

**YOLO COUNTY  
PLANNING, PUBLIC WORKS AND  
COMMUNITY SERVICES DEPARTMENT**

**ZONING CODE**

**ADOPTED JULY 2014**



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**2014 UPDATED YOLO COUNTY CODE**

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**2014 UPDATED  
YOLO COUNTY CODE  
TITLE 8**

**CHAPTER 1: SUBDIVISION AND RELATED REGULATIONS**

**Article 1: General Provisions**

**Sec. 8-1.101 Title and purpose**

- (a) This Chapter shall be known as, and may be cited as, the “Subdivision and Related Regulations of the County.”
- (b) The purpose of this chapter shall be the establishment of the following principles in the interests of protecting the health, safety, and general welfare of the people of the County:
  - (1) To implement the County’s General Plan and to implement and supplement the State Subdivision Map Act (Sections 66410 et seq. of Division 2 of Title 7 of the California Government Code and all amendments or additions thereto);
  - (2) To ensure that a proposed subdivision, street plan, or land division shall be consistent with the General Plan of the County, this Chapter, and the Yolo County Improvement Standards;
  - (3) To ensure the creation of reasonable building sites;
  - (4) To provide for the construction and installation of streets, roads, alleys, highways, public utilities, stormwater conveyance facilities, and other facilities;
  - (5) To ensure adequate street alignment and means of ingress and egress to property;
  - (6) To control the division of land that is subject to inundation or other detrimental influences that make land unsuitable for many uses;
  - (7) To provide for planned development subdivisions; and
  - (8) To provide rules and regulations governing the contents of tentative and final maps, including parcel maps, and the filing thereof, and other matters related thereto.

## **Sec. 8-1.102 Application**

Except as otherwise provided in Sec. 8-1.103, below, this Chapter shall apply to all divisions and subdivisions, reversions to acreage, lot line adjustments, mergers, and certificates of compliance, respecting real property located wholly or partially within the unincorporated areas of Yolo County. This chapter governs the filing, processing, approval, conditional approval, or disapproval of tentative, final and parcel maps, lot line adjustments, certificates of compliance, conditional certificates of compliance, notices of violation, reversions to acreage, resubdivisions, mergers, and related public and private improvements. The provisions of this Chapter shall also apply to vesting tentative maps. Except as specifically otherwise provided by this Chapter or the Subdivision Map Act, all subdivisions shall be subject to the same substantive and procedural requirements. This Chapter also applies to improvements associated with certain building permits.

## **Sec. 8-1.103 Exemptions**

Exemptions from the provisions of this chapter are governed by those exclusions specifically cited in the State Subdivision Map Act.

## **Sec. 8-1.104 Advisory Agency**

- (a) The Yolo County Planning Commission is hereby designated as the “Advisory Agency” pursuant to the Subdivision Map Act for major applications relating to the subdivision of land involving tentative maps and tentative parcel maps. In such capacity, the Planning Commission shall make investigations and reports on the design and improvement of proposed tentative maps, recommendations for the imposing of requirements or conditions thereon.
- (b) The Yolo County Planning Commission is empowered to approve, conditionally approve or disapprove all tentative parcel maps.
- (c) The Zoning Administrator is hereby designated as the “Advisory Agency” pursuant to the Subdivision Map Act for minor applications relating to the divisions and mergers of real property, including lot line adjustments, mergers, and certificates of compliance.
- (d) The Zoning Administrator is empowered to approve, conditionally approve, or disapprove lot line adjustments, mergers, and certificates of compliance, or defer the request to the Planning Commission, as the Zoning Administrator deems appropriate.

## **Sec. 8-1.105 Duties and procedures**

- (a) It shall be the duty of the Advisory Agency to review all land divisions as empowered by this Chapter, and take action, or recommend the appropriate action to the Board of Supervisors, to deny or approve said land divisions. In making recommendations or granting approval as authorized by this Chapter, the

Advisory Agency shall make the findings required by the Subdivision Map Act for the specific land division and the following minimum findings:

- (1) That an environmental review, in accordance with the California Environmental Quality Act (CEQA) was conducted for the proposed map;
  - (2) That the proposed map is consistent with the Yolo County General Plan;
  - (3) That the proposed map is consistent with the Subdivision and Related Regulations of the County, and zoning requirements and parcel size minimum standards, as set forth in this Title, Chapter 1 and Chapter 2, et seq.;
  - (4) That the proposed map complies with the requirements of the State Subdivision Map Act; and
  - (5) That access to a County road, or suitably maintained private road, is provided to all affected lots and parcels, and that an improved access street or driveway is provided or will be constructed, consistent with the Yolo County Improvement Standards.
- (b) The Advisory Agency may recommend, or impose reasonable conditions on the approval of maps that are subject to this Article in order to find or ensure compliance with the applicable requirements of this Chapter or Federal, State, or County laws or regulations and standards, or policies of the County General Plan, and to provide for the necessary improvements and facilities, and the mitigation of environmental impacts as necessary, and to ensure the public health, safety and general welfare, and orderly growth. Such conditions shall be expressly stated in writing by the Advisory Agency.
- (c) Meetings of the Advisory Agency shall be duly noticed public hearings and shall give public notices and conduct public hearings, as provided for by Section 8-2.211 of this Title (Article 2 of Chapter 2), with the exception of Zoning Administrator actions to approve lot line adjustments, mergers, and certificates of compliance. Such public hearings shall be open to the public, and any officer, person, applicant or owner interested in any matter before the Planning Commission, or Board of Supervisors, shall have the privilege of attending any such meeting and making any presentation which may be appropriate. Such notices shall state that all persons are invited to attend such hearings and present evidence regarding the proposed action.
- (d) Decisions of the Advisory Agency under this Article shall take effect, and appeals thereof made and considered, in the manner provided in Section 8-2.225 of Chapter 2 of this Title. The fee for filing an appeal pursuant to the provisions of this Chapter shall be in the amount established by the Board by resolution. Such fee shall be paid to the Clerk of the Board or the Planning, Public Works, and Environmental Services Department at the time the appeal is filed.

## **Article 2: Definitions**

### **Sec. 8-1.201 Definitions**

Whenever any words or phrases used in this Chapter are not defined herein, but are defined in the Subdivision Map Act, such definitions shall be deemed incorporated herein and shall apply as though set forth in full in this Chapter.

#### **Advisory Agency**

A designated individual or official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, or imposing or suggesting requirements or conditions thereon, or having the authority to approve, conditionally approve or disapprove maps, certificates of compliance, conditional certificates of compliance, lot line adjustments, or having the authority to conduct the hearings relating to notices of violation as specified in this Chapter and the Subdivision Map Act.

#### **Alley**

A public or private way, not more than thirty (30) feet wide, affording only secondary means of access to abutting property.

#### **Applicant**

A person or that person's authorized agent who causes land to be divided or developed in accordance with the provisions of this Chapter, and/or a property owner or that person's authorized agent who applies for a building or other County permit pursuant to Title 7 of the Yolo County Code (see also "Subdivider" below).

#### **Board**

The Yolo County Board of Supervisors.

#### **Building site**

A parcel of land, exclusive of streets or alleys, occupied, or intended to be occupied, by a main building or group of such buildings and accessory buildings, together with such open spaces, yards, minimum width, and area, as are required by the zoning regulations (Chapter 2 of this Title), and having full frontage on an improved street which meets the standards of widths and improvements specified by the County for the street in question, or having either partial frontage on such street or access thereto by a recorded right-of-way or recorded easement, which partial frontage right-of-way or easement and improvements therein are determined by the Planning Commission to be adequate. In subdivided areas a building site shall be any portion of a filed and recorded lot or any combination of contiguous lands, including more than a lot, which meets the area and width requirements of the zoning regulations (Chapter 2 of this title).

#### **CEQA**

The California Environmental Quality Act, codified as Division 13 (commencing with Section 21000) of the Public Resources Code and such amendments and additions thereto as may be made from time to time by the California Legislature.

#### **Chief Building Official**

The Chief Building Official of the County, or authorized representative.

**Commission**

The Yolo County Planning Commission.

**Contiguous**

Lots are “contiguous” when they touch each other at any point or when they are in close proximity to each other and are so situated as to be reasonably developable as a single unit. Lots may be contiguous even when separated by a strip of land over which some person or entity, other than the owner of the lots, has some property interest, including fee title or some lesser interest such as a leasehold or easement. Examples of such strips of land, which normally will not prevent lots from being contiguous, include roads and streets other than freeways, utility easements, railroad rights-of-way, canals and drainage channels.

**County Engineer**

The registered civil engineer acting under the authority of the Director of Planning, Public Works and Environmental Services for the County for which an engineering license is required.

**County Surveyor**

The licensed land surveyor acting under the authority of the Director of Planning, Public Works and Environmental Services who examines and signs the County Surveyor’s statement on maps, as required by the Subdivision Map Act (Section 66450).

**Design**

Street alignment, gradient, and width; the alignment and width of easements; the rights-of-way for drainage sewers and utilities; the size, shape, and area of lots; the uses of land; and the construction and installation of all public improvements.

**Department**

The Yolo County Planning, Public Works and Environmental Services Department.

**Development Review Committee or Committee**

The Development Review Committee of the County comprised of various County and other agencies that review subdivision applications and other land use/development applications, and make recommendations to the Zoning Administrator or Planning Commission.

**Double frontage**

A lot having frontage on two (2) parallel or nearly parallel streets and having the rights of access to both streets.

**Final map**

A final map is prepared following approval of a tentative map, in accordance with the provisions of this Chapter and the Subdivision Map Act.

**Frontage**

The lot width measured along the property line adjacent to the street right-of-way. On a corner lot the frontage shall be the lesser of two (2) street frontages.



**Future street or alley**

Any real property which the owner thereof has irrevocably offered for dedication to the County in accordance with the Subdivision Map Act (Government Code Section 66475) for street or alley purposes but which has been rejected by the Board, subject to the right of the Board to rescind its action and accept, by resolution at any later date and without further action by the owner, all or part of such property as a public street or alley.

**General Plan**

The General Plan of Yolo County, or any element, section, or portion thereof.

**Improvements**

Streets, highways, monuments, or any facility, fixture, or object installed or constructed in accordance with the County Improvement Standards for acceptance or maintenance by the County, other public agencies, County Service Areas, or other appropriate funding mechanisms.

**Improvement security**

A cash deposit, a bond by a duly authorized corporate surety, or an instrument of credit covering faithful performance and labor and materials, as set forth in the Subdivision Map Act and the County Improvements Standards.

**Legislative body**

The Yolo County Board of Supervisors.

**Lot**

A parcel of land intended for transfer of ownership, lease, or building development (also see "Building site").

**Lot area**

The total horizontal area included within the lot lines but excluding any portion of such area which has been dedicated or offered for dedication for a public street, alley, or pedestrian way.

**Lot, corner**

"Corner lot" shall mean a lot bounded by streets on two (2) or more adjoining sides where the angle of intersection between the tangents of the two (2) intersecting streets is less than 135 degrees.

**Lot depth**

The horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

**Lot, interior**

"Interior lot" shall mean a lot other than a corner lot.

**Lot lines**

The property lines bounding a lot, as defined above (see definition of "Lot") of this Article.

**Lot line adjustment**

An adjustment between four (4) or fewer existing adjoining parcels where the land from one parcel(s) is added to an adjoining parcel(s), and where a greater number of parcels than originally existed are not thereby created.

**Lot width**

The horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard setback line. Whenever such definition cannot be applied due to irregularity in the shape of the lot, the lot width shall be as determined by the Planning Director, subject to appeal and review by the Commission.

**Merger of contiguous parcels**

“Merger of contiguous parcels” (referred to in this Chapter as “merger”) shall mean the elimination of parcel lines between contiguous parcels under common ownership, without reverting the land in such parcels to acreage, pursuant to the authority set forth in Section 66499.20-3/4 of the Subdivision Map Act.

**Parcel**

Any land, improved or unimproved, which is comprised of any combination of contiguous lands which are under one ownership according to records in the office of the County Clerk-Recorder.

**Parcel map**

A parcel map is prepared following approval of a tentative parcel map, where the division of land results in four (4) or fewer parcels, in accordance with the provisions for parcel maps as set forth in Section 66425 et seq. of the Subdivision Map Act.

**Pedestrian way**

A way dedicated for public use and designated for use by pedestrians, equestrians, and cyclists and not intended for use as a way for motor-driven vehicular traffic.

**Planning Director**

The Director of the Planning, Public Works and Environmental Services Department.

**Preliminary plan**

A sketch plan of a proposed subdivision prepared prior to a tentative map and showing existing conditions and the proposed development thereon.

**Public Health Director**

The Public Health Director of the County, or designee.

**Public water system**

A system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year

**Remainder**

That portion of land which is not divided for the purpose of sale, lease, or financing, and which is not counted as a parcel for the purposes of determining whether a parcel or final map is required, in accordance with Section 66424.6 of the Subdivision Map Act.

**Street**

A way for vehicular traffic, whether designated as a street, highway, road, avenue, boulevard, lane, place, court, circle, drive, or way, which has been dedicated to public use and accepted by the County, or laid out or constructed as such by the County, or made a public street pursuant to law. "Street" shall not include a private road or alley.

**Subdivider**

Any person, firm, corporation, partnership or association who proposes to divide real property into a subdivision as defined in Section 66423 of the State Subdivision Map Act.

**Subdivision**

Any division of land which is a subdivision as currently defined in the Subdivision Map Act.

**Subdivision agreement**

A contract between the County and the subdivider, in a form approved by the Board, requiring the subdivider to complete, install, or construct improvements as required by the provisions of this Chapter and the County Improvement Standards.

**Subdivision Map Act**

Sections 66410 et seq. of Division 2 of Title 7 of the California Government Code and all amendments or additions thereto.

**Tentative Parcel Map**

A map made for the purpose of showing the design and improvement of a proposed parcel map and the existing conditions in and around it.

**Tentative Map**

A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

**Vesting tentative map**

A Tentative Map for a residential subdivision, obtaining the development rights conferred by Chapter 4.5 (Commencing with Section 66498.1) of the Subdivision Map Act, which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed.

**Yolo County Improvement Standards**

The standards and specifications set forth in the *County of Yolo Improvement Standards*, adopted by the Board of Supervisors on August 5, 2008, and all amendments or additions thereto.

**County's Transportation Impact Study Guidelines**

The Yolo County Transportation Impact Study Guidelines adopted in February, 2010, and all amendments or additions thereto.

**Zoning Administrator**

"Zoning Administrator" shall be the Director of Planning & Public Works or his or her designee.

## **Zoning regulations**

The zoning regulations of the County (Chapters 2 through 12 of this Title).

### **Article 3: Subdivision Map Requirements**

#### **Sec. 8-1.301 Subdivision maps creating five or more lots**

A tentative subdivision map (a “tentative map”) and a final subdivision map (a “final map”) shall be required for all subdivisions which create five or more lots, create five or more condominiums as defined in Section 783 of the Civil Code, are a community apartment project (as defined in Section 11004 of the Business and Professions Code) containing five or more parcels, or are a conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where excluded in Section 66426 and 66426.5 of the Subdivision Map Act.

#### **Sec. 8-1.302 Parcel maps creating four or fewer lots**

Except as otherwise provided in this chapter, a tentative parcel map and a “final” parcel map shall be required for all subdivisions creating four or fewer lots, or four or fewer condominiums, or (in the case of community apartment projects) containing four or fewer apartments, or (in the case of conversions to a stock cooperative) involving four or fewer dwelling units.

#### **Sec. 8-1.303 Filing of final maps and parcel maps**

Prior to the filing of any final map or parcel map for the purpose of sale, lease, or financing, whether immediate or future, by the execution of any deed of conveyance, sale, or contract for sale, except where otherwise provided by this Chapter, the subdivider shall file a tentative map with the Planning Director, for distribution as set forth in Sec. 8-1.309 of this Article. The filing shall be accompanied by all information and supporting materials determined to be necessary by the Planning Director.

#### **Sec. 8-1.304 Vesting tentative maps**

A subdivider desiring to obtain the development rights conferred by Chapter 4.5 (commencing with Section 66498.1) of the Subdivision Map Act shall print the words “Vesting Tentative Map” conspicuously on the face of each copy of the tentative map prior to submitting the tentative map to the Planning Director, and shall comply with requirements for a Vesting Tentative Map contained in the Subdivision Map Act and this Chapter.

#### **Sec. 8-1.305 Phased subdivision maps**

A subdivider desiring to file for record multiple final maps or multiple parcel maps relating to a single tentative map shall so inform the Planning Director in writing at the time the tentative map is submitted, provided that, at any time prior to approval or conditional approval of the tentative map, the Advisory Agency may waive this requirement.

## **Sec. 8-1.306 Form of tentative subdivision and parcel maps**

- (a) The tentative map shall be prepared by a registered civil engineer or licensed land surveyor and shall be drawn to a scale sufficiently large as to show clearly the details of the plan (generally one inch equals fifty (50) feet, but not more than one hundred (100) feet, and the essential dimensions related thereto.
- (b) The tentative map shall contain the following information, which is further augmented and described in the application forms prepared by the Planning and Public Works Department (the Tentative Map application "Required Materials" checklist):
  - (1) The subdivision number and small vicinity map;
  - (2) The legal and/or other sufficient description of the property to be subdivided to define the location and boundaries of the proposed tract, with approximate bearings and distances;
  - (3) The names and addresses of the owner or owners of record, the subdivider, and the engineer or surveyor;
  - (4) The widths, approximate locations, and identity of all existing or proposed easements, streets, alleys, reserves, watercourses, irrigation canals, and drainage ditches on or adjacent to the proposed subdivision, together with all building and use restrictions applicable thereto;
  - (5) An indication of adjacent tentative or recorded subdivisions, property lines, or any development which will affect or be affected by the development;
  - (6) Topographic data shown for a sufficient distance beyond the boundary lines of the subdivision in sufficient detail and contour lines at sufficient intervals to provide for a proper study of drainage, sewage disposal, lot design, and road locations; the location of existing buildings on or near the proposed subdivision and unusual natural features in the area; and a rough grading plan, together with preliminary soils data, whenever cuts or fills are five (5) feet or more;
  - (7) The location and general description of proposed public improvements;
  - (8) The location and width of adjacent existing and proposed streets and highways, as well as possible future street continuations, and an indication of how such development will fit into the neighborhood street plan and the General Plan of the County;
  - (9) The proposed street names;
  - (10) The approximate radii of all curves;
  - (11) The approximate location of areas subject to inundation or storm water overflow, all areas normally covered by water, and all water courses which are to be preserved and used in the development of the subdivision;
  - (12) The proposed lot layouts, including approximate dimensions, gross lot area, and buildable area, and provisions for future passive or natural heating or cooling opportunities as set forth in the Subdivision Map Act;
  - (13) The existing and proposed uses of the property, with a statement of the respective proportions of the total area and the number of lots represented by each use;

- (14) Provisions for the domestic water supply proposed by the subdivider, including the source, the location of existing, proposed, active, or abandoned wells and the future disposition of each well, and information concerning the approximate quantity of water when the source is other than a public water system;
  - (15) Provisions for sewage disposal and data pertaining to soil percolation rates for all areas not on public sewers to the satisfaction of the Public Health Director;
  - (16) Provisions for stormwater drainage including detention, and stormwater quality features, as applicable;
  - (17) Provisions for all other utilities, including natural gas, electricity, communication, and cable television systems, and a list of all firms and/or public districts supplying utility services;
  - (18) The requirement for Energy Star certified appliances;
  - (19) A flow diagram setting forth the manner and direction in which storm runoff will be carried through and away from the subdivision;
  - (20) Provisions for park and recreation facilities, schools, and other needed public areas;
  - (21) A statement as to the proposed landscaping and tree planting plan;
  - (22) A statement prohibiting wood-burning fireplaces in new residential development;
  - (23) The date, north arrow, scale, and gross area of the subdivision;
  - (24) The boundary lines of any cities, counties, school districts, and other public districts within the area of the map; and
  - (25) Signature blocks on the tentative maps for the approval of the Zoning Administrator and the County Engineer.
- (c) Any material required by the provisions of subsection (b) of this section, above, which cannot be placed legibly and completely on the tentative map shall be submitted in writing with such map.
- (d) The following information shall be submitted with the tentative map application, including and in addition to any other information specified in the subdivision application forms prepared by the Department of Planning, Public Works and Environmental Services:
- (1) A Planned Development (PD) Ordinance (if rezoning to a unique PD overlay zone) including allowed and permitted uses, building densities and standards such as height and setbacks, design regulations, and other criteria which will regulate how development will proceed;
  - (2) Development plans showing the proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, utilities, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan and necessary to meet the infrastructure and other requirements of the County General Plan, any applicable specific plan, and the County Improvement Standards.
  - (3) Standards and criteria by which development will proceed;
  - (4) A program of implementation measures necessary to carry out the aforementioned requirements above; and any applicable mitigation

programs or requirements such as agricultural and wildlife habitat mitigation and affordable housing;

- (5) A Conceptual Landscape Plan, including a list of trees, plants, shrubs and groundcover that will be utilized for selecting landscape plan components.
  - (6) Architectural Elevation drawings and other aesthetic details of proposed buildings, as applicable;
  - (7) A Transportation Impact Study as described in the County's Transportation Impact Study Guidelines, if the project meets or exceeds the triggers requiring an impact study;
  - (8) Final hydrology and hydraulics calculations and reports prepared by a registered civil engineer per County Improvement Standards;
  - (9) An Onsite Circulation Plan;
  - (10) A Lighting Plan, if applicable;
  - (11) A Master Signage Plan, if applicable; and
  - (12) Any other technical and/or CEQA-related special studies, such as an archeological or biological study, as required.
- (e) Every subdivider, at the time of filing a tentative map, shall pay to the County a filing fee in the amount established by the Board by resolution.

### **Sec. 8-1.307 Determination of application completeness**

- (a) When the required number of copies of a tentative map and accompanying information and reports have been received by the Planning, Public Works and Environmental Services Department, the application shall be examined by staff of the Department and other appropriate County departments, in light of the requirements of this Chapter, the Subdivision Map Act, and the Yolo County Improvement Standards, to determine whether the application contains all of the required information and is complete for the purposes of Section 65943 of the Government Code.
- (b) No later than 30 days following the submittal of the application, the applicant shall be notified in writing whether the application is complete or incomplete. If the application is determined to be incomplete, the applicant shall be notified in writing of the reasons therefore and informed of the information still needed to make the application complete.
- (c) Upon written notification to the applicant, processing of an incomplete application may be terminated if no reasonable effort has been made by the applicant to complete the application for a period of six months from the date of notification of incompleteness. All unused fees shall be refunded to the applicant. The Planning Director on written request by the applicant showing good cause may grant an extension of this six month period.

### **Sec. 8-1.308 CEQA requirements and filing date**

- (a) The applicant shall provide such information as may be necessary to comply with CEQA and, when the appropriate environmental document has been prepared and approved pursuant to Section 66452.1 of the Subdivision Map Act, the tentative map shall be filed as specified in this Section.

- (b) For the limited purpose of commencing the time periods prescribed by Section 66452.1 of the Subdivision Map Act and Sec. 8-1.309, below, for the reporting or acting upon tentative maps, a tentative map for which a complete application has been submitted shall be deemed to be “filed” with the clerk of the Advisory Agency on the filing date established as follows:
  - (1) In cases where the subdivision is exempt from the requirements of CEQA, the Zoning Administrator shall prepare and sign a notice of exemption and the filing date of the tentative map shall be the date on which such notice is signed.
  - (2) In cases where a negative declaration or a mitigated negative declaration is required under CEQA, the Advisory Agency shall approve a negative declaration or a proposed mitigated negative declaration and the filing date for the tentative map shall be the date on which the appropriate Advisory Agency approves the document.
  - (3) In cases where an environmental impact report is required under CEQA, the filing date for the tentative map shall be the date on which the Advisory Agency having authority to approve, disapprove or conditionally approve the tentative map, certifies the environmental impact report.
  
- (c) For the purposes of Sections 66452.6, 66457 and 66463.5 of the Subdivision Map Act, and Sec. 8-1.309, below, a final subdivision or parcel map shall be deemed to be “filed” with the legislative body on the date it is submitted to the County Surveyor in a form and condition which would permit the County Surveyor to sign the certificate specified in Sections 8-1.503 and 8-1.505 of this Chapter. For the purpose of this Section, a final map or parcel map is “filed” for record when the County Recorder accepts it for filing pursuant to Section 66466 of the Subdivision Map Act.

### **Sec. 8-1.309 Procedures for approval**

- (a) Within ten (10) working days from the date that the Planning Director has determined that a filed subdivision map application is deemed “complete” for processing, copies of the tentative map and associated documents shall be distributed by the Planning Director to all relevant departments and agencies for review and reports thereon, including, but not limited to:
  - (1) The Building and Public Works Divisions;
  - (2) The fire district of jurisdiction;
  - (3) Each school district in which the subdivision is located;
  - (4) The Environmental Health Division;
  - (5) Any city within three (3) miles of the proposed subdivision;
  - (6) Any county whose boundary is within one mile of the proposed subdivision;
  - (7) Caltrans and any other State and federal agencies that may have jurisdiction over or be affected by the proposed subdivision;
  - (8) The serving public utility companies; and
  - (9) Other agencies which may be affected.



- (b) The Development Review Committee (DRC) shall review the tentative map, the reports received from the reviewing departments and agencies, the environmental document prepared by staff to comply with CEQA, and all other relevant documents. Planning staff shall incorporate the recommendations of the DRC in draft conditions of approval or denial in a staff report that is set for public hearing before the Commission.
- (c) With respect to any subdivision for which a tentative map and final map is required, the Planning Commission (as Advisory Agency authorized to make recommendations only) shall hold a public hearing on the tentative map, recommend the content of required findings, recommend approval, conditional approval or disapproval of the tentative map, and report its actions in writing to the Board of Supervisors within 50 days after the tentative map is filed with the clerk of the Advisory Agency, unless the applicant consents to a longer period of time.

At the next regular meeting of the Board of Supervisors following receipt of the Planning Commission's report, the Board (as the legislative body) shall fix the meeting date at which the tentative map will be considered at a public hearing, which date shall be within 30 days thereafter. The Board shall make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove the tentative map within such 30 day period. Provided, however, that if legally sufficient notice thereof has been given the Board may hold the required public hearing at any regular meeting within 30 days following filing of the Planning Commission's report, in which case the Board shall approve, conditionally approve or disapprove the tentative map at the conclusion of such hearing. The Board may continue the public hearing on the tentative map to another date with the consent of the applicant.

- (d) With respect to any subdivision for which a tentative map and a parcel map is required, the Planning Commission (as Advisory Agency) shall hold a public hearing on the tentative parcel map, make all findings required by this Chapter and the Subdivision Map Act, and shall approve, conditionally approve or disapprove the tentative map within 50 days after the tentative map is filed with the clerk of the Advisory Agency, unless the applicant consents to a longer period of time.
- (e) The Planning Commission may defer to the Board of Supervisors a decision on a tentative parcel map for any subdivision described in Subsections (1) through (5), below. The Board of Supervisors shall then hold the public hearing and make all required findings and decisions. Decisions on the following tentative parcel maps may be deferred:
  - (1) Tentative parcel maps which may result in significant adverse environmental impacts which cannot be mitigated to less than significant levels;
  - (2) Tentative parcel maps that involve substantial controversy;
  - (3) Tentative parcel maps which are in conflict with County policies;
  - (4) Tentative parcel maps which may be precedent setting;

- (5) Tentative parcel map that the Planning Commission determines should be reviewed by the Board of Supervisors in order to best protect the public welfare.
- (f) In the event an approved tentative map is revised and subsequently approved by the Commission, the most recently approved tentative map shall constitute the only recognized tentative map for further action in the consideration of the filing of the final map or parcel map.
- (g) Prior to filing a tentative map application, a subdivider may submit to the Planning, Public Works and Environmental Services Department, for consideration by Planning staff and reviewing agencies, a “pre-application” of preliminary subdivision plans, which shall be processed according to the provisions of Sec. 8-2.213. The intent of the pre-application process is to give an applicant an initial understanding of the issues and type of conditions of approval that could be raised by the project. A pre-application does not result in any formal approval, but instead is concluded with a letter and meeting with the applicant outlining the issues raised by the proposed project and the conditions and mitigation measures that could result if a subsequent formal application were to be filed with the County.

### **Sec. 8-1.310 Findings**

The Advisory Agency or the Board of Supervisors shall adopt the following findings in the approval of a tentative parcel or subdivision map. Conversely, the Advisory Agency or the Board of Supervisors shall deny approval of a tentative map if it cannot make any of the following findings, based on information submitted at the public hearing:

- (a) The proposed map is consistent with applicable general and specific plans as specified in Section 65451 of the Government Code;
- (b) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- (c) The site is physically suitable for the type of development;
- (d) The site is physically suitable for the proposed density of development;
- (e) The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- (f) The design of the subdivision or type of improvements is not likely to cause serious public health problems;
- (g) The design of the subdivision or the type of improvements will not conflict with easements which are of record or are established by judgment of a court of competent jurisdiction and which have been acquired by the public at large for access through or use of property within the proposed subdivision; provided that the Advisory Agency or Board of Supervisors as appropriate may approve the

tentative map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public;

- (h) The design of the subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision;
- (i) The discharge of waste from the proposed subdivision into an existing community sewer system would not result in, or add to, a violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code;
- (j) If the proposed subdivision fronts along a public waterway, public river or public stream, it provides for a dedication of a public easement along a portion of the bank of the waterway, river or stream bordering or lying within the subdivision, which easement is defined so as to provide reasonable public use and maintenance of the waterway, river or stream consistent with public safety.

### **Sec. 8-1.311 Expiration and extension**

- (a) An approved or conditionally approved tentative subdivision or parcel map shall expire 24 months from the date it was approved or conditionally approved. Unless a final map is filed with the Planning, Public Works and Environmental Services Department prior to expiration of the corresponding tentative map, all proceedings shall terminate upon such expiration, and any subdivision of the land shall require the filing and processing of a new tentative map. Said application shall be identified as a previously approved, but now expired map. A final map or parcel map may be filed for record after the expiration date of the tentative map if an application for said final or parcel map was filed with the Department prior to the expiration date.
- (b) At any time prior to the expiration of an approved or conditionally approved tentative map, the subdivider may submit to the Planning, Public Works and Environmental Services Department an application for an extension of the 24-month initial time period, pursuant to Section 66452.6I of the Subdivision Map Act, for the tentative map and, if the application is timely, the Advisory Agency that approved or conditionally approved the subdivision may grant the extension. There shall be no other extensions of the time period for the tentative map except as required by Section 66452.6 or Section 66463.5 of the Subdivision Map Act.
- (c) Any tentative subdivision map or vesting subdivision map is eligible for an extension of time, provided final approval for such extension occurs prior to the expiration of the original map. The hearing procedures for an extension of time shall be the same as for resubmittal of the map.
- (d) Upon filing of a timely application for an extension of time, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. An extension of time may not be granted for more than a total of five years, but may be granted for a lesser time at the sole discretion of the final hearing body.

These extensions are exclusive of those tentative maps approvals that are, or will be, automatically extended by the provisions of the Subdivision Map Act (Government Code Section 66452.21, 66452.22, and 66452.23), or by the provisions of any other similar section that may from time to time be added to the Act.

- (e) Notwithstanding any other provision of this Chapter or of the Yolo County Code, any entitlement, development permit or other approval which would expire pursuant to this Chapter or the Yolo County Code, but which was approved concurrently with and pertains to any approved tentative subdivision or parcel map the expiration date of which was automatically extended by the provisions of the Subdivision Map Act (Government Code Sections 66452.21, 66452.22, and 66452.23), or by the provisions of any other similar section that may from time to time be added to the Act, shall be extended for the same period as that provided by said section for the approved tentative subdivision or parcel map to which it pertains.
- (f) Approval of a minor or major modification of a previously approved or conditionally approved tentative map shall not affect the expiration date of a tentative map.
- (g) A subdivider may apply for a resubmission of the map rather than an extension of time; in which case, the map may be approved after the expiration date of the original map.

## **Article 4: Vesting Subdivision Maps**

### **Sec. 8-1.401 Purpose**

- (a) This article is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State (referred to in this Article as the Vesting Tentative Map Statute) and may be cited as the “Vesting Tentative Map Law”.
- (b) It is the purpose of this article to establish the procedures necessary for the implementation of the Vesting Tentative Map Statute and to supplement the provisions of the Subdivision Map Act and this Chapter. Except as otherwise set forth in this Article, the provisions of this Chapter shall apply to vesting tentative maps.

### **Sec. 8-1.402 Definitions**

For the purposes of this Article, unless otherwise apparent from the context, certain words and phrases used in this Article are defined as follows:

- (a) “Vesting tentative map” shall mean a “tentative map” for a residential subdivision, as defined in this chapter, which shall have printed conspicuously on its face the words “Vesting Tentative Map” at the time it is filed in accordance with Section 8-

1.303 of this Article and is thereafter processed in accordance with the provisions of this Article.

- (b) All other definitions set forth in this Chapter shall be applicable.

### **Sec. 8-1.403 Application and limitations**

- (a) This article shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this chapter, requires the filing of a tentative subdivision map or tentative parcel map for a residential development, a vesting tentative map may instead be filed in accordance with the provisions of this article.
- (b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.
- (c) No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific, area, or community plan or not permitted by the zoning provisions or other applicable provisions of this Code.
- (d) Except as otherwise provided in subdivision (f) of this Section, a vesting map may not be filed concurrently with a general plan amendment nor during the period a general plan amendment for the area covered by the proposed map is in process.
- (e) Applications for projects which require amendments to an adopted specific, area, or community plan, or the Yolo County Zoning Code, or which require discretionary approvals pursuant to the Zoning Code, including, but not limited to, special development permits, use permits, development plan reviews, exceptions, special review of parking or variances, may not include an application for a vesting map unless all needed applications for such approvals for the project are concurrently filed with the vesting map. Vesting maps may not be approved with the condition that needed plan amendments, zoning and discretionary approvals be subsequently secured.
- (f) Notwithstanding any other provision of this Code, an application for a vesting map may be filed concurrently with an application to amend the Yolo County general plan provided that the area covered by the vesting map is included in the area covered by the application to amend the general plan and is also included in either a concurrently filed or previously filed and pending application for a specific plan, area or community plan.

### **Sec. 8-1.404 Filing**

A vesting tentative map shall be filed in the same form, and have the same contents, accompanying data, and reports, and shall be processed in the same manner as set

forth in Article 3 of this Chapter for a tentative map, except the requirements for filing a vesting map shall also include:

- (a) At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
- (b) At the time a vesting tentative map is filed, the subdivider shall also supply the following information in addition to the information required by Section 8-1.306(d):
  - (1) A preliminary grading plan which shows existing topography at a contour interval sufficient to show the general slope of the property and shows the proposed elevations of roads at 100 foot stations, proposed building pad elevations, and all lot corners around the periphery of the project. The preliminary grading plan shall be prepared to a one foot plus or minus tolerance.
  - (2) A tree preservation plan which shall accurately identify all existing trees as to species, trunk size and dripline. Trees that are proposed for removal shall be marked "TO BE REMOVED." Any provisions for tree preservation, mitigation, transplanting, or new plantings shall be identified.
  - (3) A preliminary site plan showing building locations and exterior features on each lot and indicating square footage of the lot areas. For single family detached and zero lot line projects, the site plan may consist of a lotting plan with typical building envelopes. Such plan shall indicate all building setbacks, building heights, number of stories, driveway locations, landscaped areas, and other improvements as the developer proposes to install.
  - (4) Sewer, water, storm drain, and road details and the proposed improvements on and off the development site necessary to meet the infrastructure and other requirements of the County General Plan, any applicable specific plan, and the County Improvement Standards.
  - (5) In those circumstances where the project requires concurrent discretionary approval as set forth in Section 8-1.403I and (f), all exhibits necessary for such application shall be submitted concurrently with the application for a vesting map.
  - (6) Such other exhibits that fully depict features of the development which the developer desires review for the purpose of approval concurrently with the vesting map.

### **Sec. 8-1.405 Vesting on approval of vesting tentative maps**

- (a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2 of the Subdivision Map Act. However, if said Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

- (b) This Article does not enlarge, diminish, or alter the power of the Board of Supervisors to deny approval of the requested project or any part thereof, or to impose conditions on the approval of a project. Nothing in this chapter removes, diminishes, or affects the obligation of any subdivider or local agency to comply with the conditions and requirements of any State or federal laws, regulations, or policies.
- (c) Notwithstanding subsection (a) of this section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following is determined:
  - (1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
  - (2) The condition or denial is required in order to comply with State or federal laws.
- (d) The rights conferred by this section shall be for the time periods set forth in Section 8-1.406, below.

### **Sec. 8-1.406 Expiration**

- (a) The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by this Chapter for the expiration of the approval or conditional approval of a tentative map.
- (b) If the final map is approved, such rights shall last for the following periods of time:
  - (1) An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, such initial time period shall begin for each phase when the final map for such phase is recorded.
  - (2) The initial time period set forth in subsection (1) of this Section shall be automatically extended by any time used for processing a completed application for a grading permit or for design or architectural review if such processing exceeds thirty (30) days after the date a complete application is filed.
  - (3) A subdivider may apply for a one-year extension at any time before the initial time period set forth in subsection (1) of this Section expires. If the extension is denied, the subdivider may appeal such denial to the Board within fifteen (15) days.
  - (4) If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (1) through (3) of this Section, the rights referred to in this section shall continue until the expiration of such permit or any extension of such permit.

## **Sec. 8-1.407 Applications inconsistent with current policies**

Notwithstanding any provision of this Article, a property owner, or designee, may seek approvals or permits for development which depart from sections of the ordinances, policies, and standards described in subsection (a) of Section 8-1.405(a) of this Article, and local agencies may grant such approvals or issue such permits to the extent the departures are authorized under applicable laws.

## **Article 5: Final Subdivision Maps and Parcel Maps**

### **Sec. 8-1.501 Final subdivision and parcel maps**

Within one year after the approval or conditional approval of a tentative subdivision map by the Board, unless such time shall have been extended, the subdivider may cause the subdivision to be accurately surveyed and a final map prepared and recorded substantially in conformance with the tentative map, including all required alterations and changes, and conforming in all particulars to the provisions of the Subdivision Map Act and this Article, including the provisions of Section 8-1.503.

Similarly, a final parcel map shall be prepared within one year following approval by the Commission, unless such time shall have been extended, recorded substantially in conformance with the tentative map, including all required alterations and changes, and conforming in all particulars to the provisions of the Subdivision Map Act and this Chapter, including the provisions of Section 8-1.505.

### **Sec. 8-1.502 Form**

- (a) The final subdivision map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including affidavits, certificates, and acknowledgments; provided, however, such certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink when recommended by the County Clerk-Recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- (b) The size of each sheet shall be eighteen (18) inches by twenty-six (26) inches. A margin line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The subdivision number and other designation, all drawings, affidavits, acknowledgments, endorsements, acceptances of dedication, and seals shall be within such margin line. The boundary of a subdivision shall be indicated by a border of light blue ink, approximately one-eighth (1/8) inch in width, applied to the reverse side of the tracing inside such boundary line and shall not obliterate figures or other data.
- (c) The scale of the map shall be one inch equals 100 feet on large areas, and one inch equals fifty (50) feet or one inch equals forty (40) feet on small or irregular areas unless otherwise permitted by the Director of Planning. Variable scales for a single map, or separate pages of a map, shall not be permitted except to show



details. In any event, the map shall show clearly all details of the subdivision with enough sheets to accomplish this end. Whenever practicable, all lots and blocks shall be shown in their entirety on one sheet.

- (d) Each sheet comprising the map shall contain the following:
  - (1) A title, consisting of a subdivision number assigned by the Zoning Administrator, conspicuously placed at the top of the sheet. In addition to the official title, a subdivision name may be shown in smaller letters immediately below the official title;
  - (2) A subtitle, placed below the title and subdivision name, consisting of a general description of the property being subdivided, either by reference to recorded deeds, recorded maps, or plats of a United States survey;
  - (3) The number of the sheet and the total number of sheets comprising the map;
  - (4) The date of preparation and the name of the licensed surveyor or registered civil engineer responsible for the preparation of the map;
  - (5) The north arrow, legend, scale, and notes, and the basis of bearing for survey by reference to recorded deeds or to maps which have been recorded previously or by a reference to the plat of a United States survey, County Surveyor's map, or solar or Polaris observation; and
  - (6) In the event the property included within the subdivision lies wholly in unincorporated territory, the words "County of Yolo" shall appear in the subdivision title, and if the property lies partly in unincorporated territory and partly within an incorporated city, the words "Within and Adjoining the City of \_\_\_\_\_" shall appear in the subdivision title.
  
- (e) The following certificates shall appear on the final map:
  - (1) A certificate signed and acknowledged by all parties, with such exceptions as provided in the Subdivision Map Act, having any recorded title interest in the land being subdivided, consenting to the preparation and recordation of the map and offering for dedication all parcels shown and intended for public use, subject to any reservation contained in such offer;
  - (2) Seals required by the provisions of law and this Chapter;
  - (3) As required in the Business and Professions Code of the State, the certificate and number of either the engineer or the certificate and number of the surveyor;
  - (4) A certificate concerning monument placements;
  - (5) A certificate for execution by the Director of Planning;
  - (6) A certificate for execution by the County Engineer;
  - (7) A certificate for execution by the County official computing redemptions indicating that there are no liens against the subdivision for applicable taxes or assessments;
  - (8) A certificate for execution by the Clerk of the Board indicating approval of the map and the action concerning offers of dedication;
  - (9) A certificate for execution by the County Recorder; and
  - (10) A certificate for execution by the engineer making the soils report when such report is required by the County.

- (f) The final map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon. Such information and data shall include the following:
  - (1) Radii and arc length or chord bearings, the length and central angle for all curves, and such information as may be necessary to determine the location of the centers of the curves;
  - (2) Reference to the California Coordinate System, Zone 2 and the Final Map shall be prepared with the basis of bearings being the State Plan Coordinate System; and
  - (3) Any other pertinent data required by the County Engineer.
  
- (g) The final map shall show the following:
  - (1) The names of all streets as approved by the Commission;
  - (2) The number of each lot without repetition of numbers in the subdivision;
  - (3) The designation by letter of any lot or parcel proposed to be used for utility or other special purposes or offered for dedication;
  - (4) Easements; and
  - (5) Rights-of-way widths of streets adjoining or adjacent to the subdivision, rights-of-way widths of streets intersecting adjacent streets, and the exact ties to the center line or rights-of-way lines of such intersecting streets with respect to the proposed subdivision.
  
