Arbuckle or downtown Maxwell: 15 sq ft Other areas: 25 sq ft	Not to exceed the eaves of the building	Lettering shall be contained in a single line. Logos, symbols, and graphics that do not include text may be allowed on the shed (slope) portion of an awning. Awning signs may not be backlit. Awning signs that are suspended beneath an awning shall provide at least 8 feet of clearance above the ground, shall not extend more than 5 feet into the public right-of-way, and shall provide a minimum 2-foot horizontal clearance from the street curb.
Marquee Sign	60 sq ft	-	-
Projecting Sign	Downtown: 16 sq ft Other areas: 24 sq ft	1 story: Fascia 2 or more stories: Below the window sills of the second story	Projecting signs in multiple tenant centers are limited to 16 square feet or less, unless the projecting sign is the center identification sign and not an individual business identification sign. Projecting signs shall provide at least 8 feet of clearance above the ground, shall not extend more than 5 feet into the public right-of-way, and shall provide a minimum 2-foot horizontal clearance from the street curb.
Wall Sign	80 sq ft	Roofline	Only 1 wall sign allowed per business per business frontage. The sign shall not be wider than 70 percent of the building frontage on which it is placed and shall not cover more than 25 percent of the building area upon which it is placed.
Window Sign	Up to 25 percent of any continuous window area	Top of window	Identical signs evenly placed in multiple windows along a business frontage will be considered a single sign.
<b>FREESTANDING SIGNS</b>			
Monument or Pole Sign <sup>1</sup>	100 sq ft	Downtown: 5 ft Highway: 55 ft Other: 12 ft	1 monument or pole sign per business frontage, up to 2 signs.

SIGN TYPE	MAXIMUM AREA PER SIGN	MAXIMUM HEIGHT	OTHER REQUIREMENTS
Off-Site Signs and Billboards	672 sq ft	4-lane road: 55 ft 2-lane road: 35 ft	Off-site signs shall be located a minimum distance of 800 feet from another off-site sign on the same side of street that is 4 lanes (2 lanes in each direction) and 500 feet between signs on streets or roads that are 2 lanes (1 lane in each direction). Off-site signs are only permitted in the C-H and M-2 zoning classifications.

<sup>1</sup>Where businesses have a lineal street frontage in excess of 300 feet, one additional monument sign is allowed for every 300 feet of lineal street frontage in excess of 300 feet.

<sup>2</sup>Buildings in excess of 5,000 square feet with a minimum of 100 feet of lineal street frontage are allowed up to 120 square feet of sign area.

**TABLE 44-3.50-2: RESIDENTIAL USES - PERMANENT IDENTIFICATION SIGNS**

SIGN TYPE	NUMBER OF SIGNS	MAXIMUM AREA	MAXIMUM HEIGHT
<u>Name and Address Sign:</u> Wall Sign	1	2 sq ft	8 ft
<u>Multi-family Sign:</u> <sup>1</sup> Projecting Sign, Wall Sign, or Monument Sign	2 per first business frontage, 1 per each additional business frontage	10 sq ft per sign	On building: First floor Monument: 5 ft
<u>Residential Subdivision:</u> Monument Sign	2 per subdivision entrance	18 sq ft	6 ft
<u>Home-Based Businesses:</u> Wall Sign or Window Sign	1	9 sq ft	8 ft

<sup>1</sup>Multi-family development shall have at least four units.

4. Multiple Tenant Center Signs. The following standards identify the number of signs, sign area, and types of signs allowed for multiple tenant centers. These signs are in addition to the business identification signs for individual uses within the center, accessory signs, temporary signs, and wayfinding signs allowed under this section.

- a. **Uniform Treatment.** A uniform treatment of sign type, colors, materials, design and illumination is required for individual businesses within multiple tenant centers. When new signs are proposed for existing centers with multiple tenants and multiple signs, such signs shall reflect, where possible, the general sign type, colors, materials, design, and illumination that is prominent in the center.
- b. **Allowable Sign Area.** The allowable sign area for a single multiple tenant center under single ownership may be distributed at the discretion of the owner upon approval of the Zoning Administrator; however, in no event shall the combined sign area for all tenants exceed the total allowable sign area for the center.
- c. **Number of Signs.** A multiple tenant center may have one identification sign and one directory sign per public frontage. Where a multiple tenant center has an excess of 300 feet of lineal street frontage, one additional monument or freestanding sign and one directory sign is allowed for every 500 feet of lineal street frontage in excess of 300 feet.
- d. **Sign Area.** A multiple tenant center may have one square foot of sign area per one foot of lineal street frontage, up to a maximum of 100 square feet per multiple tenant center. This sign area is in addition to the signs and sign area allowed per individual business as set forth in Section [44-5.50.080\(A\)\(1\),\(2\)](#).
- e. **Types of Signs.** A multiple tenant center may have identification signs and directory signs as described in Table 44-3.50-3.
- f. **Design Standards.** A multiple tenant center may submit a Master Sign Program that identifies all proposed signs for the multiple tenant center. The Master Sign Program may deviate from standards contained in this section relating to permitted sign height, number of signs, sign area, and type of sign.
  - i. All subsequent signs proposed for a development or property subject to an approved Master Sign Program shall comply with the standards and specifications included in the Master Sign Program.
  - ii. Approval of a Master Sign Program shall supersede the regulations of this section. Any aspect of the proposed signs not addressed by the Master Sign Program shall be in compliance with this section.

**TABLE 44-3.50-3: MULTIPLE TENANT CENTER SIGNS**

<b>SIGN TYPE</b>	<b>MAXIMUM AREA PER SIGN</b>	<b>MAXIMUM HEIGHT</b>
Identification Sign (Monument, Pole, Wall, Sign)	100 sq ft	8 ft If adjacent to a federal or state highway, up to 24 ft may be allowed if necessary for visibility.

B. Accessory Signs. The standards identified in Table 44-3.50-4 apply to permanent accessory signs that do not advertise a business as their primary purpose. These signs do not count toward the permanent sign area allowed under Section [44-5.50.080\(A\)](#).

**TABLE 44-3.50-4: ACCESSORY SIGNS**

<b>SIGN TYPE</b>	<b>MAXIMUM AREA PER SIGN</b>	<b>MAXIMUM HEIGHT</b>	<b>OTHER REQUIREMENTS</b>
<b>NON-RESIDENTIAL AND MULTI-FAMILY USES</b>			
Directional Signs	2 sq ft	5 ft	On-site directional signs with no advertising solely for guiding traffic, parking, and loading on private property where a use has 10 or more parking spaces. Signs in alleys and service ways shall be wall-mounted; in other locations, signs may be freestanding or wall-mounted. Directional signs may only have reflective illumination.
Decorative Flags, Banners, or Pennants	4 sq ft	Building: Roofline Freestanding: 10 ft	Permanent flags, banners or pennants without text. One sign allowed per 20 feet of primary business frontage.
Directory Sign	1 sq ft per business, up to 16 sq feet total	5 ft	One directory sign allowed per business frontage. Directory signs are limited to multiple tenant centers.
Time and Temperature Signs			
<b>RESTAURANTS</b>			

<b>SIGN TYPE</b>	<b>MAXIMUM AREA PER SIGN</b>	<b>MAXIMUM HEIGHT</b>	<b>OTHER REQUIREMENTS</b>
Menu Board	Up to 36 sq ft of sign area allowed per sign.	6 ft	Two allowed per drive-through restaurant. Menu boards may be freestanding or mounted to a wall. Menu boards may only have internal illumination or external illumination consistent with the standards at Section <a href="#">44-3.50.070</a> > <a href="#">44-3.50.070</a> .
Menu Box	2 sq ft	5 ft	One menu box allowed per restaurant. Menu box shall be mounted to the building wall within five feet of the primary entrance to the restaurant and counts toward the business' total permanent sign area. Menu boxes may only have external illumination consistent with the standards at Section <a href="#">44-3.50.070</a> > <a href="#">44-3.50.070</a> .
<b>CIVIC, NON-PROFIT, AND OTHER NON-COMMERCIAL USES</b>			
Bulletin Board	0.5 sq ft per lineal foot of primary street frontage, up to 24 sq ft	5 ft	Bulletin boards may be freestanding or mounted to a wall. Menu boxes may only have external illumination consistent with the standards at Section <a href="#">44-3.50.070</a> > <a href="#">44-3.50.070</a> .
Community Identification Signs	100 sq. ft.	6 ft.	Signs that arch over a public right-of-way are exempt from the height and sign area requirement.
Directional/Wayfinding Signs	6 sq. ft.	6 ft.	Directory signs that identify more than one attraction may have an additional 2 sq. ft. per attraction

C. Temporary Signs. Signs that are consistent with the standards identified in Tables 44-3.5 and 44-3.6 may be erected on a temporary basis.

**TABLE 44-3.50-5: GENERAL TEMPORARY SIGN STANDARDS**

**GENERAL REQUIREMENTS: ALL TEMPORARY SIGNS**

<b>GENERAL REQUIREMENTS: ALL TEMPORARY SIGNS</b>	
Placement	Temporary signs shall not be placed in the public right-of-way, except for approved community event signs.
Sign Types Not Permitted	A-Frame signs, except for approved Community Events and open houses
Illumination	No illumination
Length of Installation	Temporary signs shall be removed promptly by the time/date identified on the sign permit or as specified in this code.

**TABLE 44-3.50-6: TEMPORARY SIGN TYPES**

<b>SIGN TYPE</b>	<b>MAXIMUM NUMBER</b>	<b>MAXIMUM SIGN AREA</b>	<b>MAXIMUM HEIGHT</b>	<b>OTHER REQUIREMENTS</b>
<b>NON-RESIDENTIAL ZONES</b>				
Construction, Future Tenant, and Real Estate (For Sale or For Lease Signs)	1 per business frontage, up to 2 maximum	Downtown: 24 sq ft per sign Other: 32 sq ft per sign	6 ft	Construction signs shall be removed upon completion of the County's final building inspection. Future tenant signs shall be removed upon occupancy of the site. Real estate signs shall be removed upon sale or lease of unit or building.

SIGN TYPE	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM HEIGHT	OTHER REQUIREMENTS
Promotional Signs	2 window signs or 2 portable signs; 1 banner sign per business frontage	Banner: 10 sq ft per sign Window Sign: 10 percent of window area.	Roofline if on building; otherwise 8 ft	Each business or use shall be allowed a maximum of two weeks temporary promotional signs a quarter/season (four times a calendar year), not to exceed a total of eight weeks per calendar year. Temporary advertising periods may be combined, but may never be longer than four consecutive weeks (28 consecutive days) at any one time with at least four consecutive weeks between periods of display. Portable signs may not be placed in the public right-of-way or on private property without express written consent of the property owner.



SIGN TYPE	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM HEIGHT	OTHER REQUIREMENTS
Community Event Signs	Up to 2 banner signs and up to 6 portable signs.	Banner Signs: 100 sq ft total sign area Portable signs: Up to 3 sq ft per sign.	Banners: 35 ft Portable signs: 3 ft	Beacons, pennants, freestanding banners, inflatable signs and signs placed in or above the public right-of-way may be permitted on a case-by-case basis, as determined by the Zoning Administrator. Community Event signs may be placed in the public right-of-way in approved locations and shall be located so as to not obstruct traffic, parking, driveways, or pedestrian walkways. Community event signs, except portable signs, may be installed up to 21 days before the event and shall be removed within five days following the event. Portable signs, including A-Frames, may only be installed while the event takes place.
<b>RESIDENTIAL ZONES</b>				
Construction Signs: Identifying the name of the contractor, architect, etc.	1 per parcel	6 sq ft	5 ft	Shall be removed upon completion of the County's final building inspection.
Real Estate Signs: Multi-family	1 per parcel	16 sq ft	5 ft	Shall be removed upon lease or sale of the property.

<sup>1</sup>Parcels fronting a state or federal highway.

(Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 14)

#### **44-3.50.090 Nonconforming Signs.\***

(a) Any sign that does not comply with the requirements of this section but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a legal nonconforming use.

(b) A nonconforming sign that has been abandoned, or whose advertised use has ceased to function for a period of one hundred eighty days or more, shall be brought into conformity.

(c) Nonconforming signs shall not be structurally altered, reconstructed, or moved without being brought into conformity.