- (h) The final map shall show clearly and fully the stakes, monuments, or other evidence found on the ground to determine the boundaries of the subdivision. All adjacent lot lines of adjoining subdivisions, or portions thereof, lot and block numbers, tract numbers and names, the section or grant line, township, or other required information shall be shown. Pursuant to the provisions of Article 9 of the Subdivision Map Act, the subdivider's engineer shall adequately monument the exterior boundary of the land being subdivided prior to filing for recording of the final map. Monuments shall be installed in accordance with the County Improvement Standards, and the location and type of such monuments shall be shown by symbol on the map.
  
- (i) Where any city or county boundary line crosses or adjoins a subdivision, the location of such boundary line shall be clearly shown in relation to lot lines.

### **Sec. 8-1.503 Accompanying items and filing**

- (a) The following items shall accompany the final map when submitted to the Planning, Public Works and Environmental Services Department for checking:
  - (1) Three (3) contact prints;
  - (2) Traverses of the subdivision boundaries and of each irregular lot and block therein;
  - (3) A cash deposit or other guarantee, as provided in Section 8-1.905 of this Chapter, in an amount estimated by the subdivider's engineer and approved by the County Engineer for the cost of public improvements;

- (4) A subdivision agreement signed by the principals of the property to be subdivided;
  - (5) A statement, or certified copy thereof, from the fire district in which the subdivision is located that such district will serve the subdivision provided subsequent improvements conform to the specifications and requirements of the district and of its governing laws;
  - (6) A statement, or certified copy thereof, from the agency furnishing the public water supply providing information as to the source and adequacy of the supply, including the notification that such agency will serve the subdivision if subsequent improvements conform to the specifications and requirements of the agency;
  - (7) A statement, or certified copy thereof, from the district or agency, if any, furnishing sanitary sewage disposal facilities that such district or agency will serve the subdivision if the improvements conform to the specifications and requirements of the district or agency;
  - (8) A bond guaranteeing special district assessments, if any, as provided in the Subdivision Map Act (Section 66493);
  - (9) A statement from the Public Health Director approving the method of sewage disposal if individual sewage disposal systems are to be used;
  - (10) Complete plans, profiles, details, and specifications of the proposed public improvements, together with design calculations as required by the County Engineer;
  - (11) Drainage fees, if any, and map and plan checking fees;
  - (12) A statement from the Chief Building Official that the preliminary soils report required by Section 8-1.807 of this Article has been submitted or that submission has been waived in the manner provided by law, whether a soil investigation has been made of each lot, whether any corrective action was recommended in the course of such soil investigation, and that any such recommended action has been approved in the manner required by law; and
  - (13) Any other items required by federal, State, and County laws.
- (b) The subdivider shall file the final map, together with the items set forth in Section 8-1.503(a), above, with the Director of Planning for checking.

## **Sec. 8-1.504 Approval, recordation and revocation**

- (a) If the Director of Planning and the County Engineer determine that the final map is in substantial conformity with the approved tentative map and the provisions of the Subdivision Map Act and this chapter, s/he shall so certify on the final map and, within twenty (20) days of submission or resubmission, shall file such map, together with any other materials pertinent thereto, with the Clerk of the Board for presentation to the Board. If the Director of Planning and the County Engineer determine that substantial conformity to the provisions of this chapter and the Subdivision Map Act or the approved tentative map has not been made, s/he shall, within twenty (20) days from the date of submission of the final map for approval, advise the subdivider of the changes or additions which shall be made for such purposes and shall afford the subdivider an opportunity to make such changes or additions.

- (b) At the next subsequent meeting of the Board, or within a period of ten (10) days after filing the final map with the Clerk of the Board, the Board shall approve such map if it conforms to all the requirements of the Subdivision Map Act and this chapter. At the time of approval of the final map, the Board shall accept or reject any or all offers of dedication.
- (c) As a condition precedent to the acceptance of any streets or easements, the subdivider shall be required to improve such streets or easements or, as an alternative, execute an agreement therefore and comply with the provisions of this chapter in relation thereto and execute any bonds required by the provisions of this chapter.
- (d) Upon compliance with the provisions of the Subdivision Map Act and this chapter, the map of the subdivision shall be approved, accepted, and filed for recording. If, at the time of approval of the final map, any streets are rejected, the offer of dedication shall be deemed to remain open and shall not be subject to revocation, and the Board may, by resolution at a later date and without further action by the subdivider, rescind its action and accept and open such streets for public use, which acceptance shall be recorded in the office of the County Clerk-Recorder. If a resubdivision map or a map showing reversion to acreage of a tract is subsequently filed for approval, any offers of dedication previously rejected shall be deemed to be terminated upon the approval of the later map by the Board.
- (e) Prior to the final map being filed for record by the County Clerk-Recorder, a map filing certificate, issued to or for the benefit of the County Clerk-Recorder, shall be furnished by a title company operating under the laws of the State, certifying that, as shown by the public records, the parties consenting to the recordation of the map are all of the parties having a record interest in the land subdivided whose signatures are required by the provisions of the Subdivision Map Act.

### **Sec. 8-1.505 Parcel maps**

- (a) Within one year after the approval or conditional approval of a tentative parcel map by the Commission, unless such time shall have been extended, a "final" parcel map may be prepared and recorded after certification as to conformance to the tentative map and the provisions of the Subdivision Map Act and this Chapter.
- (b) The parcel map shall be drawn to conform to the Subdivision Map Act and as provided for final maps in Section 8-1.502 of this Article, together with all of the certificates specified in Section 8-1.502(e).
- (c) The parcel map shall show clearly and fully the stakes, monuments, or other evidence found on the ground to determine the boundaries of the division, including any set to comply with State laws or the provisions of this Chapter.
- (d) The parcel map, together with the necessary fees and supporting data, shall be filed with the Director of Planning for checking. If the parcel map is found to be in substantial conformity with the approved tentative parcel map and the provisions

of the Subdivision Map Act and this Chapter, the Planning Director shall present the parcel map to the Board of Supervisors for approval and, if approved, present the map to the County Recorder for filing.

### **Sec. 8-1.506 Correction and amendment of maps**

- (a) After a final map or parcel map is filed in the office of the County Recorder, it may be amended by a certificate of correction or an amending map for the reasons and in the manner set forth in Sections 66469 through 66472 of the Subdivision Map Act.
- (b) After a final map or parcel map is filed in the Office of the County Recorder, the conditions of approval of such filed map may be amended as provided in this Section.
- (c) The Director of Planning, or any person having a financial interest in conditions of approval of a filed final map or parcel map, may apply for an amendment of such conditions. Such application shall be submitted to the Planning Division in a form satisfactory to the Director of Planning and shall include such information and documentation as the Director of Planning may require.
- (d) Upon receipt of a complete application for an amendment of such conditions and all applicable processing fees, the Director of Planning shall give notice in accordance with Section 8-2.211 of this Chapter of a public hearing on such application to be held by the appropriate hearing body.
- (e) The hearing body shall be the same Advisory Agency and approval body that approved or conditionally approved the tentative map.
- (f) The hearing body may approve an application to amend conditions of approval for a final map or parcel map if, after conducting a public hearing in accordance with the required notice, it makes all of the following findings:
  - (1) There are changes in circumstances that make such conditions no longer appropriate or necessary;
  - (2) The amendments do not impose any additional burden on the present fee owner(s) of the property;
  - (3) The amendments do not alter any right, title or interest in the real property reflected on the map;
  - (4) The map, as amended, will conform to the provisions of this Chapter and does not alter any previous findings made under the provisions of Section 66474 of the Subdivision Map Act; and
  - (5) The amendment does not alter any previous findings made under the provisions of CEQA.
- (g) Otherwise, the hearing body shall deny the application.
- (h) The hearing and the actions of the hearing body shall be limited to consideration of and action upon the conditions that are the subject of the application. The decision of the hearing body shall be in writing.

- (i) A decision by the hearing body, to approve or disapprove an application to amend conditions of approval for a parcel map may be appealed by any interested person to the Planning Commission if the hearing body was the Zoning Administrator or if the hearing body was the Planning Commission to the Board of Supervisors. A decision of the Planning Commission action on appeal may itself be appealed to the Board of Supervisors. An appeal may be commenced and heard only by filing with the Secretary or Clerk of the appropriate body, within 10 calendar days after the date of the decision being appealed, according to the procedure set forth in Section 8-2.225 of Chapter 2 of this Title.
- (j) If, in order to implement an approved amendment of conditions, it is necessary or desirable also to amend the filed final map or parcel map, the Planning Director and the County Surveyor shall determine the appropriate document to be recorded for such purposes and the document shall be recorded as provided in Section 66472 of the Subdivision Map Act.

### **Sec. 8-1.507 Resubdivisions**

Previously subdivided real property, regardless of whether it was previously subdivided by maps or by conveyance, may be merged and resubdivided without first reverting to acreage by following all the procedures and requirements, including the payment of fees, for subdividing property that are contained in this Chapter and the Subdivision Map Act. Such merger and resubdivision shall occur automatically upon recordation of the applicable final map, parcel map, or certificate of compliance.

### **Sec. 8-1.508 Reversion to acreage**

- (a) Property previously subdivided by final map or parcel map may be reverted to the acreage of the parent parcel pursuant to this section and Article I (commencing with Section 66499.11) of Chapter 6 of the Subdivision Map Act. The reversion shall be by final map if the previous subdivision created five or more lots exclusive of any remainder parcel or by parcel map if the previous subdivision created four or less lots exclusive of any remainder parcel, regardless of whether the previous subdivision was by final map or parcel map.
- (b) Proceedings may be initiated by petition of all of the owners of record of the property or by resolution of the Board of Supervisors. An owner's petition shall be in a form prescribed by and shall be submitted to the Department.
- (c) The petition in the case of owner-initiated proceedings, or the staff report of the Department in the case of Board-initiated proceedings, shall include the following information:
  - (1) Adequate evidence of title to the real property within the subdivision;
  - (2) Evidence sufficient to permit the Board of Supervisors or the Zoning Administrator to make all of the findings required by this Section;
  - (3) A tentative map in the form prescribed by the Planning Director which delineates existing dedications which will not be vacated, new dedications

which will be required as a condition of reversion, private roads or rights-of-way which are to remain in effect after the reversion, and such other information as the Director may require; and

- (4) Such other of the documents listed in Section 8.1-306 as may be required by the Director.
- (d) A reversion to acreage map shall be processed in the same manner set forth for tentative subdivision and parcel maps in Article 3 of this Chapter; provided, however, the Commission shall hold a public hearing as set forth in the Subdivision Map Act (commencing with Section 66499.11 et seq.). After the Commission has acted on the reversion to acreage map, it shall be processed in the same manner set forth for final maps in this Article.
- (e) A decision made by the Planning Commission may be appealed to the Board of Supervisors by any interested person within 10 calendar days. The decision of the Board of Supervisors on appeal shall be final and conclusive.

### **Sec. 8-1.509 Findings and conditions for reversion**

- (a) The Planning Commission or the Board of Supervisors may approve a reversion to acreage only if it finds that:
  - (1) The Board of Supervisors has found that the dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
  - (2) Either:
    - (i) All owners with an interest in the real property within the subdivision have consented to the reversion; or
    - (ii) none of the improvements required to be made has been made within two years from the date the final map or parcel map which created the subdivision was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
    - (iii) no lots shown on the final map or parcel map which created the subdivision have been sold within five years from the date such map was filed for record.
- (b) The Planning Commission or the Board of Supervisors shall require as conditions of the reversion:
  - (1) That the property owners dedicate or offer to dedicate all of those lands and easements which the Zoning Administrator or the Board of Supervisors finds are reasonable and in the best interest of the public health, safety or welfare;
  - (2) That all or a portion of previously paid subdivision fees, deposits or improvement securities be retained if the same are necessary to accomplish any of the purposes of this Chapter or the Subdivision Map Act.

## **Sec. 8-1.510 Recordation and effect of reversion**

- (a) After approval of the reversion, the final map or parcel map for reversion shall be submitted to the County Surveyor for review and certification pursuant to Sections 8-1.503 and 8.1-505, provided that the final map or parcel map may be considered to be in substantial compliance with the tentative map even if the parent parcel to which the subdivision is reverted is smaller than the required minimum lot size. The final map or parcel map for reversion shall contain a certificate signed and acknowledged by all parties whose consent would be required by Sections 66430 and 66436 of the Subdivision Map Act for a subdivision of the parent parcel, unless the reversion has been initiated by resolution of the Board of Supervisors. If the County Surveyor certifies the final map or parcel map for reversion, he or she shall deliver it to the County Recorder for filing.
- (b) The filing of the final map or parcel map for reversion shall constitute a legal reversion to acreage of the land, vacation of all roads, easements, dedications or offers of dedication not shown on the final map or parcel map, and a merger of the previously separate lots into one parcel which shall thereafter be shown as such on the assessment roll.

## **Sec. 8-1.511 Return of fees and deposits**

Except as otherwise provided in this Chapter or the Subdivision Map Act, upon filing of a final map or parcel map for reversion by the County Recorder, all original fees and deposits designated for refund by the Board of Supervisors shall be returned to the current owner of the property and all original improvement securities shall be released, except those retained pursuant to Section 8.1-905.

## **Article 6: Lot Line Adjustments and Mergers**

### **Sec. 8-1.601 Purpose**

The purpose of this Article is to provide a simplified procedure to enable the removal of previously approved parcel lines and lot line adjustments to be approved by the Director of the Planning, Public Works and Environmental Services Department exercising authority as the Zoning Administrator, subject to appeal to the Planning Commission and Board of Supervisors, pursuant to Article 2 of Chapter 2 of this Title.

### **Sec. 8-1.602 Common ownership**

For purposes of this article, "common ownership" shall exist if the title for all properties proposed for merger is vested in the same individual, individuals, firm, or partnership, and all persons required by the Subdivision Map Act to consent to the recordation of a merger instrument have consented to the merger. The definition of contiguous parcels shall be the same as contiguous units as set forth in Section 66424 of the Subdivision Map Act.



### **Sec. 8-1.603 Lot line adjustments and mergers of parcels authorized**

- (a) Pursuant to Section 66412(d) of the Subdivision Map Act, the Zoning Administrator is hereby authorized to approve lot line adjustments, as defined in Section 8-1.201 of this chapter, upon the findings and utilizing the procedures set forth in this article.
- (b) Pursuant to Section 66499.20-3/4 of the Subdivision Map Act, the Zoning Administrator is hereby authorized to approve the merger of contiguous parcels under common ownership as defined in Section 8-1.602 of this article, without a reversion to acreage, upon the findings and utilizing the procedures set forth in this Article.

### **Sec. 8-1.604 Application required**

The following materials shall accompany an application for a lot line adjustment or merger of parcels pursuant to this Article:

- (a) The application shall be made on a form provided by the Planning, Public Works and Environmental Services Department.
- (b) No application shall be deemed complete or accepted for filing until the applicant has paid the application fee. The Board hereby is authorized to promulgate such fee by resolution, such fee not to exceed the reasonable cost to process the application.
- (c) The application shall include a discussion of the purpose for the proposal, the existing and proposed configurations of the parcels, the existing and any proposed improvements, and map diagrams and legal descriptions prepared by a licensed surveyor or civil engineer to illustrate such items with sufficient detail for recordation and to enable the Zoning Administrator to determine whether the findings required by this article are satisfied by the proposal.
- (d) The application shall include a preliminary title report, or deeds as necessary, covering all affected parcels.
- (e) Applications for lot line adjustments involving two (2) or more parcel owners shall also be accompanied by a deed or deeds as necessary to convey the land subject to the lot line adjustment and to complete the transaction.
- (f) All final deeds, diagrams and legal descriptions shall be in a form suitable for recordation in the office of the County Recorder.
- (g) All applications pursuant to this article shall include an application for a certificate of compliance pursuant to Section 66499.35 of the Subdivision Map Act, with a waiver of any notice or previous opportunity to be heard, such certificate to be issued and recorded upon the approval of the merger or lot line adjustment. Incomplete applications shall not be filed. The Zoning Administrator shall inform the applicant of what is needed to make the application complete.

## **Sec. 8-1.605 Merger, applicant-initiated**

Property owner(s) may request and initiate proceedings for the merger of real property by meeting all of the requirements of this Chapter and the Subdivision Map Act, provided that all references to the proposed merger and all references to the “subdivider” shall be deemed to be to the applicant for the merger. Any two or more contiguous lots in common ownership, regardless of whether they were created by map or by conveyance, may be merged so as to create one new lot. The Zoning Administrator may impose those conditions, with respect to any illegal lot(s), which it could require for the issuance of a conditional certificate of compliance pursuant to Article 7 of this Chapter.

## **Sec. 8-1.606 Findings and conditions**

- (a) The Zoning Administrator shall not approve any merger or lot line adjustment pursuant to this Article unless all the following findings have been made in the affirmative:
- (1) That the application is complete and that all record title holders who are required by the Subdivision Map Act to consent have consented to the proposed merger or lot line adjustment, and that the proposed merger or lot line adjustment is in compliance with said Act;
  - (2) That the deeds to be utilized in a transaction, if necessary, accurately describe the resulting parcels, and that the merger or lot line adjustment will not result in the abandonment of any street or utility easement of record;
  - (3) That if the lot line adjustment will result in a transfer of property from one owner to another owner, that the deed to the subsequent owner expressly reserves any street or utility easement of record;
  - (4) The adjustment is consistent with applicable building ordinances, and that either:
    - (i) all of the resulting lots will conform to all applicable zoning requirements including minimum parcel size, or
    - (ii) no conforming lot will be made nonconforming with applicable zoning requirements and the adjustment will not reduce the aggregate area of all affected lots which do not meet applicable zoning requirements;
  - (5) Approval of the lot line adjustment will not create a greater number of parcels than originally existed;
  - (6) That the merger or lot line adjustment will not result in the elimination or reduction in size of an access way to any resulting parcel, or that the application is accompanied by new easements to provide access that meet all the requirements of this code;

- (7) That the merger or lot line adjustment is excluded from the Subdivision Map Act, and has been reviewed pursuant to Section 66412(d) of said Act;
  - (8) That the merger or lot line adjustment is consistent with the General Plan;
  - (9) That the merger or lot line adjustment complies with the zoning regulations and parcel size minimum standards as set forth in Chapter 2 of this title;
  - (10) That the Zoning Administrator is satisfied that the design of the resulting parcels will comply with the requirements of this title and provides for water drainage, public road access, water supply sewer system availability, environmental protection, and all other requirements of State laws and this code; and
  - (11) That the merger or lot line adjustment will not result in a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et. Seq.), and/or is categorically exempt pursuant to CEQA Guidelines Section 15305, as amended.
- (b) The Zoning Administrator may conditionally approve a merger or lot line adjustment as provided for in Section 66412(d) of the Subdivision Map Act, and the conditions shall be set forth in writing and delivered to the applicant prior to action being taken on the merger or lot line adjustment.

### **Sec. 8-1.607 Recordation and effect**

- (a) If the Zoning Administrator approves a merger or lot line adjustment pursuant to this article, the Zoning Administrator shall waive any requirement for filing a parcel map, and cause a certificate of compliance to be recorded in the office of the County Recorder along with any legal descriptions, map diagrams, or deeds necessary to complete any transaction.
- (b) Upon the recordation of the certificate of compliance regarding the approval of a merger pursuant to this article, all separate parcels shown on the merger application shall be merged into one parcel for all purposes and shall thereafter be shown as such on the assessment roll. Upon the recordation of the certificate of compliance regarding the approval of a lot line adjustment pursuant to this article, the previous parcels shall be merged, and the approved resulting parcels shall be created and shall thereafter be shown as such on the assessment roll.

### **Sec. 8-1.608 Appeals and reviews**

Prior to any action being taken by the Zoning Administrator on any merger or lot line adjustment, the applicant shall be entitled to have the Commission review and take action on the requested merger or lot line adjustment. The Zoning Administrator may defer action on any merger or lot line adjustment initiated pursuant to this article to the Commission for consideration. Decisions of the Zoning Administrator under this article

shall take effect and appeals thereof made and considered in the manner provided for by Section 8-2.225 of Chapter 2.

### **Sec. 8-1.609 Mergers of substandard lots**

- (a) Pursuant to the authority set forth in Article 1.5 (Section 66451.11 et seq) of the Subdivision Map Act, a local agency may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance of the local agency applicable to the parcels or units of land and if all of the following requirements are satisfied:
  - (1) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.
  - (2) With respect to any affected parcel described in subsection (1) above, one or more of the following conditions shall be found to exist:
    - (i) The parcel comprises less than 5,000 square feet in area at the time of determination of merger.
    - (ii) The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
    - (iii) The parcel does not meet current standards for sewage disposal and domestic water supply.
    - (iv) The parcel does not meet slope stability standards.
    - (v) The parcel has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
    - (vi) The parcel's development would create health or safety hazards.
    - (vii) The parcels is inconsistent with the County General Plan and any applicable area plan or specific plan, other than minimum lot size or density standards.
  - (3) The owner of the affected parcels has been notified of the merger proposal pursuant to Section 66451.13, and is afforded the opportunity for a hearing pursuant to Section 66451.14.
- (b) A merger of parcels becomes effective when the local agency causes to be filed for record with the recorder of the county in which the real property is located, a notice of merger specifying the names of the record owners and particularly describing the real property.
- (c) Pursuant to Section 66451.13 of the Subdivision Map Act, prior to recording a notice of merger, the local agency shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger.

The notice of intention to determine status shall be filed for record with the recorder of the county in which the real property is located on the date that notice is mailed to the property owner.

- (d) Pursuant to Section 66451.14, at any time within 30 days after recording of the notice of intention to determine status, the owner of the affected property may file with the local agency a request for a hearing on determination of status. Upon receiving a request for a hearing, the local agency shall schedule and a public hearing, pursuant to Sections 66451.15, 66451.16. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance.
- (e) At the conclusion of the hearing, the local agency shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. If the merger ordinance so provides, a determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Section 66451.11. A determination of merger shall be recorded within 30 days after conclusion of the hearing, as provided for in Section 66451.12.
- (f) Any division, by any subdivider, of any unit of parcels declared merged by this Section for the purposes of sale, lease, or financing shall constitute a "subdivision" for the purposes of this chapter and the Subdivision Map Act and shall require compliance with this chapter and the Subdivision Map Act.

## **Article 7: Certificates of Compliance**

### **Sec. 8-1.701 Purpose**

The purpose of this Article is describe the process by which certificates of compliance and conditional certificates of compliance are issued under the provisions of this Chapter and Sections 66499.34 and 66499.35 of the Subdivision Map Act. Any owner of a lot, or any vendee of such owner pursuant to a contract of sale of the lot, may request a determination whether the real property complies with the provisions of the Subdivision Map Act and this Chapter, and whether the County determines the lot is a "legal lot."

### **Sec. 8-1.702 Application**

An application for a certificate of compliance shall be on a form that is satisfactory to the Director of Planning, Public Works and Environmental Services. The application shall be processed as described in Section 8-1.703 of this Chapter. The application shall include all of the following information:

- (a) A certified full chain of title for the property. The applicant shall include legible copies of all deeds affecting the property beginning with the deed that described the property prior to its current configuration, from that time to the present. The full chain of title must be certified as true, accurate, and complete by a title

company or other authorized entity. A certified full chain of title is not required if the parcels were created through a filed final map, parcel map, or official map or unless waived by the Director of Planning, Public Works and Environmental Services. The applicant shall include copies of all filed maps where parcels were created using the maps; and

- (b) A preliminary title report for the property which is dated within 60 days of the date of submittal; and
- (c) Any maps or other supporting documents to support and clarify when and how the parcel was created.
- (d) Legal descriptions of the parcel(s) for which the certificate of compliance is requested.

### **Sec. 8-1.703 Review**

- (a) If the Director of Planning, Public Works and Environmental Services is able to determine from review of the submitted materials that the lot(s) is clearly in compliance with the provisions of this Chapter and the Subdivision Map Act, s/he shall issue a certificate of compliance for the lot(s) and deliver the certificate to the applicant for recordation with the County Recorder.
- (b) If the Director of Planning, Public Works and Environmental Services is unable to determine from this review that the lot(s) is clearly in such compliance, s/he shall either deny the request pursuant to authority under the Subdivision Map Act, or issue a conditional certificate of compliance to the applicant.

### **Sec. 8-1.704 Conditional Certificate of Compliance**

- (a) A conditional certificate of compliance, certifying that a lot(s) is deemed to be in compliance with this chapter and the Subdivision Map Act, subject to satisfaction of certain conditions precedent to the issuance of a building permit or other grant of approval for development of the lot(s), may be obtained pursuant to those requirements set forth below in subsections (d) and (e) of this section.
- (b) Any person may submit an application for a conditional certificate of compliance for any existing lot or group of contiguous lots which have been created, legally or illegally, by any conveyance or subdivision map. The application shall be subject to the same requirements in effect at the time the applicant acquired interest in the property. If the application pertains to two or more contiguous lots that were created illegally and are all owned by the illegal subdivider, the application shall be submitted and processed in the same manner and subject to the same requirements as an application for a parcel map, except as otherwise provided in subsection (e). The approved conditional certificate of compliance shall be recorded in the same manner as other final maps and parcel maps, and once recorded shall have the same force and effect as a filed final map or parcel

map.

- (c) An application for a conditional certificate of compliance shall not be denied on account of the noncompliance of any lot(s) with applicable requirements respecting:
  - (1) Lot size and configuration;
  - (2) Buildable site;
  - (3) Sewage disposal;
  - (4) Water for domestic or firefighting purposes; or
  - (5) Access.
- (d) However, the application may be approved subject to the condition that the lots are brought into compliance with such requirements.
- (e) Any conditions imposed with respect to a conditional certificate of compliance shall be limited to those which could have been imposed in connection with a lawful subdivision of the legal parcel on the date the present owner acquired interest in the lot(s).
- (f) Where the present owner was the owner at the time the legal parcel was subdivided so as to create the lot(s), the conditions shall be limited to those which could be imposed in connection with a current lawful subdivision of such parcel.
- (g) Compliance with such conditions by any lot(s) to which the certificate pertains shall be required prior to County issuance of a building permit or other grant of development approval for said lot(s).

## **Article 8: Design Requirements**

### **Sec. 8-1.801 Purpose**

To ensure that land development shall reflect the best interests of the people of the County, all developments pursuant to the provisions of this Chapter and all improvements installed in, over, or under any existing or proposed right-of-way, easement, or parcel of real property of the County in satisfaction of a condition of a variance or use permit issued pursuant to the zoning regulations (Chapter 2 et seq of this Title), or required by order of the Board made in a proceeding for amending said zoning regulations by changing the boundaries of any zone, or required in connection with the issuance of a building permit, shall conform to the standards of design of this chapter and the County Improvement Standards as set forth by resolution of the Board.

### **Sec. 8-1.802 Streets**

- (a) If the circulation element of the General Plan shows any street located so that any portion thereof lies within the proposed land development, such portion shall be shown as a street, or part of a street, within such area in the general location

shown on the General Plan unless an exception is granted pursuant to the provisions of Article 9 of this chapter.

- (b) The location and alignment of streets shall conform to the General Plan and be arranged to produce the most advantageous development of the area in which the development lies. The street pattern shall be designed in accordance with the following standards:
- (1) The design and construction of street improvements shall be in accordance with the County Improvement Standards as set forth by resolution of the Board.
  - (2) In all subdivisions, as defined in the Subdivision Map Act, except subdivisions in planned development zones, each parcel of land shall be served by an improved street.
  - (3) Where the side, front, or rear lines of any lots abut on a freeway, limited access highway, or arterial, the subdivider may be required to dedicate to the County all rights of vehicular access to and from such lots across the lot line abutting such freeway, limited access highway, or arterial.
  - (4) Streets which are extensions of existing streets shall continue the center lines of the existing streets, as far as practicable, either in the same direction or by adjustment curves.
  - (5) Streets within a subdivision entering upon opposite sides of any given street shall have their center lines located directly opposite each other if practicable, or such center line shall be offset as set forth in the County Improvement Standards.
  - (6) The center lines of streets shall intersect one another as nearly at right angles as practicable, shall not be excessively curved, and shall conform to the County Improvement Standards.
  - (7) Where a subdivision adjoins unsubdivided land, adequate or necessary streets in the subdivision shall be extended to such adjacent unsubdivided land to provide access, in the event of its future subdivision, and in a manner to provide the most advantageous development of the street pattern in the area.
  - (8) In the event certain streets or alleys in a subdivision are to be reserved for future public use and they have been approved as to location and width, they shall be indicated on the final map and offered for irrevocable dedication as future streets or future alleys in accordance with Section 66475 of the Subdivision Map Act. Certificates providing that the County may accept the offer to dedicate such easements at any time shall be shown on the final map.
  - (9) Except in unusual circumstances, a cul-de-sac street in a residential subdivision shall have a circular end with a minimum radius of forty-nine (49) feet on the property line and shall not exceed 250 feet in length.
  - (10) Minimum and maximum street grades, minimum radii, sight distances, and minimum length of tangents shall conform to the County Improvement Standards.
  - (11) The grid pattern of new streets shall be oriented to align north/south and east/west, to give a sense of place and direction in new community areas, as well as to maximize solar access.



### **Sec. 8-1.803 Blocks, intersections, and pedestrian ways**

- (a) Blocks shall be designed in accordance with the County Improvement Standards.
- (b) Intersections shall be designed in accordance with the County Improvement Standards.
- (c) Pedestrian ways designed in accordance with the County Improvement Standards may be required:
  - (1) To connect dead-end streets;
  - (2) To provide access to parks, schools, shopping centers, or similar activities; or
  - (3) At other locations where required by the Director of Planning, Public Works and Environmental Services.

### **Sec. 8-1.804 Easements**

- (a) Easements for storm drainage shall be provided as required. Drainage easements shall be designed in accordance with the County Improvement Standards. In the event the subdivision is traversed by any water course, channel, lake, stream, or creek, the subdivider shall provide rights-of-way or easements for storm drainage purposes, conforming substantially with the lines of such water course, channel, lake, stream, or creek, and easements to provide for the necessary maintenance of the channels and incidental structures.
- (b) Easements for sewers, water, gas, electricity, cable television and other public utilities shall be provided as required.

### **Sec. 8-1.805 Lots**

- (a) Minimum lot sizes shall conform to the standards established by the zoning regulations (Chapter 2 of this title) and the requirements of this Chapter.
- (b) All lots shall be suitable for the purposes for which they are intended to be sold, leased, rented, or used.
- (c) Residential lots abutting a limited access way shall normally have access on a frontage road, collector street, or land service street.
- (d) Side lot lines shall be perpendicular or radial to the street upon which the lot faces, as far as practicable.
- (e) Lots with double frontage shall be avoided except where further subdivision is anticipated or where special conditions exist and where the Commission deems such an arrangement feasible.

## **Sec. 8-1.806 Other requirements**

- (a) Water systems. Where a public sewerage facility is available to the subdivision but a public water supply is not, the Commission may, upon the recommendation of the Director of Planning, Public Works and Environmental Services, require the installation of a public water system as a condition to the approval of a tentative map.
- (b) Wells and septic tanks. The construction and maintenance of wells and septic tanks shall meet the applicable standards or laws of the County and the State.
- (c) Access to, and areas for, parks, schools, and other public places. Where the subdivision is of such a size that the Commission deems it proper, the Commission may require the subdivider to provide access to, or designate suitable areas for, parks, playgrounds, schools, and other public building sites which may be required for the use of the population in the neighborhood or community.
- (d) Preservation of natural features. The Commission may require such measures as will preserve and enhance the scenic values and natural features of the County and the conditions making for excellence of residential, commercial, industrial, agricultural, or recreational development, in accordance with the policies of the General Plan.
- (e) Trees. Existing trees shall be preserved within any public way wherever, in the determination of the Commission, such trees are suitably located, healthy, and of desirable variety and where approved grading permits the preservation of such trees. Where required, street trees of an approved type shall be planted in accordance with the County Improvement Standards and Chapter 3 of this Title (the Landscape Irrigation Ordinance).
- (f) Fire protection facilities. Fire protection facilities, including water supply, fire hydrants, gated connections, and appurtenances to provide adequate fire protection, shall be furnished in accordance with the standards established by the California Fire Code, as adopted in Title 7 of this code, provided, however, such requirements may, be modified by the Commission upon recommendation of the fire district of jurisdiction.
- (g) Traffic barriers. Permanent type traffic barriers, in accordance with the County Improvement Standards, shall be furnished at the dead end of streets adjacent to undeveloped land until such streets are extended onto the adjacent land.
- (h) Street lighting. Street lighting may be required by the Commission when deemed appropriate, and if required, a funding mechanism shall be provided so that benefitting parcels fund the continued operation and maintenance of street lighting.
- (i) Failure to provide for facilities. The failure of the subdivider to make provisions for required streets, highways, schools, drainage, and other planned public facilities,

or to conform to the zoning regulations (Chapter 2 of this title) shall be reason to disapprove the tentative map.

### **Sec. 8-1.807 Soils report**

- (a) Prior to the submission of the final map, the subdivider shall file a preliminary soils report with the Chief Building Official.
- (b) Such report shall be prepared by a civil or geotechnical engineer who is registered by the State, and it shall be based upon adequate test borings or excavations in the subdivision.
- (c) The preliminary soil report may be waived if the Chief Building Official shall determine that, due to the department's knowledge as to the soil qualities of the subdivision, no preliminary analysis is necessary.
- (d) Such determination shall be in writing and shall be made part of the data accompanying the final map.
- (e) If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision shall be prepared by a civil or geotechnical engineer who is registered by the State.
- (f) The soil investigation report shall recommend corrective action which is likely to prevent structural damage to each building proposed to be constructed on the expansive soil.
- (g) The report shall be filed with the Chief Building Official.
- (h) The Chief Building Official shall approve the soil investigation if he determines that the recommended corrective action is likely to prevent structural damage to each building to be constructed on each lot in a subdivision.
- (i) Appeals from such determinations shall be to the Board of Appeals created by the California Building Code (Chapter 1 of Title 7 of this code) and shall be taken in the manner of other appeals to that Board.
- (j) Subsequent building permits shall be conditioned upon the incorporation of the approved, recommended corrective action in the construction of each building.

### **Sec. 8-1.808 Inspections of construction**

- (a) No improvement shall be installed in, over, or under any existing or proposed right-of way, easement, or parcel of real property of the County until the plans and specifications therefore have been filed, checked, and approved as set forth in this section.

- (b) Such plans and specifications shall be filed with the Director of Planning, Public Works and Environmental Services and shall be accompanied by the fees as set forth in Article 11 of this chapter.
- (c) The time of filing, checking, and approving shall be as follows:
  - (1) If the improvements are required as a condition to the recordation of a parcel map or final map, the time shall be as set forth in this chapter.
  - (2) If the improvements are required as a condition of a variance or use permit issued pursuant to the zoning regulations (Chapter 2 of this title), or in connection with the issuance of a building permit, except as otherwise provided, the time shall be prior to the issuance of a building permit for any building or structure on the parcel for which the variance or use permit is granted.
  - (3) If the improvements are required by order of the Board made in a proceeding for amending the zoning regulations (Chapter 2 of this title) by changing the boundaries of any zone, the time shall be prior to the adoption of the ordinance changing the zone boundaries.
  - (4) The construction of all improvements pursuant to such approved plans and specifications shall be under the inspection of the Director of Planning, Public Works and Environmental Services; the fees for such inspection shall be as set forth in Article 11 of this chapter.

## **Article 9: Public Improvements**

### **Sec. 8-1.901 Purpose**

The purpose of this Article is to describe the types of public improvements that are required for approved subdivisions.

### **Sec. 8-1.902 Improvements required**

The subdivider shall agree to make all required improvements in accordance with the County Improvement Standards and to the satisfaction of the County Engineer. Such improvements shall be delivered in good condition and shall include, but not be limited to, the following:

- (a) Street grading, the installation of curbs and gutters where required, and barriers where required;
- (b) Drainage facilities and appurtenances sufficient to protect the development from inundation, flooding, and ponding from storm waters, springs, underground waters, or other surface waters. All drainage installations shall be designed and constructed in accordance with the County Improvement Standards. Improvements shall not include drainage facilities for the removal of surface and storm waters of local or neighborhood drainage areas for which a drainage fee is required of an applicant;
- (c) The paving of all streets, pedestrian ways, and alleys as required;

- (d) The installation of sidewalks as required;
- (e) Provisions for a domestic water system in accordance with the standards of the utility serving the area or the current County Improvement Standards;
- (f) Provisions for sufficient fire hydrants, gated connections, and appurtenances to provide adequate fire protection in accordance with the standards of the fire district serving utility and the provisions of this chapter;
- (g) Provisions for public sanitary sewerage facilities, appurtenances, and connections for each lot to the sewer system as approved by the County Engineer and such other agencies as may have jurisdiction or individual sewage disposal systems as approved by the Public Health Director;
- (h) Street name signs at all street intersections;
- (i) Traffic control signs and safety devices as required by the County Engineer;
- (j) The planting of trees as required;
- (k) Fences or walls approved by the County Engineer constructed by the subdivider along all property lines where the Commission determines a condition hazardous to persons or property may exist; and
- (l) The installation of a system of monuments as required by the County Engineer.

### **Sec. 8-1.903 Plans**

The following improvement plans, prepared under the direction of a registered civil engineer licensed by the State, shall be submitted by the subdivider to the County Engineer for approval at the time of submitting the final map pursuant to the provisions of Article 5 of this Chapter:

- (a) The plans and specifications for all improvements required by this chapter or by the County Engineer, as well as for other improvements proposed to be installed by the subdivider in, over, or under any street or right-of-way, easement, or parcel of land where improvements are required or proposed;
- (b) A grading plan and soils report showing all earth cuts and/or fills of five (5) feet or more;
- (c) A certificate of approval of any of the proposed improvements of concern to a water and sanitary or sanitation district within which all or part of the subdivision may lie; and
- (d) A report, including any data, profiles, contours, design calculations, and other information which the County Engineer shall require, stating that the drainage facilities to be installed to serve the proposed subdivision are in full compliance

with the requirements of this chapter and will accomplish drainage in the manner stated.

- (e) Plans and profiles and construction details shall be drawn on sheets twenty-four (24) inches by thirty-six (36) inches in size.

### **Sec. 8-1.904 Completion**

- (a) Concurrently with the acceptance of the final map, the subdivider shall enter into an agreement with the Board, agreeing to have the public improvements completed within the time specified in the agreement. Such agreement shall provide a clause guaranteeing the workmanship and materials provided in all improvements for a twelve (12) months period after acceptance of the improvements by the Board. Such agreement may provide for an extension of time under specified conditions. The agreement may also provide for the termination of the agreement upon a reversion to acreage or revocation of all or part of the subdivision.
- (b) The provisions of this section shall not preclude the subdivider or subdivision owner from entering into a contract with the Board, as authorized by the Subdivision Map Act, to initiate and commence proceedings pursuant to the applicable section of the Improvement Act of 1911 of the State for the formation of a special assessment district, including part or all of the subdivision, to finance and construct designated improvements as required for acceptance of the subdivision. When such assessment district proceedings are used, however, the cost of all engineering performed by the subdivider's engineer, including improvement plan preparation and all other preliminary engineering done by the subdivider's engineer prior to approval of the plans and specifications by the County Engineer, shall be paid directly by the subdivider and shall not become a charge against the incidental expenses of the assessment district. All costs incurred by the County in plan-checking and construction inspection and all other charges incurred subsequent to the approval of the plans shall become a charge on the incidental expenses of the assessment district. The bonds required from contractors for construction under special assessment proceedings shall be acceptable by the County as faithful performance bonds as required by this article.

### **Sec. 8-1.905 Bonds**

- (a) To assure that the improvements required by the provisions of this Article are satisfactorily completed in accordance with the provisions of this Chapter, adequate improvement security shall be furnished by the subdivider for the cost of the improvements according to the plans and specifications in a sum or amount equal to the estimate approved by the County Engineer. Such estimate shall include an allowance for the administrative and legal cost as provided in the Subdivision Map Act Section 66499.4. Partial release of such improvement security will not be considered.
- (b) The improvement security shall be released by the Board of Supervisors upon the acceptance of the work or upon the revocation or reversion to acreage of the

subdivision and the abandonment of all roads and easements; provided, however, such amount as may be determined by the County Engineer to guarantee workmanship and materials shall remain in full force and effect for one year after the acceptance of the improvements. Such amount shall be not less than fifteen (15) percent of the estimated cost of the public improvements.

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**CHAPTER 2: ZONING REGULATIONS**

**Article 1: General Provisions**

**Sec. 8-2.101 Title and reference**

This Chapter 2 shall be known as, and may be cited as, the “Zoning Regulations” or “Zoning Code” of Yolo County. Reference to section numbers herein is to the sections of this Title or Chapter. In any administrative action taken by any public official pursuant to the authority set forth in this chapter, the use of the term “Zoning Regulations” or “Zoning Code”, unless further modified, shall also refer to and mean the provisions of this Chapter. The accompanying development regulations in the other Chapters of Title 8 shall be known as, and may be cited as, the “Land Development Regulations” or “Development Regulations” of Yolo County.

**Sec. 8-2.102 Adoption**

There is hereby adopted a zoning plan for the County, as provided in Chapter 4 of Title 7 of the Government Code of the State. This Title constitutes a precise plan for the use of land in conformity with the adopted General Plan, any adopted Specific Plans and Area Community Plans, and all Plan standards.

**Sec. 8-2.103 Scope**

The provisions of this Title shall apply to all lands and all owners of lands within all of the unincorporated areas of the County and shall be applicable not only to private persons, agencies, and organizations but also to all public agencies and organizations to the full extent that such provisions may now or hereafter be enforceable in connection with the activities of any such public agency or organization.

**Sec. 8-2.104 Purpose**

The provisions of this Title are adopted to promote and protect the public health, safety, morals, comfort, convenience, and general welfare; to provide a plan for sound and orderly development; to ensure social and economic stability within the various zones established by the provisions of this Title; to implement the Yolo County General Plan; and to achieve the following objectives:

- (a) To implement the General Plan and to guide and manage the future growth of the county in compliance with the General Plan;
- (b) To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands in the county;



- (c) To minimize adverse impacts on the public from inappropriate location, use or design of building sites, land uses, or other forms of land development by providing appropriate standards for development;
- (d) To protect and enhance the significant agricultural, biological, natural, historic, archaeological, and scenic resources within the county;
- (e) To protect the members of the public and property from health and safety concerns such as flooding, earthquakes, fire and other dangers; and
- (f) To assist the public in identifying and understanding regulations affecting the use of land in the county.