(d) The following exceptions apply to the above requirements for nonconforming signs:

(1) Lawfully erected billboards may be amortized and removed without compensation only in accordance with the requirements of the California Outdoor Advertising Act.

(2) A sign that is part of a designated historic resource may be deemed nonconforming only if at least one of the following conditions applies:

(A) The sign does not contribute to the historic significance of the historic landmark.

(B) The sign poses an immediate threat to public safety. If the sign is deemed nonconforming solely because it threatens public safety, it shall be repaired or modified, if possible, rather than removed. (Ord. No. 765 § 2 (Exh. A) (part))

\* Code reviser's note: Ord. No. 765 lays this section out as 44-3.50.080. It has been editorially renumbered to avoid duplication of numbering.

#### **44-3.60 Special Planning Areas.**

This section establishes standards for development within Special Planning Areas identified within the County. These standards are intended to allow for appropriate development within these Special Planning Areas while preserving the character and integrity of rural areas of the County. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-3.60.010 Century Ranch Special Planning Area.**

Development in the Century Ranch Special Planning Area shall comply with the following requirements:

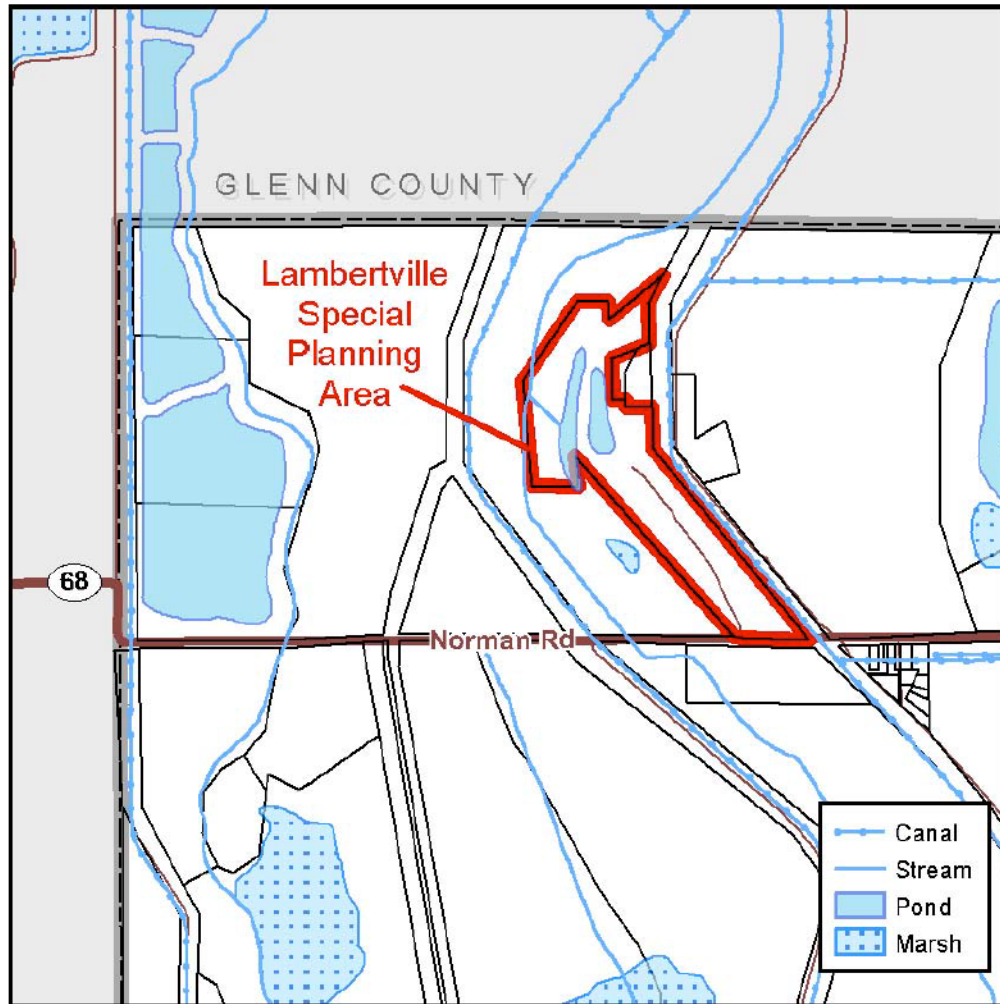
(a) Lots served by both a well and septic tank or other on-site wastewater disposal system shall have a minimum lot size of five acres and shall demonstrate the capacity for adequate water and wastewater provision through percolation tests, water table height identification, a minimum 100-foot setback of any well from any on-site wastewater system, and all applicable Environmental Health Department requirements.

(b) Written approval from the Federal Water Master for any new wells shall be submitted to the County prior to the issuance of a Building Permit. (Ord. No. 765 § 2 (Exh. A) (part))

#### 44-3.60.020 Lambertville Special Planning Area.

Development in the Lambertville Special Planning Area (see Figure 44-3.60-1) shall comply with the standards established by Section [44-4.100](#), including Section [44-4.100.010](#) (General Standards) and Section [44-4.100.030](#) (Duck Clubs and Hunting and Fishing Clubs).

**FIGURE 44-3.60-1: LAMBERTVILLE SPECIAL PLANNING AREA**



(Ord. No. 765 § 2 (Exh. A) (part))

#### 44-3.60.030 Lurline Special Planning Area.

Development in the Lurline Special Planning Area (see Figure 44-3.60-2) shall comply with the following requirements:

A. Land divisions shall provide for full public improvements as follows:

1. In CSA #3, land divisions into parcels of two acres or smaller shall provide for full public improvements in accord with adopted City of Colusa standards. Public improvements shall be in place prior to issuance of final building permit or, as a condition of project approval, the property owner shall agree to participate in a future improvement district. Subdivisions of five or more lots are discouraged.

2. Land divisions outside of CSA #3 into parcels of two acres or smaller shall agree to participate in future infrastructure and service districts, including community water, sewer, storm drain, and fire hydrant systems as a condition of approval of the proposed division; or as an alternate method to assure adequate future public improvements, development fees adopted by the County for public infrastructure to serve the Lurline Special Planning Area may be collected.

B. New development shall connect to the City of Colusa water system, to the extent that the City has available capacity and is willing to serve the new development. The project applicant shall provide written confirmation from the City as to whether the City has capacity and is willing to serve the new development.

C. All streets and roadways shall be through streets and roadways, except where determined by the Director that through streets and roadways are not feasible.

D. Private road standards will be permitted to provide access to single parcels that have no potential for further division. Private roads shall be maintained through a recorded road maintenance agreement for each participating parcel.

E. Private road standards will not be permitted where the potential exists for further division of the land being divided unless a public standard of sixty feet is dedicated.

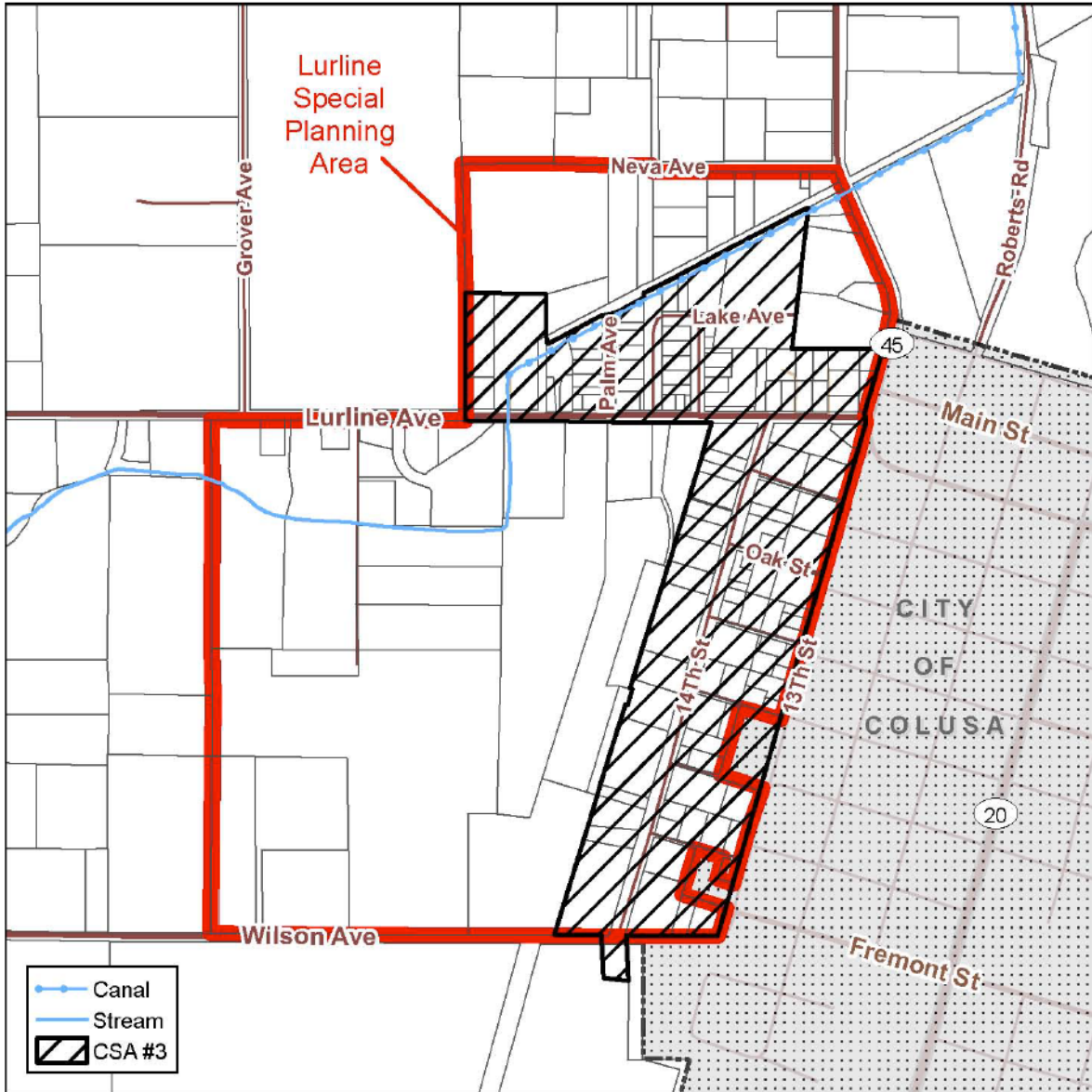
F. All land divisions creating two or more parcels shall be accompanied by an overall development plan for the entire property under ownership by the applicant. This overall plan should show at a minimum the ultimate street patterns and widths and lot designs with approximate dimensions.

G. A forty-eight-inch or larger pipe shall be installed for bridge or access to private property at Robert's Ditch; pipe must have concrete bulkheads on each side.

H. The Robert's Ditch right-of-way is to be sixty feet (thirty feet from center to each side) or less where development conditions or local features will allow a lesser right-of-way and as approved by the Robert's Ditch Irrigation Company.

I. Lots served by both a well and septic tank or other on-site wastewater disposal system shall have a minimum lot size of two acres and shall demonstrate the capacity for adequate water and wastewater provision through percolation tests, water table height identification, a minimum 100-foot setback of any well from any on-site wastewater system, and all applicable Environmental Health Department requirements.

**FIGURE 44-3.60-2: LURLINE SPECIAL PLANNING AREA**



**44-3.70 Design Criteria.**

(Ord. No. 765 § 2 (Exh. A) (part))

**44-3.70.010 Applicability.**

The requirements in this section shall apply to new residential projects of 10 or more units located in the R-1, R-2, R-3, and R-4 zones and to new non-residential development projects of 8,000 square

feet or more located in the commercial (C-1, C-2, C-H, C-R, and MU), and industrial (M-1, M-2, and RD) zones. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.70.020 General Design Criteria.**

The following design criteria apply to all projects identified under Section [44-3.70.010](#).

A. The site plan should be sensitive to the natural environment, avoiding impacts to natural resources to the extent feasible.

B. The site plan should provide for functional and attractive public spaces and, where applicable, should maximize natural features by framing views, connecting to open spaces, and providing public access to lakes, rivers, and public or quasi-public areas.

C. Building design shall include appropriate use of materials to provide high quality development and should complement the scale, form, and proportion of existing development.

D. Where large structures are proposed, building mass should be broken up through the use of varied roof heights, multiple story heights, and, where appropriate, providing building offsets to relieve the visual effect of a single long wall. Buildings with excessive blank walls are discouraged. Variation in color, trim, and building materials is encouraged.

E. The project should emphasize a low environmental impact, including use of local and recycled materials, passive and active solar systems, and use of efficient appliances and heating and cooling systems.

F. Landscaping and design elements shall screen unsightly elements, such as mechanical equipment, utility hardware, and trash/recycling disposal areas, from public and neighboring views. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.70.030 Downtown Design Criteria.**

The following design criteria apply to projects identified under Section [44-3.40.010](#) that are located in downtown Arbuckle or downtown Maxwell (see Figure 44-3.50-4).

A. Buildings shall be sited toward the street, except for approved plazas, seating areas, and entryways that are oriented toward a significant feature or a public right-of-way.

B. Off-street parking, if any, shall be located to the rear of the building or lot.

C. Building architecture shall incorporate a pedestrian-scale with building features, including elements such as varied articulated facades, windows, doors, columns, and canopies.

D. Building and site design shall incorporate a pedestrian-scale and be community oriented with community design features, such as landscaping, entry features, fountains, plazas, pedestrian furniture, and similar features. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.70.040 Subdivision Design Criteria.**

In addition to the criteria identified under Section [44-3.70.020](#), the following design criteria apply to residential subdivisions with 10 or more units:

A. All subdivisions shall comply with the requirements established by Appendix IV (Subdivisions) of the Colusa County Code.

B. Residences shall be sited toward the street providing primary access to the parcel.

C. Residences within a single subdivision shall be compatible in terms of unit size and scale.

D. Subdivisions should include a variety of design options to provide for variability in exterior facade design. Facade designs within a subdivision should incorporate consistent and complimentary architectural features, while providing for variety within the subdivision.

E. Residences within a single subdivision shall use similar and complimentary building materials and colors to provide consistency between exterior facades, roofing materials, driveways, windows, etc.

F. Front yard setback areas shall be landscaped. Landscaping shall comply with Section [44-3.10](#).

G. Applicants, or those wishing to further develop subdivisions that have been partially constructed, shall construct new homes to be visually compatible with and similar in scale to existing homes within the same subdivision. Examples include partially developed subdivisions with one or more existing homes and one or more developable lots that were not developed within the same general timeframe as the existing homes within the subdivision. The intent of this requirement is to ensure that subdivisions remain internally consistent and that new development within a subdivision remains visually compatible and complimentary to existing development within a subdivision. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-3.80 Addressing.**

Property addressing shall comply with the standards established by Chapter [19A](#) of the Colusa County Code. (Ord. No. 765 § 2 (Exh. A) (part))

## **Article 44-4: Special Use Provisions**

### **44-4.05 Special Use Provisions.**

All special uses addressed in this article shall meet all applicable requirements of this chapter, including Article 44-1 (Administrative Provisions), Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards), Article 44-3 (Site Planning Provisions), and Article 44-5 (Resource Management Provisions). (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.10 Accessory Units.**

This section establishes standards for accessory units, where allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards). These standards are intended to allow for accessory units as an important form of housing while preserving the character and integrity of residential and rural areas. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 788 § 16)

##### **44-4.10.010 Site Requirements.**

(a) Accessory units shall be permitted only on legally created parcels.

(b) In agricultural, natural resources, and special purpose zoning classifications (see Table 44-2.10-1), the accessory unit shall be located in close proximity to the primary dwelling.

(c) Only one accessory unit shall be allowed on a parcel.

(d) An accessory unit is not permitted on parcels already containing two or more dwelling units.

(e) The accessory unit shall have adequate emergency access. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 788 § 17 (part))

##### **44-4.10.020 Size.**

There shall be no minimum lot size requirement for accessory units; provided, that the accessory unit complies with all applicable county regulations, including height and setback standards, building code regulations, and water supply, sewage disposal, and driveway/road access requirements. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 788 § 17 (part))

##### **44-4.10.030 Relationship to Primary Dwelling.**

(a) An accessory unit may be within, attached to, or detached from the primary dwelling. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof.

(b) An accessory unit shall have its own kitchen, bathroom facilities, and entrance separate from the primary dwelling. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 788 § 17 (part))

##### **44-4.10.040 Occupancy.**

The property owner must occupy either the primary or accessory unit on a parcel. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 788 § 17 (part))



**44-4.10.050 Parking.**

On-site parking shall be provided consistent with the parking requirements in Section [44-3.20](#) (Parking and Loading). (Ord. No. 765 § 2 (Exh. A) (part))

**44-4.10.060 Development Standards.**

An accessory unit shall comply with all development and design standards of this zoning code that are applicable to the primary dwelling, except as otherwise provided in this section.

- (a) **Minimum Lot Area per Dwelling Unit.** The minimum lot area per dwelling unit required by the applicable zoning classification shall not apply, provided the minimum building site requirements are met.
- (b) **Construction within or above Existing Buildings or Detached Accessory Buildings.** An accessory unit may be constructed within or above an existing building or detached accessory building.
- (c) **Maximum Unit Size.** The floor area of the accessory unit shall not exceed one thousand two hundred square feet, except on agricultural classifications (F-A, E-A, U-C, U-T, and A-T) the floor area may be up to two thousand five hundred square feet.
- (d) **Minimum Unit Size.** The minimum floor area of the accessory unit shall be no less than one hundred fifty square feet or the minimum efficiency unit size identified by Health and Safety Code Section [17581.1](#), whichever is greater.
- (e) **Setbacks for Detached Accessory Units.** Detached accessory units shall have a minimum side setback of three feet and minimum rear setback of eight feet. The distance between buildings on the same lot must be a minimum of ten feet.
- (f) **Setbacks for Attached Accessory Units.** Attached accessory units shall have a minimum side setback of three feet and minimum rear setback of eight feet. The distance between buildings on the same lot must be a minimum of ten feet. Attached accessory units shall meet the same setbacks as the primary residential dwelling in the zoning classification.
- (g) **Separate Access.** Access to the accessory unit shall be separate from the access to the primary residential dwelling.
- (h) **Building Height and Stories.**

(1) A one-story detached accessory unit shall be no more than sixteen feet in height.

(2) A two-story detached accessory unit shall be no more than twenty-eight feet in height.

(3) An attached accessory unit may occupy any story of the primary dwelling if it is designed as an integral part of the primary dwelling and meets the setbacks and height requirements for the primary dwelling.

(i) Architectural and Site Design Standards.

(1) The design of the accessory unit shall relate to the design of the primary dwelling by use of the similar exterior wall materials, window types, door and window trims, roofing materials, and roof pitch. This requirement shall not apply to manufactured homes or mobile homes.

(2) For accessory units attached to the primary dwelling, new entrances and exits are allowed on the side and rear of the structures only.

(3) Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

(j) Allowed Density. In compliance with Government Code Section [65852.2](#)(b)(5), accessory units shall not count toward the allowable density for purposes of determining consistency with the general plan and zoning standards. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 788 § 18 (part))

**44-4.10.070 Site Improvements.**

(a) As a condition for the issuance of any discretionary permit for an accessory unit, the existing driveway or road serving the parcel shall be improved, if necessary, to meet Public Resources Code Section [4290](#) (Fire Safe Regulations).

(b) Construction of the accessory unit may require drainage improvements that are customary for a building permit. The extent and timing of the improvements shall be determined by the department of public works. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 788 § 18 (part))

**44-4.10.080 Utilities.**

(a) For units served by public water and sewer, the accessory unit must be accommodated with the existing water service and existing sewer lateral.

(b) For units served by private well and/or septic system, the accessory unit must be accommodated by the existing well and/or septic system, as permitted by the department of environmental health, and shall not require a new well or separate septic system. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 788 § 18 (part))

**44-4.10.090 Conversion of Existing Residence.**

An existing residence, in conformance with the above regulations, may be converted to an accessory unit in conjunction with development of a new primary dwelling unit. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 788 § 18 (part))

#### **44-4.10.100 Deed Restrictions.**

Prior to the issuance of a building permit for an accessory unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner which specifies that: (a) the accessory unit cannot be sold separately, (b) the property owner shall reside in either the primary or accessory unit, and (c) these restrictions shall be binding on successors in ownership. The declaration shall run with the land. Lack of compliance with the declaration shall result in the accessory unit becoming an illegal, nonconforming use. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 788 § 18 (part))

#### **44-4.20 Day Care Facilities and Group Care Centers.**

This section establishes standards for day care facilities and group care centers, where allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards). Day care facilities and group care centers shall be operated in compliance with state law and in a manner that recognized the needs of day care and residential care operators and minimizes effects on surrounding properties. Licensing by the California Department of Social Services is required for community care facilities. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-4.20.010 Family Day Care, Small.**

A family day care home (small) is considered a residential use and is subject to the same standards and requirements as a residence in the same zone. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-4.20.020 Family Day Care, Large, and Child or Group Day Care Center.**

Notwithstanding any other provision of this code, a large family day care, a child care center (nonresidential), or a group day care center (nonresidential) shall be allowed only if the following standards are met and with the approval of the appropriate discretionary permit.

(a) Location. The large family day care or child care center shall not be located within three hundred feet of an existing family day care (large or small) or child care center as measured from any point upon the outside walls of the existing or proposed structure that will house the children or persons who will receive the care.

(b) Parking. Sufficient parking spaces exist that will provide at least one off-street parking space for each non-resident employee plus one parking space for every five children or persons authorized to be cared for at the facility.

(c) Fire Code. The existing structure meets all applicable regulations of the state fire marshal found at Title 24, California Administrative Code, Part 2, Chapter 2-12.

(d) Applicable Laws. The operation of the facility complies with all applicable laws and ordinances. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.30 Residential Care Homes.**

The following standards apply to residential care homes and residential care facilities. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-4.30.010 Residential Care Home, Small.**

A residential care home, small, is subject to the same standards and requirements as a single-family residence in same zone. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-4.30.020 Residential Care Home, Large and Residential Care Facility.**

Notwithstanding any other provision of this zoning code, a large residential care home or residential care facility shall be allowed only if the following standards are met and with the approval of the appropriate discretionary permit.

(a) Location. The large residential care home or residential care facility shall not be located within three hundred feet of an existing residential care home or facility as measured from any point upon the outside walls of the existing or proposed structure that will house residents who will receive the care.