## **Sec. 8-2.105 Authority**

This Title is adopted pursuant to the following authorities:

- (a) Local Ordinances and Regulations, California Constitution, Article XI, Section 7.
- (b) Planning and Land Use, California Government Code Title 7.
- (c) California Environmental Quality Act (CEQA), California Public Resource Code, Division 13, and CEQA Guidelines, Title 14 of the California Code of Regulations.
- (d) California Subdivision Map Act, California Government Code, Division 2.
- (e) State Mining and Reclamation Act, California Public Resources Code, Division 2, Chapter 9.

## **Sec. 8-2.106 Definitions**

### **(a) Scope**

For the purposes of this Title, unless otherwise apparent from the context, certain words and phrases used in this Title are defined in the individual Chapters, Articles, and Sections, and are cumulatively listed in Chapter 14 of this Title. The meaning and construction of words and phrases as set forth herein shall apply throughout this Title. If a word is not defined in this Title, the definition provided in the latest edition of the Uniform Building Code, as adopted by the County, shall be applicable. If said word is not defined in the latest edition of the Uniform Building Code, as adopted by the County, the definition provided in Merriam-Webster's Dictionary shall be used.

### **(b) Rules of construction**

The following general rules of construction shall apply to the textual provisions of this Title:

- (1) Chapter and Section References. "Chapter" means a chapter of the ordinance codified in this Title unless some other ordinance is specifically mentioned. "Section" means a section of the ordinance codified in this Title unless some other ordinance is specifically mentioned. "Subsection" means a subsection of the section in which the term occurs unless some other section is specifically mentioned.
- (2) Headings. Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of this Title.
- (3) Illustrations. In case of any differences of meaning or implication between the text of any section or chapter and any illustration, the text shall control.

- (4) Gender. The masculine gender includes the feminine and neuter.
- (5) Number. The singular number includes the plural, and the plural the singular.
- (6) Tense. The present tense includes the past and future tenses, and the future tense includes the present tense.
- (7) Shall and May. "Shall" is mandatory and "may" is permissive.

### **Sec. 8-2.107 Consistency of chapter with General Plan and land use designations**

All actions, approvals, and procedures taken with respect to, or in accordance with, this Title and Chapter shall be consistent with the Yolo County General Plan. In the event this Title or Chapter becomes inconsistent with the Yolo County General Plan by reason of the adoption of a new General Plan or by amendment of the existing General Plan or any of its elements, this Title shall be amended within a reasonable time so that it is consistent with the newly adopted General Plan or remains consistent with the existing General Plan as amended. Additionally, all amendments to this Title and Chapter beyond those previously described, shall be consistent with the Yolo County General Plan.

The following table illustrates the consistency of the various zoning districts in this Chapter with the land use designations of the General Plan. In the event of a conflict between a land use designation of the General Plan and the underlying zoning of a property, the General Plan designation will prevail.

### **Sec. 8-2.108 Zoning maps**

A series of zoning maps, to be known collectively as the "Zoning Maps of the County of Yolo," shall be maintained by the Planning, Public Works and Environmental Services Department.

- (a) Contents. The zoning maps shall show the designations and boundaries of each zone and shall show any base data that the Director of the Planning, Public Works and Environmental Services Department deems useful or that the Board of Supervisors directs;
- (b) Revisions. The Director shall revise the zoning maps to show amendments, including changes in designations, rezoning of property, and clarification of zone boundaries; and
- (c) Incorporation. The zoning maps and all notations, references, data, and other information contained therein are made a part of this Title and Chapter by reference herein.

### **Sec. 8-2.109 Zoning district boundary determinations**

Wherever any uncertainty exists as to the boundary of a zoning district as shown on the zoning map, the following rules shall apply:

- (a) Lot lines. Where a zoning boundary line follows or coincides approximately with a lot line or a property ownership line, the zoning boundary line shall be construed as following the lot line or property ownership line.

**Table 8-2.107**

**General Plan and Zoning Consistency**

General Plan Land Use Designation (Symbol)	Zoning Districts (Symbol)
Agriculture (AG)	Agricultural Intensive (A-N) Agricultural Extensive (A-X) Agricultural Commercial (A-C) Agricultural Industrial (A-I) Agricultural Residential (A-R)
Residential Rural (RR)	Residential Rural-5 acre (RR-5) Residential Rural-1 acre (RR-1)
Residential Low (RL)	Low Density Residential (R-L)
Residential Medium (RM)	Medium Density Residential (R-M)
Residential High (RH)	High Density Residential (R-H)
Commercial Local (CL)	Local Commercial (C-L) Downtown Mixed Use (DMX)
Commercial General (CG)	General Commercial (C-G) Downtown Mixed Use (DMX) Highway Service Commercial (C-H)
Industrial (IN)	Light Industrial (I-L) Heavy Industrial (I-H) Office Park Research and Development (OPRD)
Parks and Recreation (PR)	Parks and Recreation (P-R)
Open Space (OS)	Public Open Space (POS)
Public/Quasi-Public (PQ)	Public/Quasi-Public (PQP)
Specific Plan (SP)	Specific Plan (S-P)
Specific Plan Overlay (SPO) Natural Heritage Overlay (NHO) Agricultural District Overlay (ADO) Delta Protection Overlay (DPO) Mineral Resource Overlay (MRO)  Tribal Trust Overlay (TTO)	Specific Plan Overlay (SP-O) Natural Heritage Overlay (NH-O) Agricultural District Overlay (AD-O) Delta Protection Overlay (DP-O) Sand and Gravel Overlay (SG-O) Sand and Gravel Reserve Overlay (SGR-O) Tribal Trust Overlay (TT-O) Airport Overlay (A-O) Planned Development (PD) Overlay Special Building (B) Overlay

- (b) Where zone boundaries are indicated as approximately following street and alley lines or lot line, such lines shall be construed to be the boundary of the said zone, and the following shall apply:
  - (1) When two (2) zones are separated by a street or alley, the zone boundary shall be the centerline of the street or alley, unless otherwise specified, and
  - (2) When a residential zone is separated from any other zone by a street or alley, the residential zone boundary shall include the street or alley.
- (c) Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting properties shall apply to the centerline of such vacated or abandoned street or alley;
- (d) Where any private right-of-way or easement of any railroad, canal, transportation, or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to the centerline of such vacated or abandoned property;
- (e) For unsubdivided property, or in instances where a zone boundary divides a lot, the location of the zone boundary shall be determined by the Director unless the zone boundary is indicated by dimensions.
- (f) Scale on the zoning map. Where a zoning boundary line does not coincide approximately with a lot line or property ownership line, the zoning boundary line shall be determined by the use of the scale designated on the zoning map.
- (g) Riverfront. Where a zoning boundary line follows the riverbank of the Sacramento River, old river channel, or Putah Creek, the zoning boundary line shall be construed as following the ordinary low water line of such riverbank.

### **Sec. 8-2.110 Minimum requirements**

The provisions of this Title are considered to be minimum requirements. The County may establish more stringent requirements where deemed necessary.

### **Sec. 8-2.111 Permits run with the land**

All development permits shall run with the land. Permits are not tied to individuals, including those persons who applied for the permit or who owned the property at the time the permit was issued.

### **Sec. 8-2.112 Statutory references, amendments, and additions**

Whenever reference is made to any portion of the ordinance codified in this Title, or of any other ordinance of this County or of any law of this State, the reference applies to all amendments and additions now or hereafter made.

### **Sec. 8-2.113 Interpretation, constitutionality, and severability**

- (a) Ambiguities. Unless otherwise provided, any ambiguity concerning the content or application of this Title shall be resolved by the Director.
- (b) Invalidity. If any section, subsection, sentence, clause, or phrase of this Title is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Title. The Board declares that it would have passed this Title and every section, subsection, clause, and phrase thereof, notwithstanding that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

### **Sec. 8-2.114 Restrictions**

It is not intended by this Title to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties. Where this Title imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, or regulations, or by easements, covenants, or agreements, the provisions of this Title shall prevail.

### **Sec. 8-2.115 No relief from other provisions**

Except as otherwise specifically provided, no provision of this Title shall be construed as relieving any party to whom a use permit, variance, or other development approval has been issued from any other provision of state or federal law or from any provision, ordinance, rule, or regulation of the County requiring a license, franchise, or permit to accomplish, engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, or use.

### **Sec. 8-2.116 Medical marijuana dispensaries, prohibited**

Medical marijuana dispensaries are prohibited in all zoning districts, including without limitation to all specific plan and overlay zones.

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**TITLE 8 LAND DEVELOPMENT**

**CHAPTER 2: ZONING REGULATIONS**

**Article 2: Administrative Provisions**

**Sec. 8-2.201 Intent**

The intent of this Article is to specify the responsibilities of the various County agencies, groups, and offices in implementing this Title; to set forth administrative provisions related to the processing of applications and permits; and to identify Use Classifications.

**Sec. 8-2.202 Planning Agency**

A Planning Agency for Yolo County is hereby created and established. It shall consist of the following:

- (a) Board of Supervisors;
- (b) Planning Commission;
- (c) Planning, Public Works and Environmental Services Department; and
- (d) Zoning Administrator.

**Sec. 8-2.203 Board of Supervisors**

The Board of Supervisors has the following functions as they apply to this Title:

- (a) To exercise all appointing power provided under state law and this Title, including the appointment of the Director of the Community Development Department, the members of the Planning Commission, and the members of the citizens advisory committees;
- (b) To adopt the General Plan, Master Plans, Public Financing Plans, Specific Plans, Area or Community Plans, regulations, ordinances, and environmental guidelines;
- (c) To be the final appellate body on all matters as specified in this Title;
- (d) To annually review the report on the status of the General Plan, and the Capital Improvement Program of the County for conformity with the General Plan, pursuant to Article 7 (commencing with Section 65400) of the Government Code;
- (e) To serve as the legislative body as that term is used in the Subdivision Map Act;

- (f) To determine that there has been adequate environmental review under the provisions of the California Environmental Quality Act, of all matters the Board of Supervisors is considering.

## **Sec. 8-2.204 Planning Commission**

The Planning Commission's role as part of the Planning Agency shall be as provided in this Section and in the internal standing rules adopted by the Commission. The Planning Commission shall have the following functions in the administration of this Title and related regulations and policies:

- (a) Prepare, periodically review, and revise, as necessary, the General Plan and the accompanying Specific Plans and Area or Community Plans for the County;
- (b) Consider and recommend amendment, to the General Plan and the other plans;
- (c) Investigate and make recommendations regarding reasonable and practical means for implementing the General Plan and accompanying plans;
- (d) Consider and recommend amendments to this Title;
- (e) Interpret the text of the General Plan and the plans as they relate to this Title;
- (f) Interpret the maps of the General Plan as they relate to the text of the General Plan;
- (g) Develop and maintain any Specific Plans, or any Area or Community Plans, necessary or desirable for the implementation of the General Plan;
- (h) Consider and recommend upon applications for Specific Plans, and any Area or Community Plans;
- (i) Annually review the Capital Improvement Program of the County for its conformity with the General Plan, any Specific Plans, any Area or Community Plans, and all elements and parts of the General Plan, and provide a report concerning said Capital Improvement Plan to the Board of Supervisors;
- (j) Serve as the appellate body for discretionary staff decisions;
- (k) Review and act upon referrals or appeals from the Floodplain Administrator;
- (l) Act as the advisory agency, as that term is used in the Subdivision Map Act, on Tentative Subdivision and Parcel Maps;
- (m) Review and act upon applications requiring public hearings, except those public hearings held by the Zoning Administrator;
- (n) Act as the Business License Appeal Board according to the process set forth in Title 12, Chapter 1;

- (o) Act as the Historic Preservation Commission, and review and act upon applications as set forth in Title 8, Chapter 8;
- (p) Determine that there has been adequate environmental review under the provisions of the California Environmental Quality Act, of all matters the Planning Commission is considering;
- (q) Recommend changes to the *Local CEQA Guidelines* for the County; and
- (r) Perform such other functions as the Board of Supervisors may require, including conducting studies and preparing plans other than those authorized by Title 7 of the Government Code.

## **8-2.205 Planning, Public Works and Environmental Services Department**

The Planning, Public Works and Environmental Services Department, and/or the Planning, Public Works and Environmental Services Director, shall have the following functions in the administration of the Title and related regulations and policies:

- (a) Serves as Secretary to the Planning Commission;
- (b) Advise Board and Commission. Provides administrative support and professional advice to the Planning Commission and Board of Supervisors;
- (c) Performs special studies and surveys as directed by the Board of Supervisors;
- (d) Performs the duties required for the proper preparation and administration of the General Plan, as provided by law and ordinance;
- (e) Performs the duties required for the proper preparation and administration of Specific Plans, Area or Community Plans, and regulations as provided by law and ordinance;
- (f) Promotes public interest in, comment on, and understanding of the General Plan and regulations relating to it;
- (g) Consults and advises with public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens concerning the preparation and implementation of the General Plan;
- (h) Has the authority to make formal interpretations of the General Plan text, policies and diagrams, subject to appeal to the Planning Commission and Board of Supervisors, including the following responsibilities:
  - (1) Accept and interpret as substantially consistent minor variations from the land use diagram and other figures, based on actual field measurements, engineering and/or surveying.
  - (2) Determine whether or not a proposed modification to a physical component of the General Plan is “substantive,” thus triggering an amendment of the General Plan within the meaning of Government Code Section 65385(b).



- (3) Make an interpretation, binding upon the County, as to whether the original intent and purpose of the General Plan are still met, i.e., no adverse effects on connectivity or livability, and no change in total area or amount of specific land uses, density, number of units, street capacity, amenities, roadway level of service, etc. Said modification shall not be interpreted as “substantive.”
  - (4) Interpretation of General Plan text, policies, and diagrams is an administrative decision without notice and hearing, except that an applicant can appeal the Director’s decision pursuant to Section 8-2.225.
- (i) Promotes the coordination of local plans and program, with the plans and programs of other public agencies;
  - (j) Provides an annual report to the Board of Supervisors on the status of the General Plan and progress in its implementation;
  - (k) Administers the County Code including the Zoning Regulations of this chapter;
  - (l) Prepares and maintains local guidelines for the implementation of the California Environmental Quality (Yolo County’s *Local CEQA Guidelines*), and conducts environmental assessments pursuant to the California Environmental Quality Act and the Local Guidelines as are necessary for the consideration of projects, as defined therein, when the exercise of authority vested by this article in the Department or the Zoning Administrator results in the consideration of a project as defined by the California Environmental Quality Act; and
  - (m) Review and act upon all applications requiring Site Plan Review as required under Section 8-2.215.

### **Sec. 8-2.206 Zoning Administrator**

The Director of the Planning, Public Works and Environmental Services Department or designee shall appoint the Zoning Administrator to perform such duties and exercise such authority as set forth in this Article. The Zoning Administrator is hereby authorized to delegate to such appropriate members of the staff of the Planning, Public Works and Environmental Services Department the powers and duties of the Zoning Administrator as set forth in this Article. Pursuant to Section 65901 of the Government Code of the State, the powers and duties of the Zoning Administrator shall be as follows:

- (a) Approve certain permits, including Minor Use Permits, Minor Variances, Lot Line Adjustments, Certificates of Compliance, and other permits as set forth in this Title, and authorize such modifications as are set forth in this Article;
- (b) Act as the advisory agency, as provided in the Subdivision Map Act (Government Code Section 66415), for Lot Line Adjustments and Mergers, and Notices of Violation;
- (c) Provide such public notice as is required by the State Planning Law or this chapter prior to issuing any such permit or granting such modification; and provide such additional notice as is appropriate, in the discretion of the Zoning Administrator; and

- (d) Conduct public hearings and convene and preside over meetings which are authorized or required by the State Planning Law, this chapter, or Federal, State, or County laws or regulations, or when public hearings are appropriate, in the discretion of the Zoning Administrator, due to public interest in a project.
- (e) When, in the discretion of the Zoning Administrator, there is significant public interest in a project, or the decision on a project involves policy considerations which should be reviewed by the Planning Commission, the Zoning Administrator may elect to refer the case, with or without a recommendation, to the Commission for decision. The Commission shall apply the standards set forth in this article, as well as other applicable statutes, ordinances, rules, and regulations, in making any such decision on the referred matter; and
- (f) Make such environmental assessments pursuant to the California Environmental Quality Act as are necessary for the consideration of projects, as defined therein, when the exercise of authority vested by this article in the Zoning Administrator results in the consideration of a project as defined by the California Environmental Quality Act;

### **Sec. 8-2.207 Development Review Committee**

The Yolo County Planning Agency has established a Development Review Committee (DRC), a group of primarily County agencies, which meets to discuss and review all major discretionary development applications prior to when they are set for public hearing. The DRC generally includes representatives from the Planning Division; Public Works; the Building Division; Environmental Health; Economic Development; the Fire District; the Agricultural Commissioner; the Local Agency Formation Commission staff; and any other agencies that may have review/permitting authority.

The DRC generally meets once per month at a set time. The Planning Division coordinates the DRC meetings, sends out agendas and memorandum, and takes meeting notes. The DRC will normally meet three times during the review of a major discretionary project. The first DRC meeting will review the application for completeness. The second DRC meeting will review the draft Conditions of Approval and the environmental analysis that has been prepared by the project planner. A third DRC “pre-construction” meeting will review the approved Conditions of Approval with the applicant or contractor after project approval and prior to construction. The DRC meetings are internal County meetings that are closed to the public, however the project applicant and/or their representative are encouraged to attend second and third meetings, but not the first meeting.

### **Sec. 8-2.208 General Plan Citizens Advisory Committees**

Although not a part of the Planning Agency, Yolo County encourages and supports several General Plan or land use Citizens Advisory Committees. The purpose of the appointed General Plan Citizens Advisory Committees is to provide local input and recommendations to the Planning, Public Works and Environmental Services Department on implementation of the County General Plan, any local plans, and related land use matters. Citizens Advisory Committees consider and make recommendations to the Planning Commission on all discretionary applications that are received by the County within the designated committee comment area. Members of the Citizens Advisory Committees are appointed by the Yolo County Board of Supervisors. The Citizens Advisory Committees abide by adopted Bylaws,

approved by the Board of Supervisors. Each Citizens Advisory Committee adopts their own Standing Rules, which may set detailed rules and procedures for their own local committees, so long as they remain consistent with the Bylaws.

## **Sec. 8-2.209 Application requirements**

The following general provisions shall apply to the development applications that are subject to public hearing before the Zoning Administrator, Planning Commission, or the Board of Supervisors.

- (a) The requirements specified herein are considered minimum and may be expanded or modified by specific application requirements as set forth on application forms prepared by the Department for specific types of permits.
- (b) At the discretion of the Director, a “pre-application” submittal and conference, as set forth in Section 8-2.213, may be encouraged or required. The purpose of such a Pre-application submittal shall be to ensure that the applicant is aware of issues and requirements related to the project.
- (c) Applications shall be filed with the Planning, Public Works and Environmental Services Department on forms provided by that Department and shall, at a minimum, contain the following:
  - (1) Name and Address. The name, address, and signature of the applicant and, for privately initiated, property- specific applications, the name, address, and signature of the property owner;
  - (2) A statement of the proposed new construction or use.
  - (3) A Site or Plot Plan showing the following:
    - (i) The lot lines;
    - (ii) The adjoining or nearest roads;
    - (iii) The locations and dimensions of pertinent existing improvements, including on-site and nearby off-site wells and leachfields;
    - (iv) The locations and dimensions of proposed improvements, including on-site wells and leachfields; and
    - (v) Any other dimensions and data necessary to show that yard requirements, parking requirements, loading requirements, use requirements, and all other provisions of this chapter or any other Title of the County Code are fulfilled.
  - (4) A statement from the applicant that the proposed project is consistent with the General Plan text and maps;
  - (5) A statement from the applicant that he or she has read the Design Guidelines that apply to the project and the project has been designed to be as consistent with the Guidelines as is feasible;
  - (6) Other documents, drawings, and plans as required by the Director; and
  - (7) A fee shall be submitted, as provided by a fee schedule approved by resolution of the Board of Supervisors.

## **Sec. 8-2.210 Discretionary review and determining completeness of development applications**

- (a) Processing and determining completeness of project applications shall be in accordance with the Permit Streamlining Act, Section 65920 *et seq*, Chapter 4.5 of the State Planning and Zoning Laws of the California Government Code, and Chapters 1 and 2 of this Code. The Permit Streamlining Act applies to all discretionary development projects that are quasi-adjudicatory actions such as approvals of Use Permits, Tentative Subdivision Maps, and Variances. The Permit Streamlining Act does not apply to ministerial projects such as building permits, or to legislative or quasi-legislative projects such as rezoning requests, and General Plan Amendments (Government Code section 65928 and related court interpretations).
- (b) After an application has been filed and appropriate fees have been paid, the application shall be examined by staff of the Planning Services Division and other appropriate County departments, to determine whether it contains all of the required information and is complete for the purposes of complying with Section 65943 of the Government Code. No later than 30 days following the submittal of the application, the applicant shall be notified in writing whether the application is deemed by staff to be complete or incomplete. If the application is determined to be incomplete, the applicant shall be notified in writing of the reasons therefore and informed of the information still needed to make the application complete.
- (c) If the application together with the submitted materials are determined not to be complete, and the applicant disagrees, the applicant may appeal the staff decision to the Planning Commission in accordance with the appeal procedure specified in Section 8.2-225. A final written determination on the appeal shall be made not later than sixty (60) calendar days after receipt of the applicant's written appeal. If the final written determination on the appeal is not made within the sixty (60) day period, the application with the submitted materials shall be deemed complete.
- (d) Upon written notification to the applicant, processing of an incomplete application may be terminated if no reasonable effort has been made by the applicant to complete the application for a period of six months from the date of notification of incompleteness. All unused fees shall be refunded to the applicant. The Planning Director on written request by the applicant showing good cause may grant an extension of this six-month period.
- (e) In addition to the standards and findings set forth in this Title, the Planning, Public Works and Environmental Services Department may prepare supplemental guidelines for the submission of applications and minimum standards, and criteria for approval of applications.
- (f) All discretionary projects shall be reviewed for consistency with the Countywide General Plan text and Land Use maps. A project application not determined to be consistent with the General Plan shall be considered incomplete.
- (g) The discretionary review of development proposals shall evaluate and address impacts on the rural landscapes and views. Any potential for land use incompatibilities shall require incorporation of design features to reduce potential impacts, to the greatest extent feasible.

## **Sec. 8-2.211 Public notice**

Notification to the public of public hearings on development applications shall be given in accordance with Section 65090 *et seq.*, of the California Government Code and the provisions of this section. Notice of the time, place, and purpose of the public hearing shall be given at least ten (10) days before the hearing in the following manner:

- (a) By at least one publication in a newspaper of general circulation in the County;
- (b) Wherever practical, by mailing a notice, postage prepaid, to the owners of all property within 300 feet of the exterior boundaries of the property involved, using for such purpose the last known name and address of such owners as shown upon the last assessment roll of the County. If determined to be necessary by the Director to reach an affected group in an agricultural or rural residential area, the radius of notified property owners may be expanded; and
- (c) When deemed appropriate by the Director, notice may also be given by posting notices not more than 500 feet apart along each and every street upon which the property abuts for a distance of not less than 300 feet in each direction from the exterior limits of such property.

## **Sec. 8-2.212 Approval of projects**

- (a) Approval of project applications shall be determined in accordance with applicable State laws, including Section 65920 *et seq.* (Permit Streamlining Act), Section 65950 *et seq.* (Approval of Development Permits), and Section 66410 *et seq.* (Subdivision Map Act), of the California Government Code, and this section.
- (b) The Planning Director, Zoning Administrator, Planning Commission, and the Board of Supervisors may impose reasonable conditions on the approval of any permit or entitlement granted pursuant to this article in order to find or insure compliance of the use with the applicable requirements of this chapter or Federal, State, or County laws or regulations, or to provide the mitigation of environmental impacts caused by the use. Such conditions shall be in writing.
- (c) Decisions of the Planning Director, Zoning Administrator, and Planning Commission under this Article shall take effect, and appeals thereof made and considered, in the manner provided in Section 8.2-225 of this Article.
- (d) The Board is hereby authorized to promulgate by resolution a schedule of fees to be charged for the issuance by the Planning Director, Zoning Administrator, or Planning Commission, or Board of any permit or entitlement authorized by this article, such fees to be reasonably related to the actual costs to the County of processing such applications and issuing and policing such permits or entitlements.
- (e) Any violation of the terms or conditions of any permit or entitlement issued by the Planning Director, Zoning Administrator, Planning Commission, or Board pursuant to this article shall constitute a violation of this chapter, shall be a misdemeanor, and shall be punished as set forth in Section 8.2-226 of this Article. The enforcement of this article

shall be by the procedure set forth in Section 8.2-226 of this Article, and all remedies set forth therein for violations of this chapter shall be available against violations of this article.

### **Sec. 8-2.213 Pre-application**

- (a) An applicant may submit to the Planning, Public Works and Environmental Services Department, for consideration by Planning staff and reviewing agencies, a “pre-application” of preliminary development plans for a project that would require the issuance of discretionary permit(s). The intent of the pre-application process is to give an applicant an opportunity to “test the waters” prior to submitting a formal application. The pre-application process provides the applicant with an initial understanding of the issues and type of conditions of approval that could be raised by the project. A pre-application does not result in any formal approval of any permits by the County, but instead is concluded with a letter and meeting with the applicant.
- (b) After submittal of a pre-application form and payment of a fee, the form and any other provided information is distributed by Planning staff to appropriate County and other reviewing agencies for response and comments. The pre-application may be referred to the Development Review Committee. Following staff and agency review, a letter is prepared by staff and a meeting scheduled with the applicant. The purpose of the letter and meeting is to summarize the issues raised by the proposed project and the conditions and mitigation measures that could be applied if a subsequent formal application were to be filed with the County. Other departments and public agencies may be invited to attend the pre-application conference.
- (c) A pre-application and conference may be required by the Director as set forth in Section 8-2.209(b) of this Article.
- (d) No formal application for the development project being considered may be accepted until a pre-application letter and conference is considered complete by the Director.
- (e) The fee associated with the pre-application conference shall be credited to any subsequent formal application for the proposed development project, provided the subsequent formal application is submitted within a timely manner.

### **Sec. 8-2.214 Zoning Clearance**

- (a) The purpose of the Zoning Clearance approval process is to quickly determine compliance between a development project seeking a building or related permit and not subject to discretionary review, with the provisions of this Code and the Yolo County General Plan. A Zoning Clearance is an “over-the-counter” review and approval of an application that is usually accomplished at the same time that a building permit is issued. The application is checked to ensure it is consistent with height, setback, parking, and other zoning standards or requirements for the specific zone district in which it is located, as set forth in this Title.
- (b) If an application is found to not be consistent with one or more zoning standards, the applicant must be required to modify the building plans or design to be consistent with

the zoning, or the application must be resubmitted as a Variance or other discretionary action.

- (c) No unique conditions of approval or development standards may be attached to a Zoning Clearance, although standard conditions or development requirements may be attached.

### **Sec. 8-2.215 Site Plan Review**

- (a) The purpose of the Site Plan Review approval process is to determine compliance between a more complicated development project seeking a building or related permit, not subject to discretionary review, with the provisions of this Code and the Yolo County General Plan. A Site Plan Review is triggered by a development application or use that is allowed “by right” yet is subject to specific zoning standards. These applications require a more thorough and lengthy review than a simple Zoning Clearance.
- (b) Development standards or simple conditions may be attached to a Site Plan Review approval, consistent with the requirements for the Use Type of the application and the zone within which it is located.
- (c) Approval of a Site Plan Review shall be required, at the discretion of the Director, in the following instances:
  - (1) For the establishment or change of use of any land, building, or structure, including - complex or extensive uses of agriculturally-zoned land, that is allowed “by right,” requires a building permit, and is subject to specific zoning or development standards; and
  - (2) For the construction, erection, enlargement, alteration, or moving of large and/or multiple buildings or structures, including farm residences; provided, however, no such approval shall be required for growing field, garden, or tree crops or for general farming operations.
- (d) Site Plan Review applications shall be submitted to the Planning Division, which shall approve, conditionally approve, or disapprove, such application or set the application on the agenda of the Planning Commission for interpretation and determination. Standard conditions that have been drafted to be specific to the proposed use may be placed on the approval of a Site Plan Review application by the Planning and other Divisions or Departments. The application shall be denied unless it is found to satisfy the requirements of this Code and the policies and standards of the General Plan.
- (e) Whenever the proposed Site Plan Review has been approved, and no such use has been initiated within one year after the date of such approval, the approval shall thereupon become null and void, unless a permit extension has been requested and granted.
- (f) A Site Plan Review permit may be extended for a period not to exceed one year by the Department.

- (g) The decision of the Planning Director, Planning Division, Building Division or any other County department or official shall take effect, and appeals thereof made and considered, in the manner provided in Section 8.2-225 of this Article.

### **Sec. 8-2.216 Permits approved by the Zoning Administrator**

The following section describes the types of discretionary and other permits that may be approved or denied by the Zoning Administrator.

- (a) The Zoning Administrator, after holding a public hearing, may approve Minor Use Permits, upon adoption of Findings as set forth in Section 8-2.217.
- (b) The Zoning Administrator may approve Minor Variances to the otherwise applicable standards and design criteria set forth in this subsection, and to the extent set forth, after making the Findings set forth in Section 8-2.218. Variances that exceed the modifications in the applicable standards and design criteria are Major Variances that must be considered by the Planning Commission. Minor Variances include:
  - (1) In any zone, modifications of the front, side, or rear yard setback requirements; provided, however, the total modification shall not reduce the applicable setbacks to less than seventy-five (75%) percent of those otherwise required in the zone;
  - (2) In any zone, modifications of building heights; provided, however, such building heights shall not exceed 125 percent of the otherwise applicable maximum height in the zone;
  - (3) In any zone, modifications of the minimum lot area, width, and depth; provided, however, such modifications shall not reduce the total lot area to less than seventy-five (75%) percent of that otherwise required in the zone; and
  - (4) In any zone, modifications of the maximum area or height of signs otherwise applicable in the zone; provided, however, such modifications shall not result in a sign exceeding 125 percent of either the maximum height or maximum size otherwise applicable in the zone.
- (c) The Zoning Administrator shall process applications for mergers of parcels and/or lot line adjustments pursuant to Chapter I of this Title. Mergers and Lot Line Adjustments are not subject to a public hearing and do not require public notice to surrounding property owners.
- (d) The Zoning Administrator may approve minor modifications to existing Use Permits, including those approved by the Commission pursuant to Section 8-2.217. Such minor modifications shall be approved only if Findings are adopted that such modifications substantially conform with the plans or standards approved by the Commission or Zoning Administrator and that the appearance and function of the total development and the surrounding development will not be significantly adversely affected as a result of such modification.
- (e) The Zoning Administrator may approve minor modifications of the detailed development plans or detailed development standards in Planned Development (PD) Zones approved by the Planning Commission pursuant to this Chapter. Such minor modifications may be approved only if Findings are adopted that such modifications are in substantial conformity with the plans or standards approved by the Commission, and that the



appearance and function of the total development will not be significantly adversely affected as a result of such modification.

- (f) The Zoning Administrator may approve extensions of time for Use Permits and Variances, including those approved by the Planning Commission. Such extensions shall be approved only if Findings are adopted that circumstances under which the permit was granted have not changed. Such extensions shall be approved for no more than two (2) years.
- (g) The Zoning Administrator may approve modifications of the off-street parking requirements set forth in Article 13 of this Chapter; provided, however, the total variance shall not reduce the off-street parking to less than seventy-five (75%) percent of that otherwise required off-street parking. Such modifications shall be authorized only if it is found that the off-street parking, as modified, provides, either on the same site or on some reasonably and conveniently located site, adequate parking, loading, turning, and maneuvering space to accommodate substantially such needs as are generated by the use and will not result in a safety hazard to the users of the site or surrounding areas.
- (h) Surfacing materials required to satisfy the paving requirements for off-street parking and loading may be modified by the Zoning Administrator when the Zoning Administrator finds that the location of the parking or storage area or the nature or weight of the vehicles or equipment is such as to make the normally required surfacing materials unnecessary.
- (i) The Zoning Administrator may defer to the Planning Commission a decision on any discretionary permit application noted above. The Planning Commission shall then hold the public hearing and make all required findings and decisions. The reasons for the Zoning Administrator to defer decisions on any of the above discretionary permits to the Planning Commission may include, but are not limited to, the following:
  - (1) The project may result in significant adverse environmental impacts which cannot be mitigated to less than significant levels;
  - (2) The project involves substantial controversy;
  - (3) The project is in conflict with County policies;
  - (4) The project may be precedent setting;
  - (5) The Zoning Administrator has determined that the project should be reviewed by the Planning Commission in order to best protect the public welfare.

### **Sec. 8-2.217 Use Permits**

- (a) The purpose of a Use Permit shall be to allow the proper integration into the community of uses which may be suitable only in specific locations in a zone or only if such uses are designed or laid out on the site in a particular manner.
- (b) Applications for Use Permits shall be filed by the owner or his authorized agent in the office of the Planning, Public Works and Environmental Services Department, on forms provided by the Department, accompanied by a fee, a Site or Plot Plan, and any other drawings or information as may be required to fully describe the request, as set forth in Section 8-2.209. No application may be filed which proposes any use which is not consistent with the General Plan of the County, as amended. The rejection of

applications on the basis of inconsistency may be appealed as provided in Section 8.2-225 of this chapter.

- (c) The Planning Commission or Zoning Administrator shall hold a public hearing on the requested Use Permit, notice of which shall be given by mail as provided in Section 8-2.211. The Planning Commission or Zoning Administrator may approve, conditionally approve, or disapprove an application for a Use Permit. The Planning Commission shall act on applications for Major Use Permit, as that term is defined in this Title, and the Zoning Administrator shall have the discretion to act on applications for a Minor Use Permit, as that term is defined in this Title, or send the Minor Use Permit application to the Planning Commission.
- (d) If the Planning Commission or Zoning Administrator approves a Use Permit application, it may attach such Conditions of Approval, including standard and specific design, development, and performance requirements, infrastructure requirements, standard time limitations, guarantees, amortization schedules, assurances, and requirements, as may be necessary to accomplish the objectives set forth in this Chapter and the requirements of the General Plan. The Planning Commission and Zoning Administrator may impose such Conditions of Approval as are necessary to allow the findings set forth in this subsection to be made and may require the applicant to execute and record documents which insure that such conditions run with the land.
- (e) In granting a Use Permit, the Planning Commission or Zoning Administrator, with due regard to the nature and condition of all adjacent structures and uses, the zone within which the structures and uses are located, and the General Plan, shall find the following general conditions to be fulfilled:
  - (1) The requested use is listed as a conditional use in the zone regulations or elsewhere in this Chapter;
  - (2) The requested use is essential or desirable to the public comfort and convenience;
  - (3) The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;
  - (4) The requested use will be in conformity with the General Plan;
  - (5) Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided;
  - (6) The requested use, if located in an agricultural zone, will serve and support production of agriculture, the agricultural industry, or is otherwise agriculturally related; or if the use is not agriculturally related (e.g., solar or wind energy, rural recreation, and other non-agricultural uses), the use is listed as a conditional use consistent with subsection (1), above, and generally relies on a rural location; and
  - (7) The requested use, if located in an agricultural zone, and if proposed on prime farmland, cannot be reasonably located on lands containing non-prime farmland.
- (f) In the event the conditions of a Use Permit have not been, or are not being, complied with, the Planning, Public Works and Environmental Services Department shall give the permittee notice of intention to revoke such Use Permit at least ten (10) days prior to a Planning Commission review thereon. After the conclusion of the review, the Planning Commission may revoke such Use Permit.

- (g) In the event the project or use for which the Use Permit was granted has not commenced within the time limit set by the Planning Commission or the Zoning Administrator, or within one year after the date of the hearing if no specific time has been set, and an extension of time has not been approved by the Planning Commission or the Zoning Administrator according to Section 8-2.216(f), the Use Permit shall be deemed to be null and void without further action.
- (h) The decision of the Planning Commission or the Zoning Administrator shall take effect, and appeals thereof made and considered, in the manner provided in Section 8-2.225.
- (i) No Use Permit which has been approved by the Planning Commission or Zoning Administrator shall become valid prior to the expiration of the appeal period, as set forth in Section 8-2.225, or the final action on an appeal to the Board of Supervisors.

### **Sec. 8-2.218 Variances**

- (a) The purpose of a Variance is to allow variation from the strict application of the provisions of this chapter where special circumstances pertaining to the physical characteristics and location of the site are such that the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause hardship and would not carry out the spirit and purposes of this chapter and the provisions of the General Plan.
- (b) Applications for Variances shall be filed by the owner or his authorized agent in the office of the Planning, Public Works and Environmental Services Department, on forms provided by the Department, accompanied by a fee, a Site or Plot Plan, and any other drawings or information as may be required to fully describe the request, as set forth in Section 8-2.209. No application may be filed which proposes any Variance which is not consistent with the General Plan of the County, as amended. The rejection of applications on the basis of inconsistency may be appealed as provided in Section 8-2.225 of this chapter.
- (c) The Planning Commission or Zoning Administrator shall hold a public hearing on the requested Variance, notice of which shall be given by mail as provided in Section 8-2-211. The Planning Commission or Zoning Administrator may approve, conditionally approve, or disapprove an application for a Variance. The Planning Commission shall act on applications for Major Variance, as that term is defined in this Title, and the Zoning Administrator shall have the discretion to act on applications for a Minor Variance, as that term is defined in this Title, or send the Minor Variance application to the Planning Commission.
- (d) If the Planning Commission or Zoning Administrator approves a Variance application, it may attach such Conditions of Approval, including standard and specific design, development, and performance requirements, infrastructure requirements, standard time limitations, guarantees, amortization schedules, assurances, and requirements, as may be necessary to accomplish the objectives set forth in this Chapter and the requirements of the General Plan. The Planning Commission and Zoning Administrator may impose such Conditions of Approval as are necessary to allow the findings set forth in this subsection to be made and may require the applicant to execute and record documents which insure that such conditions run with the land.

- (e) The Planning Commission or Zoning Administrator shall grant a Variance only when, in accordance with the provision of Section 65906 of the California Government Code, all of the following circumstances are found to apply:
  - (1) That any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;
  - (2) That, because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification;
  - (3) That the Variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property, excluding uses allowed by conditional Use Permit; and
  - (4) That the granting of such Variance will be in harmony with the general purpose and intent of this chapter and will be in conformity with the Master Plan.
- (f) In the event the conditions of a Variance have not been, or are not being, complied with, the Planning, Public Works and Environmental Services Department shall give the permittee notice of intention to revoke such Variance at least ten (10) days prior to a Planning Commission review thereon. After the conclusion of the review, the Planning Commission may revoke such-Variance.
- (g) In the event the project or use for which the Variance was granted has not commenced within the time limit set by the Planning Commission or the Zoning Administrator, or within one year after the date of the hearing if no specific time has been set, and an extension of time has not been approved by the Planning Commission or the Zoning Administrator according to Section 8-2.216(f), the Variance shall be deemed to be null and void without further action.
- (h) The decision of the Planning Commission or the Zoning Administrator shall take effect, and appeals thereof made and considered, in the manner provided in Section 8-2.225.
- (i) No Variance which has been approved by the Planning Commission or Zoning Administrator shall become valid prior to the expiration of the appeal period, as set forth in Section 8-2.225, or the final action on an appeal to the Board of Supervisors.

### **Sec. 8-2.219 Parcel and subdivision maps**

- (a) Applications and approvals of Tentative Parcel Maps and Tentative Subdivision Maps, and (Final) Parcel Maps and Final Subdivision Maps, shall be processed according to the provisions of the State Subdivision Map Act (Section 66410 et seq, of the California Government Code) and the provisions of this Article and Chapter 1 of this Title.
- (b) Applications for all Tentative Parcel Maps and Tentative Subdivision Maps shall be heard and decided by the Planning Commission, unless a concurrent application

requires legislative action by the Board of Supervisors, such as a rezoning. The Planning Commission is authorized by this section to serve as an “advisory agency” as that phrase is defined (Section 66415) and used (Sections 66473.5, 66474, 66474.6, and 66474.7) in the State Subdivision Map Act.

- (c) Any interested party may appeal a final decision of the Planning Commission regarding any Tentative Parcel Map to the Board of Supervisors, in the manner provided in Section 8-2.225. An appellant shall be entitled to the same notice and rights regarding testimony as are accorded a subdivider under Section 66452.5 of the State Subdivision Map Act.
- (d) Applications for (Final) Parcel Maps and Final Subdivision Maps shall be accepted by the Board of Supervisors.
- (e) The Planning Commission shall consider extensions of time for Tentative Maps, consistent with Sections 66452.6 and 66463.5 of the State Subdivision Map Act. The Planning Commission is authorized by this section to approve or conditionally approve the extension of a Tentative Map only if findings are adopted that circumstances under which the Tentative Map was approved have not changed. Any such decision to approve, conditionally approve, or deny an extension of time may be appealed as set forth in subsection I, above.

### **Sec. 8-2.220 Other ministerial and discretionary permits**

- (a) The following is a list of other ministerial and discretionary permits that may not be identified by name in this Article but which may be issued by the County:
  - (1) Business License, Home Occupation, or Itinerant Vendor Permit
  - (2) Historic Site Plan Review or Permit
  - (3) Master Subdivision Site Plan Review
  - (4) Public Works permits such as Encroachment, Transportation, Parade, etc.
  - (5) Lot Line Adjustment
  - (6) Minor and Major Certificate of Compliance
  - (7) Gas or Oil Well Permit
  - (8) Animal Density Permits
  - (9) Lot Merger
  - (10) Annual Development Agreement Review
  - (11) Establishment of a Williamson Act Contract
  - (12) Approval of a Williamson Act Successor Agreement
  - (13) Minor Agricultural Contract Division
  - (14) Certificate of Correction
  - (15) Minor or Major Code Interpretation
  - (16) Minor Use Permit Amendment or Extension
  - (17) Major Use Permit Amendment or Extension
  - (18) Tentative Parcel or Subdivision Map Extension
  - (19) Reversion to Acreage
  - (20) ABC License Use Permit, for beer, wine, and spirits
  - (21) Model Water Efficiency Landscape Plans

## **Sec. 8-2.221 Zone Boundary Adjustments**

- (a) Minor Zone Changes or Zone Boundary Adjustments are defined as those rezoning applications that do not change the amount of land in each zone by more than 10 percent, or a maximum of five (5) acres, and do not increase the maximum intensity of land use allowed by the General Plan and zoning by more than 10 percent. Applications for Zone Boundary Adjustments are to be processed as a rezoning legislative action, with hearing and recommendation by the Planning Commission, and hearing and final action by the Board of Supervisors, as required by Sections 65854 through 65857 of the Government Code.
- (b) Applications that exceed the thresholds in (a) are defined as rezonings and are to be processed according to Section 8-2.222.

## **Sec. 8-2.222 Rezonings**

- (a) Rezoning applications are defined as those actions that change the zoning of land from one zoning district to another zoning district, or that change the amount of land in a zoning district by more than 10 percent, or increase the maximum intensity of land use allowed by the General Plan and zoning by more than 10 percent. Changing the zoning of land to add or delete a Planned Development (PD) zoning district is a rezoning.
- (b) Applications for rezonings are to be processed as a legislative action, with hearing and recommendation by the Planning Commission, and hearing and final action by the Board of Supervisors, as required by Sections 65854 through 65857 of the Government Code.

## **Sec. 8-2.223 General Plan Amendments**

The following section describes the process by which an amendment to the 2030 Yolo Countywide General Plan may be authorized to proceed, and then processed.

- (a) Pursuant to Section 65358(b) of the Government Code, the approval of amendments is limited to four times per calendar year. Amendments may be initiated by the Board of Supervisors, Planning, Public Works and Environmental Services Department staff, the property owner, or any authorized agent of the property owner. However requests for amendments to the General Plan by private parties are generally discouraged.
- (b) Corrections and/or non-substantive changes to the General Plan do not constitute an amendment of the Plan within the meaning of Section 65358(b). Corrections and/or nonsubstantive changes may be processed by the Planning, Public Works and Environmental Services Director (Director), but must be approved by the Board of Supervisors in the form of a resolution of approval.
- (c) Amendments to the General Plan shall be required when a proposal would:
  - (1) Substantively change the boundaries or location of any land use designation within the plan;
  - (2) Substantively change the text, figures, or tables of the plan;
  - (3) Adopt or significantly revise a Specific Plan, Area or Community Plan, or other policy plan.

- (d) All amendments to the General Plan proposed by private parties must first be authorized for further study by the Board of Supervisors before the amendment can be environmentally evaluated and processed by Planning, Public Works and Environmental Services Department staff.
- (e) Initial Authorization Application Requirements. An initial request by any private party to authorize a General Plan Amendment (GPA) study shall include the application forms, required documentation, and applicable fee as established by the County Planning, Public Works and Environmental Services Department and shall provide the following:
  - (1) A detailed statement identifying the reasons for the GPA authorization request and demonstrating how the proposed GPA furthers the vision and goals of the General Plan.
  - (2) A detailed description of the General Plan text, figures and maps that would require modification as a result of the request.
- (f) An initial request by a private party to authorize a General Plan Amendment study must be filed with and reviewed by the Planning Director at a Pre-Application conference. Upon receipt of an initial application to authorize a General Plan Amendment, the Director shall immediately notify and solicit comments from the appropriate Yolo County departments or adjacent jurisdictions that may be affected, as well as any citizens advisory committees. Following the Pre-Application conference and receipt of any comments from other department or agencies, the Director shall prepare a report and recommendation on the GPA authorization to be placed on the Board of Supervisors agenda as a public hearing.
- (g) At the GPA authorization hearing, the Board of Supervisors may request a presentation by the applicant. Following the conclusion of the hearing, the Board of Supervisors Council may authorize the General Plan Amendment for further study and processing by staff, or the Board of Supervisors may deny the authorization request. If the GPA authorization request is denied, no formal GPA application can be submitted to the County, and no further study of the GPA will be conducted by the staff.
- (h) If the Board of Supervisors Council authorizes the General Plan Amendment for further study, a revised formal General Plan Amendment application shall be completed and submitted to the Planning, Public Works and Environmental Services Department by the applicant with appropriate fees and technical studies to support the GPA. The formal GPA application shall include an appropriate deposit, as determined by the Director, to initiate the environmental evaluation required to comply with the California Environmental Quality Act (CEQA).
- (i) Any authorized application for a General Plan Amendment, accompanied by the appropriate CEQA document, shall be processed in accordance with State law. The GPA application and environmental document must first be heard by the Planning Commission, which shall make a recommendation to the Board of Supervisors.
- (j) Any General Plan Amendment that is approved must be approved by resolution of the Board of Supervisors and shall be documented in the table of changes in the front of the General Plan.

## Sec. 8-2.224 Code Amendments

- (a) The provisions of this chapter may be amended by changing the boundaries of zones, by changing the zoning districts or zoning regulations, or by changing any provision of this chapter whenever the public necessity, convenience, and general welfare require such amendments.
- (b) An amendment may be initiated by:
  - (1) One or more owners of property affected by the proposed amendment or by the authorized agent of any such owner;
  - (2) The Board of Supervisors; or
  - (3) The Planning Commission.
- (c) Applications of one or more property owners, or the authorized agent thereof, for amendments shall be filed in the office of the Planning Department, on forms provided by the Planning Department, at least forty-five (45) days prior to the meeting date on which action may be desired. Such applications shall be accompanied by a fee in the amount established by the Board by resolution and by such other information as may be required to fully describe the request.
- (d) No application may be filed which proposes any use which is not consistent with the General Plan of the County, as amended. The rejection of applications on the basis of inconsistency may be appealed as provided in Section 8-2.225 of this chapter.
- (e) Applications involving projects for which Negative Declarations or Environmental Impact Reports are required shall not be heard until the environmental assessment procedures set forth in Title 10 of the County Code and the *Yolo County Local CEQA Guidelines* are satisfied. Applications continued to an unspecified time awaiting the submission of additional environmental information by the applicant pursuant to said provisions of Title 10 shall be deemed denied if the required information is not submitted within one year after the date of filing the application.
- (f) Pursuant to the provisions of Chapter 4 of Title 7 of the State Government Code (General Plan Administration), if, from the facts presented at the public hearing provided for and by investigation, the Commission finds that the public health, safety, and general welfare warrant the change of zones or regulations, and such change is in conformity with the General Plan and any applicable Specific Plan, Area or Community Plan, or other policy plan, the Commission may recommend such change to the Board of Supervisors. If the facts do not justify such change, the Commission shall recommend that the application be denied. A Commission recommendation for approval shall be submitted to the Board of Supervisors for its consideration. A recommendation for denial shall terminate consideration of the matter unless the applicant or other interested party appeals to the Board in the manner provided in Section 8-2.225 of this title. The Commission's recommendation to the Board shall be accompanied by a written report of findings and a summary of the hearing.
- (g) Pursuant to the provisions of Chapter 4 of Title 7 of the State Government Code, at its next regular meeting after the receipt of the Commission recommendation concerning an



amendment, the Board of Supervisors shall set a date for a hearing thereon. The giving of notice shall be as set forth in this article for hearings by the Commission. The Board of Supervisors shall act on zoning amendments as follows:

- (1) The Board may approve, modify or disapprove the recommendation of the Planning Commission; provided that any modification not previously considered by the Commission during its hearing shall first be referred to the Commission in the manner and subject to the time limitations specified in Section 65857 of the Government Code.
- (2) Prior to approving any such amendment, the Board shall find that the proposed amendment is in conformance with the General Plan and that the public health, safety and general welfare warrant the change of zones or regulations.

## **Sec. 8-2.225 Appeals**

- (a) Except to the extent expressly provided otherwise in this Title, actions and decisions of the Planning Director, Zoning Administrator, and Planning Commission shall be effective and shall be appealed in the manner provided in this section. A decision of an appeal by a subordinate body may be appealed to the Board of Supervisors in the same manner. As used in this section, "Deciding Authority" shall refer to the Planning Director, Zoning Administrator, or Planning Commission as the circumstances require.
- (b) Actions or decisions of the Deciding Authority shall take effect on the sixteenth (16<sup>th</sup>) day following the action or decision, unless a notice of appeal is filed prior to the sixteenth (16<sup>th</sup>) day with the clerk of the Planning Commission in the case of Planning Director, Zoning Administrator or other County official's decisions, or with the Clerk of the Board of Supervisors in the case of Planning Commission decisions. A timely filing of a notice of appeal shall nullify the decision of the Deciding Authority appealed from, whose decision shall serve as a recommendation to the body appealed to. An appeal shall not be considered as timely filed until it is accompanied by the fee established by the Board of Supervisors for such appeal.
- (c) Within the time otherwise provided for filing appeals, and where there is a potential for an impact of Countywide importance, any member of the Board of Supervisors may file an appeal. When an appeal is filed by a member of the Board of Supervisors, the clerk with whom it is filed, shall cause the matter to be placed on the agenda of the next regular meeting of the Board of Supervisors for a determination by the Board of Supervisors. If the Board determines that there is a potential for an impact of Countywide importance resulting from an action or decision, it may order the appeal to go forward. In the absence of an affirmative determination at that meeting or at a subsequent meeting to which the matter is ordered continued, the appeal shall be deemed withdrawn. No fee shall be required of any appeal taken pursuant to a notice of appeal filed by a member of the Board. A timely filing shall nullify the decision of the Deciding Authority appealed from, whose decision shall serve as a recommendation to the body appealed to.
- (d) No appeal, once filed, may be withdrawn without the approval of the body appealed to. The body appealed to shall give such approval after conducting a noticed hearing at which other interested persons shall be given the opportunity to indicate their intention to file appeals in lieu of the appeal to be withdrawn. Upon the expiration of five (5) days

after the approval of withdrawal of the appeal, if no other appeals are then pending and no further appeals have been filed, the decision appealed from shall take immediate effect without further order or action. If other appeals are pending or filed, the matter shall continue to be reviewed in the appeal process.

- (e) In the event the Board of Supervisors fails to take action on or continue to a later time a matter appealed to the Board under this title, the failure to take action shall be considered a denial without prejudice of the permit or action, which is the subject of the appeal. The matter may be reconsidered upon the giving of proper notice of a new hearing.
- (f) The body deciding the appeal shall conduct a public hearing on the matter, notice of which shall be given in the manner required by State planning law. The hearing may be continued from time to time provided that a decision is rendered within the time limits, if any, established by State planning law.
- (g) Any appeal of a decision or action shall also serve as an appeal of all related matters decided together with the action appealed from, regardless of the grounds and issues described in the notice of appeal. The bodies deciding the appeal may reverse, modify or affirm the decision appealed from. In considering the body shall consider the evidence presented below and any additional evidence that may be presented at the hearing before it.

## **Sec. 8.2-226 Violations**

- (a) It shall be the duty of the Planning Director to enforce the provisions of this chapter pertaining to the use of any land or structure. It shall be the duty of the Chief Building Inspector to enforce the provisions of this chapter pertaining to bulk, height, and land coverage of structures, open spaces about structures, and the dimensions and area of sites upon which structures are located. Requirements pertaining to health and sanitation, fire protection, and Building Code regulations shall be enforced by the respective agencies which have jurisdiction in such matters. Whenever there is a conflict between the provisions of this chapter and other County, State, and Federal regulations, the more restrictive regulations shall apply.
- (b) All departments, officials, and public employees of the County vested with the duty or authority to issue permits, certificates, or licenses shall conform to the provisions of this chapter and shall issue no permit, certificate, or license for uses, buildings, or purposes in conflict with the provisions of this chapter, and any such permit, certificate, or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be null and void.
- (c) Any person, whether as principal, agent, employee, or otherwise, violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in Chapter 2 of Title 1 of this Code. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which any such violation is committed, continued, or permitted by such person and shall be punishable as set forth in said Chapter 2 of Title 1 of this Code.

- (d) If any person is arrested for any such violation and such person is not immediately taken before a magistrate, the arresting officer, pursuant to the provisions of Section 853.6 of the Penal Code of the State, shall prepare, in duplicate, a written notice to appear in court. Such written notice shall contain the name and address of such person and the offense charged and shall set forth the time when and the place where such person shall appear in court. The time set forth in the notice to appear shall be at least five (5) days after such arrest. The place set forth in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.
- (e) The arresting officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, shall give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release the person arrested from custody. The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon, the magistrate shall fix the amount of bail which, in his judgment, in accordance with the applicable provisions of the Penal Code of the State, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by the magistrate in the form set forth in the applicable section of said Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before a magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited and may, in his discretion, order that no further proceedings shall be had in such case. Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the County Treasury for disposition pursuant to the applicable provisions of said Penal Code. No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial, or judgment, or to comply with the terms and provisions of the judgment as required by law.
- (f) Any person willfully violating his written promise to appear in court shall be deemed guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested. Whenever a person signs a written promise to appear at the time and place set forth therein and has not posted bail as provided in said Penal Code, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense. When such person violates his promise to appear before the officer authorized to receive bail, other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.
- (g) Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this chapter, or any use of any property conducted, operated, or maintained contrary to the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the District Attorney, upon an order of the Board, shall immediately commence an action or proceedings for the abatement, removal, and enjoinder thereof in a manner provided by law and shall take such other steps and shall apply to such courts as may have

jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person from setting up, erecting, constructing, altering, enlarging, converting, moving, maintaining, or using any such building or structure, or using any property contrary to the provisions of this chapter.

## **Sec. 8-2.227 Use Classification System**

- (a) The intent of this Section is to classify uses according to a limited number of Use Types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public health, safety, and general welfare. These classifications shall apply throughout this Title.
- (b) All uses shall be classified according to the Use Types described in this Chapter beginning with Section 8-2.303. The classifications shall comply with the provisions of this Section.
- (c) The most prevalent Use Types identified for each zone district are “principal” uses allowed by right. Use Types also include “accessory” or “ancillary” uses identified by broad category. Use Types also include conditional uses permitted through the issuance of a Use Permit.
- (d) The description of the Use Types in this Chapter often contains individual specific uses that are classified within the Use Type. These specific typical uses are examples and are not meant to include all uses that may properly be classified within the Use Type.
- (e) New specific uses shall be classified into use types based upon the description of the Use Types and upon characteristics similar to other uses already classified within the Use Type, subject to the applicable provisions of Subsection (f) of this Section.
- (f) The principal uses conducted on a single parcel shall be classified separately.
- (g) The Director of the Planning, Public Works and Environmental Services Department shall have the following authority and responsibilities with respect to the Use Classification System:
  - (1) The Director shall have the authority to classify uses according to Use Types or to determine that a use does not fit under any use type and, therefore, is not permitted.
  - (2) The Director may make an interpretation, binding upon the County, as to whether a particular use is either a principal allowed use, accessory or ancillary use, conditional use, or is not allowed in in a particular zone.
  - (3) The Director may determine that a particular use is consistent with the general purposes of the zone and is of the same general character as those uses expressly listed as either permitted, accessory, and conditional uses in the zone, and therefore determine that the use is allowed in the zone as either a permitted, accessory, or conditional use.
  - (4) The Director shall develop and maintain an administrative list of common uses and the Use Types into which they are classified.

- (5) The classification of a use is an administrative decision without notice and hearing, except that an applicant can appeal the Director's decision pursuant to Section 8-2.225.

**2014 UPDATED  
YOLO COUNTY CODE**

**Title 8 LAND DEVELOPMENT**

**CHAPTER 2: ZONING REGULATIONS**

**Article 3: Agricultural Zones**

**Sec. 8-2.301 Purpose**

The purpose of the Agricultural Zones shall be to provide for land uses that support and enhance agriculture as the predominant land use in the unincorporated area of the County. Such uses shall be compatible with agriculture, and may include uses that support open space, natural resource management, outdoor recreation, and enjoyment of scenic beauty.

**Sec. 8-2.302 Agricultural Zones**

Agricultural land is separated into five zoning districts, with specific Use Types, minimum lot area, and other requirements, as described below.

**(a) Agricultural Intensive (A-N) Zone**

The Agricultural Intensive (A-N) Zone is applied to preserve lands best suited for intensive agricultural uses typically dependent on higher quality soils, water availability, and relatively flat topography. The purpose of the zone is to promote those uses, while preventing the encroachment of nonagricultural uses. Uses in the A-N Zone are primarily limited to intensive agricultural production and other activities compatible with agricultural uses. This includes allowing agriculturally-related support uses, excluding incompatible uses, and protecting the viability of the family farm. Minimum lot size for newly created parcels<sup>(1)</sup> in the A-N Zone is 40 acres for irrigated parcels primarily planted in permanent crops, such as orchards or vineyards; 80 acres for irrigated parcels that are cultivated; 160 acres for parcels that are generally uncultivated and/or not irrigated.

**(b) Agricultural Extensive (A-X) Zone**

The Agricultural Extensive (A-X) Zone is applied to protect and preserve lands that are typically less dependent on high soil quality and available water for irrigation. Such lands require considerably larger parcel sizes to allow extensive agricultural activities such as livestock and ranching operations, and dry land farming. These lands may also be used for open space functions that are often connected with foothill and wetlands locations, such as grazing and pasture land, and wildlife habitat and recreational areas. Minimum lot size for newly created parcels in the A-X Zone is 160 acres for dry land farming and 320 acres for rangeland.

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(1) Minimum parcel size requirements apply to the creation of new parcels, and do not affect the status of any previously existing legal parcel regardless of acreage.

### **(c) Agricultural Commercial (A-C) Zone**

The Agricultural Commercial (A-C) Zone is applied to existing and planned commercial uses in the agricultural areas. The Agricultural Commercial Use Types set forth in Section 8-2.303(c) and Table 8-2.304(c) do not require rezoning to the A-C Zone. The Agricultural Commercial Zone is to be applied only when the primary use of the property is for significant commercial agricultural activities. The commercial activities must be compatible with and enhance the primary agricultural use of the greater area. Maximum parcel size in the A-C Zone shall be determined by the existing or proposed use, and shall have a minimum parcel size of one (1) acre, and a maximum parcel size of twenty (20) acres.

### **(d) Agricultural Industrial (A-I) Zone**

The Agricultural Industrial (A-I) Zone is applied to land in the rural areas for more intensive processing and industrial-type uses, which are directly related to the local agricultural industry. Minimum parcel size in the A-I Zone shall be adequate enough to support the use, with a minimum of five (5) acres.

### **(e) Agricultural Residential (A-R) Zone**

The Agricultural Residential (A-R) Zone shall be applied only to those lots created through a subdivision approved under the Clustered Agricultural Housing Ordinance (see Section 8-2.403). Minimum parcel size in the A-R Zone is 2.5 acres. The maximum parcel size can be increased to 4.0 acres to accommodate an agricultural buffer or farm worker housing.

### **(f) Overlay Zones**

In addition to the five zones identified above, there are seven overlay zones that may be combined with the underlying agricultural zone districts. The overlay districts are described in Article 4 (Special Agricultural Regulations) and Article 9 (Specific Plan and Overlay Zones).

## **Sec. 8-2.303 Agricultural Use Types Defined**

As required by Sec. 8-2.227 in Article 2 of this Chapter, a Use Classification System has been employed to identify agricultural Use Types. The agricultural Use Types include the full range of cultivated agriculture, such as the on-site production of plant and animal products by agricultural methods, as well as agricultural commercial uses, agricultural industrial uses, and agricultural residential uses, serving the rural areas. The descriptions of the Use Types in this chapter also contain individual specific uses that are classified within the Use Type. These specific typical uses are examples and are not meant to include all uses that may properly be classified within the Use Type.

### **(a) Agricultural Production, Processing, and Accessory Uses**

This Use Type includes a wide range of agricultural land uses and operations to be used for the production of food and fiber. Typical production uses do not require the application of any development or performance standards. This Use Type also includes

processing or packaging of harvested crops grown or produced primarily on the premises or in the local area, whether or not value is added, for the onsite preparation of market or for further processing and packaging elsewhere. These uses do not include rendering, tanning, or reduction of meat. Accessory agricultural uses that are incidental or subordinate to the principal agricultural use of the property include buildings or structures for the purposes of supply of goods, materials, or services that support agricultural uses. Accessory structures are defined and regulated in Section 8-2.506(b) of this Chapter. This Use Type also includes cultivated or uncultivated lands used for wildlife habitat.

#### **(b) Animal Facilities Uses**

This Use Type includes a wide array of activities associated with the keeping of certain animals that typically require the application of development or performance standards, subject to a non-discretionary or discretionary permit. The keeping of farm animals solely for the purpose of pasturing, grazing, or breeding is an allowed use by right and is not regulated under this section. The raising and keeping of farm animals when used for 4-H, FFA, and other youth animal farming projects is not subject to any regulations in this section. Other animal facilities such as feedlots, dairies, kennels, and stables are subject to regulatory review.

#### **(c) Agricultural Commercial and Rural Recreation Uses**

This Use Type includes commercial uses incidental to the agricultural or horticultural operations of the area that preserve the rural lifestyle and stimulate the agricultural economy. These Use Type examples do not require the rezoning of the land to the Agricultural Commercial Zone, which is reserved for significant agricultural commercial uses that are the primary use of the property. This Use Type includes wineries, commercial horse stables, "Yolo Stores," and farm-based tourism (i.e., working farms or ranches), which educate or entertain visitors, guests or clients, and generate income for the owner/operator. This includes using the land for special events, festivals, lodging, horseshows, crop-based seasonal events, ancillary restaurants, educational experiences, agricultural technical tours, garden/nursery tours, historical agricultural exhibits, ranch/farm tours, and winery/vineyard tours.

This Use Type also includes commercial or non-commercial operations related to outdoor sporting or leisure activities that require large open space areas which do not have any detrimental impact on adjacent agricultural lands.

#### **(d) Agricultural Industrial, Resource Extraction, and Utilities Uses**

This Use Type includes industrial or research uses subordinate to, and in support of agriculture. These uses may include product processing plants that provide regional serving opportunities, and agriculturally based laboratories or facilities for the production or research of food, fiber, animal husbandry or medicine, and may include administrative office space in support of the operation. Many of these Use Types are most appropriately located on lands zoned A-I.

Uses related to the agricultural industry may require more intensive methods such as warehousing, transportation facilities, crop dusting, agricultural chemical and equipment sales, and other agricultural related industries, which generate more traffic, noise, and



odor than typical agricultural practices. These uses may be located on lands not suitable for intensive agriculture due to soil quality, topography, or water availability.

This Use Type also includes mineral extraction, wind and solar power, gas and oil wells, electrical utilities and yards, and wireless communication towers. More detailed regulations governing wind and solar energy systems, and wireless communication towers are found in Article 13, Special Use Development Standards.

#### **(e) Residential and Other Uses**

This Use Type includes all residential structures that are allowed in the agricultural zones, as well as a range of related residential activities such as group/home care, child care, and home occupations.

### **Sec. 8-2.304 Tables of Agricultural Permit Requirements**

The five tables on the following pages set forth the permit requirements for each of the agricultural Use Types, listing several examples of specific activities under each Use Type.

The most prevalent Use Types identified for each agricultural zone district are “principal” uses allowed “by right” (no zoning permit required, although a building permit for new structures may be required); “accessory” or “ancillary” uses allowed through a non-discretionary (no public hearing) Site Plan Review and building permit; and conditional uses permitted through the issuance of a Minor or Major Use Permit, which requires a public hearing before either the Zoning Administrator or the Planning Commission.

Table 8-2.304(a) on the following page identifies some specific examples of Agricultural Production, Processing, and Accessory uses under each general Use Type. Each specific use is identified by being allowed by right (identified as “A” in the table); by non-discretionary Site Plan Review (“SP”); by conditional Use Permit (“UP(m)” or “UP(M)”); or uses that are not allowed (“N”).

Table 8-2.304(b) on the following page identifies examples of specific Animal Facilities Use Types that are allowed by right, by Site Plan Review, by conditional Use Permit, or uses that are not allowed.

Table 8-2.304(c) identifies Agricultural Commercial and Rural Recreation Use Type examples that are allowed or permitted in each category.

Table 8-2.304(d) identifies examples of Agricultural Industrial and Resource Use Types that are allowed or permitted, and the last Table 8-2.304(e) identifies Residential Use Type examples that are allowed by right, by non-discretionary Site Plan Review, by conditional Use Permit, or uses that are not allowed, in each of the agricultural zones.

**Table 8-2.304(a)**  
**Allowed Land Uses and Permit Requirements**  
**for Agricultural Production, Processing, and Accessory Uses**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit required</b> <b>UP (M) = Major Use Permit required</b> <b>N = Use Not Allowed</b>	Land Use Permit Required by Zone					Specific Use Requirements or Performance Standards
	A-N	A-X	A-C	A-I	A-R	

**AGRICULTURAL PRODUCTION, PROCESSING, AND ACCESSORY USES**

<b>Production</b>						
Crop production, orchards and vineyards	A	A	A	A	A	
Keeping farm animals <sup>(1)</sup>	A	A	A	A	A	
Apiaries and aviaries	A	A	A	A	A	
Horse breeding	A	A	A	A	A	
Dry land farming	A	A	A	A	A	
Exempt or not covered habitat mitigation projects	A	A	N	N	N	See Sections. 8-2.306(a), 307, and Title 10, Chap.10
Covered habitat mitigation projects	UP(m) or UP(M)	UP(m) or UP(M)	N	N	N	
<b>Processing<sup>(2)</sup></b>						
Alfalfa cubing, hay baling and cubing	A	A	A	A	SP	
Custom canning, freezing, preserving, and packing of fruits and vegetables	A	A	A	A	SP	
Corn shelling; drying of corn, rice, hay, fruits and vegetables	A	A	A	A	SP	
Grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain	A	A	A	A	SP	
Commercial hay sales and distribution, large scale (over 25 trucks per day)	SP	SP	SP	A	N	
Wine and olive oil production (small, no tastings)	A	A	SP	A	N	See Sec. 8-2.306(j)
Tree nut hulling and shelling	A	A	A	A	N	See Sec. 8-2.306(r)
Forestry	A	A	N	A	N	
<b>Accessory Structures/Uses</b>						
Barns and storage sheds	A	A	A	A	A	
Coolers and cold storage houses, dehydrators, grain elevators, hullers, silos	A	A	A	A	N	
Farm offices	A	A	A	A	A	See Sec. 8-2.506(b)
Greenhouses, commercial, up to 100,000 sq. ft.	A	A	A	A	N	
Greenhouses, commercial, over 100,000 sq. ft.	SP	SP	SP	A	N	
Other accessory agricultural support structures	A	A	A	A	A	See Sec. 8-2.506(b)
Privately-owned reservoirs, ponds, basins	A	A	A	A	A	See Sec. 8-2.306(b)

\*An “allowed use” does not require a land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.

- (1) Includes pasturing and grazing; does not include confined animal operations.
- (2) Large, regional-serving agricultural operations, including processing facilities over 100,000 square feet and uses that generate more than 75 truck trips per day, require Site Plan Review or a Use Permit, at the Planning Director’s discretion.

**Table 8-2.304(b)**  
**Allowed Land Uses and Permit Requirements**  
**for Animal Facilities**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP(m) = Minor Use Permit required</b> <b>UP(M) = Major Use Permit required</b> <b>N = Use Not Allowed</b>	Land Use Permit Required by Zone					Specific Use Requirements or Performance Standards
	A-N	A-X	A-C	A-I	A-R	

**ANIMAL FACILITIES USES** (1), (2), (3)

Animal feedlots and cow dairies, over 50 animal units	UP(m)/UP(M)	UP(m)/UP(M)	N	UP(m)	N	See Sec. 8-2.306(c)
Stockyards	UP(m)	UP(m)	N	SP	N	
Goat, sheep and cow dairies, under 50 animal units (500 goat, sheep/50 cows)	A	A	A	A	SP	See definition of animal unit
Goat, sheep dairies, over 50 animal units (500 goat/sheep)	UP(m)	SP	N	SP	N	
Fowl/poultry ranches, under 200 animal units (20,000 fowl)	A	A	SP	A	SP	See definition and Sec. 8-2.306(d)
Fowl/poultry ranches, over 200 animal units (20,000 fowl)	UP(m)	SP	N	SP	N	
Hog farms or ranches, under 100 hogs (25 animal units)	A	A	SP	A	N	See definition and Sec. 8-2.306(e)
Hog farms or ranches, over 100 hogs (25 animal units)	UP(m)	SP	N	SP	N	
Small animal farms, under 100 animal units (5,000 animals)	A	A	A	A	SP	See definition of animal unit
Small animal farms, over 100 animal units (5,000 animals)	SP	SP	N	SP	N	
Aquaculture, over 3 acres in area	UP(m)	UP(m)	N	SP	N	
Animal hospitals and veterinary medical facilities	UP(m)	UP(m)	UP(m)	SP	N	See Sec. 8-2.306(f)
Non-profit rescue facilities, less than 10 dogs or domesticated animals	A	A	A	A	A	See Sec. 8-2.306(g)
Kennels and animal shelters, five or more dogs or domesticated animals	UP(m)	UP(m)	UP(M)	SP	UP(M)	See Sec. 8-2.306(h)
Private stables, less than 16 boarded horses and no special events	A	A	SP	SP	UP(m)	See Sec. 8-2.306(i)
Small and large domestic animals	A	A	A	A	A	For A-R zone, see Sec. 8-2.506(j)

\*An "allowed use" does not require a land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.

- (1) The keeping of farm animals solely for the purpose of pasturing, grazing, or breeding is an allowed use by right and is not regulated under this section. The raising and keeping of farm animals when used for 4-H, FFA, and other youth animal farming projects is not subject to any regulations in this section.
- (2) The keeping, care or sheltering of wild animals, which requires a permit from the State Department of Fish and Wildlife pursuant to the Fish and Game Code, shall require a Minor Use Permit.
- (3) See definition of concentrated animal feeding operation (CAFO) in Section 8-2.307

**Table 8-2.304(c)**  
**Allowed Land Uses and Permit Requirements**  
**for Agricultural Commercial and Rural Recreational Uses**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP(m) = Minor Use Permit required</b> <b>UP(M) = Major Use Permit required</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>					<b>Specific Use Requirements or Performance Standards</b>
	<b>A-N</b>	<b>A-X</b>	<b>A-C</b>	<b>A-I</b>	<b>A-R</b>	
<b>AGRICULTURAL COMMERCIAL AND RURAL RECREATIONAL USES</b>						
<b>Commercial Uses</b>						
Commercial farm equipment sales	N	N	SP	SP	N	1 annual sale event in A-N, A-X
Farm equipment repair, light manufacturing	See "agricultural support services" in Table 8-2-304(d)					
Christmas trees/pumpkin patches, over 100 daily customers	SP	SP	SP	SP	N	
Corn mazes	SP	SP	SP	SP	N	
Nurseries and landscaping materials	UP(m)	UP(m)	SP	SP	N	See definition
Permanent roadside/produce stands, farmers markets, U-pick farms, etc.	SP	SP	A	SP	SP	See Table. 8-2.506 (must meet parking requirements)
Seasonal roadside/produce stands	A	A	A	A	SP	
"Yolo Stores," less than 100 daily customers	SP	SP	SP	SP	N	See definition
"Yolo Stores," over 100 daily customers	UP(m)	UP(m)	SP	SP	N	
Wineries, breweries, olive mills, small	SP	SP	SP	A	UP(m)	See Sec. 8-2.306(j)
Wineries, breweries, olive mills, large	UP(m)	UP(m)	SP	SP	N	
Special event facilities, over 40 acres, 8 events per year, less than 150 attendees	A	A	N	A	N	See Sec. 8-2.306(k)
Special event facilities, small	SP	SP	A	A	UP(m)	
Special event facilities, large	UP(m)	UP(m)	SP	SP	UP(M)	
Private stables w/ events	SP	SP	SP	SP	N	See Sec. 8-2.306(i)
Commercial stables, small	SP	SP	SP	SP	N	
Commercial stables, large	UP(m)	UP(m)	SP	SP	N	
Bed and breakfasts, small	SP	SP	SP	N	UP(m)	Sec. 8-2.306(l)
Bed and breakfasts, large	UP(m)	UP(m)	SP	N	N	
Farm stays, farm dinners	A	A	SP	N	UP(m)	See Sec. 8-2.306(m)
Other agri-tourism uses	SP/UP(m)	SP/UP(m)	SP	N	SP/UP(m)	See Sec. 8-2.306(n)
Hotels, motels	N	N	N	N	N	
Rural restaurants	N	N	UP(m)	N	N	See Sec. 8-2.306(o)
Cottage food operation	A	A	A	A	A	See Sec. 8-2.506(k)
<b>Rural Recreational</b>						
Campground	N	UP(M)	UP(m)	N	N	See definition and Sec. 8-2.306(p)
Primitive campground	UP(M)	UP(m)	N	N	N	
Recreational vehicle parks	N	N	UP(M)	N	N	
Parks, golf courses, country clubs	N	N	N	N	N	
Fisheries, game preserves,	UP(m)	UP(m)	N	N	N	See Sec. 8-2.306(p)
Sport shooting, hunting, gun and fishing clubs (more than 50 people per day)	UP(m)	UP(m)	N	N	N	
Off-road vehicle courses	N	UP(M)	N	N	N	
Commercial pools, ponds, or lakes	UP(M)	UP(m)	UP(M)	N	N	
Health resorts, spas, and retreat centers	UP(M)	UP(M)	UP(M)	N	N	
Rural sports activities, hiking, biking	UP(m)	UP(m)	N	SP	N	

\*An "allowed use" does not require a land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.

**Table 8-2.304(d)**  
**Allowed Land Uses and Permit Requirements for Agricultural**  
**Industrial, Resource Extraction, and Utilities**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP(m) = Minor Use Permit required</b> <b>UP(M) = Major Use Permit required</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>					<b>Specific Use Requirements or Performance Standards</b>
	<b>A-N</b>	<b>A-X</b>	<b>A-C</b>	<b>A-I</b>	<b>A-R</b>	
<b>AGRICULTURAL INDUSTRIAL, RESOURCE EXTRACTION, AND UTILITIES USES</b>						
<b>Industrial Uses</b>						
Alcohol and biomass fuel production	UP(m)	UP(m)	N	SP	N	
Agricultural chemical, fertilizer sales and storage	UP(m)	UP(m)	UP(M)	SP	N	
Agricultural support services, small	SP	SP	UP(m)	A	N	See definition
Agricultural support services, large	UP(m)	UP(m)	N	A	N	See definition
Agricultural and seed research facilities	UP(m)	UP(m)	N	SP	N	See Sec. 8-2.306(q)
Large industrial canneries	UP(m)	UP(m)	N	SP	N	
Regional processing facilities	UP(m)	UP(m)	N	SP	N	See Sec. 8-2.306(r)
Very large wine, brewery, and olive oil processing facilities (over 100,000 sq ft)	UP(m)	UP(m)	N	SP	N	
Commercial composting, green waste facility	UP(M)	UP(M)	N	UP(m)	N	
Construction yards	N	N	N	N	N	
Crop dusting facility	UP(m)	UP(m)	N	SP	N	
Airports and heliports, private	UP(m)	UP(m)	UP(M)	SP	N	
Airports and heliports, public	UP(M)	UP(M)	N	UP(m)	N	
Explosives handling	N	N	N	UP(m)	N	
Sewage treatment plants and disposal areas	N	N	N	UP(m)	N	
Slaughterhouses	UP(M)	UP(M)	N	UP(m)	N	
<b>Resource Extraction</b>						
Oil and gas well drilling operations	SP	SP	N	SP	N	See Sec. 8-2.306(s)
Surface mining	UP(M)	UP(M)	N	SP	N	See Sec. 8-2.306(t) and Title 10
<b>Utilities</b>						
Electrical distribution, transmission substations; communication equipment buildings; public utility service yards	UP(m)	UP(m)	N	SP	N	
Small solar energy system, onsite use only	A	A	A	A	A	See Sec.8-2.306(u)
Small wind energy system for onsite use	SP	SP	SP	SP	SP	
Medium-sized solar facility, where less than 2.5 acres of habitat/farmland are disturbed	SP	SP	N	SP	N	
Medium-sized solar facility, 2.5 acres or more of habitat/farmland disturbed	UP(m)	UP(m)	N	UP(m)	N	
Large and very large solar and wind energy facilities	UP(M)	UP(M)	N	UP(M)	N	
Co-generation facilities	UP(M)	UP(M)	UP(M)	UP(M)	N	See Sec. 8-2.306(v)
Wireless communication facilities	UP(M)	UP(M)	UP(M)	UP(M)	N	See Sec. 8-2.306(w)

\*An “allowed use” does not require a land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.

**Table 8-2.304(e)**  
**Allowed Land Uses and Permit Requirements**  
**for Residential and Other Uses**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP(m) = Minor Use Permit required</b> <b>UP(M) = Major Use Permit required</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>					<b>Specific Use Requirements or Performance Standards</b>
	<b>A-N</b>	<b>A-X</b>	<b>A-C</b>	<b>A-I</b>	<b>A-R</b>	

**RESIDENTIAL USES**

Primary farm dwelling including duplex	A	A	N	N	A	See Secs. 8-2.306(x) and 306(y); 8-2.402; and 8-2.506(l) and (m)
Ancillary (second) dwelling	A	A	N	N	UP(m)	
More than two dwellings, including manufactured homes	UP(m)	UP(m)	N	N	N	
Caretaker residence	SP	SP	UP(m)	UP(m)	N	See Sec. 8-2.306(z)
Guest house	SP/UP(m)	SP/UP(m)	N	N	SP/UP(m)	See Table 8.2-506
Farm worker housing	A/SP	A/SP	N	UP(m)	N	See Sec. 8-2.306(aa)
Group/home care ( 6 or less beds)	A	A	A	A	A	See Sec. 8-2.506(f)
Group/home care (7 or more beds)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	N	
Emergency shelters	N	N	N	N	N	See Sec. 8-2.606(m)

**OTHER USES**

Child care (<9 children)	A	A	A	A	A	See Sec. 8-2.506(g)
Child care (9 to 14 children)	SP/UP(m)	SP/UP(m)	N	N	N	
Child care center (>14 children)	UP(m)	UP(m)	N	N	N	See Sec. 8-2.506(h)
Artist studio	A	A	A	A	A	See Tables 8.2-504(b) and 506
Other accessory structures	A	A	A	A	A	
Second or outdoor kitchen	SP	SP	N	N	SP	See Sec. 8-2.506(b)(7)
Vehicle storage, personal use	SP	SP	N	N	N	
Home occupations	A	A	N	N	A	See Sec. 8-2.306(ab)
Cottage food operation	A	A	A	A	A	See Sec. 8-2.506(k)
Cemeteries, crematoriums, mausoleums	N	N	N	N	N	
Private schools, churches, non-profit organizations, fraternal organizations	UP(M)	UP(M)	N	N	N	See Sec. 8-2.306(ac)

**\*An “allowed use” does not require a land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.**

## Sec. 8-2.305 Table of Development Requirements

The following Table 8-2.305 identifies the development requirements, including minimum parcel sizes, building setbacks, and other standards that allowed and permitted uses in the agricultural zones must meet as a standard or condition of any issued building permit, Site Plan Review, or Use Permit.

**Table 8-2.305**  
**Development Requirements in**  
**Agricultural Zones**

AG ZONE	Minimum Lot Area (acres)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Height Restriction <sup>(4)</sup> (feet)	Building Separation (feet)	Building Size (square feet)	Density (dwellings per parcel)
A-N	40 acres, if irrigated and in permanent crops; 80 acres, if irrigated and cultivated; 160 acres, if uncultivated and/or not irrigated	20 feet from property line, or 50 feet from centerline of roadway, whichever is greater <sup>(1) (2) (3)</sup>	25 feet from property line <sup>(2) (3)</sup>	20 feet from property line <sup>(2) (3)</sup>	40 feet for residential uses; Unrestricted for agricultural uses, except where required for conditional uses	250 feet max. between dwellings; 10 feet between dwellings and agricultural structures, unless building/fire codes require greater distance; distance between accessory structures as per Building and Fire Codes	No limit on primary dwelling; ancillary dwelling no greater than 2,500 square feet, exclusive of garage space	One primary dwelling (can be duplex), plus one or more ancillary (second) dwellings <sup>(5)</sup>
A-X	160 acres, if dry land farmed; 320 acres, if rangeland							

AG ZONE	Minimum Lot Area (acres)	Front Yard Setback (feet)	Rear Yard Setback <sup>(2)</sup> (feet)	Side Yard Setback <sup>(2)</sup> (feet)	Height Restriction <sup>(4)</sup> (feet)	Building Separation <sup>(2)</sup> (feet)	Building Size (square feet)	Density (dwellings per parcel)
A-C	1 acre minimum, 20 acres maximum; parcel size determined by use	None, unless otherwise specified by Use Permit <sup>(2) (3)</sup>	None, unless specified by Use Permit or required ag buffer <sup>(2) (3)</sup>	None, unless specified by Use Permit or required ag buffer <sup>(2) (3)</sup>	40 feet, unless otherwise specified by Use Permit	As per Uniform Building and Fire Codes.	No limit	None, except as caretaker residence
A-I	5 acres; parcel size must be adequate size for use				None, unless otherwise specified by Use Permit			
A-R	2.5 acres; parcel size may be increased to 4.0 acres to accommodate an agricultural buffer <sup>(6)</sup>	20 feet from property line, or 50 feet from centerline of roadway, whichever is greater <sup>(1) (2) (3)</sup>	25 feet from property line if adjoining a rural residence, 100 to 300 foot buffer if adjoining agriculture <sup>(2) (3)</sup>	20 feet from property line if adjoining a rural residence, 100 to 300 foot buffer if adjoining agriculture <sup>(2) (3)</sup>	40 feet for residential uses; unrestricted for agricultural uses, except where required for conditional uses	50 feet min. between dwellings; 10 feet between dwellings and agricultural structures, unless Building/Fire Codes require a greater distance; distance between accessory structures as per Building and Fire Codes	No limit on primary dwelling; ancillary dwelling no greater than 1,200 square feet	One primary dwelling (can be duplex), plus one ancillary (second) dwelling <sup>(5)</sup>

Notes:

1. Yard abutting road is considered front. Properties abutting a major arterial require a 30-foot front yard setback, as measured from the edge of right-of-way.