(b) Parking. Sufficient parking spaces exist that will provide at least one off-street parking space for each non-resident employee plus one parking space for every four residents or guests authorized to be cared for at the facility;

(c) Fire Code. The existing structure meets all applicable regulations of the State Fire Marshall found at Title 24, California Administrative Code, Part 2, Chapter 2-12; and

(d) Applicable Laws. The operation of the facility complies with all applicable laws and ordinances. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.40 Emergency Shelters.**

Emergency shelters, where allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards), are subject to the standards and requirements of the zone in which the emergency shelter is located and shall meet the additional standards identified in this section. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-4.40.010 Emergency Shelter Standards.**

- (a) Number of Beds. The number of beds in an emergency shelter shall not exceed thirty.
- (b) Proximity to Other Emergency Shelters. No emergency shelter may be located within three hundred feet of another emergency shelter.
- (c) Length of Stay. Temporary shelter may be provided for no more than six months per calendar year for each resident.
- (d) Management Plan. The shelter operator shall prepare and submit to County staff a written plan for on-site management that describes provisions for staff training, neighborhood outreach, security during hours that the shelter is in operation, screening of residents to ensure compatibility with services provided at the facility, access to training, counseling, and treatment programs, and a twenty-four-hour on-site caretaker.
- (e) Lighting. All exterior lighting associated with an emergency shelter shall be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way.
- (f) Compliance. Lack of compliance with the standards established in this section shall result in the emergency shelter becoming an illegal, nonconforming use. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.50 Multifamily Rental Housing Conversion.**

This section applies to subdivisions of multifamily rental housing that include a condominium project, as defined in Civil Code Sections [783](#) and [1351](#)(f), a community apartment project, defined in Civil Code Section [1351](#)(d), or a stock cooperative project as defined in Civil Code Section [1351](#)(m). (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-4.50.010 Application.**

An application for a condominium, community apartment, or stock cooperative conversion shall be filed as part of a major development plan review application. Every application for a condominium conversion shall include the following information, in addition to the application materials required for a major development plan:

- (a) A copy of the application for a tentative subdivision map; and
- (b) The organization documents, including such covenants, conditions and restrictions, are or may be required by the Department of Real Estate of the State of California pursuant to Title VI of the Civil Code or other state laws or policies, and a plan for conveying the units, managing parking and

common space, the preliminary annual operating budget, and rules for determining annual assessments and special assessment. (Ord. No. 765 § 2 (Exh. A) (part))

**44-4.50.020 Additional requirements for conversion.**

In addition to all other provisions of this chapter, an applicant for a condominium permit for a proposed conversion shall include in the application the following:

- A. Reports prepared by qualified professionals detailing the conditions of the structures, including windows, walls, ceilings, frames, roofing, pest, paint, and, mechanical equipment, recreation facilities, and parking facilities;
- B. A list of the full names and addresses of each tenant occupying the building or buildings on the date of application;
- C. An affidavit that each tenant of the building or buildings proposed for conversion has been or will be given the notices, meeting the legal requirements for service by mail, required by State law, including Government Code Sections [66427.1](#), [66452.14](#), [66452.18](#), [66452.19](#), and [66452.20](#); and
- D. A copy of the notice of intention to sell or lease and a copy of the completed questionnaire, as filed with the California Department of Real Estate under the provisions of Business and Professions Code Section [11010](#) et seq.
- E. A conversion analysis report that describes the impact of the conversion on the project's residents and the local housing market. The conversion analysis shall include any information deemed necessary and appropriate by the Director.
- F. A detailed plan that describes the relocation and moving assistance information to be given to each tenant, and the steps the applicant will take to ensure the successful relocation of each tenant. The plan shall include additional measures, including assistance in locating comparable housing, assistance in locating a moving company, and payment to cover estimated moving costs, shall be identified to assist special needs tenants, including senior citizens over the age of sixty-two, households with a handicapped person, and lower income, households living with one or more minor children. (Ord. No. 765 § 2 (Exh. A) (part))

**44-4.50.030 Findings required for approval.**

A. Conversion of residential real property into a condominium, community apartment, or stock cooperative project shall only be approved if the review authority finds all of the following:

1. That the proposed conversion is consistent with the General Plan, zoning code, and applicable community and specific plans in effect at the time of the use permit application, especially with the objectives, policies, and programs of the housing element of the General Plan designed to provide affordable housing to all economic segments of the population.
2. That the proposed conversion will not adversely affect housing stock in the County and will not have a negative effect on housing choice, particularly, the availability of multi-family rental units, housing for special needs groups, and housing affordable to low and very low income households.
3. That the applicant has demonstrated compliance with State laws regarding notifications to tenants of the units proposed for conversion. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.60 Mobile Home Park Conversion.**

This section applies to conversions of mobile home parks to another use. In addition to any other necessary permit applications, the conversion of any existing mobile home park to any other use shall require a major development plan review permit. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-4.60.010 Application.**

At a minimum, each application to convert a mobile home park to any other use shall include the following and any additional information as may be required by this zoning code and the Director:

- A. A detailed narrative description of the proposed use to which the mobile home park is to be converted.
- B. The proposed timetable for implementation of the conversion and development of the site.
- C. Evidence that any tenant's rent had not been increased within the four months prior to the filing of an application for conversion of a mobile home park, and a statement from the applicant that the rent at the mobile home park shall not be increased for two years from the date of filing of the conversion application or until the date of the commencement of relocation activities.
- D. A report on the impact of the conversion of the mobile home park on its residents and a disposition/relocation plan addressing the availability of replacement housing for existing tenants of the mobile home park consistent with Section [65863.7](#) of the California Government Code.
- E. Upon filing an application for a use permit for conversion, the Director shall inform the applicant of the requirements of Civil Code Section [798.56](#) and Government Code Section [65863.8](#) regarding notification of the mobile home park residents concerning the proposed conversion. The Director shall

specify in writing to the applicant the information that must be submitted in order to adequately notify all existing tenants as required by the California Government Code, the California Civil Code, and this section. The applicant shall submit an affidavit that notices and information required by State law, including Civil Code Section [798.56](#) and Government Code Section [65863.8](#) shall be given and shall meet the legal requirements for service by mail.

F. No use permit application for the conversion of a mobile home park to another use shall be deemed complete and processing for consideration will not commence until the conversion impact report and relocation plan as required by this section have been reviewed by the Director for substantial conformance with the requirements of this section. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.60.020 Findings required for approval.**

Conversion of a mobile home park to another use shall only be approved if the approval authority finds all of the following:

A. That the proposed conversion is consistent with the General Plan, zoning code, and applicable community and specific plans in effect at the time of the use permit application, especially with the objectives, policies, and programs of the housing element of the General Plan designed to provide affordable housing to all economic segments of the population.

B. That the proposed conversion will not adversely affect housing stock in the County and will not have a negative effect on housing choice, particularly, the availability of housing for special needs groups, and housing affordable to low and very low income households.

C. All applicable requirements of Government Code Sections [65863.7](#) and [65863.8](#) have been met and the applicant has satisfactorily demonstrated compliance with Government Code Sections [65863.7](#) and [65863.8](#), including provisions for tenant notifications. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.70 Mobile Homes on Permanent Foundations.**

This section provides standards for mobile homes on permanent foundations that are certified under the National Mobile Home Construction and Safety Standards Act of 1974 ([52 U.S.C. 5401](#) et seq.), in compliance with Health and Safety Code Section [18551](#), where allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards). Mobile homes on permanent foundations allowed in compliance with this chapter shall be subject to the following requirements.

A. The mobile home shall have a roof overhang unless waived by the Director because the absence of a roof overhang would be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area.



B. Roofing and siding shall be non-reflective.

C. Siding shall extend to the ground level. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.80 Temporary Uses.**

This section provides standards and rules for temporary uses. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-4.80.010 Permit Required.**

Except as specified in section [44-4.80.020](#) (Temporary Uses Exempt from Permits), the establishment and operation of a temporary use shall require the approval of a temporary use permit. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-4.80.020 Temporary Uses Exempt from Permits.**

The following temporary uses are permitted without the approval of a temporary use permit:

(a) Garage sales and yard sales in residential zones.

(b) Public emergency facilities established for the purposes of health and public safety during a declared emergency.

(c) Car washes when sponsored by a religious, educational, fraternal, service, or tax exempt organization directly engaged in civic or charitable efforts. Car washes shall be limited to two days each month for each sponsoring organization.

(d) Public events and activities when conducted on public property as approved by the Board of Supervisors or its designees.

(e) An event on the site of, or within, a meeting hall, school, religious facility, theater, or other similar facility designed and approved by the county for public assembly.

(f) Temporary construction yards that are located on-site, less than one acre in size, and established in conjunction with an approved project or development permit. The construction yard shall be immediately removed within ten days of completion of the construction project or expiration of the building permit.

(g) The use of a site for location filming of commercials, movies, or videos that are allowed subject to a time specified by the director. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-4.80.030 Temporary Uses Requiring Temporary Use Permits.**

The following temporary uses are permitted subject to issuance of a temporary use permit upon a determination by the zoning administrator that the use is compatible with the applicable zone and surrounding uses:

- (a) Seasonal sales (e.g., Christmas trees, pumpkins, crops) for a maximum of thirty-five consecutive calendar days, no more than three times per year on a single property. Seasonal sales shall not be permitted on any residentially-zoned property.
- (b) Construction yards located off-site, or more than one acre in size on-site, in conjunction with an approved project or development permit. The construction yard shall be immediately removed within ten days of completion of the construction project or expiration of the building permit.
- (c) A trailer or commercial modular unit used as a work site for employees of a business, for a maximum of 12 months.
- (d) A trailer or similar structure used as a classroom or office, for a maximum of twelve months.
- (e) A real estate office used exclusively for the sale of homes or other real estate for a maximum of three years.
- (f) Similar temporary activities determined by the zoning administrator to be compatible with the applicable zoning classification and surrounding uses.
- (g) Farmer's markets, for a maximum of three days per week.
- (h) Community gardens where participants share a portion of an undeveloped parcel for the growing and harvesting of fruits and vegetables for personal use, not involving sales.
- (i) Similar temporary activities determined by the zoning administrator to be compatible with the applicable zoning classification and surrounding uses. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.80.040 Mobile Home, Manufactured Home, or Recreational Vehicle as Temporary Residence.**

Use of a mobile home, manufactured home, or recreational vehicle as a temporary residence shall be permitted during: (1) construction of a single-family residence, due to the rehabilitation of a single-family residence, (2) due to a medical hardship, provided the applicant demonstrates the temporary dwelling is necessary to provide daily care to an individual certified by a physician as needing such care, and (3) construction of projects in remote areas where permanent housing is infeasible and other temporary housing, such as a mobile home park or campground space, is unavailable. The

establishment of a temporary mobile home or recreational vehicle as allowed by this section requires the approval of a temporary use permit and shall comply with all of the following requirements:

(a) The temporary dwelling may be placed for up to six months from the date of issuance of the temporary use permit. However, the zoning administrator may extend the temporary use permit for a six-month period upon a demonstration of medical hardship by the applicant.

(b) The applicant shall obtain a building permit for the construction or rehabilitation of a permanent residence on the site, if the temporary residence is due to construction or rehabilitation of the primary residence.

(c) The temporary dwelling shall be served by adequate sewer and water facilities, as determined by the County environmental health division.

(d) Within six months of the date of the issuance of the building permit, the occupant shall complete the foundation, rough plumbing, framing, and the roof of the proposed residence.

(e) The house shall be completed within the two-year period and the use of the recreational vehicle as a temporary residence shall be discontinued after this period.

(f) Occupancy of the temporary residence shall be limited to:

(1) Members of the household, if the temporary residence is due to construction or rehabilitation of the primary residence, or

(2) A caretaker providing assistance to an elderly or disabled member of the household living in the primary residence, or

(3) Construction employees if the project is located in a remote area where other temporary housing is not available.

(g) The siting of a temporary mobile home shall conform to the California Residential Code (Title 24, Part 2.5 of the California Code of Regulations).

(h) The temporary dwelling is declared to be a temporary use on the property, accessory to the primary unit, and shall not be placed on a permanent foundation. Additionally, a temporary dwelling shall not be permitted on a parcel where there is an approved accessory unit.

(i) The permit shall be granted for a term of up to two years. Extensions of the term for the permit, not exceeding one year for each extension, may be granted if the application for the extension is filed

within sixty calendar days prior to the date of expiration.

(j) The temporary dwelling shall be vacated upon expiration of the permit and removed within sixty days after the expiration of the permit. The applicant shall obtain a demolition permit so that the County can verify that water, sewer or septic systems, and other utilities are disconnected and the temporary dwelling is removed from the site.

(k) The permit may be revoked if any of the terms or conditions of the permit is violated or if any acts or omissions of the permittee in connection with the use authorized by said permit constitute a public nuisance. (Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 19)

#### **44-4.80.050 Additional Requirements.**

Temporary uses shall comply with the following additional requirements:

(a) Upon, or prior to, the expiration of temporary use approval, any temporary structures, and all accessories thereto, shall be removed from the property, except as provided for temporary dwellings, which shall be removed within thirty days of the expiration of the permit.

(b) The site shall be cleared of debris, litter, and other trash upon expiration of temporary use approval. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.80.060 Extensions.**

Extensions of the time period for the temporary use shall not be permitted, unless otherwise permitted under this chapter. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.90 Home Occupations.**

Home occupations shall be permitted as appurtenant and accessory uses to any residential uses. The following standards shall apply to each home occupation:

(a) The home occupation is confined completely within a legal structure and occupies not more than twenty-five percent of the floor space of a dwelling or fifty percent of that of an accessory building.

(b) Strictly retail businesses shall not be allowed (that is, grocery stores, stock item stores, and the like).

(c) The home occupation is carried on by the members of the family occupying the dwelling with no other persons employed.

(d) The home occupation produces no evidence of its existence upon or beyond the premises such as external alteration creating nonresidential or unsightly appearance of a structure, noise, smoke, odors,

vibrations, etc., except one sign as allowed by section [44-3.50](#) (Sign Regulations) and agricultural home occupations provided for in this section.

(e) Agricultural home occupations limited to growing annual flowers and vegetables for off-site sales; provided, that: (1) the cultivation is limited to the rear yard area; (2) cultivation shall only occur outdoors; and (3) the total cultivation area shall not exceed fifty percent of the rear yard area outside the accessory structure setback requirements.

(f) No home occupation shall be allowed unless an administrative permit has first been issued for such use as required by Article 44-1 (Administrative Provisions), except businesses utilizing only office equipment or producing items inside the primary structure with no employees, no display or storage, no signs, or no exterior indication of any business will be permitted upon the registration of such businesses with the planning department and subject to the limitations described in this section, acknowledged by the signature of the applicant as part of the registration process. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 793, § 2.)

#### **44-4.100 Recreational Lodging Facilities.**

This section applies to recreational lodging facilities in zones other than commercial zones, where allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards). This section applies to agricultural visitor lodging, duck clubs, hunting and fishing clubs, and outdoor recreation lodging facilities. This section does not apply to campgrounds or recreational vehicle parks. This section does not apply to hotels or motels. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-4.100.010 General Standards.**

Recreational lodging facilities shall be subject to the following standards:

(a) The applicant must demonstrate to the satisfaction of the environmental health division that the facilities meet all applicable health standards including, but not limited to, kitchen facility, water, and sewage disposal permit requirements.

(b) Unless superseded by the regulations under this section, guest accommodations shall be allowed in compliance with the development standards of the respective zone and Article 44-4.3 (Site Planning Provisions).

(c) Lodging facilities shall have direct access to a maintained road in conformance with County standards. The entrance, parking area, and walkways shall be kept free of obstructions or hazards of any type. With the exception of farmstays, the entrance, parking and walkways shall be illuminated in compliance with section [44-3.30](#) (Outdoor Lighting).

(d) A lodging facility consisting of five or fewer guestrooms shall be considered a single-unit residential dwelling or lodging house for the purpose of building codes, unless additional standards are required by said codes, as amended from time to time and adopted by the County. Six or more guestrooms within one structure shall be subject to further requirements under the building code.

(e) The operation of a lodging facility shall be subject to chapter [18A](#) (Uniform Transient Occupancy Tax) and chapter [10](#) (Licenses) of this code. The business license shall be posted in a conspicuous place on the premises prior to operation of the business.

(f) Ancillary activities such as weddings, receptions, fund raisers, or similar events attended by nonguests may be allowed as part of a conditional use permit or subject to a temporary use permit, if applicable.

(g) If not already required by Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards), a use permit shall be required when a proposed use exceeds the general standards in this section.

#### **44-4.100.020 Farmstays.**

Farmstays shall comply with the standards identified by section [44-4.100.010](#) and the following standards:

(a) The applicant shall demonstrate to the satisfaction of the director that the site meets the minimum qualifications for agricultural or grazing use as set forth under the minimum criteria for a Williamson Act contract, whether the property is under contract or not.

(b) The use is limited to a maximum of four guestrooms for up to eight guests at any one time. The guestrooms shall be in the primary or accessory dwelling on site.

(c) The property owner shall reside in either the primary or accessory dwelling on site.

(d) Meals may be served to overnight guests only. There are no limitations on the number of meals or the times at which they are served. The price of food shall be included in the price of the overnight accommodations in compliance with the California Retail Food Codes enforced by the county (Health and Safety Code Section [113893](#)).

(e) Uses which do not meet the above criteria may be considered as bed and breakfast inns under section [44-4.100.040](#). (Ord. No. 765 § 2 (Exh. A) (part); Ord. No. 788 § 20)

#### **44-4.100.030 Duck Clubs and Hunting and Fishing Clubs.**

Duck clubs and hunting and fishing clubs shall comply with the standards identified by section [44-4.100.010](#) and with the following standards:

(a) Minimum lot size – twenty acres.

(b) Density. The use is limited to a maximum density of one cabin per acre or two guestrooms per acre.

(c) Cabins. The following standards shall apply to cabins allowed by this section:

(1) Cabins shall have no more than two bedrooms and may have kitchen facilities.

(2) Cabins shall not exceed one thousand five hundred square feet.

(3) Cabins shall not exceed sixteen feet in height unless a flood zone development permit is required.

(4) Cabins are subject to the same setbacks as the primary structures in the zoning classification. The distance between buildings on the same lot must be a minimum of ten feet.

(5) Cabins may be manufactured or mobile homes.

(d) Lodge Facility. Guestrooms may be provided in hotel, dormitory, or similar facility, which shall be subject to the size, height, setback, and other development standards of the zoning classification.

(e) There are no limitations on the number of meals or the serving times of the meals.

(f) Lots served by a well, septic tank or other on-site wastewater disposal system shall demonstrate the capacity for adequate water and wastewater provision through percolation tests, water table height identification, a minimum one-hundred-foot setback of any well from any on-site wastewater system, and all applicable environmental health department requirements. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.100.040 Bed and Breakfast Inns.**

The following standards apply to bed and breakfast inns:

(a) The bed and breakfast inn may provide up to a maximum of twelve guestrooms, which shall be contained within the primary and accessory dwelling units, in compliance with the development standards of the applicable residential or agricultural zones.

(b) A bed and breakfast inn may be allowed to have two accessory dwelling units; provided, the setback, lot coverage, and other development standards established by this Code are met.

(c) The property owner shall reside in either the primary or accessory dwellings on site.

(d) Meal service shall be limited to registered guests and shall consist of breakfast and light snacks as a portion of the overall room rate in compliance with the California Retail Food Codes enforced by the county (Health and Safety Code Section [113893](#)).

(e) Limited ancillary activities such as weddings, receptions, fund raisers, or similar events attended by nonguests are allowed with a use permit and are subject to conditions of approval that include, but are not limited to, restrictions upon the frequency and time of holding events, duration thereof, and the maximum number of persons attending. Food preparation, except for the aforementioned breakfast and light snacks, shall not be allowed within the bed and breakfast inn unless expressly authorized in the use permit. Unless expressly authorized in the use permit, such ancillary activities are prohibited.

(f) A temporary use permit for an ancillary activity may be processed in situations where special events are not authorized under the conditional use permit for the bed and breakfast inn, in compliance with section [44-4.80](#). Applicable conditions shall be required, as determined necessary by the review authority, which restrict the number of people attending and offset other related impacts, in order to maintain the residential character of the surrounding neighborhood. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 788 § 21)

#### **44-4.110 Animal Keeping.**

This section applies to the keeping of animals in residential and transitional zones (R-1, R-2, R-3, R-4, A-T, U-T, MU, and RSC). The keeping and raising of animals in excess of the amount allowed by this section requires a kennel or stable permit in accordance with Article 44-2. The keeping and raising of commercial animals is allowed by right in all agricultural zones. The keeping and raising of commercial animals in agricultural zones is not subject to the requirements of this section. (Ord. No. 765 § 2 (Exh. A) (part))

##### **44-4.110.010 Household Pets.**

The following standards apply to the keeping of household pets. Household pets include small domestic animals that are not used for the production of food or fiber, such as dogs and cats.

(a) The keeping of up to four small domestic household pets is allowed in all residential and transitional zones.



(b) For parcels that exceed ten thousand square feet, up to six small domestic household pets may be kept.

(c) For parcels that exceed one acre, up to eight small domestic household pets may be kept, provided that there are no more than six animals of the same species (i.e., two dogs and six cats, or four dogs and four cats are permitted).

(d) Up to eight immature animals (i.e., puppies and kittens) shall not count against the total number of animals allowed. (Ord. No. 765 § 2 (Exh. A) (part))

**44-4.110.020 Domestic Animal Densities.**

(a) Animal Density Standards. The following density standards apply to the keeping of domestic animals in all residential and transitional zones. The keeping of domestic animals is not allowed on parcels smaller than six thousand square feet. Domestic animals may be kept in numbers not exceeding the allotment of animal density Points, as defined below, unless authorized by the zoning administrator through issuance of an administrative permit.

**TABLE 44-4.110-1: ANIMAL DENSITY POINTS ALLOCATED BY PARCEL SIZE**

	MINIMUM PARCEL SIZE								
	6,000 S.F.	0.5 ACRE	1.0 ACRE	2.0 ACRES	3.0 ACRES	4.0 ACRES	5.0 ACRES	6.0 ACRES	EACH ADDITIONAL 1.0 ACRE
Animal Density Points	4	7	10	24	38	52	66	80	+ 25

(b) Animal Density Points. Up to eight immature animals shall not count against the total number of animals allowed. Any combination of the following points may be applied:

**TABLE 44-4.110-2: ANIMAL DENSITY POINTS PER ANIMAL**

TYPE OF ANIMAL	ANIMAL DENSITY POINTS (PER EACH ANIMAL)
Beef cows and similar cattle shall count for 20 points each.	20
Horses, ponies, or mules shall count for 15 points each.	15
Miniature horses not exceeding 200 pounds	10

TYPE OF ANIMAL	ANIMAL DENSITY POINTS (PER EACH ANIMAL)
Donkeys, burros, or pigs shall count for 10 points each, except that.	10
Miniature donkeys, burros, or pigs not exceeding 200 pounds	8
Sheep, goats, alpacas, and other similar small hoofed animals	8
Roosters, geese, peacocks, and turkeys shall count for 4 points on lots greater than five acres in size. Roosters, geese, peacocks, and male turkeys are not allowed in the R-1 through R-4 zones, and are only allowed in the R-R, U-T, and A-T zones on parcels greater than five acres in size.	4
Small animals, including rabbits and chinchillas	1
Fowl, including ducks, chicken hens, and female turkeys	1

**Animal Keeping Calculations:**

*Example 1:* 4 cows (20 points x 4), 2 horses (15 points x 2), and 10 chicken hens (1 point x 10) total 120 animal density points. A minimum of 8 acres (130 animal density points) is required, as 7 acres only allows 105 animal density points.

*Example 2:* 5 pigs (10 points x 5) total 50 animal density points. A minimum of 4 acres (52 points) is required.

*Example 3:* 3 roosters (4 points x 3) and 10 chicken hens (1 point x 10) total 22 animal density points. A minimum of 2 acres (24 points) is required.

(c) Temporary Educational Projects. Temporary educational projects that are conducted as part of a school project or through a recognized organization (i.e., FFA, 4-H), conducted by students through the twelfth grade under the supervisor of an adult advisor or instructor are exempt from the animal density requirements listed above. Animals that are exempt under this paragraph must belong to the resident of the parcel and may not be kept past the project or show period. In no case may the animal be kept longer than eight months. This exemption does not permit cows, horses, and similarly sized animals on parcels zoned R-1-6 or R-1-8 or on parcels that are less than one acre in size.

However, no more than a total of two medium or large domestic animals (such as cows, horses, sheep, goats, or pigs) or more than four small domestic animals (such as rabbits or chickens) over one year of age shall be kept as part of an educational project as allowed by this subsection. (Ord. No. 765 § 2 (Exh. A) (part))

**44-4.110.030 Fencing, Enclosure, and Sanitation.**

The following standards related to fencing, enclosures, and sanitation shall be required:

- (a) All animals, except household pets (domestic dogs and cats) kept outdoors shall be kept in an area which is fenced so as to prevent such animals from roaming beyond the property line.
- (b) Within the fenced area, an roofed enclosure or shed shall be provided of sufficient size to provide cover for the animals kept on the parcel.
- (c) No part of a roofed enclosure for one or more animals shall be located within twenty-five feet of any neighboring dwelling.
- (d) Roosters, geese, and peacocks shall be kept a minimum of one hundred feet from any neighboring dwelling.
- (e) Animal fecal matter in excess of that which can be safely and sanitarily utilized on the premises shall be removed and shall not be allowed to accumulate. (Ord. No. 765 § 2 (Exh. A) (part))

**44-4.120 Cottage Food Operation.**

This section regulates cottage food operations conducted in dwelling units, where the dwelling unit is allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards). Cottage food operations are permitted in residential dwellings subject to the following rules and standards.