2. These minimum setback requirements shall be increased to no less than 100 feet if adjacent agricultural operations require a larger setback to accommodate agricultural spraying. Development near the toe of any levee is restricted, see Section 8-2.306(ad).
3. For accessory structures, see Section 8-2.506(b) and Table 8-2.506. The Director may approve the location of any standard accessory structure within the required side or rear yards, which must be at least five feet from the side and rear property lines, if a standard structure cannot be located within standard setbacks.
4. Structures built in the 100-year flood plain to comply with FEMA and local requirements will be measured from the top of the bottom floor, which may include a basement, crawlspace, or enclosed floor.
5. Ancillary dwelling(s) must meet home siting criteria as set forth in Section 8-2.402.
6. See Section 8-2.403 (Clustered Agricultural Housing).

## **Sec. 8-2.306 Specific Use Requirements or Performance Standards**

The following specific use requirements or standards are applicable to some of the specific uses identified in the previous Tables 8-2.304(a) through (e), and shall be applied to any issued building permit, Site Plan Review, or Use Permit for uses in the agricultural zones.

### **(a) Covered and exempt habitat mitigation projects**

“Covered habitat mitigation projects” undertaken to mitigate impacts to biological resources occurring largely or entirely outside Yolo County, that are not exempt pursuant to Section 10-1.301 of Title 10 of this Code, shall be subject to issuance of a Minor Use Permit (if the project is less than 40 acres in size) or a Major Use Permit (40 acres or more in size). See Section 8-2.307 of this Article for a definition of “covered habitat mitigation projects.” See Chapter 10 of Title 10 of this Code (the Habitat Mitigation Ordinance). Covered habitat mitigation projects that are exempt under Chapter 10 of Title 10 of this Code (the Habitat Mitigation Ordinance), and all other habitat projects that do not qualify as “covered habitat mitigation projects,” are not subject to this Use Permit requirement.

### **(b) Privately-owned reservoirs**

Privately-owned reservoirs and/or water retention basins, with associated on-site water transmission facilities, are allowed as accessory uses in the Agricultural Zones, provided that such reservoir or retention facility is found to have a potential either to provide flood control, fire suppression, water supply, wildlife habitat improvement, groundwater recharge, or tailwater enhancement, and is not for commercial use.

### **(c) Animal feedlots and cow dairies**

- (1) In the A-N and A-X zones, small animal feedlots and cow dairies, operating as animal feeding operations and defined as greater than 50 and less than 1,000 animal units, require the issuance of a Minor Use Permit.
- (2) In the A-N and A-X zones large animal feedlots and dairies (a CAFO), defined as more than 1,000 animal units, require the issuance of a Major Use Permit.
- (3) One mature cow, with or without calf, or animal of similar size is equal to one animal unit.
- (4) A CAFO is a concentrated animal feeding operation where 1) animals are confined for at least 45 days in a 12-month period; 2) there is no grass or other vegetation in the confinement area during the normal growing season; and 3) the operation meets specific Environmental Protection Agency (EPA) regulatory thresholds. A CAFO, regulated by the State under the authority of the EPA, may require a National Pollution Discharge Elimination System (NPDES) Permit. A CAFO must meet a setback of no less than 100 feet from any property line. A CAFO must manage storm water to prevent any processing wastes or by-products from discharging into a storm facility or waterway, unless a permit is received from the appropriate State or federal agency.

#### **(d) Fowl and poultry ranches**

- (1) In the A-N zone, fowl and poultry ranches, defined as more than 200 animal units (or 20,000 fowl), are subject to Site Plan Review if the operation consists solely of free range (no confined structures or operations). If the animals are confined, issuance of a Minor Use Permit is required. A CAFO shall meet the standards of subsection (c)(4), above.
- (2) Fowl and poultry ranches (with confined operations) on parcels less than 10 acres may be subject to Site Plan Review or Minor Use Permit, at the Director's discretion.
- (3) One hundred (100) fowl or poultry over 3 pounds are equivalent to one animal unit.

#### **(e) Hog farms or ranches**

- (1) In the A-N and A-X zones, small hog farms or ranches, defined as less than 100 confined hogs (25 animal units), raised for commercial purposes (not for onsite consumption), are allowed by right.
- (2) In the A-N and A-X zones, large hog farms or ranches, defined as more than 25 animal units (100 confined hogs), are subject to Minor Use Permit and Site Plan Review, respectively.
- (3) Small hog farms or ranches, defined as more than 50 but less than 100 confined hogs on parcels less than 15 acres, shall be treated as large hog farms or ranches.
- (4) Four (4) butcher or breeding swine over 55 pounds are equivalent to one animal unit.

#### **(f) Animal hospitals and veterinary medical facilities**

Animal hospitals and veterinary medical facilities are not allowed on any land under an active Williamson Act contract.

#### **(g) Household pets and non-profit rescue facilities**

Non-profit rescue facilities that include more than ten household pets are subject to a Minor Use Permit and applicable kennel permit.

#### **(h) Kennels and animal shelters**

Kennels and animal shelters are not allowed on any land under an active Williamson Act contract.

#### **(i) Stables**

- (1) Stables are defined as "private" or "commercial" depending on the number of horses that are boarded and if any events are held at the stable.
- (2) "Private stables" include the boarding of fifteen (15) or fewer equine animals that are not owned or leased pursuant to a written agreement, by either the property owner or resident. No more than six (6) shows, exhibitions, or other public/quasi-public events may be held per year. For the purposes of this section, a

public/quasi-public event is defined as a gathering where an admission fee is charged, and/or where food and drink are sold onsite. Private stables holding public/quasi-public events shall require approval of a Site Plan Review, with the exception of events that draw more than 100 vehicle trips per event. In such cases, a Minor Use Permit shall be required, at the Director's discretion. Private stables that hold more than six (6) such events per year shall be considered a commercial stable, regardless of the number of horses boarded.

- (3) "Small commercial stables" are those that board between 16 and 20 horses and do not hold more than four events per year.
- (4) "Large commercial stables" are those that board more than twenty equine animals and may include the retail or wholesale sales of tack, feed, and other equestrian products. Such sales shall be incidental to the operation of the stable. Shows, exhibitions, or other public/quasi events related to equine animals may be included as a part of the large commercial stable.
- (5) Any structures used by the public, i.e., barns, indoor riding arenas, etc., are required to be fully permitted, and shall be classified with respect to the occupancy group and the listed use, as determined by the Chief Building Official. Agriculturally exempt structures shall not be used by the public.
- (6) Commercial stables on land under Williamson Act contract shall occupy no more than ten percent (10%) of the total aggregate area, or five (5) acres, whichever is more.

#### **(j) Wineries, breweries, distilleries, and olive mills**

- (1) "Small wineries, breweries, distilleries, and custom olive mills" are defined as those that are housed in a space less than 15,000 square feet in size, provide tastings, and have annual sales of less than 21,000 cases per year.
- (2) "Large wineries breweries, distilleries, and olive oil operations" include tastings and sales in space greater than 15,000 square feet with sales of more than 21,000 cases per year.
- (3) Wineries, olive mills, breweries, and distilleries with no tastings or sales in facilities less than 60,000 square feet are an allowed use in the A-N and A-X Zones. A Site Plan Review may be required, at the Director's discretion.

#### **(k) Special event facilities**

- (1) Special event facilities include farm and residential land and structures that are used for for-profit, paid events such as weddings, tastings, special or seasonal celebrations, rodeos, and other gatherings, and may include tasting rooms. Special event facilities are characterized as "small" or "large" depending on construction of new structures, the number of events that are held in a given year, the number attendees, and the amount of traffic that is generated. "Small special event facilities" are those that do not involve the construction of substantial new structures used by the public, hold no more than one event per month, or twelve events per year, attract fewer than 150 attendees at each event, and each event generates less than 100 vehicle trips. "Large special event facilities" are those that involve construction of substantial new structures used by the public, hold more than twelve events per year, or the events attract more than 150 attendees or generate more than 100 vehicle trips. Large special event

facilities receive a greater level of review to ensure that any potential impacts are addressed.

- (2) A special event facility located on a parcel that is greater than 40 acres, holds no more than one (1) event per month or eight (8) events per year, and generates less than 100 vehicle trips or fewer than 150 attendees per event, whichever is less, is allowed by right. At the discretion of the Planning Director, a Site Plan Review or Minor Use Permit may be required if there are any agricultural, residential, vehicle access, traffic, or other compatibility issues, or if any of the development standards are not met.
- (3) Any structures used by the public, i.e., barns, indoor riding arenas, etc., are required to be fully permitted, and shall be classified with respect to the occupancy group and the listed use, as determined by the Chief Building Official. Agriculturally exempt structures shall not be used by the public.
- (4) Small special event facilities are allowed with the issuance of a Site Plan Review in the A-N and A-X agricultural zones and in the RR-5 residential zone. Small special event facilities are allowed with a Minor Use Permit in the A-R zone and in the RR-1 and R-L residential zones. Small special events facilities are allowed by right with building permits only in the A-C and A-I zones, provided that the project is designed to be compatible with any adjoining agricultural operations and single family residences. At the discretion of the Planning Director, a Minor Use Permit may be required for a small project if there are any agricultural, residential, vehicle access, traffic, or other compatibility issues, or if any of the development standards are not met. A Minor Use Permit shall be required if the project involves noise generating activities after 10 p.m.
- (5) Large special event facilities require the issuance of a Minor Use Permit in the A-N and A-X zones. At the discretion of the Planning Director, a Major Use Permit may be required for a large project if there are any agricultural, residential, vehicle access, traffic, or other compatibility issues, or if any of the development standards are not met. A Major Use Permit shall be required if the project involves noise generating activities after 10 p.m.
- (6) Special event facilities shall provide adequate on-site parking for all attendee's vehicles, including service providers. Permanent parking spaces, either of gravel or other permeable surface, shall be provided for all sales, gift, handicraft and food service areas. Paved handicapped spaces shall be provided as required. Parking for special events, weddings, marketing promotional events, and similar functions may utilize temporary, overflow parking areas. Limitations on the number of guests may be based on availability of off-street parking. Overflow parking areas may be of dirt, decomposed granite, gravel or other permeable surface, provided that the parking area is fire safe. On-street parking shall not be permitted.
- (7) Access to any tourist or sales facility shall be connected directly to a public road. Where a facility is located on a private road, access shall be subject to the review and approval of the Director and local Fire District.
- (8) The project must be designed to be compatible with any adjoining agricultural operations and single family residences, including appropriate setbacks, landscaping, and parking. Adequate land area must be available for the provision of on-site services, e.g., leachfields, to accommodate the projected number of attendees.

## **(l) Bed and breakfasts**

- (1) A “small” bed and breakfast is defined as one which has six (6) guest rooms or less; and that holds less than twelve special events per year and the events have less than 150 attendees; and which generates less than 100 vehicle trips on any given day of operations (such as a wedding). A “large” bed and breakfast has more than six guest rooms and less than ten (10) guest rooms, and/or holds more than twelve special events per year, and/or generates more than 100 vehicle trips on any given day of operations.
- (2) Small bed and breakfasts are allowed with the issuance of a Site Plan Review in all of the agricultural zones, with the exception of the A-I zone, provided that the project is designed to be compatible with any adjoining agricultural operations and single family residences. Large bed and breakfasts are subject to a Minor Use Permit. At the discretion of the Planning Director, a Minor Use Permit may be required for a project of six guest rooms or less, or a Major Use Permit may be required for a project larger than six guest rooms, if there are any compatibility issues, or if any of the following development standards are not met:
  - (i) All guest rooms must be located within and accessible through the main single-family dwelling. Alternatively, a minority of guest rooms may be located outside the primary residence in ancillary dwelling(s), or other buildings constructed or renovated for habitable use, with the issuance of a Major Use Permit.
  - (ii) Food service must be restricted to breakfast or a similar early morning meal. The price of food must be included in the price of overnight accommodation.
  - (iii) Adequate parking and access must be provided, as set forth in Sec. 8-2.306(k)(5) and (6), above.
  - (iv) The project must be designed to be compatible with any adjoining agricultural operations and single family residences, including appropriate setbacks, landscaping, and parking.
  - (v) Adequate land area is available for the provision of on-site services, e.g., leachfields, to accommodate the number of guests and employees, if the project is not connected to public services.
  - (vi) Bed and breakfast inns shall comply with all CCDEH (California Conference of Directors of Environmental Health) guidelines and CURFFL (California Uniform Retail Food Facilities Law) requirements.

## **(m) Farm stays**

- (1) A “farm stay” includes six (6) or fewer guestrooms or accommodates no more than 15 guests, in a single family dwelling, or main farm house, or accessory guest house, provided as part of a working farm or ranch operation. A farm stay may hold farm dinners for guests. A farm stay may hold no more than four special events per year, attended by no more than 50 attendees. A farm stay that exceeds these performance standards shall be processed as either a Special Event Facility or a Bed and Breakfast.
- (2) Farm stays are allowed in all of the agricultural zones, with the exception of the A-I zone, and in the RR-5 residential zone, provided that the project is designed to be compatible with any adjoining agricultural operations and single family residences. At the discretion of the Planning Director, a Minor Use Permit may be required for a project if there are any compatibility issues, or if any of the following development standards are not met:

- (i) An agricultural/farm stay must be located on and be a part of a farm or ranch that produces agricultural products as its primary source of income. An on-site farmer or rancher must be in residence on the property. Lodging and meals must be incidental to, and not the primary function of, the farm stay.
- (ii) The price of food must be included in the price of overnight accommodation.
- (iii) Adequate parking and access must be provided, as set forth in Sec. 8-2.306(k)(5) and (6), above.
- (iv) The project must be designed to be compatible with any adjoining agricultural operations and single family residences, including appropriate setbacks, landscaping, and parking.
- (v) Adequate land area must be available for the provision of on-site services, e.g., leachfields, to accommodate the number of guests and farm employees, if the project is not connected to public services.
- (vi) Farm stays shall comply with all CCDEH (California Conference of Directors of Environmental Health) guidelines and CURFFL (California Uniform Retail Food Facilities Law) requirements, if applicable.

**(n) Other agri-tourism uses**

- (1) Income-generating agri-tourism uses other than special event facilities, bed and breakfasts, farm stays, and wine and olive tasting may be conducted on a working farm or ranch, or other agricultural operation or agricultural facility, for the enjoyment and education of visitors, guests, or clients. Other agri-tourism includes activities and uses found to be appurtenant to the agricultural operations.
- (2) Other agri-tourism uses are allowed through the Site Plan Review process, provided that the proposed use is consistent with the performance thresholds and meets the development standards established for special event facilities (Section 8.2-306(k)), bed and breakfasts (Section 8.2-306(l)), farm stays (Section 8.2-306(m)), and rural recreation facilities (Section 8.2-306(p)).
- (3) Agricultural commercial uses directly related to agri-tourism that are proposed on Williamson Act (WA) land in the A-N and A-X zones may require a Major Use Permit, subject to the terms of each individual WA land use agreement. Such uses shall be appurtenant to and incidental to agriculture, or directly dependent upon a unique natural resource or feature.
- (4) For agri-tourism projects that hold more than twelve special events per year, or events of more than 150 attendees; and/or events which generate more than 100 vehicle trips on any given day of operations (such as a wedding), a Minor Use Permit shall be required.

**(o) Rural restaurants**

Rural restaurants must be appurtenant to the primary agricultural use of the area. Rural restaurants are allowed only in the A-C zone. New rural restaurants may not be established as the only or single use on a parcel in a predominantly agricultural area.

**(p) Rural recreational facilities**

- (1) Activities on Williamson Act-contracted land in the A-N and A-X zones shall require issuance of a Major Use Permit for any rural recreational uses requiring any new construction, including significant grading, and/or generating in excess

of 100 vehicle trips per use or per day. Such uses shall be found to meet the following standards:

- (i) The use will not substantially modify the land's natural characteristics or change them beyond those modifications already related to current or previous agricultural uses;
  - (ii) The use will not require permanent cessation of agriculture on the subject lands or preclude conversion back to agriculture if desirable in the future; and
  - (iii) The use will not be detrimental to surrounding agricultural uses in the area.
- (2) In addition to the above findings, proposed uses such as health resorts, spas, and retreat centers must be found to benefit from locating in a quiet, sparsely-populated, agricultural or natural environment.

**(q) Small experimental agricultural and seed research facilities**

Agricultural and seed research facilities require the issuance of a Minor Use Permit. However small, experimental, or pilot agricultural and seed research facilities occupying no more than 2.5 acres of a site, which are incidental to the main agricultural use, may be allowed through the issuance of a Site Plan Review.

**(r) Regional agricultural processing facilities**

Agricultural processing facilities, such as nut hullers, wine presses, and olive mills, that include over 100,000 square feet of building area and/or generate over 75 truck trips per day require issuance of a Minor Use Permit in the A-N and A-X Zones. However, those agricultural processing facilities with building areas less than 100,000 square feet and/or that do not generate more than 75 truck trips per day may be allowed through the issuance of a Site Plan Review, at the Director's discretion.

**(s) Oil and gas well drilling operations**

- (1) No oil or gas drilling operation shall be established in the unincorporated area of the County until the Director of Planning, Public Works and Environmental Services or his designee has approved the Site Plan or such operation, and the applicant agrees to operate/conduct the drilling operation in compliance with the below listed conditions.
- (2) The applicant shall post a performance bond or other good and sufficient surety approved by the County in the amount of not less than \$5,000.00 to secure compliance with the criteria and conditions imposed upon the approval of the oil and gas drilling operation Site Plan Certificate. The release of the performance bond shall not occur until the reclamation of land disturbed during the drilling operation and the removal of all equipment not necessary for the normal maintenance of the oil and gas well is complete.
- (3) The oil or gas well drilling operation shall not be located within ½ mile of any designated residential area shown on the adopted County General Plan and/or a City General Plan or a county and/or city residential zone district.
- (4) A Use Permit shall be required if the oil or gas well drilling operation cannot meet the following criteria:



- (i) Except for drill stem testing and emergency procedures, no drilling operation shall result in an ambient noise level in excess of 60 decibels (measured as an LDN average), measured at the outside of the nearest residence at the bedroom window closest to the drilling site; unless, however, it can be demonstrated that the ambient noise level at such location prior to the commencement of the drilling operation was 57 decibels or higher, then the noise standard shall be that the drilling operation does not result in the addition of more than three (3) decibels to the preexisting ambient noise level. The noise level requirements may be waived if the applicant has received a written waiver from the resident of any residence at which the noise level would exceed the standards set forth in this subsection. If the dwelling is leased, the tenant shall execute the waiver, and the property owner shall be notified.
- (ii) All lights on the drill site shall be erected/installed according to CAL-OSHA employee safety requirements and shall be shielded and/or directed so as to focus the direct rays from the lights onto the drilling site and away from the residences, except where required for aircraft warning purposes.
- (iii) All vehicle parking and maneuvering areas shall be treated in such a manner as to control dust. Such treatment may be accomplished by placing gravel on such areas and/or periodically watering the areas, or by other means approved by the Director.
- (iv) The drilling operation shall comply with the requirements of all other agencies having jurisdiction over the site and operation. Yolo County Planning, Public Works and Environmental Services may require additional permits, including, but not limited to:
  - A. A grading permit if the drilling operation results in any ground disturbance;
  - B. A building permit for the erection of structures;
  - C. A flood elevation certificate if construction occurs in a FEMA designated 100-year flood zone; and
  - D. An encroachment permit if the construction of access roads connects to a County right-of-way.
- (v) The drilling operation shall be located no closer than the following distances from the specified uses if such uses are located:
  - A. Within 500 feet of any school;
  - B. Within 500 feet of any church or place of public worship;
  - C. Within 500 of any place of public assembly;
  - D. Within 500 feet of any dwelling (the applicant must show or state the distance to the nearest residence), unless residents of such dwelling have filed a written waiver;
  - E. Within 100 feet of the property line to any county road or state highway; and
  - F. Within 250 feet of any levee owned by any public agency.
- (5) Abandoned gas wells shall be sealed in accordance with Division of Oil and Gas regulations, and all drilling or production facilities shall be removed.
- (6) The disturbed surface area of an abandoned gas well shall be reincorporated into adjoining agricultural operations or re-vegetated with native vegetation within one year after abandonment.

**(t) Surface mining**

- (1) Surface mining operations must comply with all applicable regulations in Title 10, Chapter 3 (Cache Creek Area Plan In-Channel Maintenance Mining Ordinance, Chapter 4 (Off-Channel Surface Mining), Chapter 5 (Surface Mining Reclamation), and Chapter 8 (Agricultural Surface Mining Reclamation Ordinance). Commercial surface mining operations may be allowed only when located within the Cache Creek Off-Channel Mining Plan area on lands within the Mineral Resources Overlay (MR-O) zone and when the operations are consistent with all policies and regulations of the Cache Creek Area Plan and its implementing ordinances.
- (2) Agricultural surface mining operations may be allowed outside the MR-O zone where it is wholly integral and necessary to the conduct of agricultural activities, including but not limited to the following circumstances: to improve soil quality, as a byproduct of land leveling, to develop aquaculture facilities, to create or enhance wildlife habitat, or to maintain or improve drainage and flood control facilities (see Chapter 8 (Agricultural Surface Mining Reclamation Ordinance)).

**(u) Solar and wind energy facilities**

See regulations for solar and wind energy facilities in Article 11 of this Chapter.

**(v) Cogeneration facilities**

See regulations for cogeneration facilities in Article 11 of this Chapter.

**(w) Wireless telecommunications facilities**

See regulations for wireless telecommunications facilities in Section 8-2.1102 in Article 11 of this Chapter.

**(x) Manufactured or mobile homes and commercial coaches**

Manufactured or mobile homes, and commercial coaches, may be located in agricultural zones and shall comply with the following development standards:

- (1) In addition to any other requirements set forth in this chapter, the use of manufactured homes shall be governed by the sanitary regulations and building regulations prescribed by the State and/or County, together with all amendments thereto subsequently adopted and as may otherwise be required by law.
- (2) The manufactured home shall have a floor area of sufficient size to be compatible with existing dwellings in the area.
- (3) Approved manufactured home skirting shall be applied around the base of the mobile home so as to obscure the area beneath the unit. Wood skirting located nearer than six (6) inches to the earth shall be treated wood or wood of natural resistance to decay and termites as defined in the most current edition of the Uniform Building Code, or any amendment thereto. Metal skirting shall be galvanized or treated metal or metal resistant to corrosion.
- (4) The manufactured home, its installation and facilities, any permanent buildings, and any manufactured home accessory buildings and structures shall be governed by the standards adopted by the Department of Housing and

Community Development of the State, and said provisions shall govern the maintenance, use, and occupancy of such mobile homes.

- (5) A commercial coach or trailer is allowed in the agricultural zones, with the exception of the Agricultural Residential (A-R) zone, through the issuance of a Site Plan Review, subject to the requirements of Sections 8-2.1012 and 8-2.1013 of Article 10.
- (6) A mobile home or commercial coach may be used as a temporary dwelling or office in any of the agricultural zones, pending the construction of the permanent dwelling or office, after obtaining a building permit for the construction of the permanent dwelling or office, pursuant to the requirements of Section 8-2.1013 of Article 10.

### **(y) Agricultural dwellings**

- (1) A new primary or ancillary home in an agricultural zone is allowed “by right” with the issuance of a building permit, provided the home meets all of the development siting standards of Section 8-2.402.
- (2) Construction of a new ancillary dwelling, including installation of a new manufactured home, is limited in size to no more than 2,500 square feet, excluding garage space. New dwellings must meet the development siting standards in Section 8-2.402.
- (3) Construction of more than two dwelling units, as well as the legalization of more than two existing units, may be permitted through the issuance of a Minor Use Permit, upon a finding that the residential use is compatible and appurtenant with the principal agricultural use of the property.

### **(z) Caretaker residence**

A caretaker residence is allowed on A-C and A-I zoned property as an ancillary use to the primary agricultural commercial or agricultural industrial use of the property, as determined by the Director of Planning, Public Works and Environmental Services. A caretaker residence is not allowed on A-R zoned property if two (2) homes already exist. A caretaker residence on A-N and A-X zoned property that is in addition to a primary and ancillary dwelling requires a Minor Use Permit.

### **(aa) Farm worker housing**

As required by State law (Health and Safety Code Sec. 17021.6), farm worker housing projects of 36 beds or less, or 12 separate housing units or less, are allowed in the agricultural zones with the issuance of a building permit, except in the A-I, A-C, and A-R zones. A project with more than 36 beds or 12 units requires a Minor or Major Use Permit, at the discretion of the Planning Director. A Site Plan Review may be required for projects that do not meet any of the following development standards:

- (1) The project is designed to be compatible with any adjoining single family residences, including appropriate setbacks, landscaping, and parking.
- (2) Adequate land area is available for the provision of on-site services, e.g., leachfields, to accommodate the number of farm employees, if the project is not connected to public services.

- (3) The project meets State regulatory requirements and has received, or will receive in the near future, all necessary State operating permits, including certificates from the Department of Housing and Community Development.

**(ab) Rural home occupations**

A rural home occupation shall be clearly incidental and secondary to the residential and/or agricultural use of the dwelling or premises and shall meet the following standards:

- (1) Confined within the dwelling and occupies not more than fifty percent (50%) of the gross area of one floor; or, is confined within a detached accessory structure such as a private shop or office, and is fully permitted for such use.
- (2) Operated by the members of the family occupying the dwelling, plus a maximum of two additional employees.
- (3) Produces no external evidence of its existence by storing goods and materials associated with the occupation in an enclosed structure(s), including any vehicles associated with the use.
- (4) Generates no dust, odors, noise, or other such nuisances beyond that normal in the area in which such use is located.
- (5) The activity does not exceed the volume of truck, passenger, or pedestrian traffic normally associated with the rural or agricultural uses of the surrounding area, and shall not interfere with vehicle circulation.
- (6) Meets the requirements of the Chief Building Official and the fire district of the jurisdiction.
- (7) Signage is limited to a single, non-illuminated wall-mounted or free-standing sign of not more than six (6) square feet in area and four (4) feet in height.

**(ac) Private schools, churches, non-profit organizations**

A private school, church, non-profit or fraternal organization proposed in an agricultural zone may not be approved unless it is found that the use has demonstrated a benefit from the agricultural use of the area. Otherwise, such a use must be proposed on lands that are zoned, or will be zoned, Public and Quasi-Public (PQP). Such uses may not be allowed on lands under Williamson Act contract.

**(ad) Development near toe of levee, restricted**

- (1) A 50-foot setback is required for all permanent improvements from the toe of any flood control levee.
- (2) Land uses proposed within 500 feet of the toe of any flood control levee shall be restricted (or prohibited) to the items listed below, unless site specific engineering evidence demonstrates an alternate action that would not jeopardize public health or safety:
  - (i) Permanent unlined excavations shall be prohibited
  - (ii) Large underground spaces (such as basements, cellars, swimming pools, etc) must be engineered to withstand the uplift forces of shallow groundwater
  - (iii) Below-grade septic leach systems shall be prohibited

- (iv) Engineered specifications for buried utility conduits and wiring shall be required
- (v) New water wells shall be prohibited
- (vi) New gas or oil wells shall be prohibited
- (vii) Engineered specifications for levee penetrations shall be required
- (viii) Landscape root barriers within 50 feet of the toe shall be required.

## **Sec. 8-2.307 Definitions**

### **Accessory agricultural support structure**

“Accessory agricultural support structure” shall mean an uninhabited agricultural building or facility that is incidental and accessory to the primary agricultural use of the subject property. Such structures include, but are not limited to, the following: farm office, barn, roadside stand, and reservoir.

### **Accessory use**

“Accessory use” shall mean a use lawfully permitted in the zone, which use is incidental to, and subordinate to, the principal use of the site or of a main building on the site and serving a purpose which does not change the character of the principal use, and which is compatible with other principal uses in the same zone and with the purpose of such zone.

### **Agricultural building or structure**

An uninhabited building or structure used to shelter farm animals, farm implements, supplies, products and/or equipment; and that contains no residential use, is not open to the public, and is incidental and accessory to the principal use of the premise. An agricultural building may contain processing activities as a direct result of the farming operation on the premises.

### **Agricultural support services**

“Agricultural support services” are industrial, wholesale trade, warehousing, and trucking uses directly supporting agricultural activities and products in the unincorporated areas of Yolo County. Examples of “agricultural support services” include the manufacturing, assembly, or repair (but not unlimited retail sales) of agricultural equipment; the manufacturing, storage, distribution, transport, and wholesaling of fertilizer and agricultural chemicals; and the storage, distribution, transport, and wholesaling of other agricultural products from Yolo County. “Agricultural support services” do not include any activities or uses that serve primarily non-agricultural or urban customers. Specifically, trucking firms and industrial shops that do not serve local agricultural customers are prohibited from locating in any of the agricultural areas of Yolo County.

### **Agricultural support services, large and small**

Large agricultural support services are those uses that occupy more than five (5) acres of land or more than 60,000 square feet of indoor space, and/or that generate more than 75 truck trips per day. Small agricultural support services are those that do not meet any of these thresholds.

### **Agricultural processing facility**

A fixed establishment performing any processing or packaging of crops after harvest, whether or not value is added, for the onsite preparation of market or for further processing and packaging elsewhere, including but not limited to: alfalfa and hay cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables; canning, freezing, or preserving fruits and vegetables; tree nut hulling and shelling; and alcohol fuel production.

### **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. For the purposes of this section, “accessory use” shall mean supply, service, storage, and processing areas and facilities for any other agricultural land. The uses set forth in this section shall not include plants for the reduction of animal matter.

**Agri-tourism**

An income-generating activity conducted on a working farm or ranch, or other agricultural operation or agricultural facility, for the enjoyment and education of visitors, guests, or clients. Agricultural tourism refers to the act of visiting a working farm or ranch, or any agricultural or horticultural operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or ranch or agricultural operation that also adds to the economic viability of the agricultural operation. Agri-tourism includes activities and uses that are appurtenant to the agricultural operations, that benefit from locating in a quiet, sparsely-populated, agricultural or natural environment, and that do not include commercial or retail uses and activities that are not directly related to agriculture such as sales of goods and services typically found in urban areas. Agri-tourism uses include, but are not limited to, wine, beer, and olive oil tasting, sale of local agricultural products, lodging (bed and breakfasts and farm stays), and event centers that accommodate weddings, music, and limited dining.

**Agricultural airfield or landing strip**

Any area of land or water used for the landing and take-off of agricultural aircraft as well as any appurtenant areas used for airport buildings, operations, and related facilities. Also includes heliports used for agricultural purposes.

**Agricultural and seed research**

“Agricultural and seed research” shall mean industrial or scientific uses subordinate to, and in support of agriculture, and include product processing plants and agriculturally based laboratories or facilities for the production or research of food, fiber, seeds, animal husbandry or medicine, and may include administrative office space in support of the operation.

**Ancillary dwelling**

A structure designed, intended, or used for rural residential purposes, as elsewhere provided for herein, and including “Granny Units,” that is located appurtenant to, clustered with, and on the same agricultural parcel as the main residential facilities. The term does not include farm worker housing.

**Animal processing**

The slaughtering and processing of animals for commercial purposes, including rendering plants.

**Animal hospital**

A building wherein the care and treatment of sick or injured dogs, cats, rabbits, birds, and similar small animals are performed.

**Animal keeping**

The keeping, feeding or raising of animals as a commercial agricultural venture, avocation, hobby or school project, either as a principal land use or subordinate to a residential use. Includes the keeping of common farm animals, small-animal specialties, bee farms, aviaries, worm farms, household pets, etc.

**Animal unit**

A measure of numbers of livestock equivalent to a mature cow which is based on the concept that a 1,000-pound cow, with or without an unweaned calf, is one animal unit.

The following measurements can be used to determine animal unit equivalency:

<b>Type of Animal</b>	<b>Animal Unit Equivalent</b>	<b>Number of Animals Equal to One Animal Unit</b>
Mature cow, with or without calf, or animal of similar size	1.0	1
Butcher or breeding swine over 55 pounds	0.25	4
Mature sheep, goats, or animal of similar size	0.1	10
Rabbits or other small animal of similar size	0.02	50
Fowl or poultry over 3 pounds	0.01	100

**Appurtenant use or activity**

An appurtenant use is one that is an addition to, or attached to, and is compatible with, the primary use or activity on the parcel.

**Barn**

A building used to store farm vehicles and equipment, as a warehouse for farm products and supplies, to house livestock, or to conduct maintenance activities.

**Bed and Breakfast (B&B)**

A single-family dwelling, and accessory buildings, with an owner in residence, containing no more than ten (10) guest rooms used, let or hired out for transient night-to-night lodging, and that meets all of the standards in Section 8-2.306(l). A majority of the guest rooms must be located within and accessible through the main single-family dwelling. Food service is restricted to breakfast or a similar early morning meal, subject to applicable County Health Department regulations.

**Campground**

Land or premises which is used, or intended to be used, let, or rented for transient occupancy by persons traveling by automobile or otherwise, or by transient persons using tents, recreational vehicles, or similar quarters. A campground may include permanent amenities, such as structures, bathroom facilities, running water and proper sewage disposal.

**Campground, primitive**

A seasonal campground that does not require grading activity for the placement of permanent improvements or amenities, such as bathroom facilities, running water or sewage disposal fields. Informal overnight camping in fields or orchards in connection with single annual events is not covered by this definition.

**Caretaker units**

A permanent residence, secondary and accessory to an existing main dwelling, for persons employed principally onsite for purposes of care and protection of persons, property, plants, animals, equipment, or other circumstances.

**Composting facility**

A commercial/industrial facility where organic matter is transformed into soil or fertilizer by biological decomposition. Composting activities accessory to an onsite residential or agricultural use are excluded from this definition.

**Concentrated Animal Feeding Operation (CAFO)**

An agricultural animal feeding operation (AFO) where animals are kept and raised in confined situations. Feed is brought to the animals rather than the animals grazing or otherwise seeking



feed in pastures, fields, or on rangeland. An AFO is a CAFO if: 1) animals are confined for at least 45 days in a 12-month period; 2) there is no grass or other vegetation in the confinement area during the normal growing season; and 3) the operation meets specific Environmental Protection Agency (EPA) regulatory thresholds. A CAFO, regulated by the state under the authority of the EPA, may require a National Pollution Discharge Elimination System (NPDES) Permit.

#### **Conservation easement**

A non-possessory interest in real property imposing limitations or affirmative obligations, the purpose of which includes retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

#### **Cottage food operation**

Cottage food operations involve the preparation of low risk food products in a private home, as defined and regulated by the Environmental Health Division according to the requirements of State law (AB 1616, 2012, the California Homemade Food Act).

#### **Covered habitat mitigation project**

A “covered habitat mitigation project” is any mitigation bank or other project within the County that is undertaken to mitigate impacts to biological resources occurring largely or entirely outside of the County. A “covered habitat mitigation project” also includes all other habitat restoration, creation, enhancement, or preservation activities (including the sale of a conservation easement or interest therein) carried out within the County in connection with projects or other actions impacting biological resources in locations outside of the County. This includes, among other things, any such project that implements actions described in a Habitat Conservation Plan/Natural Communities Conservation Plan or in a biological opinion issued by the United States Fish and Wildlife Service or other federal agency. This term is to be interpreted broadly, consistent with the intent of Ordinance No 1426, to include all projects, plans, and activities that are substantially similar to any of the foregoing, regardless of whether they are specifically described herein.

#### **Cultivation**

The growing and harvesting of agricultural produce for food and fiber. Crop cultivation includes farms, orchards, groves, greenhouses, and wholesale nurseries primarily engaged in growing crops, plants, vines, or trees and their seeds.

#### **Dairy**

A department, establishment, or facility concerned with the business of production of milk, butter, or cheese, including the sale or distribution of milk and milk products, from animals. The feeding and care for dairy stock may be by feed lot, pasture or grazing, or any combination thereof, as elsewhere provided for herein. A dairy facility does not include the incidental feeding, breeding, raising, and keeping of livestock for the production of milk when used for 4-H, FFA, or other youth projects.

#### **Dry land farming**

The practice of crop production without irrigation.

#### **Exempt habitat mitigation projects**

“Exempt habitat mitigation projects” are those that are defined as exempt under Section 10-10.301(c) of Chapter 10 of Title 10 of this Code (the Habitat Mitigation Ordinance), and all other habitat projects that do not qualify as “covered habitat mitigation projects.”

#### **Farm**

Under Section 52262 of the Food and Agricultural Code, a farm is defined as: “a place of agricultural production which has annual sales of agricultural products of \$1,000 or more.”

**Farm office**

A private administrative office within an enclosed building for the purpose of running a farming operation.

**Farm stay**

A form of agricultural tourism where a farmer or rancher hosts guests or tourists at his/her working farm or ranch to familiarize the visitors with the daily activities associated with farming or ranching. Farm stays include six (6) or fewer guestrooms, or accommodations for no more than 15 guests, in a single family dwelling, or main farm house, or accessory guest house, provided as part of a farming operation, with an on-site farmer in residence, that includes all meals provided in the price of the lodging, and that meets all of the standards in Section 8-2.306(m).

**Farm worker housing**

Any living quarters, dwelling, boardinghouse, bunkhouse, mobile home, or other housing accommodation maintained in connection with any work or place where work is being performed and the premises upon which such accommodations are situated, and/or the areas set aside and provided for the accommodation of farm workers.

**Feed lot or animal feed yard**

- (1) "Feed lot" shall mean any premises used principally for the raising or keeping of livestock in a confined feeding area, such as a dairy or stockyard.
- (2) "Confined feeding area" shall mean any livestock feeding, handling, or holding operation or feed yard where animals are concentrated in an area:
  - (i) which is not normally used for pasture or for growing crops and in which animal wastes may accumulate; or
  - (ii) where the space per animal unit is less than 600 square feet; or
  - (iii) dry lot feeding, where animals are confined in an enclosed area, and fed.
- (3) "Feed lot" is not intended to otherwise preclude the raising of animals as part of a general farming and/or livestock operation or as an FFA, 4-H, or other student project in an agricultural zone.
- (4) "General farming and/or livestock operation" shall mean one in which the confined feeding of animals is an incidental part of, or complimentary to the total livestock operation. Normal grazing activities for pastured livestock are excluded from this definition.
- (5) A lot used for the feeding and rearing of poultry (poultry farms) shall be considered a "feed lot."

**Fowl or poultry ranch**

A confined animal feeding operation consisting of a lot or building or combination of lots and buildings intended for the raising and keeping of poultry for egg production (laying hens) or meat production (broilers). A poultry farm does not include the incidental raising and keeping of poultry for egg production or meat production when used for 4-H, FFA, and other youth projects.

**Grazing**

The keeping of cattle, sheep, or other similar animals on fields or rangeland for the purpose of grazing and feeding.

**Greenhouse**

"Greenhouse" shall mean an agricultural structure, with transparent or translucent roof and/or wall panels intended for the raising of agricultural plants. "Greenhouse" shall also mean a residential accessory structure, with transparent or translucent roof and/or wall panels intended for the raising of household plants.

**Hog farm**

Any premises used exclusively for the raising or keeping of more than 50 hogs, under confinement, that are raised, fed, or fattened for the purposes of sale and consumption by other than the owner of the site. The term "hog farm" is not intended to otherwise preclude the raising of hogs as part of a general farming operation or as an F.F.A., 4-H, or other student project in an agricultural zone.

**Home occupation, rural**

The gainful employment of the occupant(s) of a rural dwelling, with such employment activity being subordinate to the residential and/or agricultural use of the property, subject to provisions in Section 8-2.306(ab).

**Kennel**

Any enclosure, premises, building, structure, lot or area, except where reasonably necessary to support an agricultural use (i.e., to contain herding dogs), where five (5) or more dogs or other small domestic animals, which are not sick or injured and are ten (10) weeks in age or older, are boarded for compensation, cared for, trained for compensation, kept for sale, or bred for sale, or ten (10) or more dogs or other small domestic animals that are ten (10) weeks of age or older which are kept and maintained as pets, "rescue" animals, or for any other non-commercial purpose (also see "Animal hospital.")

**Manufactured home**

A transportable prefabricated structure designed to be moved from one place to another and to be used for residential purposes. Also commonly referred to as a "modular" or mobile home. Also see definition in Section 8-2.1013.

**Mining**

Resource extraction establishments primarily engaged in mining, developing mines, or exploring for minerals, or surface mines extracting crushed and broken stone, dimension stone or sand and gravel.

**Nurseries and landscaping materials**

Commercial agricultural establishments engaged in the large-scale, year-round production of agricultural and ornamental plants and other nursery products, grown under cover or outdoors. Small-scale seasonal nurseries that are incidental to the main agricultural use of the property are not included in this definition.

**Off-road vehicle courses**

Rural areas set aside for the use of off-road vehicle enthusiasts including dirt bike, enduro, hill climbing, or other off-road motorcycle courses; also, rural areas for competitive events utilizing four-wheel drive vehicles. Does not include sports assembly facilities, or simple access roads which are usable by only four-wheel drive vehicles.

**Oil and gas well drilling operation**

Resource extraction establishments primarily engaged in recovering oil from oil sands and shales and producing natural gasoline and cycle condensate. Activities include exploration, drilling, oil and gas well operation and maintenance, operation of natural gas and cycle plants, the mining and extraction of oil from oil sand and shales, and on-site processing only to the extent necessary to permit extraction.

**Open space**

Land subject to valid restrictions against housing or other urban development, the maintenance of which in its natural or protected states is necessary for the enhancement of living conditions in Yolo County.

**Pasture**

The grazing of livestock.

**Permanent crop**

A crop produced from plants, such as orchards and vineyards, that lasts for several seasons and need not be replanted after each harvest.

**Primary farm dwelling**

A structure designed, intended, and used for residential purposes, as elsewhere provided for herein, including manufactured or mobile homes. It shall not include an ancillary dwelling; a secondary dwelling; a guest house; or farm labor housing.

**Regional agricultural processing facilities**

Regional agricultural processing facilities include heavy agricultural processing of products from the greater local area, including outside Yolo County, such as nut hulling and rice mills, or large-scale wineries and olive processing plants.

**Roadside or produce stand**

A business established and operated for the display and sale of agricultural products grown on the premises, or on adjacent lands or other lands in Yolo 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 onsite that have been prepared onsite, subject to all applicable health codes.

**Rural recreation**

Outdoor sporting or leisure activities that require large open space areas and do not have any significant detrimental impact on agricultural use of lands that are in the general vicinity of the rural recreation activity. Rural recreation activities shall include, but are not limited to: the shooting of skeet, trap, and sporting clays; archery; gun, hunting, or fishing, clubs; sport parachuting; riding; picnicking; nature study; viewing or enjoying historical, archaeological, scenic, natural or scientific sites; health resorts, rafting, hiking, backpacking, bicycling, or touring excursions; or camping.

**Slaughterhouse**

An establishment where animals are butchered.

**Small animal farms**

Farms or ranches which raise small animals for sale, such as rabbits or other fur-bearing animals.

**Solar energy system**

A photovoltaic or other system that converts sunlight into electrical power for the primary purpose of: (a) resale or off-site use, or (b) on-site use and not for resale.

**Special event facility/tasting room**

The use of land and/or facilities, for which a fee is charged, for a community or private event that is held on the premises of an agricultural property, such as harvest festivals, weddings, seasonal tastings, or rodeos. A special event facility can include a tasting room, in which the general public, customers or guests may taste and purchase wine, beer, olive oil, cider, food items, or other incidental products commonly sold at such tasting rooms. A tasting room may be located at a vineyard, orchard, or other agricultural property, without the need for a winery, brewery, distillery, or olive mill facility or other processing facility to be located upon the premises.

**Stable, 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 (15) 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 (6) events per year, or generate more than 100 vehicle trips per event, shall be considered a commercial stable, regardless of the number of horses boarded. Private stables that hold large rodeo events shall be defined as a “special event facility.”

**Stable, commercial**

A stable, other than a private stable, where sixteen (16) 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.

**Stockyard**

A confined animal facility intended for the temporary confinement and care of livestock for the purpose of selling or trading, prior to being slaughtered or shipped to market.

**Tourism**

That industry which promotes and accommodates the recreational touring, sight-seeking, leisure travel, and sojourns by individuals and groups within Yolo County, including eco-tourism and agritourism.

**Vehicle trip**

One vehicle trip is a vehicle traveling to a destination and back, i.e., a round trip.

**Wildlife habitat**

The environmental factors that support one or more plant or wildlife species at a particular place or region, providing food, water cover, and space needed for survival and reproduction.

**Wetlands**

The area and the plant communities that include fresh or salt water marshes, generally found in areas of shallow, standing, or sluggishly moving water.

**Wind energy systems**

A wind driven machine that converts wind energy into electrical power for the primary purpose of: (a) resale or off-site use, or (b) on-site use and not for resale.

**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.

**Yolo Store**

A “Yolo Store” is a structure, wherein the majority of the items offered for sale are primarily grown or manufactured in Yolo County (e.g., out-of-county bottled wines, but made from Yolo grapes, or locally grown nursery products, etc.).

**2014 UPDATED  
YOLO COUNTY CODE**

**TITLE 8 LAND DEVELOPMENT**

**CHAPTER 2: ZONING REGULATIONS**

**Article 4: Special Agricultural Regulations**

**Sec. 8-2.401 Clarksburg Agricultural District Overlay Zone**

**(a) Purpose.**

The Clarksburg Agricultural District overlay zone (CAD) is a set of zone regulations that overlays the existing base zoning on those parcels designated as Agriculture within the Clarksburg Area Plan, as reflected in the 2030 Countywide General Plan. The CAD overlay zone is intended to enhance and promote the distinctive agricultural and recreational character of the Clarksburg area, by streamlining regulations and providing greater flexibility that allows farms the ability to produce and market agricultural products, as well as provide agricultural tourism services.

The CAD overlay zone is intended to work concurrently with Williamson Act contracts (where applicable), the Natural Heritage Program, the Land Use and Resource Management Plan of the Delta Protection Commission, and the policies of the Delta Stewardship Council.

**(b) Table of Clarksburg Agricultural Permit Requirements**

The following Table 8-2.401 identifies certain Use Types, as well as specific examples of uses that are allowed by right, by non-discretionary Site Plan Review, and by conditional Use Permit, as well as those uses that are not allowed, on agricultural zoned parcels within the CAD overlay zone. The table does not include a list of all the allowed or conditionally permitted uses in the Clarksburg agricultural zones. The table only includes those uses for which the zoning regulations are different than for the agricultural base zones in the other parts of the unincorporated county.

**(c) Specific Use Requirements or Performance Standards**

**(1) Parking**

- (i)** Permanent parking spaces, either of gravel or other permeable surface, shall be provided for all sales, gift, handicraft and food service areas. Paved handicapped spaces shall be provided as required.

**Table 8-2.401**

**Allowed Land Uses and Permit Requirements  
for Certain Uses in the Clarksburg Agricultural Zones**

<p><b>A = Allowed use, subject to zoning clearance*</b>  <b>SP = Site Plan Review</b>  <b>UP(m) = Minor Use Permit required</b>  <b>UP(M) = Major Use Permit required</b></p>	<p><b>Land Use Permit Required in the Clarksburg Agricultural District (CAD) Overlay Zone</b></p>	<p><b>Specific Use Requirements or Performance Standards</b></p>
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**AGRICULTURAL COMMERCIAL AND RURAL RECREATIONAL USES**

Visitor information and interpretive displays or kiosks, less than 120 square feet in roof area	A	One per parcel
Picnic areas	A	
Public or private horse riding or hiking trails	A	
Permanent public bathrooms	SP	
Farm supply, feed store (up to 2,000 square feet)	SP	
Farm supply, feed store (over 2,000 square feet)	UP(m)	
Bed and breakfast (up to 6 beds, less than 12 events per year)	A	See Sec. 8-2.306(l)
Bed and breakfast (6 to 10 beds, and/or up to 18 events per year)	SP	
Bed and breakfast (11 to 20 beds, and/or over 18 events per year)	UP(m)	
Special event facilities, up to 18 events per year	SP	See Sec. 8-2.306(k)
Special event facilities, more than 18 events/year	UP(m)	
Stand-alone wine tasting room (under 2,000 square feet)	SP	
Stand-alone wine tasting room (over 2,000 square feet)	UP(m)	
Small winery (under 100,000 cases/year)	SP	
Medium winery (100,000 to 1,000,000 cases/year)	UP(m)	
Large winery (over 1,000,000 cases/year)	UP(M)	
Petting zoos, hay and tractor rides, hay bale mazes, and similar related rural recreational uses	SP	Excluding exotic animals
Yolo Stores, gift shops, arts and crafts sales (under 1,000 square feet)	A	Must be ancillary to the primary agricultural use
Yolo Stores, gift shops, arts and crafts sales (over 1,000 square feet)	SP	
Restaurants, bakeries, commercial kitchens, catering facilities, and culinary classes	UP(m)	
Museums, botanical gardens, tours of historic features, and similar uses	SP	
Commercial fisheries and stock ponds (more than 150 visitors per day)	UP(m)	
Campgrounds	UP(m)	See Sec. 8-2.306(p)
Recreational vehicle parks	UP(m)	Ancillary to primary agricultural use

\*An “allowed use” does not require a land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.

**Table 8-2.401 (cont.)**

**Allowed Land Uses and Permit Requirements  
for Certain Uses in the Clarksburg Agricultural Zones**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP(m) = Minor Use Permit required</b> <b>UP(M) = Major Use Permit required</b>	<b>Land Use Permit Required in the Clarksburg Agricultural District (CAD) Overlay Zone</b>	<b>Specific Use Requirements or Performance Standards</b>
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Commercial marinas	UP(M)	
Lodges and centers for conferences, education, or training	UP(M)	

**RESIDENTIAL USES**

Third home on a single parcel	SP	Must conform with siting criteria in Sec. 8-2.402
Fourth or more home on a single parcel	UP(m)	

**ALL OTHER USES**

For all other uses not listed in this table, see Tables 8-2.304(a), (b), (c), (d), and (e)
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- (ii) Parking for special events, weddings, marketing promotional events, and similar functions may utilize temporary, overflow parking areas. Limitations on the number of guests may be based on availability of off-street parking. Overflow parking areas may be of dirt, decomposed granite, gravel or other permeable surface, provided that the parking area is fire safe.
  - (iii) On-street parking shall not be permitted.
- (2) Access
- (i) Access to any tourist or sales facility shall be connected directly to a public road, except as allowed under (ii), below.
  - (ii) Where a facility is located on a private road, access shall be subject to the review and approval of the Director and local Fire District.
  - (iii) Where improvements to a County road are required, alternative standards (e.g. reduced widths, surfacing, striping, signage, etc.) may be allowed subject to the approval of the Director and local Fire District.
- (3) Signs
- (i) One agricultural sign not to exceed 40 square-feet may be allowed at the entryway to the site. Agricultural signs may be double-sided, but shall not exceed 10 feet in height.



- (ii) Entryways (pilasters, gates, etc.) and on-site signs may be located within the front yard setback, upon approval of a building permit. Entries and signs may not be located within any part of the County right-of-way.

**(d) Other Conditions**

- (1) Outdoor events are limited to the hours of 9 AM to 10 PM.
- (2) Farm stay and bed and breakfast inns shall comply with all CCDEH (California Conference of Directors of Environmental Health) guidelines and CURFFL (California Uniform Retail Food Facilities Law) requirements.
- (3) Pools and spas used by guests must meet all Building, and Health and Safety Code requirements.
- (4) Exterior lighting shall be shielded and directed in such a manner as to not directly shine into adjoining residences.
- (5) Where applicable, subject to the approval of the Environmental Health Director, portable toilets and related facilities may be used instead of permanent systems for events.

**(e) Wildlife friendly practices**

The following practices are encouraged for farmers within the Agricultural District:

- (1) Establishing native shrub hedgerows and/or tree rows along field borders, roadsides, and rural driveways.
- (2) Protecting remnant valley oak trees.
- (3) Restoring field margins (filter strips), ponds, and woodlands in non-farmed areas.
- (4) Using native species and grassland restoration in marginal areas.
- (5) Managing and maintaining irrigation and drainage canals to provide habitat, support native species, and serve as wildlife movement corridors.
- (6) Managing winter stubble to provide foraging habitat.
- (7) Widening watercourses, including the use of setback levees.

**(f) Agricultural Home Site Parcels**

A Lot Line Adjustment may be approved to create an agricultural home site parcel in the CAD overlay zone on two or more contiguous parcels under common ownership if the Lot Line Adjustment complies with all of the following requirements:

- (1) All of the affected parcels shall have an Agriculture (AG) land use designation in the General Plan and shall be zoned Agricultural Intensive (A-N). No other general plan and zoning designations shall qualify.
- (2) All of the affected parcels shall have adequate potential for suitable water supply and sewage disposal.
- (3) The Lot Line Adjustment will result in an agricultural home site parcel that is at least 2.5 acres in size, with a maximum area of 10 acres. The home site parcel shall be designed to be as small as possible, while meeting all other County requirements. The remainder (non-home site) parcel(s) shall meet the minimum parcel requirements in the A-N zone.
- (4) A note shall be included on the deed creating the agricultural home site parcel indicating that the agricultural home site parcel is in an area of agricultural production and may be subject to agricultural nuisances in the form of noise, light, spraying, odors or other conditions associated with productive agriculture. The note shall also acknowledge the County's Right-to-Farm Ordinance.
- (5) If the home site parcel is subject to a land conservation contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code), the home site parcel shall be excluded from the benefits of the land conservation contract after the Lot Line Adjustment and shall be removed from the contract either by nonrenewal or cancellation of the contract.

**(g) Fee Exemptions**

Farm worker housing shall be exempt from the payment of County Facilities and Services Authorization (FSA) fees. Farm worker housing shall also be exempt from the payment of any General Plan Cost Recovery (GPCR) fees.

**(h) Advisory Committee**

The Clarksburg Citizens Advisory Committee shall also act as the Agricultural District Advisory Committee, to advise the Planning Commission regarding the implementation of this Ordinance.

## **Sec. 8-2.402 Siting Development Standards for New Homes in Agricultural Zones**

### **(a) Purpose**

Agricultural preservation is a key component of the Yolo County General Plan, which includes policies set forth to protect existing farm operations and prime farmland from impacts related to the encroachment of urban uses. The expansion of rural home sites in the agricultural zones has contributed to an increase in residential uses unrelated to farm- or ranch-oriented residential use. In order to preserve the long-term agricultural resources of the County, standards have been developed to address residential uses in the agricultural areas. This section outlines development standards for the siting and size of new residential uses in the two main agricultural zones, the A-N (Agricultural Intensive) and A-X (Agricultural Extensive) zones, where agriculture, such as crop production and animal husbandry, is the primary use.

### **(b) Definitions**

#### **Ancillary home or dwelling**

A second residence used by a family member(s) or employee(s) of the farm or ranch operation. For purposes of complying with this section, if a manufactured home has been constructed or installed first on an agricultural parcel as the primary home, and a conventional “stick-built” home is then proposed to be built, the “stick-built” home may be considered the primary house and the manufactured house or residence may be considered the ancillary residence.

#### **Conventional “stick-built” home**

A traditional single family residence constructed on-site of lumber, not prefabricated materials.

#### **Farm worker housing**

Accommodations that are used solely for the purpose of providing cooking, sanitary, and sleeping facilities to house farm workers on a farm or ranch operation.

#### **Flag lot**

A lot whose general configuration is in the shape of an “L” or “T”, and which takes access from the road by means of a narrow strip which is part of the lot.

#### **Lot line, front**

In the case of an interior lot, the line separating the lot from the street right-of-way and, in the case of a corner lot, the shorter street frontage.

#### **Manufactured home**

A transportable prefabricated residential structure that has been partially or entirely constructed in a factory and then transported to the site for assembly. Manufactured homes include modular and mobile homes.

**Primary home or dwelling**

The first existing or proposed residence to be located on an agricultural parcel.

**Residential accessory uses**

Those uses customarily ancillary to the residential use of the property. Such structures or improvements may include, but are not limited to, decorative landscaping, garden greenhouses, pools, gardening sheds, detached garages or shops for personal storage and hobby work, carports, and artificial ponds not serving an agricultural use, but do not include long driveways to residence(s).

**Residential footprint or building envelope**

The area established for home site development, including ancillary uses. Such area may include a primary residence, an ancillary dwelling clustered with the primary home, any allowable accessory structures, and other improvements, such as driveway(s), landscaping, leach fields, etc. A residential footprint is assumed to be approximately two and one-half (2.5) acres per legal parcel. Domestic leach field areas, including any required replacement leach field area, must be contained within the building envelope.

**(c) Permits required**

A new primary or ancillary home in the agricultural zones is allowed “by right” with the issuance of a building permit, provided the home is located on a parcel that meets all of the development standards of this section. On agricultural parcels in the A-N and A-X zones, more than two dwelling units, as well as the legalization of existing units, may be permitted through the issuance of a Minor Use Permit, upon finding that the residential use is compatible and appurtenant with the principal agricultural use of the property.

**(d) Development standards**

The following standards have been established to minimize the impact of residential uses on agricultural operations and resources in the A-N and A-X Zones, without limiting the residential needs of farmers and ranchers or restricting agricultural activities. The intent of allowing residences in the agricultural areas is to provide dwellings for those directly involved in onsite farming activity, including agricultural employees, landowners, and their family members.

**(1) Residential footprint or building envelope**

Homes built on agricultural lands may include extensive residential accessory uses such as ancillary dwellings, parking areas, pools, detached garages or hobby shops, decorative landscaping, and gardening sheds/greenhouses that are included within the home site. To protect productive farmland and rangeland, home site development shall be contained within a residential footprint or building envelope, as follows:

- (i) All proposed home sites, including all ancillary or accessory uses, shall be situated in close proximity to the dwelling unit(s) within a designated residential footprint that is no larger than two and one-

half (2.5) acres. Residential accessory uses include detached garages for non-farm vehicles/storage, yards and other landscaping features, leach field areas, garden/storage sheds, swimming pools, etc., but do not include long driveways.

- (ii) Those parcels developed with farm worker housing are allowed an increased residential footprint of up to four (4) acres.
- (iii) Legal parcels containing 80 acres or more shall be exempt from the requirements of this section.

(2) Size of ancillary residence

The size of the primary dwelling unit is not regulated. The size of the ancillary residence is limited to 2,500 square feet or less, excluding garage space. For purposes of complying with this section, a manufactured home may be considered the ancillary unit even if it has been constructed or installed prior to the primary “stick-built” house.

(3) Siting of primary residences

The following development standards shall apply to new primary homes on parcels of 80 acres or less that are zoned A-N or A-X. These standards may be modified by the Planning Director according to the “exceptions” listed in Sec. 8-2.402(d)(5), below, or may be modified through the issuance of a variance by the Zoning Administrator or the Planning Commission upon adoption of findings.

- (i) To the extent feasible, all residences located on agriculturally-zoned property shall be located within the front portion of a legal parcel, and shall be sited to minimize the conversion of agricultural land and to minimize impacts to agricultural operations, including ground and aerial application of herbicides and pesticides.
- (ii) There is no maximum front yard setback for a new home on properties fronting along a County road.
- (iii) The minimum front yard setback from the front lot line shall be 20 feet or 50 feet from the centerline of a roadway, whichever is greater. Properties abutting a major arterial require a 30-foot front yard setback, as measured from the edge of right-of-way. The minimum back yard setback from the rear property line shall be 25 feet. The minimum side yard setback from the side property lines shall be 20 feet. However, these minimum setback requirements shall be increased to no less than 100 feet if adjacent agricultural operations require a larger setback to accommodate agricultural spraying.
- (iv) Front yard setbacks on flag lots shall be measured from the rear lot line of the forward lot. If a parcel has more than one lot line with

road frontage, the setback will be measured from one road frontage only, at the owner's choice.

- (v) Where a private road provides access to a parcel(s), it shall be considered the same as a public right-of-way for purposes of determining setbacks. If access is via an easement across an adjoining parcel, setback measurements shall be taken from the point where the easement intersects with the subject parcel.
  - (vi) New homes shall be sited to retain existing natural features and avoid impacts to environmental resources to the extent feasible. Existing trees and vegetation and natural landforms shall be retained to the greatest feasible extent. Removal of trees with scenic or historic value shall be prohibited along scenic roadways. New homes shall be setback from watercourses, including "blue line" seasonal streams, a minimum of 100 feet. New homes shall be prohibited on or near the top of ridgelines where the Director determines it would adversely affect nearby views.
  - (vii) A 50-foot setback is required for all permanent improvements from the toe of any flood control levee.
  - (viii) Land uses proposed within 500 feet of the toe of any flood control levee shall be restricted (or prohibited) to the items listed below, unless site specific engineering evidence demonstrates an alternate action that would not jeopardize public health or safety:
    - A. Permanent unlined excavations shall be prohibited;
    - B. Large underground spaces (such as basements, cellars, swimming pools, etc) must be engineered to withstand the uplift forces of shallow groundwater;
    - C. Below-grade septic leach systems shall be prohibited;
    - D. Engineered specifications for buried utility conduits and wiring shall be required;
    - E. New water wells shall be prohibited;
    - F. New gas or oil wells shall be prohibited;
    - G. Engineered specifications for levee penetrations shall be required; and
    - H. Landscape root barriers within 50 feet of the toe shall be required.
- (4) Clustering and siting of ancillary residences

All ancillary residences in the agricultural zones shall be clustered adjacent to the existing primary residence in a configuration to minimize the conversion of agricultural land and to minimize impacts to agricultural operations, as follows:

- (i) The maximum separation between the primary and ancillary dwelling units on the same parcel shall be 250 feet, as measured from the nearest part of the primary dwelling. The siting of the ancillary dwelling shall meet the setback requirements of

subsection (3), above, unless a modification of the setbacks is approved by the Planning Director in order to minimize agricultural impacts.

- (ii) Any new agricultural residence may be clustered in proximity to an existing residence(s) on an adjacent lot, if the clustering of the housing units will facilitate the protection of agricultural land. In such circumstances, the side lot setbacks for the residences on adjacent lots may be reduced accordingly, so long as placement of any new residence does not interfere with spraying operations or other agricultural operations.
- (iii) Placement of new residential structures shall comply with all applicable building and fire codes.

(5) Exceptions

The Planning Director may modify the setback and other development standards of this section if any one of the following exceptions applies to the specific characteristics of the parcel. A Site Plan Review approval shall be required prior to issuance of any building permit for a new agricultural residence that is subject to any of the following exceptions:

- (i) Portions of the property that have poor soils or are not farmable are more suitable for home site development and support a modification of standards.
- (ii) Clustering of an agricultural residence with agricultural buildings and uses is required for efficiency or security of agricultural operations.
- (iii) The location of easements for utilities, steep slopes, significant stands of trees, or watercourses with riparian setbacks supports a modification of standards.
- (iv) The location of a floodplain, areas of localized flooding, or other hazardous area on a portion of the parcel supports a modification of standards.
- (v) The location of existing agricultural industrial processing operations, or proximate oil and gas well operations, supports a modification of standards.
- (vi) The lack of water availability or the inability to site a leach field or other related sewerage facility supports a modification of standards.

(6) Right to Farm

Construction of a new agricultural residence shall require recordation of a deed acknowledging the County's Right-to-Farm Ordinance, prior to building permit issuance.

(7) Variances

In cases other than those included as "exceptions" in (5), above, where other individual characteristics of the property may warrant further or significant deviation from the required development standards of this section, variances to the standards may be considered by the Zoning Administrator or Planning Commission based upon adoption of findings, including a finding that the variance is needed to further the principle of limiting the impact on agricultural land and operations through the appropriate siting of residential structures and ancillary uses.

## **Sec. 8-2.403 Clustered Agricultural Housing**

(a) Purpose

The General Plan includes policies to preserve agriculturally zoned lands in Yolo County and to maintain and enhance the farm economy. This Section implements those policies by allowing the voluntary concentration of existing agricultural home sites into compact areas, while merging the remainder farmland into large tracts that can be permanently protected for future agricultural use. This reduces the potential for small and medium sized parcels, an associated rural residential development that tend to interrupt more efficient and economically feasible patterns of farming.

This Section establishes a set of regulations that allows for and encourages clustering of home sites for agricultural family members and for farm workers on smaller parcels than allowed by the current zoning, while ensuring the long-term preservation of adjoining agricultural resources in larger parcels that benefit from economies of scale. This clustering regulation provides an alternative to existing patterns of legal parcels, many of which were created prior to modern zoning and planning standards, that can lead to the development of fragmented farming.

(b) Definitions

**Clustered agricultural housing project**

"Clustered agricultural housing project" shall mean an application involving two or more agricultural parcels that are proposed to be reconfigured to create legal parcels including a remainder agricultural parcel and adjoining small lot home sites.

**Remainder agricultural parcel**

Concurrent with the subdivision of qualifying agricultural lands to create one or more clustered housing parcels not to exceed four (4) acres each, the remaining



large agricultural parcel(s) are the “remainder agricultural parcel.” The “remainder agricultural production parcel” shall be no less than 85 percent in size of the total acreage included in the application, prior to subdivision and shall meet the minimum lot size requirements for a new parcel in the applicable agricultural zone.

**(c) Lands eligible for clustering**

- (1) This Section applies to lands located in the Agricultural Intensive (A-N) or Agricultural Extensive (A-X) zones, which meet the criteria listed in (2) and (3), below.
- (2) Subject to subsection (3), below, contiguous parcels are eligible for clustering if the following criteria are met:
  - i. One or more legal parcels included in the application is between five (5) and twenty (20) acres and is in active cultivation; and
  - ii. One or more legal parcels included in the application is at least 40 acres in size and consists of a majority of prime agricultural soils.
- (3) Parcels are not eligible for clustering if any of the following criteria apply:
  - i. The legal parcel(s) are located within an adopted city Sphere of Influence, Urban Limit Line, or Growth Boundary, unless the City or other affected agency does not object to the proposal; or
  - ii. The legal parcel(s) are subject to an existing agricultural, habitat, or other type of conservation easement that restricts use of the land; or
  - iii. The legal parcel(s) are less than five (5) acres in size and are occupied with an existing home.

**(d) Permits required**

- (1) All clustered agricultural housing applications shall be accompanied by a rezoning application for the proposed housing parcels; and a Tentative Parcel or Subdivision Map. The rezoning application shall include a request to rezone the newly created small lots from A-N or A-X to the Agricultural Residential (A-R) zone. The Tentative Parcel or Subdivision Map shall include the remainder agricultural production parcel as a designated parcel of the Map, not as a “remainder parcel” as the term is used in section 66424.6 of the State Subdivision Map Act.
- (2) If the parcel(s) to be subdivided for clustering are within the A-P zone and are under an active Williamson Act contract, the following applications must be filed concurrently with the applications for clustering: a Williamson Act Contract Cancellation for the portion of the land to be subdivided into smaller lots; and a Successor Agreement to place the remainder agricultural production parcel under a new Williamson Act contract.

**(e) Application content**

The application for a clustered agricultural housing project shall include, but not be limited to, the following:

- (1) A written explanation by the applicant, accompanied by technical studies, as needed, to prove compliance with all the development standards specified in subsection (f) below;
- (2) All required application materials for a Tentative Parcel or Subdivision Map, Rezoning, and Williamson Act cancellation (where appropriate);
- (3) Verifiable demonstration of ongoing agricultural use of the property including the remainder production agricultural parcel over the ten years preceding the application;
- (4) Detailed description of, or a draft, conservation easement for the remainder agricultural production parcel, that complies with Section 8-2.404;
- (5) Submittal of a hydrogeologic report that demonstrates there are adequate water resources to support the home sites and continued agricultural production, unless the Planning or Environmental Health Director has determined that evidence has shown that no water resource limitations exist in the vicinity of the project site; and
- (6) A draft copy or description of any Covenants, Conditions, and Restrictions that may be proposed to establish a Homeowner's Association for the cluster project.

**(f) Development standards**

The design and development of a clustered agricultural housing project shall be consistent with the following standards:

- (1) Type of housing. The following types of housing are allowed in a clustered agricultural housing project: single family homes subject to any size limitations set by other Sections of this Chapter; duplexes; and farm worker housing projects consistent with State laws and other Sections of this Chapter.
- (2) Minimum size of the remainder agricultural production parcel. Following subdivision and creation of the clustered agricultural housing project, the resulting remainder agricultural production parcel(s) shall be no less than 85 percent in size of the total lands prior to subdivision.
- (3) Merger of remaining substandard parcels. The subdivision approved to create the home site(s) or parcel(s) shall include the mandatory merger of any existing and remaining adjacent parcels under common ownership that are substandard in size, as defined by the underlying zoning district.

- (4) Number of home site units or parcels created. The maximum number of home site parcels allowed in a clustered agricultural housing project application shall be no more than the existing number of legally established parcels within the area of the proposed subdivision plus one additional parcel, one of which will be the designated remainder agricultural parcel, except as follows:
  - (i) Where there are no existing home(s) located on the remainder parcel, the applicant may either apply for two additional parcels or may preserve the right to build one home on the remainder parcel, through a term included in the agricultural conservation easement.
- (5) Home site or parcel size. A clustered agricultural housing site or parcel shall be a maximum of 2.5 acres, to accommodate a single family home, duplex, or small to medium-sized farm worker housing project. Larger parcel sizes may be required to accommodate agricultural buffers or farm worker housing project, with a maximum housing site or parcel size of four (4) acres.
- (6) Site design and avoidance of best prime farmland. Clustered agricultural housing shall be located and clustered to provide the maximum protection of the best prime productive agricultural land located both on- and off-site. Clustered agricultural housing should be located on land with the lowest agricultural viability, as documented by a Storie index rating, to the maximum feasible extent.
- (7) Parcel layout. The clustered agricultural housing parcels shall be configured so that property lines are immediately adjacent and physically contiguous to each other and located within a single cluster development area. A maximum of two clustered development areas may be approved if such a design reduces environmental impacts.
- (8) Housing development confined. Clustered agricultural housing development shall be confined to the newly created parcel(s) boundaries. Housing development components include, but are not limited to, housing units, accessory structures, roadways and access drives, water and wastewater systems, agricultural buffers, drainage basins, and any other areas of the project site that may be removed from agricultural production to accommodate the proposed clustered housing project. Shared use of existing access roads or driveways, common or community water and wastewater treatment systems, storm water drainage, and other common infrastructure shall be encouraged and provided to the greatest feasible extent.
- (9) Second or Ancillary Units Allowed. Second or ancillary housing units may be allowed through issuance of a Use Permit on any small lots created through subdivision by this ordinance, if the second units meet environmental health and other standards set forth in the Yolo County Code and other applicable laws and regulations and are no more than 1,200 square feet in size, not counting the garage.

- (10) Access. Clustered developments in compliance with this Section shall be allowed only on properties with access to an existing paved, county or state maintained road. Home site parcels shall be located as close as possible to existing access roads, and significant new road or driveway development that takes farmland out of production shall be avoided to the extent feasible.
- (11) Interior Road and Utilities. Unless otherwise required by the County, all interior roads and utilities shall be privately-owned and maintained and the applicant shall demonstrate through draft Conditions, Covenants and Restrictions or other means that the project residents shall maintain all private roads and utilities for the life of the project at their own expense, without any financial support of the County.
- (12) Agricultural buffers. Residential building sites and access drives shall maintain a sufficient buffer separation from adjacent and on-site agricultural operations and exterior property lines, to reduce any significant land use compatibility impacts affecting on-site or off-site agricultural operations, including but not limited to trespass by persons or domestic animals, vandalism, and complaints about agricultural practices. The width of buffers shall be consistent with the agricultural buffer policies adopted in the General Plan. For larger residential lots, housing shall be set back a minimum of 300 feet from adjoining agricultural land, to the extent feasible. Where smaller lots are proposed, that rely upon common well and/or septic systems, residential setbacks may be reduced to a minimum of 100 feet where buffering measures are incorporated, such as solid fencing, berms, dense landscaping, and/or other design features.
- (13) Visual resources. Roads and building sites shall be located to minimize site disturbance and visibility from public roads and viewing areas, to the extent feasible considering agricultural and environmental factors.
- (14) Habitat protection. Clustered agricultural housing development shall be located and designed to ensure maximum protection of sensitive habitats such as Swainson's hawk habitat and wetlands.

**(g) Conservation of remainder agricultural production parcel**

No clustered agricultural housing development shall be approved without an easement that assures the permanent conservation for agricultural use of the remainder agricultural production parcel that is created as part of the project. The required conservation easement shall be maintained in perpetuity, and the terms and minimum requirements for the conservation easement recorded to satisfy the requirements of this provision shall be at least as stringent as those set forth in Section 8-2.404 of this Chapter. The conservation easement shall be recorded concurrently with the Parcel or Final Map that creates the subdivision.

**(h) Homeowners association**

A homeowners association, or other suitable organization as approved by the County Counsel, shall be formed and membership shall be mandatory for each buyer and

successive buyer of each of the clustered agricultural housing units where required to monitor and maintain infrastructure owned in common (e.g., private roads, community water systems, community wastewater treatment, stormwater basins, etc.).

**(i) Sunset**

This ordinance shall expire three years after its effective date unless it is extended by further action of the Board of Supervisors following a noticed public hearing. Any applications pending at the time of its expiration shall remain valid, and shall be processed and considered for approval pursuant to the terms of this ordinance. Prior to its expiration, staff shall return to the Board of Supervisors with a report on the ordinance, including its overall effectiveness at addressing the issues that led to its adoption, and a recommendation for any extension of its term.

## **Sec. 8-2.404 Agricultural Conservation and Mitigation Program**

### **(a) Purpose**

(1) The purpose of this Section is to implement the agricultural land conservation policies contained in the Yolo County General Plan with a program designed to permanently protect agricultural land located within the unincorporated planning area.

### **(b) Definitions**

#### **Agricultural land or farmland**

Those land areas of unincorporated Yolo County, regardless of current zoning, that are either currently used for agricultural purposes or that are substantially undeveloped and capable of agricultural production.

#### **Agricultural mitigation land**

Agricultural land encumbered by a farmland deed restriction, a farmland conservation easement or such other farmland conservation mechanism acceptable to the County.

#### **Agricultural use**

Those principal, accessory, and conditional uses and structures defined in Section 8-2.304 of this Title, excluding “covered habitat mitigation projects” as defined in Section 8-2.307 of this Title but including the restoration or conversion to habitat, so long as the restoration or conversion is incidental to or ancillary to the agricultural uses on the parcel, and excluding medium-sized, large, and very large solar energy systems, which are subject to Sections 8-2.1104 and 8-2.1105 of this Title.

#### **Farmland conservation easement**

The granting of an easement over agricultural land for the purpose of restricting its use to agricultural activities.

#### **Farmland deed restriction**

The creation of a deed restriction, covenant or condition which precludes the use of the agricultural land subject to the restriction for any nonagricultural purposes, use, operation or activity. The deed restriction shall provide that the land subject to the restriction will permanently remain agricultural land.

#### **Predominantly non-agricultural use**

Any use not defined or listed as a principal, accessory, and conditional use allowed in the agricultural zones, as defined and listed in Sections 8-2.303 and 8-2.304. Predominantly non-agricultural use specifically does not include the restoration or conversion to habitat, so long as the restoration or conversion is incidental to or ancillary to the agricultural uses on the parcel, but the definition does include “covered habitat mitigation projects” as defined in Section 8-2.307 of this Title.

**Qualifying entity**

A nonprofit public benefit 5011(3) corporation operating in Yolo County for the purpose of conserving and protecting land in its natural, rural or agricultural condition. The County favors the use of a local non-profit agricultural conservation entity, a statewide non-profit agricultural conservation entity or entities, or the regional branch of a nationally recognized non-profit agricultural conservation entity as the easement holder. The County will consider the following criteria when considering the non-profit agricultural conservation entity for these purposes, and when monitoring the performance of qualifying entities over time:

- (1) Whether the entity is a non-profit organization that is either based locally, is statewide, or is a regional branch of a national non-profit organization whose principal purpose is holding and administering agricultural conservation easements for the purposes of conserving and maintaining lands in agricultural production;
- (2) Whether the entity has a long-term proven and established record for holding and administering easements for the purposes of conserving and maintaining lands in agricultural production;
- (3) Whether the entity has a history of holding and administering easements in Yolo County for the foregoing purposes;
- (4) Whether the entity has adopted the Land Trust Alliance's "Standards and Practices" and is operating in compliance with those Standards and Practices; and
- (5) Any other information that the County finds relevant under the circumstances.

A local public agency may be an easement coholder if that agency was the lead agency during the environmental review process. The County also favors that applicants transfer the easement rights or in lieu fees directly to the recognized non-profit agricultural conservation entity in accordance with that entity's procedures. The County retains the discretion to determine whether the agricultural conservation entity identified by the applicant and the local lead agency has met the criteria delineated above. Qualifying entities may be approved by the Board of Supervisors from time to time.

**Small project**

A development project that is less than five (5) acres in size. A small project does not include one phase or portion of a larger project greater than 5 acres that is subject to master, specific, or overall development plan.

**(c) Mitigation requirements**

- (1) Agricultural mitigation shall be required for conversion or change from agricultural use to an urban use prior to, or concurrent with, approval of a zone change from agricultural to urban zoning, permit, or other discretionary or ministerial approval by the County, or as allowed by

subsection (3), below. A minimum of one (1) acre of agricultural land shall be preserved for each acre of agricultural land changed to an urban use or zoning classification (1:1 ratio). Application for a zone change, permit, or other discretionary or ministerial approval shall include provisions for agricultural mitigation land. The following uses shall be exempt from this requirement: affordable housing projects, where a majority of the units are affordable to very low or low income households, as defined in Title 8, Chapter 8 of the Yolo County Code (Inclusionary Housing Requirements); public uses such as parks, schools, and cultural institutions. Finally, also exempt are projects involving the conversion of land to urban use to the extent that agricultural mitigation was provided prior to the effective date of the ordinance that revised this subsection (a) to require mitigation for conversions to urban uses.

- (2) Agricultural mitigation requirements shall be satisfied as follows:
  - (i) If the area to be converted is five (5) acres or more in size, subject to the exception in (ii), below, by granting, in perpetuity, a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the County and/or other qualifying entity approved by the County; and, the payment of fees sufficient to compensate for all administrative costs incurred by the County or easement holder inclusive of funds for the establishment of an endowment to provide for monitoring, enforcement, and all other services necessary to ensure that the conservation purposes of the easement or other restriction are maintained in perpetuity; or
  - (ii) If the area to be converted is a small project less than five (5) acres in size, by granting a farmland conservation easement as described in subsection (i), above, or payment of the in-lieu fee established by the County to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism consistent with the provisions of this section; and the payment of fees in an amount established by the County to compensate for all administrative costs incurred by the County inclusive of endowment funds for the purposes set forth in subsection (i), above. The in-lieu fee, paid to the County, shall be used for agricultural mitigation purposes only (i.e. purchases of conservation easements and related transaction and administrative costs). If Yolo County or a qualifying entity establishes a farmland mitigation bank, farmland mitigation may be satisfied by the purchase of credits from the mitigation bank equivalent to the amount of the required in-lieu fees. The farmland mitigation bank must be approved by the Board of Supervisors to satisfy farmland mitigation requirements.
- (3) Agricultural mitigation (payment of an in-lieu fee or purchase of a conservation easement) shall be completed as a condition of approval prior to the acceptance of a final parcel or subdivision map, or prior to the issuance of any building permit or other final approval for development projects that do not involve a map.



**(d) Eligible lands**

Land shall meet all of the following criteria in sections (1) through (7), below, to qualify as agricultural mitigation:

- (1) Agricultural conservation easements resulting from this program shall be acquired from willing sellers only;
- (2) The property is of adequate size, configuration and location to be viable for continued agricultural use;
- (3) The equivalent class of soil, based on Storie index or NRCS soil survey maps, for the agricultural mitigation land shall be comparable to, or better than, the land which is converted to an urban land or use;
- (4) The land shall have an adequate water supply to maintain the purposes of the easement, i.e., to irrigate farmland if the converted farmland is irrigated or capable of irrigation. The water supply shall be sufficient to support ongoing agricultural uses;
- (5) The mitigation land shall be located within the County of Yolo, within a two (2) mile radius of the land that is the subject of a conversion from agricultural to nonagricultural use or zoning classification. If the land within a two (2) mile radius is demonstrated to be unavailable to the reasonable satisfaction of the Director of the Planning, Public Works and Environmental Services Department or his or her designee, lands outside the two (2) mile radius area but within a four (4) mile radius, may be used for the purpose of the agricultural mitigation provided that the land is of equal or better conservation easement market value to the land inside the two (2) mile radius area (i.e., the total cost or market value of purchasing the required conservation easement within the four mile radius is equal or greater than the total cost or market value of purchasing the easement within the two mile radius);
- (6) To the extent possible, mitigation lands shall promote open space connectivity and shall be in close proximity to existing growth boundaries for the communities and cities within the County;
- (7) It is the intent of this program to work in a coordinated fashion with the habitat conservation objectives of the Yolo County Joint Powers Authority (JPA) habitat management program. The mitigation land may not overlap with existing habitat conservation easement areas; the intent is to not allow "stacking" of easements, except for riparian corridors which may be subject to agricultural and habitat easements that do not generally exceed 5% of the total area on any particular easement of agricultural mitigation land.

**(e) Ineligible lands**

A property is ineligible to serve as agricultural mitigation land if any the circumstances below apply:

- (1) The property is currently encumbered by a conservation, flood, or other type of easement or deed restriction that legally or practicably prevents converting the property to a nonagricultural use; or
- (2) The property is currently under public ownership and will remain so in the future, except to the extent it is included within a mitigation bank that may subsequently be established by the County or other public agency; or
- (3) The property is subject to physical conditions that legally or practicably prevent converting the property to a nonagricultural use.

**(f) Minimum conservation requirements**

The following minimum requirements shall be incorporated into all conservation easements or other instruments recorded to satisfy the requirements of this mitigation program. Nothing in this subsection (f) is intended to prevent the inclusion of requirements that require a higher level of performance from the parties to a conservation easement or other instrument to ensure that the goals of this mitigation program are achieved.

- (1) It is the intent of the County to transfer most, if not all, of the easements that are received from this program to a qualifying entity, as defined above, for the purpose of monitoring compliance with easement terms and taking any necessary enforcement and related actions.
- (2) All farmland conservation easements, or other farmland conservation mechanisms shall be implemented through a legal instrument acceptable to County Counsel and the qualifying entity that will receive the easement, and signed by all owners with an interest in the mitigation land.
- (3) The instrument shall prohibit any uses or activities which substantially impair or diminish the agricultural productivity of the mitigation land, except for the restoration or conversion to habitat uses of up to 5% of the total easement land, or that are otherwise inconsistent with the conservation purposes of this mitigation program. The instrument shall protect the existing water rights and retain them with the agricultural mitigation land, however the instrument shall not preclude the limited transfer of water rights on a temporary basis (i.e., not to exceed two years in any ten-year period) to other agricultural uses within the County, so long as sufficient water remains available to continue agricultural use of the mitigation land.
- (4) The instrument shall prohibit the presence of a home, except an existing home that has been present on the proposed easement for at least twenty-five (25) years, or construction of a comparable replacement for

such a home. The instrument shall specify that ancillary uses must be clearly subordinate to the primary agricultural use, particularly with regards to home sites.

- (5) Instruments that convey an interest in the mitigation land to a qualifying entity, shall name the County as a third party beneficiary with full enforcement rights.
- (6) Interests in agricultural mitigation land shall be held in trust by a qualifying entity and/or the County in perpetuity. Except as provided in subsection (7) of this section, the qualifying entity or the County shall not sell, lease, or convey any interest in agricultural mitigation land which it shall acquire.
- (7) The conservation easement, or other conservation mechanism recorded pursuant to this program, can only be terminated by judicial proceedings. Termination shall not be effective until the proceeds from the sale of the public's interest in the agricultural mitigation land is received and used or otherwise dedicated to acquire interests in other agricultural mitigation land in Yolo County, as approved by the County and provided in this chapter.
- (8) If any qualifying entity owning an interest in agricultural mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall pass to the County or other qualifying entity as acceptable and approved by the County.

## **Sec. 8-2.405 In-Lieu Agricultural Mitigation Fee**

### **(a) Purpose**

This Section establishes certain fees that, pursuant to Section 8-2.404, are required to be paid by new development that converts less than five (5) acres of agricultural lands to nonagricultural uses. The fees established by this Section are estimated to be equal to the cost of conserving one acre of agricultural land for every acre developed. Specifically, this Section establishes and sets forth regulations relating to the imposition, collection, and use of fees for the conservation of agricultural lands through purchase of conservation easements.