- (a) The applicant for the cottage food operation permit shall be the individual who conducts the cottage food operation from his or her dwelling unit and is the owner of the cottage food operation. The permit shall not be transferable to another operator nor transferable to another site.
- (b) No more than one cottage food employee, as defined by California Health and Safety Code Section [113758](#)(b)(1), and not including a family member or household member of the cottage food operator, shall be permitted on the premises of the cottage food operation.
- (c) The cottage food operation shall be registered or permitted by the County health officer in accordance with Section [114365](#) of the California Health and Safety Code. Cottage food operations shall comply with all California Health and Safety Code requirements.
- (d) The use shall be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than twenty-five percent of the dwelling, or fifty percent of an accessory building, may be used for the cottage food operations.

- (e) There shall be no change in the outside appearance of the dwelling unit or premises, or other visible evidence of the conduct of such cottage food operation, with the exception of one sign not to exceed two square feet.
- (f) Except for vehicle parking, no outdoor portions of the premises shall be utilized for cottage food operation including outdoor sales and visitation.
- (g) No greater than one visitor's vehicle and one non-resident employee's vehicle shall be parked on site at any time. All on site vehicle parking shall be conducted in a manner consistent with the County Code.
- (h) Direct sales of products from the site of the cottage food operation shall be conducted by prior appointment only, and shall not exceed more than ten visitors in any single day. No customers of the cottage food operation shall be permitted to dine at the premises.
- (i) Direct sales and cottage food operation related deliveries shall not occur between the hours of eight p.m. and seven a.m.
- (j) Gross annual sales shall not exceed the dollar amounts specified in California Health and Safety Code Section [113758](#). (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.130 Agricultural Worker Housing.**

- (a) Location. Agricultural worker housing should be located in close proximity to existing structures on the property in order to maximize the amount of land available for agricultural activities.
- (b) Occupancy. Agricultural worker housing shall be occupied by agricultural employees. The family members of an agricultural employee residing in agricultural worker housing are allowed occupants.
- (c) Agricultural worker housing center, large. A large agricultural worker housing center project is permitted in the agricultural zones with a minor use permit, subject to the following standards:
  - (1) The agricultural worker housing shall not significantly reduce the agricultural viability of the parcel.
  - (2) The agricultural worker housing shall be located in close proximity to primary access point and to existing structures on the site.
  - (3) There is adequate water and wastewater capacity, either private or public, to serve the agricultural worker housing.

**44-4.140 Caretaker Quarters.**

Caretaker quarters shall meet the site (section [44-4.10.010](#)), size (section [44-4.10.020](#)), parking (section [44-4.10.050](#)), development standards (section [44-4.10.060](#)), and site improvement (section [44-4.10.070](#)) requirements established for accessory units. (Ord. No. 765 § 2 (Exh. A) (part): Ord. No. 788 § 22)

**44-4.150 Adult Business Establishments.**

This section regulates the time, location, and manner of operating adult (sex-oriented) business establishments, where allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards), in compliance with Government Code Section [65850.4](#), in order to protect the public health, safety, and welfare. This section establishes reasonable and uniform regulations to prevent any harmful or inappropriate location and concentration of adult business establishments within the County, thereby reducing or eliminating the adverse secondary effects experienced by other cities and counties, such as crime, blight, and downgrading of the surrounding commercial districts and residential neighborhoods. Location of adult business establishments along the Interstate 5 corridor will be regulated in order to preserve the commercial, residential, and scenic character of the County's main transportation corridor and a primary gateway to the County. (Ord. No. 765 § 2 (Exh. A) (part))

**44-4.150.010 Definitions.**

The terms specific to this section are defined below.

(a) Adult business establishment. An adult business establishment having a substantial or significant portion or its stock or fare in books, magazines, pictures, films, trade, media or live entertainment, which are distinguished or characterized by their emphasis on matter or live conduct depicting, describing, exposing, or relating to nudity or sexual activities. "Adult business establishment" includes, but is not limited to the following:

(1) Adult book store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter, depicting, describing or relating to nudity or sexual activities or an establishment with a segment or section devoted to the sale or display of such materials.

(2) Adult motion picture theater. An enclosed building used for presenting material distinguished or characterized by an emphasis or manner depicting, describing or relating to nudity or sexual activities for observation by patrons therein.

(3) Adult hotel or motel. A hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual

activities.

(4) Adult motion picture arcade. Any place wherein coin or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on nudity or sexual activities.

(5) Cabaret. A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on nudity or sexual activities.

(6) Massage parlor. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric, or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with nudity or sexual activities.

(7) Model studio. Any business where, for any form of consideration or gratuity, figure models who display nudity are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

(8) Sexual encounter center. Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons may congregate, assemble, or associate for the purpose of engaging in nudity or sexual activities.

9. Any business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to nudity or sexual activities. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.150.020 Applicability.**

The regulations and standards within this section shall apply to adult business establishments, where allowed as identified in Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards), including the following forms:

A. New Business. The opening or commencement of operation of a business as a new business.

B. Conversion of an Existing Business. The conversion of an existing business, whether an adult business or not, to an adult business establishment or to activities associated with an adult business establishment.

C. Enlargement of Existing Business. The addition of an adult business establishment to an existing adult business if the addition results in enlargement of the place of business. For the purpose of this article, enlargement shall mean an increase in the size of the structure within which the business is conducted by either construction, use of an adjacent structure, or use of a portion of a structure, whether located on the same or adjacent lot. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.150.030 Standards.**

Adult business establishments shall comply with the following standards.

A. Location. It shall be unlawful to establish any adult business establishment if the location is:

1. Located within 1,000 feet of Interstate 5, or
2. Located within 2,000 feet of the following:
  - a. Any zone that allows residential uses by right,
  - b. Any house of worship or any noncommercial establishment operated by a bona fide religious organization,
  - c. Any public library, public building, or other public facility,
  - d. Any public, private, or parochial school, pre-school, child day care center, park, or playground, or any establishment or facility likely to be used by minors, or
  - e. Any other adult business establishment.

The applicant for an adult business establishment shall provide a vicinity map demonstrating that the location complies with the above requirements. For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the property line in which the adult business will be located to the nearest property line of a use or zone described in items 1 and 2, above.

B. No adult business establishment shall be open nor shall any activity described in this section be conducted or carried on in the business premises between the hours of 2:00 a.m. and 10:00 a.m. of any day.

C. Signs or structures, advertisements, displays, or other promotional material depicting nudity or sexual activities, or displaying instruments, devices or paraphernalia designed for use in connection with sexual activities, shall not be exhibited or shown in a way that is visible from an exterior area.

D. Structure openings, entries, and windows shall be located, covered, or screened to prevent viewing the interior from an exterior area.

E. Loudspeakers or sound equipment audible to persons in a public area shall not be used in connection with an adult business, and the business shall be conducted so that sounds associated with the business are not emitted beyond the exterior walls of the structure in which the use is occurring.

F. Dumpsters used by an adult business establishment shall be locked when not in use to prevent access by the public.

G. The parking lot and exterior area shall be well-lit. Lighting shall not exceed the level and amount of lighting allowed under Section [44-3.30](#) (Outdoor Lighting).

H. The adult business applicant shall provide a written plan for on-site management that describes provisions for staff training and security during hours that the business is in operation. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-4.150.040 Waiver of Locational Provisions.**

Any property owner or his authorized agent may apply to the Commission for a waiver of any locational provisions contained in this section. The Commission, after a public hearing, may waive any locational provision, if all of the following findings are made:

A. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this chapter will be observed;

B. The proposed use will not enlarge or encourage the development of a concentration of adult business establishments or contribute to secondary adverse effects, such as crime, blight, and downgrading of the surrounding commercial districts and residential neighborhoods;

C. The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation; and

D. All applicable regulations of the codes and ordinances of the County will be observed. (Ord. No. 765 § 2 (Exh. A) (part))

## **Article 44-5: Resource Management Provisions**

### **44-5.10 Agricultural Buffers.**



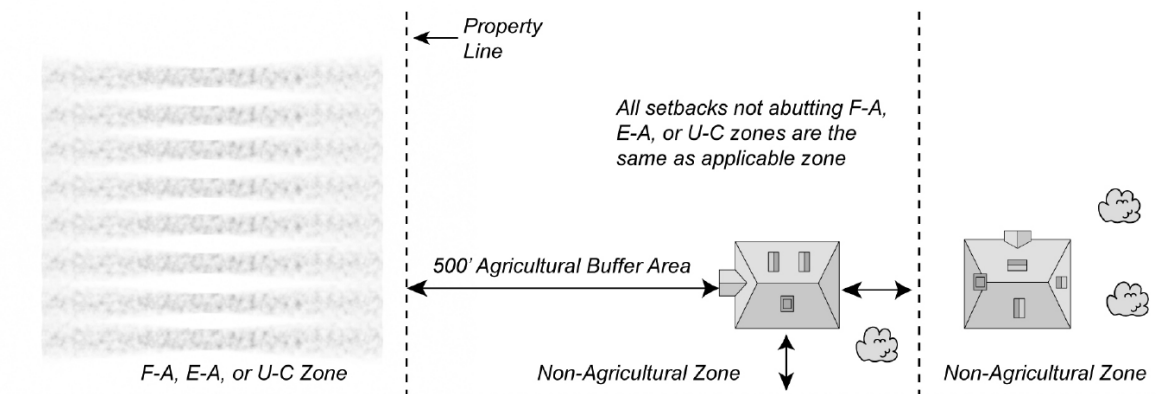
The purpose of this section is to protect agricultural lands, agricultural operations, and agricultural resources throughout Colusa County from encroachment and conversion to urban uses and to protect the financial viability of agricultural operations. This section is also intended to protect residential land uses and other sensitive land uses (such as schools, day care facilities, and hospitals/medical facilities) from potential adverse effects, discomfort, and annoyance from adjacent agricultural operations. (Ord. No. 765 § 2 (Exh. A) (part))

#### 44-5.10.010 Applicability.

A. This section applies to residential structures in all nonagricultural zoning classifications and to sensitive land uses, including, but not limited to, schools, day care facilities, residential care homes, medical offices, hospitals, and motels/hotels located within an agricultural buffer area. The agricultural buffer area is applied to the following areas of the county:

1. Lands within 500 feet of the following agricultural zoning classifications: Foothill Agriculture (F-A), Exclusive Agriculture (E-A), and Upland Conservation (U-C), as shown in Figure 44-5.10-1 (Agricultural Buffer Areas).

**FIGURE 44-5.10-1: AGRICULTURAL BUFFER AREAS**



B. This section does not apply to permitted residential uses in agricultural zoning classifications.

C. The agricultural buffer requirement shall apply to the parcel where the residential development or other sensitive land use is proposed. (Ord. No. 765 § 2 (Exh. A) (part))

#### 44-5.10.020 Setback Requirements.

A. The setback distance for residential structures and sensitive land uses within an agricultural buffer area shall be a minimum of 300 feet from any property line that abuts an A-P, E-A, or U-C zoning classification and need not be greater than 500 feet. Exceptions to this setback requirement may be considered by the Director for parcels less than 800 feet deep.

B. Projects requesting a setback of less than 300 feet from a property line that abuts an A-P, E-A, or U-C zoning classification must demonstrate, to the satisfaction of the Director, that the proposed residential or sensitive land use would not present an impediment or detriment to the agricultural use or practices on the adjacent agricultural parcel(s).