### **(b) In-Lieu Agricultural Mitigation Fee**

- (1) Section 8-2.404, the Agricultural Conservation and Mitigation Program, sets forth the details and requirements of the Program. The Program requires agricultural mitigation for the conversion or change from agricultural use to a predominantly non-agricultural use prior to, or concurrent with, approval of a permit or other land use entitlement or approval, including but not limited to zone change, by the County.
- (2) The Agricultural Conservation Easement Program specifies that development projects that result in the conversion of less than five (5)

acres of agricultural land shall be required to pay an in-lieu fee, based on a per acre calculation of the conversion amount.

- (3) The formula for determining the amount of the per-acre in-lieu fee to be paid shall be as follows, and as updated according to Subsection (5), below:

**Table 1  
In-Lieu Agricultural Mitigation Fee**

Cost Component	Per Acre Fee
Easement Acquisition Cost	\$8,400
Transaction Cost	\$420
Monitoring Endowment	\$880
Administrative Costs	\$280
Contingency	\$115
Total (rounded)	\$10,100

Source: Table 7, Yolo County Agricultural Mitigation Fee Analysis,  
Economic and Planning Systems, August 7, 2007

- (4) The fees collected pursuant to this ordinance shall be used to pay the costs associated with acquiring and maintaining agricultural conservation easements, including the specific costs identified in Table 1, above.
- (5) The In-Lieu Agricultural Mitigation Fee may be updated quarterly based on two separate indices. The non-acquisition related costs may be updated based on changes in the Consumer Price Index (CPI), a typical measure of inflation. The acquisition costs may be updated based on changes in the Office of Federal Housing Enterprise Oversight (OFHEO) housing price index for the Sacramento Metropolitan Statistical Area, which is proxy for land costs. This index is published four times a year, in early December, March, June, and September.

**(c) Payment of Fees**

For any development project subject to this ordinance, fees levied hereunder shall be paid to the County of Yolo prior to the acceptance of any final subdivision map, issuance of a conditional use permit or approval of a site plan, or issuance of building permit(s), or such other ministerial or discretionary approval that triggers the fee requirement, whichever occurs first. The Planning, Public Works and Environmental Services Department shall not accept any final subdivision map, issue any conditional use permit or approve any site plan, or issue any building permit(s) or any other ministerial or discretionary approval to any development subject to this ordinance without first receiving payment of the required fees from the applicant.

**(d) Accounting and Register of Payment**

- (1) The fees collected pursuant to this ordinance shall be placed by the Planning, Public Works and Environmental Services Department in a

separate interest bearing account for the In-Lieu Agricultural Fee Program, as further described in Subsection (f), below.

- (2) The Planning, Public Works and Environmental Services Department shall maintain a register for each account indicating the date of payment of each fee, the amount paid, Assessor's Parcel Number and the name of the payor.
- (3) Pursuant to Government Code section 66006(b)(1), within 180 days after the last day of each fiscal year, the Planning, Public Works and Environmental Services Department shall prepare an accounting of all fees paid into and withdrawn from the account during the prior fiscal year. This accounting shall include all of the information required by subdivision (b)(1) of section 66006, including but not limited to the source and amounts collected, the beginning and ending balance of the account, the interest earned during the prior fiscal year, the amounts expended from the account, and the projects for which such expenditures were made.

**(e) Independent Fee Calculations**

- (1) Following a request made by an affected party, if in the judgment of the Director of the Planning, Public Works and Environmental Services Department ("Director") none of the fee amounts set forth in the schedule in Table 1, above, appears to accurately correspond with the impacts resulting from issuance of the requested building permit (or certificate of occupancy if no building permit is required), the applicant shall provide to the Planning, Public Works and Environmental Services Department for its review and evaluation an independent fee calculation, prepared by a consultant approved by the Director. The independent fee calculation shall show the basis upon which it was made and shall include, at a minimum, the costs of recent easement transactions in Yolo County. The Director may require, as a condition of the issuance of the requested permit, payment of an alternative impact fee based on this calculation. With the independent fee calculation, the applicant shall pay to the Planning, Public Works and Environmental Services Department an administrative processing fee of seven hundred and sixty eight (\$768) dollars per calculation or such amount that may be set in the County's Master Fee Resolution in effect at the time the project is submitted.
- (2) While there is a presumption that the calculation set forth in the In-Lieu Agricultural Mitigation Fee study (as may be adjusted from time to time in accordance with this ordinance) is correct, the Director shall consider the documentation submitted by the applicant. The Director is not required to accept as true the facts contained in such documentation. If the Director reasonably deems the facts in such documentation to be inaccurate or not reliable, he or she may require the applicant to submit additional or different documentation or, alternatively, refuse to accept any further documentation and apply the formula set forth in Subsection (b), above, to the development at issue. The Director is authorized to adjust the fee on a case-by-case basis based on the independent fee calculations or the specific characteristics of the permit (or certificate of occupancy if no

building permit is required), provided the amount of the adjusted fee is consistent with the criteria set forth in Government Code section 66001(a)-(b) and other applicable legal requirements.

**(f) Establishment of In-Lieu Fee Account**

- (1) An interest-bearing account shall be established for the fees collected pursuant to this ordinance and shall be entitled "In-Lieu Agricultural Mitigation Fee Account". Impact fees shall be earmarked specifically and deposited in this account and shall be prudently invested in a manner consistent with the investment policies of the County. Funds withdrawn from this account shall be used in accordance with the provisions of this ordinance. Interest earned on impact fees shall be retained in the account and expended for the purpose for which the impact fees were collected.
- (2) On an annual basis, the Director shall provide a report to the Board of Supervisors on the account showing the source and amount of all moneys collected, earned, or received, and system improvements that were financed in whole or in part by impact fees. This report may be identical in format and content with the report or other document prepared pursuant to Subsection (d)(3), above, and Government Code Section 66006(b)(1).
- (3) In accordance with Government Code section 66001(d), for the fifth fiscal year following the first deposit of fees into the account and every five years thereafter, if some or all of the collected fees have not been expended, the Board of Supervisors shall make the findings set forth in Government Code Section 66001(d) or take other measures provided in Subdivisions (d) and (e) of Section 66001, including a refund of any unexpended moneys pursuant to Subsection (g), below.

**(g) Refunds**

- (1) Except where the Board of Supervisors has timely made the findings set forth in Government Code Section 66001(d), upon application of the property owner made pursuant to (3) through (5) of this subsection (g), the County shall refund that portion of any impact fee which has been on deposit over five years, whether committed or uncommitted. The refund shall be made to the then-current owner or owners of lots or units of the development project or projects, as reflected on the last equalized assessment roll.
- (2) The County may refund by direct payment, by offsetting the refund against other impact fees due for development projects by the owner on the same or other property, or otherwise by agreement with the owner. A person who receives a refund under this provision shall not commence construction of the land development for which the refund was made without repaying the required fees.
- (3) If the County fails to expend the fees within five years of payment, or where appropriate findings have been made, such other time periods

pursuant to Section 66000 et seq. of the Government Code, the current owner of the property for which impact fees have been paid may receive a refund of the remaining amount of the fee payment. In determining whether fees have been expended, impact fees shall be considered expended on a first in, first out basis.

- (4) The County shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants.
- (5) Property owners seeking a refund of impact fees must submit a written request for a refund of the fees to the Director of Planning, Public Works and Environmental Services within one year of the date that the right to claim the refund arises or the date the notice described in Subsection (4) of this Section is given, whichever is later.
- (6) Any impact fees for which no application for a refund has been made within the one year period shall be retained by the County and expended on the appropriate purchases of easements.
- (7) Refunds of impact fees under this ordinance shall include any interest earned on the impact fees by the County.
- (8) When the County terminates the impact fee program established by this ordinance, all unexpended and unencumbered funds, including interest earned, shall be refunded pursuant to this ordinance. The County shall publish notice of the determination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of the claimants. All funds available for refund shall be retained for a period of one year after the second publication. At the end of one year, any remaining funds shall be retained by the County, but must be expended for the appropriate public facilities. This notice requirement shall not apply if there are not unexpended or unencumbered balances within the account.
- (9) The County shall also refund the impact fee paid plus interest to the current owner of property for which the impact fee had been paid if the development was never completed or occupied; provided, that if the County expended or encumbered the impact fee in good faith prior to the application for a refund, the Director may decline to provide the refund. If within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development, the owner can petition the Director for an offset against the fees previously paid to, and expended or encumbered by, the County. The petitioner shall provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof.

**(h) Use of Funds**

- (1) The fees collected pursuant to this ordinance may be spent for the conservation of agricultural lands through purchase of conservation easements, including any related administrative, monitoring, stewardship, and legal costs.
- (2) It is the intent of the County to transfer most, if not all, of the fees that are collected to a qualifying entity, that will purchase and maintain easements.
- (3) In-Lieu fees may be used to recoup costs for conservation easement purchases previously incurred by the County, provided the costs recouped by the County were incurred in connection with the Agricultural Conservation and Mitigation Program.
- (4) In the event that bonds or similar debt instruments are or have been issued for the advanced purchase of conservation easements, In-Lieu fees may be used to pay debt service on such bonds or similar debt instruments to the extent that purchases are consistent with the Agricultural Conservation and Mitigation Program and this Section.

**(i) Protests and Appeals**

Protests shall be filed in accordance with Sections 66020 and 66021 of the Government Code. At the time any fees are imposed pursuant to this ordinance, County staff shall provide the project applicant written notice of the imposition of the fees, a statement of the amount of the fees, and notification of the commencement of the ninety (90) day period for filing a protest under Government Code section 66020(d)(1).

**Sec. 8-2.406 Transfer of Development Rights Program (reserved)**

**Sec. 8-2.407 Williamson Act Land Use Contracts**

See "Yolo County Williamson Act Program and Guidelines," a separate document which is not a part of the County Code.





**2014 UPDATED  
YOLO COUNTY CODE**

**Title 8 LAND DEVELOPMENT**

**CHAPTER 2: ZONING REGULATIONS**

**Article 5: Residential Zones**

**Sec. 8-2.501 Purpose**

The purpose of the Residential Zones shall be to allow for a wide range of housing types and uses in the unincorporated area of the County. Such uses shall complement existing residential development within the County's towns and be compatible with smart growth policies of the County General Plan.

**Sec. 8-2.502 Residential Zones**

Residential land is separated into five zoning districts, with specific Use Types, minimum lot area, and other requirements, as described below.

**(a) Rural Residential-5 acre minimum parcel size (RR-5) Zone**

The purpose of the Rural Residential-5 Zone (RR-5) is to recognize existing rural residential areas with no public water and sewer systems surrounded by intensive agriculture, with lot sizes of generally five acres or more. The RR-5 Zone is notably applied in Monument Hills, an area of poorer quality soils. The predominant land use in the zone is large lot rural homes, although attached and/or detached ancillary or second units, and farm worker housing is allowed. The RR-5 Zone is one of the two zoning districts that is consistent with the Rural Residential (RR) land use designation set by the 2030 Countywide General Plan. General Plan Policy AG-1.5 states that areas designated as Agriculture are strongly discouraged from being redesignated to RR or any other non-Agriculture designation. Thus, it is anticipated that the RR-5 zoning will not be extended to any additional areas during the 2030 planning period. The minimum lot size for newly created parcels in the RR-5 Zone is 5.0 acres.

**(b) Rural Residential-1 acre minimum parcel size (RR-1) Zone**

The Rural Residential-1 (RR-1) Zone, like the RR-5 Zone, recognizes existing areas in the County that have been developed with very low density (one to five acre) large lot homes with no public services such as water or sewer. The RR-1 Zone allows for a limited variety of agricultural uses, including the keeping of animals, which is regulated based on the size of the parcel. The RR-1 Zone is most notably applied to the Hardwoods area of Dunnigan, which does not currently have public services but is expected to be connected to public water and sewer within the 2030 planning period. The RR-1 Zone is one of the two zoning districts that is consistent with the Rural Residential (RR) land use designation set by the 2030 Countywide General Plan. As in the case of the RR-5 Zone, General Plan policy strongly discourages areas that are now designated as Agriculture from being redesignated to RR or any other non-

Agriculture designation. Thus, it is anticipated that the RR-1 zoning will not be extended to any additional areas during the 2030 planning period. The minimum lot size for newly created parcels in the RR-1 Zone is 1.0 acre.

### **(c) Low Density Residential (R-L) Zone**

The Low Density Residential (R-L) Zone includes traditional low density neighborhoods with primarily detached single family homes located in existing unincorporated towns such as Esparto, Knights Landing, Clarksburg, Madison, Dunnigan, and Yolo. Some of these areas have public services including water and sewer, while others do not. Lot sizes in communities zoned R-L with no or limited public services are restricted in size to no less than about one acre, in order to accommodate on-site wells and leachfields. Along with single family homes, the R-L Zone also allows small attached housing such as duplexes (two family), “triplexes” (three family), and “four-plexes” (four family). The R-L Zone is the one zoning district that is consistent with the Residential Low (RL) land use designation set by the 2030 Countywide General Plan. The density allowed in the R-L Zone is between 1.0 and 10.0 housing units per net acre. The minimum lot size for newly created parcels in the R-L Zone is 3,500 square feet. The maximum lot size for newly created parcels is one acre.

### **(d) Medium Density Residential (R-M) Zone**

The Medium Density Residential (R-M) Zone includes parcels in neighborhoods with a mix of housing densities, including detached and attached single family homes, condominiums, townhouses, “garden” apartment complexes, and mobile home parks. The R-M zone is applied only in unincorporated towns that are served by some public water and/or sewer system, i.e. Esparto, Knights Landing, Madison, Dunnigan, and Yolo. Certain small compatible neighborhood-serving retail, office, and service uses are also allowed within the R-M Zone as “mixed use residential” activities. The R-M Zone is the one zoning district that is consistent with the Residential Medium (RM) land use designation set by the 2030 Countywide General Plan. The density allowed in the R-M Zone is between 10.0 and 20.0 housing units per net acre. The minimum lot size for newly created parcels in the R-M Zone is 1,500 square feet.

### **(e) High Density Residential (R-H) Zone**

The High Density Residential (R-H) Zone includes parcels and neighborhoods planned for the more dense condominium, townhouse, and apartment projects. The R-H zone is applied only in unincorporated towns that are served by both public water and sewer systems, i.e. Esparto, Knights Landing, Madison, and Dunnigan. Mixed uses are encouraged in the R-H Zone, and a greater variety of neighborhood-serving retail, office, and service uses are allowed within the R-H Zone than in the R-M Zone. The R-H Zone is consistent with the Residential High (RH) land use designation set by the 2030 Countywide General Plan. The density allowed in the R-H Zone is greater than 20.0 housing units per net acre. The minimum lot size for newly created parcels in the R-H Zone is 1,500 square feet.

## **Sec. 8-2.503 Residential Use Types Defined**

As required by Sec. 8-2.227 in Article 2 of this Chapter, a Use Classification System has been employed to identify residential Use Types. The residential Use Types include the full range of housing described above, as well as other less traditional residential uses such as group care homes, group or co-housing, shelters, and farm labor housing. The descriptions of the Use Types in this chapter also identify specific activities that are allowed within housing units, or on residentially zoned parcels, such as child care, home occupations, limited retail and service activities, accessory structures, and keeping of animals. These typical Use Types are examples and are not meant to include all uses that may properly be classified within each Use Type.

### **(a) Single Family Detached and Attached**

This Use Type includes housing that consists of one household or group unit in a detached single structure, as well as attached and detached second and “granny” units. Manufactured or mobile homes are also included in this Use Type. Single family homes may be found in all the residential zones, and new detached and attached housing is allowed in all zones except for the R-H zone, which is reserved for more dense housing types. Single family homes may be served by either on-site private services (well and septic) or public services.

### **(b) Duplexes, Triplexes, Four-plexes**

This Use Type includes small attached multi-family housing structures such as duplexes (two attached units), “triplexes” (three attached units), and “four-plexes” (four attached units). Small attached multi-family housing is allowed in all zones except for the R-H zone, which is reserved for more dense housing types. Small attached multi-family housing is allowed within existing R-L neighborhoods provided the projects are designed to be compatible with adjoining single family residences. Attached homes are generally served by public water and sewer.

### **(c) Multi-Family Residential**

The Multi-Family Use Type is defined as a structure or series of structures with three or more housing units, overlapping with the previous Use Type. This Use Type covers a wide variety of housing products including triplexes and four-plexes, larger apartment complexes, condominiums, townhouses, “garden” apartments, and other forms of housing that share common walls and common open spaces. The Use Type includes both rental housing units as well as for sale units. This Use Type does not include group or temporary living situations (rooming, boarding or lodging houses; fraternities; co-housing; motels/hotels; farm labor housing; or shelters). Multi-family structures are allowed in the R-L, R-M, and R-H zones. Except for triplexes and four-plexes, this Use Type may not be served by on-site private services (well and septic) and must be connected with public services.

### **(d) Group Homes or Co-Housing**

This Use Type includes non-traditional housing arrangements such as “co-housing,” which are larger groups of unrelated people who choose to live within an existing or new multi-family housing project with large common areas for eating and recreating communally. This Use Type does not include room-mates sharing a house or a traditional apartment, and does not include group care homes. This Use Type is allowed within all residential zones, with the requirement

that adequate land must be available for on-site services, e.g., leachfields, to accommodate the number of residents, if the project is not connected to public services.

#### **(e) Farm Labor Housing**

This Use Type includes multi-family housing specifically used by farm workers. This Use Type is regulated and licensed through the State of California when the structure or structures include twenty units or twenty employees, or more. Farm labor housing is allowed within all residential zones, except for the R-L zone, with the requirement that adequate land must be available for on-site services, e.g., leachfields, to accommodate the number of residents, if the project is not connected to public services.

#### **(f) Shelters**

Shelters are temporary or transitional housing provided for homeless families, temporarily displaced individuals, and domestic violence victims. Shelters are allowed within all commercial and industrial zones with the requirement that adequate land must be available for on-site services, e.g., leachfields, to accommodate the number of residents, if the project is not connected to public services.

#### **(g) Home Occupation/Home Care**

This Use Type includes home occupations, group or home care, and child care. Home occupations such as bookkeeping or Internet sales are regulated through a business license and home occupation permit. These home-based activities must have no employees on-site other than the owner and family members, or permanent residents, and must create no traffic or parking in the neighborhood.

Group or home care is multi-family living for the main purpose of providing limited on-site medical and/or assisted home care for elderly or disabled persons, including small to medium-sized convalescent and group care homes. It does not include large convalescent complexes or hospitals. This use is regulated and licensed through the State of California. Child care is also licensed through the State of California. State law requires that local agencies allow small group homes and small child care facilities in all residential zones “by right.” Larger group care and child care, including child care centers, are allowed within most of the agricultural and residential zones, with the requirement that adequate land must be available for on-site services, e.g., leachfields, to accommodate the number of residents, if the project is not connected to public services.

#### **(h) Mixed Residential Commercial**

This broad Use Type includes several quasi-commercial activities that are related to agri-tourism and small local-serving retail and services. This Use Type is allowed as an “ancillary” use, which is subordinate to the main residential use of the property or zone. Agri-tourism uses such as small bed and breakfasts/farm stays, small special event facilities, and small wineries/olive mills are described in Sec. 8-2.303, Article 3 of this Chapter. All of these small agri-tourism uses are allowed in the RR-5 zone, and some uses are allowed in the RR-1 zone.

This Use Type also includes mixed residential/commercial uses that are not directly related to agri-tourism. The 2030 Countywide General Plan recognizes and encourages the integration of some limited small retail, office, and service structures and activities within residentially zoned

neighborhoods and projects, in areas that are already connected to public services. These non-residential uses are limited to businesses that are compatible with, and provide services to, the local neighborhood and town, and do not cause unacceptable impacts, such as traffic, parking, and noise, to the nearby residents. The commercial use must be subordinate to the main residential use.

The commercial/residential Use Type includes small grocery and retail stores; small offices which may house accountants, attorneys, real estate firms, and medical/dental services; and small service businesses such as hair dressers, dry cleaning and laundromats. Size restrictions apply to these uses. These limited commercial/residential uses are allowed within all residential zones, except for the RR-5 and RR-1 zones, which are connected with public services. The Use Type does not include live-work (other than home occupation), restaurants, bars, and retail stores that are more appropriately located in a commercial or downtown district.

### **(i) Animal Keeping**

This Use Type includes some of the animal keeping activities that are described in Sec. 8-2.303, Article 3 of this Chapter. Keeping of small domestic pets is allowed in all residential zones. Large domestic animals may be kept in the RR-5, RR-1, and R-L zones, with their numbers regulated by how much acreage is available. Rooster and other wild animals are allowed only in the RR-5 zone. Domestic fowl may be kept on parcels less than 10,000 square feet in the R-L and R-M Zones with special restrictions.

### **(j) Agricultural Uses**

This Use Type includes many of the agricultural activities that are described in Sec. 8-2.303, Article 3 of this Chapter. A range of agricultural uses is allowed in the RR-5, RR-1, and R-L zones. In the Rural Residential zones, residents are allowed to plant and grow crops, pasture animals, and engage in other forms of permanent agriculture, including limited agricultural processing. In the R-L zone, agriculture may be practiced on larger lots that are planned for future residential growth, but may not be developed for some years.

## **Sec. 8-2.504 Tables of Residential Permit Requirements**

Table 8-2.504(a) on the following page lists the permit requirements for each Use Type within each residential zoning district. Use Types are defined as “principal,” “ancillary,” or “accessory” uses which are allowed “by right” (with issuance of only a building permit after zoning clearance), or are allowed through issuance of a non-discretionary (no public hearing) Site Plan Review. Additional Use Types are defined as “conditional uses” that are permitted through the issuance of a discretionary Minor or Major Use Permit, after a public hearing.

Table 8-2.504(b) lists permitting requirements for a detailed list of “accessory structures” which are allowed in each residential zoning district.

**Table 8-2.504(a)**

**Allowed Land Uses and Permit Requirements  
for Residential Zones**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit</b> <b>UP (M) = Major Use Permit</b> <b>N = Use Not Allowed</b>	Land Use Permit Required by Zone					Specific Use Requirements or Performance Standards
	RR-5	RR-1	R-L	R-M	R-H	

Residential Uses						
Single family detached home including duplex	A	A	A	A	N	See Table 8-2.505 and Sec. 8-2.506(a), (l), and (m)
Second or "granny" unit	See Table 8-2.504(b) and Secs. 8-2.506(b), (l), (m)					
Triplex, four-plex	N	N	SP/UP(m)	SP/UP(m)	SP/UP(m)	See Table 8-2.505 and Sec. 8-2.506(c), (l), and (m)
Multi-family (condominiums, townhouses, apartments)	N	N	SP/UP(m)	SP/UP(m)	SP/UP(m)	
Group or co-housing	SP	SP	SP/UP(m)	SP/UP(m)	SP/UP(m)	
Farm worker housing	A/SP	A/SP	A/SP	SP/UP(m)	SP/UP(m)	See Sec. 8-2.506(d)
Emergency shelters	N	N	N	N	N	See Sec. 8-2.606(m)
Mobile home parks	N	N	UP(M)	UP(M)	UP(M)	See Sec. 8-2.1014
Home Occupation/Care						
Home occupation	A	A	A	A	A	See Sec. 8-2.506(e)
Group/home care (6 or less beds)	A	A	A	A	A	See Sec. 8-2.506 (f)
Group/home care (7 or more beds)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	N	
Child care (<9 children)	A	A	A	A	A	See Sec. 8-2.506(g)
Child care (9 to 14 children)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	
Child care centers (>14 children)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	
Child care centers (>14 children)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	See Sec. 8-2.506(h)
Mixed Residential/Commercial/Public and Quasi-Public Uses						
Boutique winery/olive mill	SP/UP(m)	N	N	N	N	See Sec. 8-2.306(j)
Small special events facility	SP/UP(m)	SP/UP(m)	SP/UP(m)	N	N	See Sec. 8-2.306(k)
Bed and breakfast	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	See Sec. 8-2.306(l)
Farm stay	SP/UP(m)	N	N	N	N	See Sec. 8-2.306(m)
Other agri-tourism uses	SP/UP(m)	N	N	N	N	See Sec. 8-2.306(n)
Rural recreation	N	N	N	N	N	
Small ancillary commercial uses	N	N	SP	SP	SP	See Sec. 8-2.506(i)
Cottage food operation	A	A	A	A	A	See Sec. 8-2.506(k)
Churches, religious assembly	UP(M)	UP(M)	UP(M)	UP(M)	N	
Animal Keeping						
Small domestic animals (cats, dogs, birds)	A	A	A	A	A	See Sec. 8-2.506(j)
Large domestic animals (fowl, horses, swine, goats)	A	A	A	A	N	
Wild, exotic, dangerous animals	A	N	N	N	N	
Kennels/animal boarding	UP(m)	N	N	N	N	See definition in Sec. 8-2.307

\* An "allowed use" does not require a land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.

**Table 8-2.504(b)**

**Accessory Uses and  
Permit Requirements for Residential Zones**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit</b> <b>UP (M) = Major Use Permit</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>					<b>Specific Use Requirements or Performance Standards</b>
	RR-5	RR-1	R-L	R-M	R-H	
<b>Agricultural Uses</b>						
Agricultural production	A	A	A	A	N	See Table 8-2.304(a)
Agricultural processing	UP(m)	N	N	N	N	
<b>Agricultural Accessory Structures</b>						
Farm office	A	A	N	N	N	See Sec. 8-2.506(b) and definitions in Section 8-2.307
Barn	A	A	N	N	N	
Roadside stand	A	A	A	A	N	
Greenhouse, agricultural	A	A	A	N	N	
Reservoirs, private	A	N	N	N	N	
<b>Residential Accessory Structures</b>						
Second or "granny" unit, detached or attached	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	N	See Sec. 8-2.506(b)
Farmworker housing	A/SP	A/SP	A/SP	SP/UP(m)	SP/UP(m)	
Guest house	SP/UP(m)	SP/UP(m)	SP/UP(m)	N	N	
Accessory structure conversion	SP/UP(m)	SP/UP(m)	SP/UP(m)	N	N	
<b>Non- Residential Accessory Structures</b>						
Detached garage	A	A	A	A	A	See Sec. 8-2.506(b)
Detached workshop	A	A	A	A	A	
Second or outdoor kitchen	A	A	A	N	N	
Cabana or poolhouse	A	A	A	A	A	
Game/exercise room, playhouse	A	A	A	A	A	
Storage building	A	A	A	A	A	
Storage or shipping container	A/SP	A/SP	N	N	N	
Artist studio	A	A	A	A	A	
<b>Miscellaneous Accessory Structures</b>						
Pools and Spas	A	A	A	A	A	See Sec. 8-2.506(b)
Attached/unattached patio covers, sunshades, breezeways	A	A	A	A	A	
Gazebo, trellis/arbor	A	A	A	A	A	
Animal enclosures	A	A	A	A	A	
Vehicle covers/carports	A	A	A	A	A	
Greenhouse, household	A	A	A	A	A	
Small solar, cell tower, wind facility	See Article 11, Sec. 8-2.1102 (cell tower), 8-2.1103 (wind), and 8-2.1104 (solar)					
<b>Temporary Accessory Structure</b>						
Temporary sales office	N	N	A	A	A	See Sec. 8-2.506(b)

\* An "allowed use" does not require a land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.



## Sec. 8-2.505 Table of Residential Development Requirements

The following Table 8-2.505 identifies the development requirements, including minimum parcel sizes, building setbacks, and other standards that allowed and permitted uses in the residential zones must meet as a standard or condition of any issued building permit, Site Plan Review, or Use Permit. Setback requirements for accessory structures may be different; see Section 8-2.506(b).

**Table 8-2.505  
Development Requirements in Residential Zones**

R ZONE	Minimum Lot Area (acres/sf) <sup>(1)</sup>	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Height Limits <sup>(3)</sup> (feet)	Other Building Standards	Density (dwellings per acre)
RR-5	5.0 acres	20 feet from property line, or 50 feet from centerline of roadway, whichever is greater <sup>(2)</sup>	25 feet from property line	20 feet from property line	35 feet for residential uses; no limit for agricultural uses, except for accessory or conditional uses	No limit on primary dwelling; second dwelling no greater than 2,500 square feet	One primary dwelling plus one second dwelling per parcel
RR-1	1.0 acre						
R-L	3,500 square feet	20 feet from property line or curb strip	25 feet from property line	6 feet from property line/0 to 5 feet with Use Permit	35 feet max./two stories, or 40 feet max./three stories with Use Permit	No size limit; open space of 600 sf per unit; max. impervious lot coverage limit of 35%	1.0 – 9.9 units per net acre
R-M	1,500 square feet	10 feet from property line or curb strip	15 feet from property line	10 feet from property line/0 to 9 feet with Use Permit	40 feet max./three stories, or 50 feet max./four stories, with Use Permit		10.1 – 20.0 units per net acre
R-H	1,500 square feet				50 feet/four stories, or 60 feet/five stories with Use Permit		Over 20.0 units per net acre

- Notes:
1. Parcels in rural areas with no access to public water and/or wastewater services are subject to minimum parcel sizes for new building permits that are established by the Special Building (“B”) overlay zone, see Section 8-2.906(b).
  2. The yard abutting a County road is considered the front yard. Properties abutting a major arterial require a 30-foot front yard setback, as measured from the edge of road right-of-way.
  3. Structures built in the 100-year flood plain to comply with FEMA and local requirements will be measured from the top of the bottom floor, which may include a basement, crawlspace, or enclosed floor.
  4. Development near the toe of any levee is restricted, see Section 8-2.306(ad).

## Sec. 8-2.506 Specific Use Requirements or Performance Standards

The following specific use requirements or performance standards may be applicable to some of the specific uses identified in the previous Tables 8-2.504(a) and (b), and shall be applied to any issued building permits, Site Plan Reviews, or Use Permits for uses in the residential zones.

### (a) Manufactured homes

Manufactured homes may be located in the RR-5, RR-1, and RL zones and shall comply with the standards outlined in Section 8-2.1013(c).

### (b) Accessory structures and uses

- (1) Non-dwelling and miscellaneous accessory structures require issuance of a Building Permit if over 120 square feet in size. All habitable accessory structures require issuance of a Building Permit.
- (2) Accessory housing structures, and accessory structure conversions to an accessory housing structure, in residential zones are a permitted use through the issuance of a non-discretionary Site Plan Review if the following standards are met: yard setbacks as set forth in subsection (5)(ii), below; parking standards; and Environmental Health standards regarding water and septic systems. If the structure or required parking does not meet any development standard, a Minor Use Permit is required.
- (3) Except in the Agricultural (A) Zones, accessory structures subject to a Building Permit shall not be erected on a lot until construction of the principal structure has started, and an accessory structure shall not be used unless the principal structure has received a certificate of occupancy.
- (4) The maximum height of an accessory structure shall be fifteen (15) feet, unless a different height limit is specified in Table 8.2-506.
- (5) The following yard setback standards shall be required of all accessory structures:
  - (i) *Building separation.* Detached accessory structures subject to a Building Permit shall be separated from principal structures by a minimum of ten (10) feet and from other detached accessory structures subject to a Building Permit by a minimum distance specified by applicable building or fire codes.
  - (ii) *Front and side yard:* Accessory housing structures shall be located in the rear one half of a parcel in the residential zone. An accessory housing structure is an allowed use, subject to issuance of a Site Plan Review and Building Permit, if the structure complies with the height limit of 15 feet and with the following side and rear yard setbacks: 10 feet for rear yard and 5 feet for side yard. A one-story accessory housing structure may intrude into the required zone setback for rear and side yards provided it is at least five (5) feet from the side and/or rear property lines, upon issuance of a Minor Use Permit. A two-story accessory housing structure may be approved upon issuance of a Minor Use Permit provided it meets minimum setback standards of at least ten (10) feet from both the side and rear property lines.
  - (iii) Accessory non-housing structures subject to a Building Permit shall comply with the front yard and side yard setback regulations for principal uses as set forth in the applicable regulations for each zone district. Provided, however, that the

Planning Director may approve the location of any standard accessory structure, other than an accessory housing structure, within the required side yard but at least five (3) feet from the side property lines if a standard structure cannot be located within standard setbacks and Building Code standards (such as use of improved fire retardant materials) are met. Those accessory structures not requiring a Building Permit, such as a storage shed of less than 120 square feet, may be allowed to locate in the side yard setback area.

- (iv) *Rear yard:* Except as provided in Table 8-2.506, an accessory structure subject to a Building Permit, other than an accessory housing structure, may be located in the rear setback area provided that it meets the minimum building separation standards listed above, would be a minimum of five (5) feet from the rear property boundary, and its construction would not result in coverage of more than 40 percent of the required rear yard area. Provided, however, that the Planning Director may approve the location of any standard accessory structure, other than an accessory housing structure, within the required rear yard but at least three (3) feet from the rear property lines if a standard structure cannot be located within standard setbacks and Building Code standards (such as use of improved fire retardant materials) are met. Those accessory structures not requiring a Building Permit, such as a storage shed of less than 120 square feet, may be allowed to locate in the rear yard setback area.
- (v) *Corner lot setbacks:* Accessory structures on a corner lot shall be located no closer to the street right-of-way than the principal structure on the lot. Where a corner lot backs onto the side yard of an adjoining lot, the minimum rear yard setback for accessory structures shall be equivalent to the side yard setback of the adjoining lot.

(6) The following parking standards shall be required of all accessory housing structures:

- (i) Off-street parking shall be provided for an accessory housing structure in addition to that required for the principal dwelling. One space shall be provided for units with up to two bedrooms and two spaces shall be provided for units with three or more bedrooms.
- (ii) On-site parking may be included within the required rear or side yard areas, upon issuance of a Minor Use Permit, provided that the parking is set back at least five feet from the property line and appropriate fencing or landscaping is provided to buffer any adjacent residences.
- (iii) On-site parking may be reduced or modified in accordance with Article 13 of Title 8 of this Code, upon issuance of a Minor Use Permit.
- (iv) Parking spaces shall be otherwise consistent with the design standards provided in Article 13.

(7) Second or outdoor kitchens must meet the following standards:

- (i) The second kitchen may not be used for any commercial purposes other than a licensed home occupation or cottage food operation approved by Yolo County Environmental Health.
- (ii) The second kitchen must be arranged and located to be available for use by, and readily accessible to, all residents of the dwelling.

**Table 8-2.506**

**Specific Requirements and Performance Standards for Accessory Structures**

Type of Structure	Specific Requirements or Performance Standards
<b>Accessory agricultural support structures</b>	
Farm office or barn with office	Primary place of employment. No height limit. No kitchen facilities are allowed. May include bath and shower, and a wet bar that meets the following standards: comprised of a counter area and overhead cabinets that encompass no more than 20 square feet (sf), and not configured in a manner that facilitates conversion into a kitchen.
Barn without office	Limited to toilets and wash basins, no shower facilities are allowed. No height limit.
Roadside stand	Located minimum of 20 feet from edge of road right-of-way. Adequate ingress/egress, and parking area for a minimum of five cars must be provided.
Greenhouse, agricultural	Allowed, with no height limit, in all A (Agricultural) zones, and in the RR-5 and RR-1 zones.
<b>Accessory housing structures</b>	
Farm worker housing	Allowed by Minor Use Permit in RR-5 zone. Must meet development standards in Sec. 8-2.506(d). Full bathing, shower, kitchen facilities allowed. Must meet parking requirements, see Sec. 8-2.506(b)(6).
Second Unit, detached	Minimum net lot area of 5,000 square feet (sf). One second unit per parcel. No second unit in addition to guest house. Size limits: 2,500 sf (without garage) in RR-5 and RR-1 zones; no size limit in all other R zones. Maximum height as set by zone. Must meet Environmental Health (well, septic), design, setback, and parking standards, see Sec 8-2.506(b).
Second Unit, attached	Same as for detached, except attached unit in R zones is limited in size to 30% of living area of principal dwelling or 1,500 sf, excluding garage. Conversion of floor area in existing dwelling to attached unit subject to same limitations. Any portion of space in second unit readily convertible to living space is counted as living area.
Guest house	Minimum net lot area of 5,000 square feet (sf). One guest house per parcel. No guest house in addition to second unit; Minor Use Permit required for guest house in addition to ancillary unit. No size limit in agricultural, RR-5 and RR-1 zones. Size limit of 600 sf (1,000 sf with garage) in all other R zones. No kitchen. Maximum height is 30 feet. Occupancy no more than 120 days yearly by owners, their employees, or by non-paying guests. Must meet Environmental Health, design, setback, and parking standards, see Sec 8-2.506(b).
Accessory structure conversion	Minimum net lot area of 4,000 square feet (sf). One conversion per parcel of a non-habitable and non-work space, such as a garage or storage shed, to habitable or work space such as a second unit or artist studio. No conversion in addition to second unit or guest house, except on parcels over one acre. A conversion to artist studio is allowed in addition to second unit. No size limit. Plumbing and kitchen to conform with converted structure requirements. Must meet Environmental Health, height, setback, and parking standards, see Sec 8-2.506(b).
<b>Non-dwelling accessory structures</b>	
Detached garage or workshop	Must meet setback standards, see Sec 8-2.506(b). Size limited to maximum footprint of 600 square feet (sf). No shower or kitchen facilities. Maximum height as set by zone.
Second or outdoor kitchen	Must meet the development standards in Sec 8-2.506(b)(7).

Type of Structure	Specific Requirements or Performance Standards
<b>Non-dwelling accessory structures (cont.)</b>	
Pool house (cabana)	Minimum net lot area of 5,000 sf. Located immediately adjacent to permitted swimming pool. No second unit or guest house in addition to the pool house, unless parcel is over one acre. Size limited to maximum footprint of 600 sf. Shower allowed. No kitchen. Maximum height is 15 feet. Must meet setback standards, see Sec 8-2.506(b).
Artist studio	Minimum net lot area of 4,000 square feet (sf). Located in rear one half of parcel. No second unit or guest house in addition to studio, unless parcel is over one acre. Size limited to maximum footprint of 600 sf. No shower or kitchen facilities. Maximum height is 30 feet. Must meet setback standards, see Sec 8-2.506(b).
Game/exercise/playroom, play house	Must meet all standards for artist studio, above, except that maximum height is 15 feet.
Storage building	Must meet setback standards, see Sec 8-2.506(b).
Storage or shipping container	Allowed in A and I zones. Up to two containers allowed in RR-5 and RR-1 zones only, more than two by Site Plan Review. Not allowed in other R zones. Allowed in C zones with Site Plan Review.
<b>Miscellaneous accessory structures</b>	
Pools and Spas	May encroach into rear and side yards, with a minimum setback of five feet from property lines. Filter and heating systems may be located within three feet of a property line, but may not be located within ten feet of any living area of any dwelling unit on an adjacent parcel. Must meet fencing and barrier requirements in Article 10, Section 8-2.1011.
Attached/unattached patio covers, sunshades, breezeways	Structure must be unenclosed on three sides except for vertical supports, insect screening, and maximum one-foot kickboards. May be attached, or within ten feet, of the principal structure and other accessory structures. May encroach into rear and side yards, with a minimum setback of five feet from property lines, unless it meets Building Code standards to allow a closer three foot setback, e.g., flame retardant construction materials. May not be located less than five feet from the nearest side window located on the adjacent parcel.
Gazebo	Must meet setback standards, see Sec 8-2.506(b).
Trellis/arbor	No solid obstruction such as a support may be greater than one foot in diameter. May encroach into rear and side yards, with a minimum setback of five feet from property lines, unless it meets Building Code standards to allow a closer setback, e.g., flame retardant construction materials. May be attached, or within ten feet, of the principal structure and other accessory structures. May not be located less than five feet from the nearest side window located on the adjacent parcel. Height limit of ten feet. On corner lot, must not obstruct the vision of vehicular traffic.
Animal enclosures	Must meet setback standards, see Sec 8-2.506(b) and 8-2.506(j)(4).
Vehicle covers/carports	Must meet setback standards, see Sec 8-2.506(b). May not be located in a side driveway that is less than five feet from the nearest side window located on the adjacent parcel.
Greenhouse, household	Allowed in all R zones, height limit of 15 feet.
Solar arrays, ground mounted	Freestanding household solar panel not to exceed 10 feet in height in R zones, see Sec. 8-2.1104.
Small solar, wind, cell facility	See Article 11.
<b>Temporary accessory buildings</b>	
Temporary sales office	Allowed in residential zones appurtenant to the construction of a nearby subdivision or housing development. Must meet setback standards, see Sec 8-2.506(b). Not subject to Sec 8-2.506(b)(3).

- (iii) The second kitchen shall not have primary access from a bedroom or other isolated area of the dwelling, or any similar arrangement that could limit its use to only some of the residents.
- (iv) The dwelling in which the second kitchen is located may not be represented in any way as having a secondary dwelling or any other quarters that can be rented or otherwise used as a private, separate or independent living area.

**(c) Triplex, four-plex, other multi-family residential including group or co-housing**

- (1) Structures or a series of structures that contain triplexes (three attached housing units), four-plexes (four attached housing units), and group or co-housing projects, are allowed with the issuance of a Site Plan Review in the R-L and R-M zones, provided that the project is designed to be compatible with any adjoining single family residences and meets development standards. At the discretion of the Planning Director, a Minor Use Permit may be required if there are any compatibility issues or if setbacks or other development standards are not met. Projects that do not meet the standard development standards contained in Table 8-2.505 shall be encouraged to seek a re-zoning to a unique Planned Development (PD) zone. Four-plexes are allowed in the R-H zones with the same requirements, provided the project meets the minimum density of 20 units per acre.
- (2) Multi-family projects that consist of more than four units of condominiums, townhouses, apartments per structure, or similar housing, are allowed with the issuance of a Site Plan Review in the R-L, R-M, and R-H zones, provided that the project is designed to be compatible with any adjoining single family residences and development standards are met. At the discretion of the Planning Director, a Minor Use Permit may be required if there are any compatibility issues, or if setbacks or any other development standards are not met. Projects that do not meet the standard development standards contained in Table 8-2.505 shall be encouraged to seek a re-zoning to a unique Planned Development (PD) zone.
- (3) Group or co-housing projects are allowed with the issuance of a Site Plan Review in the R-L, R-M, and RH zones, provided that the project is designed to be compatible with any adjoining single family residences and meets development standards. At the discretion of the Planning Director, a Minor Use Permit may be required if there are any compatibility issues or if setbacks or other development standards are not met. Group or co-housing projects that do not meet the standard development standards contained in Table 8-2.505 shall be encouraged to seek a re-zoning to a unique Planned Development (PD) zone.