1. In determining the appropriate distance for a setback requirement, the Director shall consider the following factors:

- a. The topography of the land within the agricultural buffer area,
- b. The existing and potential future agricultural operations on the adjacent agricultural parcel(s), and
- c. The scale and intensity of the proposed residential or sensitive land use. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.10.030 Permitted Uses within an Agricultural Buffer.**

The following uses are permitted within an agricultural buffer setback area:

- A. Greenbelts and naturalized habitat,
- B. Drainage features,
- C. Roadways and/or utility easements,
- D. Parks with passive recreational features, including trails, bike paths, dog parks, and maintained open space areas,
  1. Parks with active recreational features such as sports fields or playgrounds are not permitted,
- E. Nonagricultural tree stands,
- F. Landscape berms, and
- G. Open space. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.20 Wetlands, Waterways, Riparian Habitat, and Sensitive Habitat.**

The purpose of this section is to establish standards for wetlands, waterways, riparian habitat areas, and sensitive habitat areas in order to:

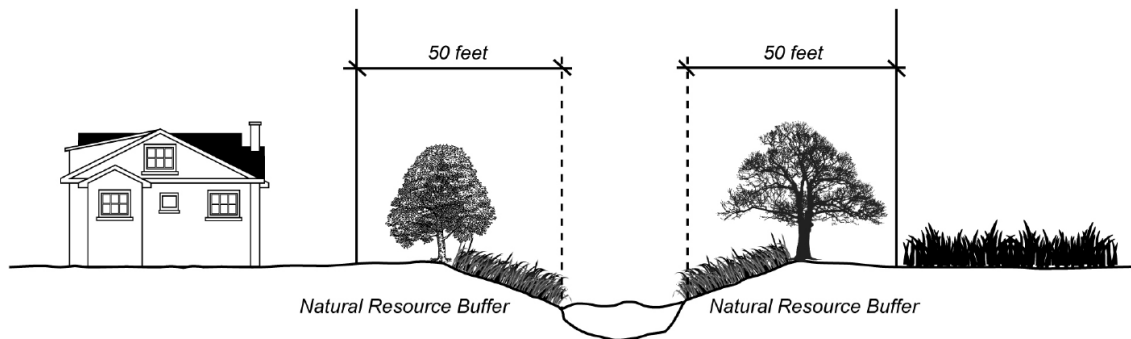
- A. Protect and enhance the chemical, physical, and biological integrity of water resources in the County,
- B. Minimize pollutants entering water bodies from stormwater runoff,
- C. Reduce the risks to life and property from erosion and flooding, and
- D. Preserve and protect habitat connectivity to support identified special-status species. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.20.010 Applicability.**

This section applies to all areas in the County within 50 feet of a wetland, waterway, riparian habitat, or sensitive habitat, as defined in this zoning code. Lands within 50 feet of a wetland, waterway, riparian habitat, or sensitive habitat shall be referred to as a natural resources buffer area unless the land has already been developed with urban or agricultural uses, as determined by the Director.

A. Natural resource buffer areas shall include areas between the banks and 50 feet in width measured outward from the top of bank of any lakes, perennial ponds, rivers, creeks, sloughs, and perennial streams, as shown in Figure 44-5.20-1 (Natural Resource Buffer Areas).

**FIGURE 44-5.20-1: NATURAL RESOURCE BUFFER AREAS**



B. Natural resource buffer areas shall include lands within 50 feet of sensitive habitat, as determined by a qualified biologist, and lands within 50 feet of a wetland subject to the jurisdiction of the U.S. Army Corps of Engineers. For the purposes of this section, sensitive habitat means vegetation types and habitat types that are relatively limited in distribution, and support concentrations of plants or animals legally protected under the California Endangered Species Act or the Federal Endangered Species Act.

C. Excluded from this section are culverted creeks and engineered systems developed by a public agency for the collection of storm or flood waters, or systems designed to deliver irrigation or water

supplies that do not include riparian or sensitive habitat. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.20.020 Use Regulations.**

A. Permitted Activities. The following activities are permitted within the natural resource buffer areas for wetlands, lakes, perennial ponds, rivers, creeks, sloughs, and perennial streams:

1. Fire and flood protection areas,
2. Maintenance of riparian habitat,
3. Recreational trails,
4. Vegetated landscaping,
5. Boat launch facilities,
6. Levees,
7. Docks,
8. Irrigation pumps,
9. Storm drains into riparian areas and creeks,
10. Construction and maintenance of public-agency owned culverts, rip-rap, and other drainage facilities, and
11. Construction and maintenance of public-agency owned bridges.

B. Conditionally Permitted Uses. The following uses may be conditionally permitted within the natural resource buffer areas for wetlands, lakes, perennial ponds, rivers, creeks, sloughs, and perennial streams, with approval of a Minor Use Permit.

1. Uses, structures, and activities permitted in the applicable zone are permitted within natural resource buffer areas only with approval of a Minor Use Permit.
2. To approve a Minor Use Permit for development within a natural resource buffer area, the Zoning Administrator shall make all of the following findings:
  - a. The proposed use, structure, or encroachment cannot be feasibly located outside the natural resource buffer area, or such location would have a more adverse effect on the

environment.

b. Measures are included that provide adequate protection of wildlife habitat, water quality, in-stream habitat, and capacity for flood management.

c. The proposed development obtains and fully complies with all applicable permits and permit provisions from regulatory agencies responsible for the management and protection of the potentially impacted resource area. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.20.030 Performance Standards.**

A. Impervious Surfaces. No more than 50 percent of the area of a parcel that contains riparian habitat or a natural resource buffer area may be covered with impervious surfaces.

B. Construction. Construction is prohibited in a natural resource buffer areas unless the necessary permits have been obtained from other responsible governmental agencies, and plans have been approved by the Director.

C. Grading or Alterations to Riparian Vegetation. Grading, alteration of the natural contours of the land, or cutting or alteration of natural vegetation that protects a riparian habitat or natural resource buffer area is prohibited except when such action is:

1. Required for the construction of an approved structure;
2. Necessary to protect public health and safety; or
3. Associated with a creek or habitat restoration and enhancement project intended to improve the health and environmental integrity of the waterway or sensitive natural resource.

D. Streambed Alteration. Filling, grading, excavating, or obstructing streambeds is prohibited, except in the following circumstances:

1. Placement of a public-agency approved storm drain or irrigation outflow structures shall be designed to eliminate or minimize increases in the rate and amount of storm or irrigation water discharge;
2. Place of utility lines;
3. Construction of bridges and their connecting roadways;
4. Maintenance activities necessary to protect public health and safety; and

5. Creek restoration and improvement projects. (Ord. No. 765 § 2 (Exh. A) (part))

**44-5.20.040 Coordination with Other Regulatory Agencies.**

All required permits from responsible regulatory agencies, including but not limited to, the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, the California State Water Resources Control Board, the Central Valley Flood Protection Board, or other applicable agencies, shall be obtained concurrently with, or subsequent to, the approval of a County permits for development with natural resource buffer areas. Evidence of approval or pending approval of any such permit shall be submitted to the County, including all appropriate supporting materials, environmental documentation, and studies. (Ord. No. 765 § 2 (Exh. A) (part))

**44-5.30 Habitat Mitigation Banks and Habitat Management Areas.**

The purpose of this section is to establish standards for habitat mitigation banks and habitat management areas in order to:

- A. To help ensure that habitat mitigation banks and activities within habitat management areas are located, constructed, and managed in a manner that is consistent with the General Plan, compatible with surrounding land uses to the extent feasible, and sensitive to the needs of the County's agricultural economy, the protection of biological resources, flood protection, vector control, and other appropriate local and regional concerns.
- B. To require the proponents of habitat mitigation and management projects to design and implement projects that achieve multiple community objectives, and that include management plans or similar means of ensuring the responsible stewardship of such projects over time.
- C. To protect agricultural lands and agricultural operations in the vicinity of habitat mitigation banks and habitat management areas from adverse effects and financial impacts.
- D. To promote and encourage resource conservation activities that support active and ongoing agricultural use of a habitat mitigation bank or habitat management area.
- E. To avoid significant concentrations of habitat management areas in areas of the County suitable for agricultural production.
- F. To provide a mechanism and opportunities for the County and interested citizens to participate in the process of review habitat mitigation and management projects by establishing a permitting process that includes public hearing requirements and other opportunities for public input. (Ord. No. 765 § 2 (Exh. A) (part))

**44-5.30.010 Applicability.**

This section applies to the following:

- A. The establishment of a habitat mitigation bank or a habitat management area on agricultural lands that would result in the conversion of the land from an agricultural use to a nonagricultural use is subject to the requirements of this section.
- B. Habitat mitigation banks and habitat management areas established on lands zoned for agricultural use, but which are fallow, un-farmed, or in a naturalized condition shall be subject to the conditions of this section if the habitat mitigation bank or habitat management activities would preclude the future use of the land for active agricultural activities and operations. Examples include the placement of a conservation easement on an agricultural parcel that would preclude the use of the parcel for agricultural activities or operations in the future.
- C. The establishment of a habitat mitigation bank on agricultural lands that would not result in the conversion of the land to a nonagricultural use is not subject to the requirements of this section. Examples include mitigation banks for species foraging habitat on lands that are actively farmed or conservation easements on parcels that remain in active agricultural production.
- D. Nothing in this section is intended to restrict or in any way affect or impair the agricultural use of land within the County. In some cases, state and federal laws may regulate certain types or characteristics of projects covered by this section. This section shall be construed to provide the County with the maximum control consistent with such other laws. (Ord. No. 765 § 2 (Exh. A) (part))

**44-5.30.020 Zoning Requirements, Exemptions, and Excluded Activities.**

A. Zoning Requirements. Subject to the exemptions set forth below, no person shall engage in grading, clearing, or other activities, including the recordation of a conservation easement, with the intent to implement a habitat mitigation bank or a habitat management plan that would preclude or limit the use of an agricultural parcel from active agricultural use without first applying for and receiving a General Plan Amendment and a Rezone to designate and zone the parcel Resource Management (R-M).

B. Exemptions. The following projects shall be exempt from the General Plan Amendment and Rezone requirements, and other provisions of this section:

1. All covered habitat mitigation and management projects that do not create 10 or more acres of new habitat, or result in the loss of 10 or fewer acres of agricultural land.

2. The recordation of conservation easements that do not preclude the continued active agricultural use of the land as a primary activity.
3. Limited term pilot projects undertaken for scientific research and related purposes, including feasibility assessments, in connection with the potential future implementation of a covered habitat mitigation or management project. Such projects are not covered by this section so long as they occur in a time and manner that does not substantially interfere with the reasonable agricultural use of the pilot project site, or adversely affect surrounding lands and surrounding agricultural operations.

Notwithstanding the foregoing, any expansion or other change to a covered habitat mitigation or management project previously covered by one or more of these exemptions shall require a General Plan Amendment and Rezone to Resource Management if the proposed expansion or other change would remove the project, viewed as a whole, from the scope of these exemptions.

C. Activities Not Covered. The following activities do not constitute covered habitat mitigation or management projects, and are not subject to regulation under this section, so long as they are undertaken in the usual and customary manner prevailing in the County at the time this section was adopted:

1. All activities undertaken in connection with, and in furtherance of, the agricultural use of land. This includes, but is not limited to, the construction and maintenance of stock ponds and small reservoirs, tail-water ponds, irrigation canals and sloughs, rice fields, and similar activities.
2. Projects undertaken for the primary purpose of flood control, flood protection, or related matters of flood safety and the protection of life and property.
3. The winter flooding or agricultural fields for the primary purpose of providing temporary habitat for migratory waterfowl, provided such flooding does not occur in a time or manner that prevents or substantially interferes with the reasonable agricultural use of the site or adversely affect surrounding lands. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.30.030 General Plan Amendment and Rezoning Application Contents and Review Procedures.**

A. General Plan Amendment and Rezoning Applications and Review Procedures. General Plan Amendment and Rezoning applications and review procedures shall be governed by Article 44-1 of this zoning code.



B. Application Contents. An application for a General Plan Amendment and Rezone to Resource Management for a covered habitat mitigation bank or habitat management project shall include all of the following:

1. Appropriate site-specific technical reports, including but not limited to such documents as a biological resources analysis, a hydrology analysis, a geotechnical analysis, and an engineered excavation plan. The types of reports that may be required may vary depending on the existing site features and characteristics, the surrounding land uses, and the nature of the proposed habitat management activity. Upon request, the Director will advise an applicant of the types of reports and studies that should be submitted with a General Plan Amendment and Rezone application, or in connection with environmental review of a proposed project. In some instances, the applicant may be able to satisfy these technical report requirements by providing documents prepared in connection with applications to other federal, state, or local agencies relating to the project.
2. A site plan showing property lines, assessor's parcel numbers, on-site and adjoining land uses, surrounding property owners, topography, access, and existing/proposed patterns of vegetation and surface water coverage.
3. A proposed management plan that identifies how the project will be operated and managed over time. Among other things, the management plan should explain how the project will be actively operated and managed in perpetuity to ensure that its environmental and other benefits are realized on a continuous basis, how vector control issues will be addressed, if applicable, and how any unanticipated events and impacts to surrounding land uses, particularly agricultural operations, will be addressed. The proposed management plan shall also include measures to address on-site and offsite crop depletion to the extent it is a reasonably foreseeable consequence of the proposed project. The management plan should also identify established long-term funding sources to be used for implementation of the management plan.

In addition to the foregoing, the Director may require additional information relevant to the project, as needed, to perform appropriate environmental analysis, to determine whether the proposed project may affect public health, safety, and welfare, whether the project may result in detrimental impacts to surrounding agricultural lands and agricultural operations, and for other good cause as determined by the Director at his or her sole discretion. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.40 Hillside and Ridgeline Development.**

The purpose of this section is to provide for the reasonable use of hillsides and mountainous areas while protecting the public health, safety, and welfare by ensuring that development will not induce soil erosion, result in excessive grading, create sewage disposal problems, increase wildfire danger and slope instability, or lead to a loss of aesthetic value. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.40.010 Applicability.**

This section implements the goals and policies of the Colusa County General Plan and sets specific standards and regulations for all grading and development of slopes exceeding 15 percent average natural slope. This section is not a base zoning classification or combining classification, however, it is applicable to all development in any zoning classification on slopes that exceed 15 percent average natural slope. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.40.020 Average Natural Slope Calculation.**

A. For the purposes of this section, slope is defined as the relationship between the change in elevation (rise) of land and the horizontal distance (run) over which the elevation occurs. The percent slope of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).

B. Average natural slope shall be calculated by using the following formula:

$$S = \frac{I \times L}{A} \times (0.002296)$$

Where:

- S = average natural slope (in percent)
- I = contour interval (in feet)
- L = total length of all contour lines within the development footprint (in feet)
- A = gross area of the development footprint (in acres)
- 0.002296 = a constant used to convert square feet into acres by 100 percent

The calculated average natural slope shall be rounded to the nearest whole number. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.40.030 General Development Standards.**

A. The developable area should be located, to the maximum extent feasible, on stable land and on natural slopes which allow building without excessive cuts and fills.

B. Natural slopes having a 30 percent or greater grade should not be disturbed.

C. Access should be through lands where roads or driveways can be designed without cuts and fills, to the greatest extent feasible.

D. The area proposed for development must include suitable lands for a septic system, unless the property is connected to a municipal sewer system.

E. The design of building sites shall be done in the manner that best protects the hillsides from excessive disturbance of the terrain and vegetation. (Ord. No. 765 § 2 (Exh. A) (part))

**44-5.40.040 Residential Density Standards.**

Residential development shall not exceed the maximum density permitted by the General Plan Land Use Designation applicable to the parcel. In addition, the following residential density standards apply:

A. No lot shall be created after the effective date of this section on which the average natural slope exceeds 60 percent, except if the lot contains a contiguous area of 10,000 square feet within which there is no slope greater than 10 percent and on which development is proposed.

B. One single-family dwelling may be built on any lot that was legally created prior to the effective date of this section, regardless of slope, provided that all other requirements of this section are met.

C. Residential density standards shall comply with the density standards shown in Table 44-5.40-1 (Hillside Residential Density Standards).

**TABLE 44-5.40-1: HILLSIDE RESIDENTIAL DENSITY STANDARDS**

<b>AVERAGE NATURAL SLOPE</b>	<b>MAXIMUM RESIDENTIAL DENSITY</b>
0% - 15%	As governed by the base zoning classification
15.1% - 20%	1 dwelling unit/10 acres
20.1% - 30%	1 dwelling unit/20 acres
30.1% - 40%	1 dwelling unit/40 acres
40.1% or greater	1 dwelling unit/80 acres

(Ord. No. 765 § 2 (Exh. A) (part))

**44-5.40.050 Grading Standards.**

Grading shall respect the natural contour of the existing terrain wherever possible. The following grading standards shall apply to all land subject to this section, in addition to the grading requirements

of Chapter 70 of the latest edition of the California Building Code as adopted and modified, and Chapter 9 (Land Grading and Leveling) of the Colusa County Code:

A. Grading shall be limited to building pads and access drives thereto, and extensive grading shall be discouraged.

B. Cuts in excess of 16 feet in height from top to toe shall be discouraged.

C. Where grading is necessary, the principles of contour grading should be employed:

1. Cut slopes shall not exceed two horizontal to one vertical (2:1). Shallower slopes may be required if indicated by soils and geologic investigations to be necessary.
2. Graded slopes should be rounded and shaped to simulate the natural terrain.
3. Grading should follow the natural contours as much as possible.
4. Graded slopes should blend with naturally occurring slopes at a radius compatible with the existing natural terrain.

D. Graded slopes should be screened from view under or behind buildings or by landscaping or natural topographical features wherever possible.

E. Graded slopes shall be revegetated with a mixture of grass seeds, shrubs, or other native vegetation, as recommended by the Director. Planting may be waived by the Director for slopes that, due to the rock character of the material, will not support plant growth. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.40.060 Drainage Standards.**

All proposed drainage facilities shall respect the natural terrain, preserve major drainage channels in the natural state, and be designed in such a manner as to minimize soil erosion and to otherwise preserve the public health, safety, and welfare. The following standards shall apply to all lands subject to this section, in addition to the requirements of the Colusa County Subdivision Ordinance and Chapter 9 (Land Grading and Leveling) of the Colusa County Code:

A. To the maximum extent possible, all natural drainage courses serving major drainage areas, and containing significant perennial vegetation which may constitute a significant wildlife habitat, should remain in their natural state.

B. In the event that off-site drainage facilities will be required to handle increased runoff, interim drainage facilities which provide for no increase in peak runoff rate from a 10-year storm shall be constructed and maintained until such time as the permanent facilities are completed.

C. The overall drainage system shall be completed and made operational at the earliest possible time during construction or shall be otherwise provided for in a manner acceptable to the County of Colusa. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.40.070 Driveways and Access Roads Standards.**

All proposed driveways and access roads shall be designed to provide convenient and safe access while minimizing the extent of grading. The following standards shall apply to all lands subject to this section in addition to the requirements of the Colusa County Subdivision Ordinance and Chapter [9](#) (Land Grading and Leveling) of the Colusa County Code:

A. Driveways and access roads shall enter the fronting public road or street as nearly at right angle (or radial line, if on a curve) as physical features permit.

B. Driveways shall be designed and constructed in such a manner that stormwater runoff originating on the roadway will not drain down the drive, and stormwater runoff originating on the private property will not drain down the roadway, except in the ditch or gutter line.

C. Adequate and safe sign distance shall be provided for a design speed of 15 miles per hour.

D. Wherever feasible, driveways and access roads shall be installed parallel to elevation contours and shall not cut perpendicularly across contours.

E. The maximum grade for driveways and access roads should be 15 percent.

F. Driveways entering a public road or street shall comply with all requirements of an Encroachment Permit issued by the Department of Public Works.

G. Driveways and access roads shall comply with the requirements of the Colusa County Department of Public Works. (Ord. No. 765 § 2 (Exh. A) (part))

#### **44-5.40.080 Additional Standards.**

The following standards apply to the issuance of a building permit on existing parcels, as well as subdivision of existing parcels subject to this Section.

A. Development Plan. Prior to the approval of any parcel split, a development plan for all contiguous parcels under a single ownership shall be submitted and approved by the Planning Commission.

## B. Water.

1. Prior to the approval of any subdivision creating five or more parcels or any parcel map creating four or fewer parcels, the proponent shall demonstrate to the satisfaction of the Director that sufficient water exists within the underlying aquifer to support the ultimate population for the lands within overlie the aquifer, or the proponent shall provide a water development plan, which demonstrates that sufficient water will be provided to the residents for domestic use and fire protection.
2. Parcels shall have a test well dug and certified to yield a minimum of five-gallons per hour for 24 hours. If feasible, the test should be conducted not sooner than one month after cessation of winter rains. (Ord. No. 765 § 2 (Exh. A) (part))

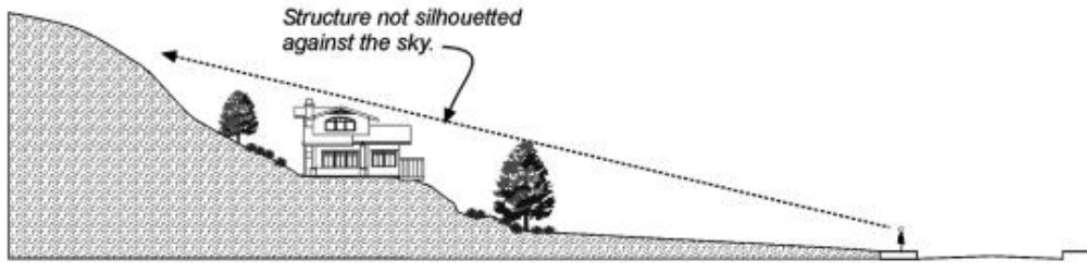
### **44-5.40.090 Placement of Structures.**

Proposed structures shall comply with the following standards, to maintain the natural appearance of hillsides and ridgelines:

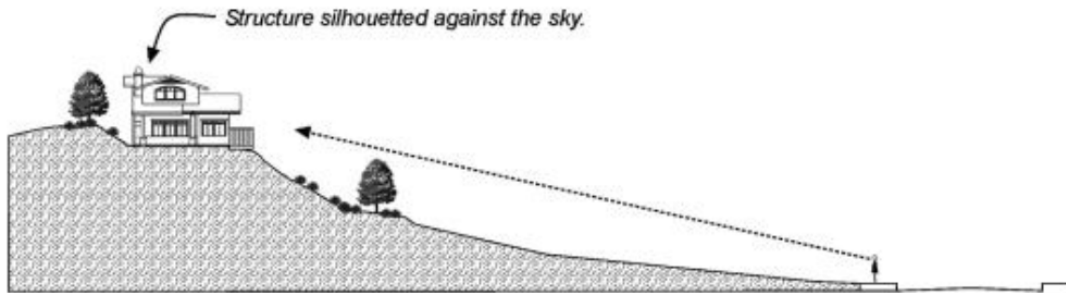
A. Each structure shall be located as follows, provided that the review authority may modify or waive these standards where it determines that a structure on the only feasible building site of an existing parcel cannot comply.

1. No part of a proposed structure shall appear silhouetted against the sky above the nearest ridge or knoll when viewed from a public street. See Figure 44-5.40-1 (Silhouetted Structure).
2. The topmost point of a proposed structure and all site grading shall be at least 30 feet below the top of the nearest ridge or knoll. See Figure 44-5.40-1 (Location of Structure Below Ridgeline).

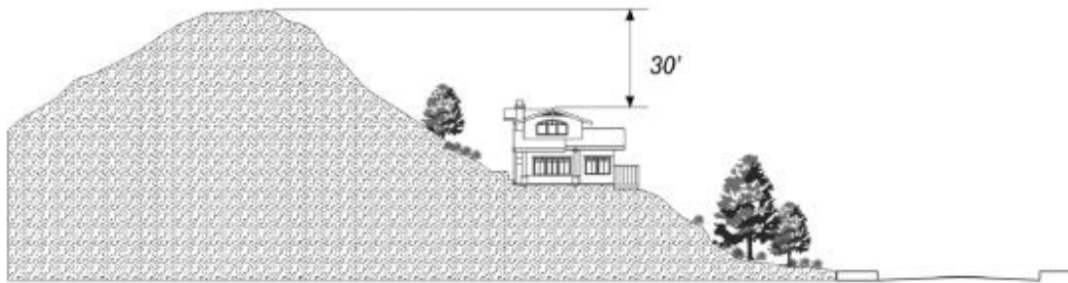
### **FIGURE 44-5.40-1: SILHOUETTED STRUCTURE**



THIS



**FIGURE 44-5.40-2: LOCATION OF STRUCTURE BELOW RIDGELINE**



(Ord. No. 765 § 2 (Exh. A) (part))

The Colusa County Code is current through Ordinance 810, passed October 13, 2020.

Disclaimer: The clerk of the board’s office has the official version of the Colusa County Code. Users should contact the clerk of the board’s office for ordinances passed subsequent to the ordinance cited above.

County Website: <http://www.countyofcolusa.org/>

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