**(d) Farm worker housing**

As required by State law (Health and Safety Code Sec. 17021.5), small farm labor housing projects of no more than six farmworkers are allowed with the issuance of a building permit. A project with more than six farmworkers requires a Minor or Major Use Permit, at the discretion of the Planning Director. A Site Plan Review (or Minor Use Permit in the R-M and R-H zones) may be required for small projects that do not meet any of the following development standards:

- (1) The project is designed to be compatible with any adjoining single family residences, including appropriate setbacks, landscaping, and parking.

- (2) Adequate land area is available for the provision of on-site services, e.g., leachfields, to accommodate the number of farm employees, if the project is not connected to public services.
- (3) The project meets any State regulatory requirements and has received, or will receive in the near future, all necessary State operating permits, including certificates from the Department of Housing and Community Development.

### **(e) Home occupation**

A residential home occupation shall be clearly incidental and secondary to the residential use of the dwelling, which use:

- (1) Is confined completely within the dwelling and occupies not more than fifty (50%) percent of the gross area of one floor;
- (2) Is operated by the members of the family occupying the dwelling;
- (3) Produces no evidence of its existence in the external appearance of the dwelling or premises or in the creation of noise, odors, smoke, or other nuisances to a degree greater than that normal for the neighborhood in which such use is located;
- (4) Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which the use is located;
- (5) Meets the requirements of the Chief Building Official and the fire district of the jurisdiction;
- (6) Requires no additions or extensions to the dwelling; and
- (7) Includes no more than one outdoor sign attached to the dwelling, not freestanding, that is smaller than two square feet in area.

### **(f) Group/home care**

Group or home care in single family and multi-family homes is for the main purpose of providing limited on-site medical and home care for elderly or disabled persons. Home care is an allowed use in all zones if six or less beds, as required by State law. Home care with seven or more beds is allowed with the issuance of a Site Plan Review in the A-N, A-X, RR-5, RR-1, R-L and R-M zones, and in specified agricultural, commercial, and industrial zones, provided that the project is designed to be compatible with any adjoining single family residences. At the discretion of the Planning Director, a Minor Use Permit may be required if there are any compatibility issues, or if any of the following development standards are not met:

- (1) The project is a small to medium-sized convalescent and care home with no more than 20 beds.
- (2) The project is designed to be compatible with any adjoining single family residences, including appropriate setbacks, landscaping, and parking.
- (3) Adequate land area is available for the provision of on-site services, e.g., leachfields, to accommodate the number of residents, if the project is not connected to public services.
- (4) The project meets State regulatory requirements and has received, or will receive in the near future, all necessary State operating permits.

- (5) The project is not located on agricultural land under an active Williamson Act contract.

### **(g) Child care**

Home child care is an allowed “by right” use in all zones if the facility cares for eight children or less, as required by State law (California Health and Safety Code Section 1597.45). Large child care facilities in a residence with more than eight children and up to 14 children are allowed with the issuance of a Site Plan Review in the A-N, A-X, RR-5, RR-1, R-L and R-M, and in specified commercial zones, provided that the project is designed to address impacts related to density, traffic, parking, and noise. At the discretion of the Planning Director, and as allowed under State law, a Minor Use Permit may be required if there are impacts with the proposed large child care facility that must be addressed through conditions of approval related to the four impact areas cited above.

### **(h) Child care centers**

Child care centers are non-residential facilities that typically provide care for more than 14 children. They include infant centers, child care centers, daycare centers, preschools, nursery schools, and after-school programs. Child care centers are allowed with the issuance of a Site Plan Review in the RR-5, RR-1, R-M and R-H zones, and in specified commercial zones, provided that the project is designed to be compatible with any adjoining single family residences. At the discretion of the Planning Director, a Minor Use Permit may be required for a project under twenty children, or a Major Use Permit may be required for a project larger than twenty children, if there are any compatibility issues, or if any of the following development standards are not met:

- (1) The project is designed to be compatible with any adjoining single family residences, including appropriate setbacks, landscaping, and parking.
- (2) Adequate land area is available for the provision of on-site services, e.g., leachfields, to accommodate the number of children and employees, if the project is not connected to public services.
- (3) The project meets any State regulatory requirements and has received, or will receive in the near future, all necessary State operating permits.

### **(i) Mixed residential/commercial use**

Small mixed commercial activities of less than 2,000 square feet per business are allowed as an “ancillary” use, subordinate to the main residential use within the residential zones, except for the RR-5 and RR-1 zones, provided public services (water and sewer) are available. These non-residential uses are limited to businesses that are compatible with, and provide services to, the local neighborhood and town, and do not cause unacceptable impacts, such as traffic, parking, and noise, to the nearby residents. Mixed use residential uses include small grocery and retail stores; small offices which may house accountants, attorneys, real estate firms, and medical/dental services; and small service businesses such as hair dressers, dry cleaning and laundromats. These uses do not include live-work (other than home occupation), restaurants, bars, and retail stores that are more appropriately located in a general commercial or downtown district.

### **(j) Animal keeping**

- (1) The keeping of up to four (4) small domestic animals is allowed in all residential zones, except for the RR-1 and RR-5 zones, where up to nine (9) small domestic animals may be kept without need for a kennel permit. For parcels that exceed 10,000 square feet, up to six (6) small domestic animals and up to seven (7) domestic fowl or poultry may be kept. Immature animals not yet at the age of sexual maturity shall not count against the total number of animals allowed. The fencing and enclosure requirements set forth in



subsection (4) of this subsection shall apply to small domestic animals and domestic fowl or poultry.

- (2) For parcels less than 10,000 square feet in the R-L and R-M Zones, a total of not more than four (4) domestic fowl or poultry, such as chicken hens, may be kept and maintained in a clean and sanitary pen or structure, no part of which shall be located less than 25 feet from any residence, other than a residence owned and occupied by the person owning or in possession of such animals. The keeping of such animals shall not create a health or nuisance problem.
- (3) The keeping of large domestic animals is allowed on lots of one-half acre or more in the A-R, RR-5, RR-1, and RL zones. Animals may be kept in numbers not exceeding the allotment of Animal Density Points, as defined below, unless authorized by the Zoning Administrator through the issuance of a Site Plan Review application. A property between one-half and one acre in size shall receive 7 Animal Density Points. A property one acre in size shall receive 25 Animal Density Points and shall receive 5 additional points for each additional one-fifth (1/5) of an acre. Immature animals not yet at the age of sexual maturity shall not count against the total number of animals allowed. Any combination of the following points may be applied:
  - (i) Beef cows and all similar cattle shall count for 20 points each.
  - (ii) Horses shall count for 15 points each, except that miniature horses not exceeding 200 pounds shall count for 7 points.
  - (iii) Mules, donkeys, burros or pigs shall count for 10 points each, except that miniature animals not exceeding 200 pounds shall count for 7 points.
  - (iv) Sheep, goats, alpacas and similar small hoofed animals shall count for 4 points each.
  - (v) Fowl, including chickens, turkeys and ducks, but excluding roosters, and geese and peacocks (which constitute wild, exotic, dangerous, or prohibited animals), shall count for 1 point each.
  - (vi) Roosters shall count for 4 points on lots greater than five acres in size. Roosters are not allowed in RL and RR-1 zones unless the lot is greater than five acres in size.
  - (vii) Wild, dangerous, exotic, or prohibited animals, such as geese and peacocks, shall not be permitted in any residential zone, except for the RR-5 zone.
- (4) Fencing, enclosure, and sanitation shall be required as follows:
  - (i) 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.
  - (ii) Within the fenced area, an enclosure or shed shall be provided of sufficient size to provide cover for the animals kept on the parcel.
  - (iii) No part of an enclosure for one or more large animals shall be located within twenty-five (25) feet of any neighboring dwelling.
  - (iv) 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.

## **(k) Beekeeping**

- (1) Commercial beekeeping used as “pollinators” is allowed in all of the agricultural zones, and in the Rural Residential (RR-1 and RR-5) zones. The hive(s) owner must maintain current registration status of the bee colony(s) with the Yolo County Agricultural Commissioner in compliance with applicable State Statutes, including required hive movement notices. Any colony that is not properly registered shall be removed from the property and may not be returned to the property for at least six (6) weeks from the date of registering the colony at another site.
- (2) Non-commercial urban beekeeping is allowed in all of the agricultural, residential, commercial, and industrial zones as a use allowed “by right.” However, non-commercial urban beekeeping is allowed in the R-L, R-M, and the R-H zones only if all of the following conditions are met and maintained:
  - (i) The hive(s) owner must be a resident in a dwelling that is located on the same parcel of land on which hive(s) is registered at all times.
  - (ii) There shall be no more than two (2) bee colonies established on the property, except two (2) additional temporary colonies are allowed for hive separation or new swarm establishment purposes. Such temporary colonies shall be removed from the property within two (2) weeks.
  - (iii) Colonies shall be placed in the rear yard of the property and in no case shall the hives be closer than 25 feet from a public or private street or 15 feet from abutting property. A barrier consisting of a wood or other fence, at least four feet high, must be placed between the hives and the nearest adjacent neighbors.
  - (iv) A permanent fresh water source shall be maintained within 15 feet of the hives.
- (3) For non-commercial urban beekeeping in the R-L, R-M, and R-H zones, nuisance behavior by bees may require the hive owner to take remedial actions upon notice by Yolo County, as set forth below. Failure to comply with specified remedial actions order by the Zoning Administrator will constitute a violation of the Zoning Code for enforcement purposes.
  - (i) Urban beekeeping is allowed only on property which has not been declared as a location where bee hives are potentially a hazard to public health and safety. Those procedures may require removal of all bee colonies from the property through no direct fault of the beekeeper but because a health or safety situation has been shown to exist. Once property has been declared unsafe for urban beekeeping, it shall not be legal to maintain bees on that property until such status is removed from the property in writing.
  - (ii) Urban beekeeping privileges may be withdrawn from any property by written notification to the property owner by the Yolo County Zoning Administrator. Withdrawal must be done with cause, however the cause need not be the fault of the beekeeper, nor be a factor that is under the control of the beekeeper. Any condition or combination of circumstances which, in the opinion of the Zoning Administrator jeopardizes, endangers or otherwise constitutes an actual, potential or perceived menace to public health or safety will constitute valid cause to withdraw license to keep bee colonies on the property. Such withdrawal may be appealed to the Planning Commission. Once any property owner has been noticed of withdrawal of privilege to keep bee colony(s) on a particular

property, such privilege may be reestablished only upon written request and approval of the Zoning Administrator.

- (iii) Written documentation over a medical doctor's signature certifying that the medical condition caused by beestings to a resident of abutting property would constitute a higher than normal death threatening or hospitalization event will constitute sufficient cause to withdraw the privilege of urban beekeeping from any specific property.
- (iv) Abnormally aggressive behavior by bees toward defending their hive beyond the property lines may constitute sufficient cause to withdraw the privilege of urban beekeeping from any specific property. Failure to provide on-site water so as to encourage bees to seek water from swimming pools or other water sources on adjacent properties shall constitute sufficient cause to withdraw the privilege of urban beekeeping from any specific property.

### **(l) Cottage food operations**

Cottage food operations involve the preparation of low risk food products in a private home. Such operations are subject to standards set by the Environmental Health Division according to the requirements of State law (AB 1616, the California Homemade Food Act).

### **(m) Fireplaces**

Wood-burning fireplaces are prohibited in all new residential developments.

### **(n) Energy Star appliances**

Energy Star certified appliances, such as water heaters, swimming pool heaters, cooking equipment, refrigerators, furnaces and boiler units, are required in all new residential subdivisions.

## **Sec. 8-2.507 Definitions**

### **Accessory housing structure**

“Accessory housing structure” shall mean a residential building that is in addition to the primary residential dwelling on a parcel. Such structures include, but are not limited to, the following: residential second units, guest houses, ancillary dwellings, and farm labor camps.

### **Accessory non-dwelling building**

“Accessory non-dwelling building” shall mean an uninhabited non-residential building that is incidental and accessory to the primary residential use of the subject property. Such structures include, but are not limited to, the following: detached garage, detached workshop, pool house or cabanas, game room/exercise studio, artist studio, and storage building.

### **Accessory structure.**

“Accessory structure” shall mean a detached subordinate structure or building located on the same parcel as the main building and designed and intended for a use which is subordinate to the use of the main building.

### **Accessory structure conversion.**

Conversion of an existing accessory structure from a non-habitable and non-work use, such as a garage or storage shed, to a habitable or work use such as a second unit or artist studio.

### **Accessory use**

“Accessory use” shall mean a use lawfully permitted in the zone, which use is incidental to, and subordinate to, the principal use of the site or of a main building on the site and serving a purpose which does not change the character of the principal use, and which is compatible with other principal uses in the same zone and with the purpose of such zone.

### **Animal keeping**

The keeping, feeding or raising of animals as a commercial agricultural venture, avocation, hobby or school project, either as a principal land use or subordinate to a residential use. Includes the keeping of common farm animals, small-animal specialties, bee farms, aviaries, worm farms, household pets, etc.

### **Bed and Breakfast (B&B)**

See definition in Section 8-2.307.

### **Cabana or pool house**

A building that is located adjacent to a swimming pool and is designed for the dressing and showering of pool users.

### **Cottage food operation**

Cottage food operations involve the preparation of low risk food products in a private home, as defined and regulated by the Environmental Health Division according to the requirements of State law (AB 1616, 2012, the California Homemade Food Act).

### **Dwelling**

“Dwelling” shall mean any building, or portion thereof, containing one or more dwelling units designed or used exclusively as a residence or sleeping place for one or more families, but not including a tent, cabin, boat, trailer, mobile home, dormitory, labor camp, hotel, or motel.

### **Dwelling, multiple-family**

“Multiple-family dwelling” shall mean a building, or portion thereof, containing three (3) or more dwelling units, including apartments and flats, but excluding rooming houses, boardinghouses, lodging houses, motels, mobile home parks, hotels, fraternity and sorority houses, and private residence clubs.

**Dwelling, single-family**

"Single-family dwelling" shall mean a building containing exclusively one dwelling unit.

**Dwelling, two-family or duplex**

"Two-family or duplex dwelling" shall mean a building containing exclusively two (2) dwelling units under a common roof.

**Dwelling unit**

"Dwelling unit" shall mean one room or a suite of two (2) or more rooms designed for, intended for, or used by one family, which family lives, sleeps, and cooks therein, and which unit has at least one kitchen or kitchenette.

**Game/exercise/play room**

A building separate from the primary structure that is designed to provide indoor recreation for the occupants of the primary structure.

**Garage, private**

An accessory building or portion of a main building designed for the storage of self-propelled passenger vehicles, camping trailers, or boats belonging to the owners or occupants of the site and their guests, or an enclosed area for the same use as a private parking area. "Detached garage" shall mean a building separate from the primary structure that is designed for the storage of passenger vehicles, utility or recreational trailers, or boats.

**Gazebo**

A stand-alone unenclosed shade structure, with a solid or trellis roof, usually open on the sides, used for outdoor living and not for storage purposes.

**Greenhouse**

"Greenhouse" shall mean an agricultural structure, with transparent or translucent roof and/or wall panels intended for the raising of agricultural plants. "Greenhouse" shall also mean a residential accessory structure, with transparent or translucent roof and/or wall panels intended for the raising of household plants.

**Group or Co-housing**

"Group or co-housing" shall mean a cooperative or similar collaborative housing development, featuring housing units clustered around a common area and shared kitchen, with additional small meal preparation areas.

**Guest house**

"Guest house" shall mean detached living quarters of a permanent type of construction, appurtenant to or within close physical proximity of the main residential dwelling; where no compensation in any form is received or paid, whether directly or indirectly.

**Home Occupation**

A use which is customarily carried on within a dwelling or mobile home by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling or mobile home, and which meets the criteria of Sec.8-2.506(e).

**Kitchen or kitchenette**

Any space used or intended or designed to be used for cooking and preparing food, whether the cooking unit is permanent or temporary and portable.

**Large domestic animals or fowl**

"Large domestic animals or fowl" shall mean and include domestic horses, burros, and mules (family *Equidac*), domestic swine (family *Suidac*); domestic cattle, sheep, and goats (family *Bovidac*), and all

fowl, such as chickens, ducks, and turkeys, that do not constitute wild, exotic, dangerous, or prohibited animals; and American bison.

**Living quarters**

“Living quarters” shall mean one or more rooms in a building designed for, intended for, or used by, one or more individuals for living or sleeping purposes but which does not have cooking facilities.

**Miscellaneous accessory structure**

An uninhabited building or facility that is incidental and accessory to the primary residential use of the subject property, other than accessory housing or accessory non-dwelling structures. Such structures include, but are not limited to, the following: pool/spa, attached patio cover, gazebo, animal enclosure, and automobile cover.

**Office, temporary sales**

A temporary structure erected or a mobile home parked on a residentially-zoned parcel and used to facilitate the sale of homes within the same subdivision or an adjacent subdivision.

**Patio cover or sunshade, attached or unattached**

An unenclosed roof structure attached or unattached to a principal dwelling and intended to provide shade to a patio deck or other area.

**Play house**

“Play house” shall mean a structure with no electrical or plumbing connections that is enclosed (either with solid material, screening, cloth, or other material) on the three or more sides for the use of children’s play and that is not be used for storage.

**Second or outdoor kitchen**

An outdoor space that contains (singly or in any combination) or has electrical and/or plumbing outlets sufficient to support a stove, range, oven, sink, or dishwasher.

**Second unit, attached**

“Second unit, attached” shall mean a separate, self-contained dwelling unit that shares at least one common wall with a primary residential structure allowed in addition to the primary dwelling on residentially-zoned parcels as provided by Section 65852.2 of the California Government Code.

**Second unit, detached**

“Second unit, detached” shall mean a separate, self-contained dwelling unit allowed in addition to the primary dwelling on residentially-zoned parcels as provided by Section 65852.2 of the California Government Code.

**Small domestic animal**

“Small domestic animal” shall mean and include all dogs, cats, domesticated rabbits, pot-bellied pigs under 22 inches in size at the shoulder and the following types of birds: macaws, eclectus, cockatoos and amazons.

**Storage building**

A building separate from the primary structure that is designed for the storage of miscellaneous household goods and materials including, but not limited to, food, lumber, construction materials, household chemicals, personal records, furniture, pet supplies, and books.

**Supportive Housing**

“Supportive Housing” shall mean housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist 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, as defined in Section 50675.14 of the California Health and Safety

Code. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

**Temporary accessory building**

A structure erected on a non-permanent foundation that would remain on the subject property for a specified purpose and time period. Such structures include, but are not limited to, the following: temporary sales office.

**Transitional Housing**

“Transitional Housing” shall mean rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months, and in no case more than two years, as defined in Section 50675.2 of the California Health and Safety Code. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

**Vehicle cover or carport**

A structure composed of wood, metal, concrete, stucco, canvas, heavy plastic, or other material, supported by columns or poles, that is erected on a permanent or non-permanent foundation for the purpose of covering a vehicle and protecting it from sun and rain.

**Wild, exotic, dangerous, or prohibited animal**

“Wild, exotic, dangerous, or prohibited animal” shall mean and include all animals, the keeping of which requires a permit from the Department of Fish and Game of the State pursuant to Section 2118 of the Fish and Game Code of the State, and shall also include roosters, peacocks, geese, stallions, and bulls. “Wild, exotic, dangerous, or prohibited animal” shall not include any animal which is accessory to a circus or carnival for which a use permit has been issued pursuant to other sections of the County Code.

**Workshop, detached**

A building separate from the primary structure designed for the storage and use of tools associated with handicrafts such as carpentry, welding, electronics assembly, or other similar activities.

**2014 UPDATED  
YOLO COUNTY CODE**

**Title 8 LAND DEVELOPMENT**

**CHAPTER 2: ZONING REGULATIONS**

**Article 6: Commercial Zones**

**Sec. 8-2.601 Purpose**

The purpose of the commercial zones is to provide for areas that support and enhance a wide range of retail businesses and services for County residents, visitors, and travelers. The purpose of the zones is also to encourage job development and sales tax revenues.

**Sec. 8-2.602 Commercial Zones**

Commercial areas are separated into four zoning districts, with specific Use Types, minimum lot area, and other requirements, as described below.

**(a) Local Commercial (C-L) Zone**

The purpose of the Local Commercial (C-L) zone is to allow for retail, service, and office uses that meet the daily needs of nearby residents and workers. Residential uses are also allowed on upper floors as an ancillary use. Standards for the C-L zone are intended to reduce the need to drive by providing everyday goods and services close to where people live and work, and by allowing for centers of neighborhood activity that support small, locally-owned businesses. Permitted uses in the C-L zone are similar to the General Commercial (C-G) zone, except that regional-serving uses, large stores, and more intensive commercial uses such as vehicle repair, light manufacturing, and warehousing and storage uses, are not allowed.

The development intensity in C-L zones will be dependent on whether public services (sewer, water) are available. The maximum permitted floor area ratio in the C-L zone is 0.5 (1.0 for mixed commercial and residential) and the maximum allowable "floor plate" (the space occupied) for individual uses is 40,000 square feet of ground floor space. The C-L zone implements the Commercial Local (CL) land use designation in the 2030 Countywide General Plan.

**(b) General Commercial (C-G) Zone**

The purpose of the General Commercial (C-G) zone is to allow for a full range of retail, service, and office uses in proximity to residents in rural areas of the county, to reduce the need for residents of remote communities to drive long distances to meet basic needs. Permitted uses include general retail, personal services, professional offices, restaurants, gas and service stations, hotels and motels, and other similar commercial uses. Research and development parks with office and service support are also allowed. Heavier uses such as vehicle repair, light manufacturing, and warehousing and storage are conditionally permitted in the C-G zone with the approval of a Use Permit. Residential uses are allowed on upper floors as an ancillary use.



The development intensity in C-G zones will be dependent on whether public services (sewer, water) are available. The maximum permitted floor area ratio in the C-G zone is 1.0 (2.0 for mixed commercial and residential). The C-G zone implements the Commercial General (CG) land use designation in the 2030 Countywide General Plan.

### **(c) Downtown Mixed Use (DMX) Zone**

The Downtown Mixed Use (DMX) zone is to be applied to unincorporated downtown areas that are planned for development or redevelopment of a mixture of primarily commercial, retail, office and residential uses that are designed to be pedestrian-friendly. The DMX zone may only be applied in downtown areas that are connected to public services (sewer and water).

The purposes of the DMX District are to create a village-like main street similar to commercial areas of older cities, and to encourage mixed use development projects with neighborhood and community-serving retail, service, and other uses on the ground floor and residential and live/work units above the nonresidential space. The DMX regulations allow for a mixture of residential and commercial land uses located close to one another, either within a single building, on the same parcel, or on adjacent parcels. Standards in the DMX zone are intended to reduce reliance on the automobile and create a pedestrian-oriented shopping environment. Specific standards are applied to parking, setbacks, and signs, and to encourage certain architectural facades and features.

Permitted commercial uses include all of the general retail, personal services, restaurants, professional offices, and other similar uses that are allowed in the C-G zone. Live-work uses that involve the manufacturing of artisan-related products for sale are also allowed. Permitted residential density in the DMX zone for new buildings ranges from a minimum of 10 to a maximum of 20 dwelling units per net acre. The maximum permitted floor area ratio in the DMX zone is 1.0 (2.0 for mixed commercial and residential). The DMX zone implements the Commercial General (CG) land use designation in the 2030 Countywide General Plan.

### **(d) Highway Services Commercial (C-H) Zone**

The purpose of the Highway Services Commercial (C-H) zone is to provide for retail, commercial, amusement, and transient residential (hotel/motel) uses which are appropriate to highway locations and dependent upon highway travel. Permitted uses include auto and truck service stations and repair, vehicle and boat equipment sales, hotels/motels, restaurants, small retail sales. The C-H zones are applied on parcels of two (2) acres or more and are located only in the vicinity of highways or major arterials. The maximum permitted floor area ratio in the C-G zone is 1.0. The C-H zone implements the Commercial General (CG) land use designation in the 2030 Countywide General Plan.

## **Sec. 8-2.603 Commercial Use Types Defined**

As required by Sec. 8-2.227 in Article 2 of this Chapter, a Use Classification System has been employed to identify commercial Use Types. The most prevalent uses identified for each commercial zone district are “principal” uses allowed by right, as well as “accessory” or “ancillary” uses allowed by right or with the issuance of a Site Plan Review. A smaller number of uses are “conditional” uses permitted through the issuance of a Minor or Major Use Permit.

The commercial Use Types include a full range of retail sales, personal and business services, eating and drinking establishments, offices, limited wholesale and warehouse activities, some public and quasi-public uses, crafts, and mixed-use residential uses. The descriptions of the Use Types in this chapter contain individual specific uses that are classified within the Use Type. These lists of specific typical uses are examples and are not meant to include all uses that may properly be classified within the Use Type. If a specific use is not included under a Use Type, the Planning Director has the discretion of finding that the specific use is similar or consistent with another listed use, and may be allowed as a principal, accessory, or conditional use or, conversely, may find that the use is not an allowed use within the zone.

#### **(a) Retail Uses**

This Use Type includes stores and shops of all sizes that sell a wide range of retail goods. Typical uses include drugstores; florist shops; bakeries; grocery stores; hardware stores; antique stores; arts and crafts, “boutiques” and specialty shops; sales of automobiles, household appliances, and furniture; and all other similar retail businesses that sell goods to members of the public.

#### **(b) Eating and Drinking Uses**

This Use Type includes all “sit down,” as well as drive-through or fast food, restaurants; bars and cocktail lounges; breweries and wine tasting bars; night clubs, dance halls, bowling alleys; and other establishments that sell food and/or alcohol.

#### **(c) Service Uses**

This Use Type includes all personal and business services, such as barbers and hairdressers; pet grooming; small and large appliance and furniture repair; auto repair and gasoline service stations; accountants and attorneys that rely on “walk in” traffic; Laundromats; plumbing services; and all other similar businesses that sell services to members of the public. Some of these business services may also be classified under the “Office” Use Type.

#### **(d) Office Uses**

This Use Type includes private offices that house professional firms and services that do not rely on “walk in” customers, such as administrative offices, as well as banks/financial institutions and medical professionals.

#### **(e) Live/work, Light Manufacturing and Storage**

This Use Type includes “live/work” activities that are involved in light manufacturing and sales of artisan crafts, such as jewelry and pottery. The Use Type also includes limited wholesale and warehouse/storage uses.

#### **(f) Residential Uses**

This Use Type includes some high density single-family, and a wide range of multi-family, residential uses that may be combined with commercial uses in the same building, on the same lot, or on adjacent lots. Examples of housing that is allowed and encouraged in the commercial zones are apartments other located on upper floors of commercial buildings, live/work

residences on upper or ground floors in commercial districts, and dense stand-alone single family homes that meet a minimum density of ten units per net acre.

**(g) Public/Quasi-Public and Recreation Uses**

This Use Type includes public/quasi-public uses such as schools, museums, libraries, fraternal organizations, and also private uses that attract large numbers of customers such as theaters and sports event venues. Public uses would normally be required to locate on lands that have been re-zoned “Public and Quasi-Public” (PQP); however, smaller uses may be permitted to locate in the commercial zones without a rezoning to PQP.

**Sec. 8-2.604 Tables of Commercial Permit Requirements**

The following Table 8-2.604 lists the permit requirements for examples of each Use Type in each commercial zoning district. Examples of Use Types are defined as “principal,” “ancillary,” or “accessory” uses which are allowed “by right” (with issuance of only a building permit after zoning clearance), or are allowed through issuance of a non-discretionary (no public hearing) Site Plan Review. Additional examples of Use Types are defined as “conditional uses” that are permitted through the issuance of a discretionary Minor or Major Use Permit, after a public hearing.

**Table 8-2.604**

**Allowed Land Uses and Permit Requirements  
for Commercial Uses**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit</b> <b>UP (M) = Major Use Permit</b> <b>N = Use Not Allowed</b>	Land Use Permit Required by Zone				Specific Use Requirements or Performance Standards
	C-L <sup>(1)</sup>	C-G	DMX <sup>(2)</sup>	C-H	

Retail Uses					
Retail sales, specialty stores, small	A	A	A	A	Must meet DMX size and design standards, see Sec. 8-2.606(a)
Retail sales, specialty store, over 3,000 and less than 10,000 square feet	SP	A	SP	N	
Large retail sales, specialty store, over 10,000 square feet	UP(M)	UP(m)	UP(m)	N	See Sec. 8-2.606(b)
Grocery stores	SP	A	SP	SP	See Sec. 8-2.606(c)
Convenience, food and beverage stores	SP	A	A	A	
Fruit/vegetable, farmers market, stands	SP	SP	SP	SP	
Small appliance, hardware stores	SP	A	SP	N	
Large furniture, large equipment sales	N	SP	UP(m)	SP	
Auto, boats, farm equipment sales	N	SP	N	SP	
Nurseries	SP	SP	SP	SP	
Wine/olive oil tasting, sales	UP(m)	SP	SP	SP	No onsite production
Adult business	N	UP(M)	N	UP(M)	See Chapter 7
Eating and Drinking Uses					
Restaurant, fast food	SP	SP	UP(m)	SP	
Restaurant, sit down	SP	SP	SP	SP	See Sec. 8-2.606(c),(d)
Bar, cocktail lounge, club	UP(M)	UP(m)	UP(m)	UP(m)	See Sec. 8-2.606(c),(d)
Drive-through facility	UP(m)	UP(m)	N	SP	
Outdoor eating and drinking	SP	A	SP	A	See Sec. 8-2.606(e)
Services					
Animal shelter/kennel	N	SP	N	SP	
Animal grooming	A	A	A	N	Must meet DMX size and design standards, see Sec. 8-2.606(a)
Barber/beauty salon	A	A	A	N	
Other personal services	A	A	A	A	
Small appliance, shoe repair	A	A	A	N	
Laundry, Laundromat	A	A	SP	A	
Health/fitness clubs	UP(m)	A	SP	N	
Auto service/gas station	N	SP	UP(m)	A	See definitions
Auto/vehicle repair, minor	SP	SP	SP	A	
Auto/vehicle repair, major	N	SP	N	A	
Truck stops, sales and service	N	N	N	UP(m)	
Hotel/motel, less than 60 rooms	N	UP(m)	UP(m)	SP	
Hotel/motel, large, conference rooms	N	UP(m)	UP(M)	UP(m)	
Bed and breakfast	SP	SP	UP(m)	SP	
Recycling center	SP	SP	SP	SP	

**Table 8-2.604 (cont.)**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit</b> <b>UP (M) = Major Use Permit</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>				<b>Specific Use Requirements or Performance Standards</b>
	<b>C-L<sup>(1)</sup></b>	<b>C-G</b>	<b>DMX<sup>(2)</sup></b>	<b>C-H</b>	

**Office uses**

Financial or professional offices	A/SP	A	A/SP	N	Must meet DMX size, design standards, see Sec. 8-2.606(a) and (f)
Banks/financial institutions	A/SP	A	SP/UP(m)	N	
Medical/dental office	SP	SP	SP	N	
Urgent care clinic	N	UP(m)	UP(m)	N	
Veterinary/animal hospital	N	SP	UP(m)	N	
Research and development park	N	UP(M)	N	N	See Sec. 8-2.606(g)
Medical marijuana dispensary	N	N	N	N	See Sec. 8-2.115

**Live/work, light manufacturing, and storage uses**

Live/work	A/SP	A/SP	A/SP	N	See Sec. 8-2.606(h)
Light manufacturing of artisan crafts	A/SP	A/SP	A/SP	A/SP	See Sec. 8-2.606(i)
Personal storage facilities	N	UP(m)	N	UP(m)	
Wholesale, accessory storage	N	SP/UP(m)	SP/UP(m)	UP(m)	See Sec. 8-2.606(j)
Warehouses	N	SP/UP(m)	N	UP(m)	See Sec. 8-2.606(k)
Small solar, wind, cell tower facility	See Article 11, Sec. 8-2.1102, 8-2.1103, and 8-2.1104				

**Residential uses**

Detached single family units	N	N	UP(m)	N	
Attached single family units	N	SP/UP(m)	SP/UP(m)	SP/UP(m)	See Sec. 8-2.606(l)
Multiple family units (apartments)	N	SP/UP(m)	SP/UP(m)	SP/UP(m)	
Single room occupancy hotel	N	SP/UP(m)	SP/UP(m)	SP/UP(m)	
Group/home care (<6 beds)	A	A	A	A	See Sec. 8-2.506(f)
Group/home care (6 beds or more)	UP(m)	SP/UP(m)	SP/UP(m)	N	
Emergency shelters	N	SP/UP(m)	SP/UP(m)	UP(m)	See Sec. 8-2.606(m)
Farm labor housing	UP(m)	SP/UP(m)	SP/UP(m)	N	See Sec. 8-2.306(aa)
Child care (<9 children)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	See Sec. 8-2.506(g)
Child care (9 to 14 children)	SP/UP(m)	SP/UP(m)	SP/UP(m)	N	
Child care center (over 14 children)	UP(m)	SP/UP(m)	SP/UP(m)	N	See Sec. 8-2.506(h)

**Public/quasi-public and recreation uses**

Entertainment and spectator sports	N	UP(m)	UP(m)	/UP(m)	
Hospital	N	UP(M)	UP(M)	N	
Fraternal organization, non-profit club	P/UP(m)	SP/UP(m)	SP/UP(m)	N	See Sec. 8-2.606(n)
Church, religious assembly	UP(m)	UP(m)	UP(m)	N	See Sec. 8-2.606(o)
Government, civic building, library	UP(m)	UP(m)	UP(m)	N	
School, public and private	UP(m)	UP(m)	UP(m)	N	
Recreational vehicle parks	N	N	N	UP(m)	
Utilities and services	UP(m)	SP	UP(m)	N	
Parks	UP(m)	UP(m)	UP(m)	N	See Sec. 8-2.606(o)
Parking lot, commercial	N	SP	UP(m)	N	

\*An "allowed use" does not require a zoning or land use permit, but is still subject to permit requirements of other Yolo County division such as Building, Environmental Health, and Public Works.

Notes: (1) No individual uses with floorplates larger than 40,000 square feet are allowed in the C-L zone.

(2) In addition to permit requirements in the DMX zone, all new uses and construction must meet design and other requirements as specified in Section 8.2-606(a).

## Sec. 8-2.605 Table of Development Requirements

The following Table 8-2.605 identifies the development requirements, including minimum parcel sizes, setbacks, and other standards that allowed and permitted uses in the commercial zones must meet as a standard or condition of any issued building permit, Site Plan Review, or Use Permit.

**Table 8-2.605  
Development Requirements in Commercial Zones**

<b>C ZONE</b>	<b>Minimum Lot Area (1)</b>	<b>Front Yard Setback (feet)</b>	<b>Rear Yard Setback (feet)</b>	<b>Side Yard Setback (feet)</b>	<b>Height Limits<sup>(3)</sup> (feet)</b>	<b>Maximum Floor Area Ratio</b>	<b>Maximum Impervious Lot Coverage</b>
<b>C-L</b>	3,500 square feet	None	None, except 15 feet if abutting residential zone		35 feet	0.5 (1.0 for mixed commercial/residential)	85%
<b>C-G</b>	5,000 square feet				Maximum of 50 feet or four stories	90%	
<b>DMX<sup>(2)</sup></b>	3,500 square feet	Maximum of 10 feet from property line or sidewalk (see Sec.8-2.606(a))	10 feet, except 20 feet if abutting residential	None, except 20 feet if abutting residential	Minimum of 22 feet <sup>(4)</sup> , maximum of 50 feet or four stories	1.0 (2.0 for mixed commercial/residential)	90%
<b>C-H</b>	10,000 square feet	15 feet from property line or curb strip	None, except 20 feet if abutting residential	None, except 15 feet if abutting residential	40 feet	1.0	90%

- Notes:
1. Parcels in rural areas with no access to public water and/or wastewater services are subject to minimum parcel sizes for new building permits that are established by the Special Building ("B") overlay zone, see Section 8-2.906(b).
  2. In addition to these development requirements in the DMX zone, new uses and construction must meet design and other requirements as specified in Section 8.2-606(a).
  3. Structures built in the 100-year flood plain to comply with FEMA and local requirements will be measured from the top of the bottom floor, which may include a basement, crawlspace, or enclosed floor.
  4. Minimum height limit along Yolo Avenue and Woodland Avenue only.
  5. Development near the toe of any levee is restricted, see Section 8-2.306(ad).

## **Sec. 8-2.606 Specific Use Requirements or Performance Standards**

The following specific use requirements may be applicable to some of the specific uses or zones identified in the previous Table 8-2.604, and shall be applied to any issued building permits, Site Plan Review, or Use Permit for uses in the commercial zones.

### **(a) Downtown Mixed Use (DMX) zone**

The following additional requirements and regulations shall be applied to all proposed projects in the Esparto DMX area:

- (1) For projects proposed on vacant lands of more than one acre in size, the following regulations apply:
  - (i) Projects are encouraged to include a mix of residential and non-residential uses (a mixed use development project), integrated either vertically or horizontally. Retail uses are strongly encouraged on the ground floor of buildings fronting along the main streets, and other nonresidential uses (e.g., offices or services) or housing are encouraged on the upper floors and behind the retail frontage.
  - (ii) Projects that are predominantly one single commercial use (e.g., large retail or service establishments such as a hardware store, or a motel/hotel) that are proposed for construction on eighty-five percent (85%) or more of the gross acreage of the vacant parcel are also encouraged to be accompanied by one or more significant community benefits, such as a public plaza, park, or other public use.
  - (iii) Projects that are predominantly (sixty percent (60%) or more of the gross acreage) single or multiple family residential use are prohibited.
  - (iv) All projects should include some public amenities such as public open areas, public art, public meeting rooms, pedestrian walkways, etc.
  - (v) All projects must be designed with a grid circulation pattern that connects with the existing community.
  - (vi) The architecture and design of buildings must be coordinated throughout the site and must be harmonious with the adjacent community.
  - (vii) All projects shall conform with all other regulations in this Article, and should be consistent with the Design Review Guidelines of the Esparto General Plan.
  
- (2) The following residential uses and densities apply in the DMX zone:
  - (i) The minimum residential density allowed in new buildings in the DMX zone is 10 dwelling units per net acre for new residential structures, and for large projects proposed on vacant lands of more than one acre in size.
  - (ii) The maximum and minimum residential density standards in (i), above, shall not be applied to new, converted, or expanded residential uses proposed within existing urban buildings located in the historic downtown along Yolo Avenue and Woodland Avenue.
  - (iii) The maximum building height shall be 50 feet, or four stories, whichever is greater, for all buildings.
  - (iv) The minimum height for new or renovated mixed-use buildings located in the historic downtown along Yolo Avenue, and Woodland Avenue shall be 22 feet.

- (v) The gross floor area of individual commercial establishments in the DMX district shall not exceed 25,000 square feet, or 35,000 square feet if it is selling or serving multiple lines of merchandise.
- (vi) The ground floor frontage space of new or renovated mixed-use buildings located along Yolo Avenue, Woodland Avenue, and County Road 87 shall not include apartments and shall contain the following minimum retail (non-residential) space:
  - A. At least 800 square feet or 25 percent of the ground floor area (whichever is greater) on lots with street frontage of less than 50 feet; or
  - B. At least 20 percent of the ground floor area on lots with 50 feet of street frontage or more.

(3) The following setbacks apply in the DMX zone:

- (i) The entire building façade of new or renovated buildings located along Yolo Avenue, Woodland Avenue, and County Road 87 shall generally abut front and street side property lines or be located within 10 feet of such property lines. An exception may be made for the “train station” property (APN: 049-240-017), if the existing structure is retained. However, a portion of new or renovated buildings may be set back from the maximum setback line in order to provide a specific feature or to reflect the prevailing setbacks of existing buildings along the block or the street. Specific features include an articulated façade, or to accommodate a building entrance feature or an outdoor eating area.
- (ii) Special architectural features such as balconies, bay windows, arcades, and awnings may project into front setbacks and public street right-of-ways (but not extend past the curb line) provided they meet minimum required clearance above the sidewalk and leave a minimum five foot wide unobstructed sidewalk. Prior to new encroachment into the public right-of-way, a permit shall be obtained from the County Planning, Public Works and Environmental Services Department, or Caltrans.
- (iii) The minimum rear setback is 10 feet, except when DMX zoned property abuts R-zoned property, in which case the minimum rear setback required is 20 feet.
- (iv) No interior side setbacks are required in the DMX district, except when DMX zoned property abuts R-zoned property, in which case the minimum side setback required is 20 feet.

(4) The following other building regulations apply in the DMX zone:

- (i) All permitted uses in the DMX district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, kiosks, mailboxes, farmers markets, or outdoor eating or drinking areas.
- (ii) Building frontage of new or renovated buildings shall be eighty percent (80%) to one hundred percent (100%) of the frontage measured from side property line to side property line at front property line.
- (iii) A minimum of forty percent (40%), and a maximum of seventy-five percent (75%), of the street-facing building façade of new or renovated commercial buildings along Yolo Avenue and Woodland Avenue shall be comprised of clear windows that allow views of indoor space or product display areas between two feet and eight feet in height. The bottom of any window or product display window used to satisfy this transparency standard shall not be more than three (3) feet above the adjacent



- sidewalk, and product display windows used to satisfy this requirement must have a minimum height of four (4) feet and be internally lighted.
- (iv) No more than thirty (30) feet of horizontal distance of a wall on any floor shall be provided without architectural relief, such as windows, for building walls and frontage walls facing the street.
  - (v) Commercial buildings shall have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(5) The following building design regulations apply in the DMX zone:

- (i) New and renovated buildings should be designed consistent with this section and with the Design Review Guidelines of the Esparto General Plan. Historical buildings may be exempted from some of these individual guidelines, at the discretion of the Director of Planning, Public Works and Environmental Services or the Planning Commission, sitting as the Historic Preservation Commission.
- (ii) Building surface variation should be incorporated in new buildings through the placement of windows and entries, planar changes (where the building surface recedes or projects), significant color changes, material changes, or other elements that add variation along the length of a building.
- (iii) Structures should be designed with articulation at entries, bases, and tops. The organization used shall break up the mass into smaller elements. Buildings shall provide as much visual interest as possible without creating a chaotic image.
- (iv) New and renovated buildings shall utilize at least three of the following design features to provide architectural relief along all elevations of the building:
  - A. Divisions or breaks in materials and color (materials should be drawn from a common palette)
  - B. Window bays
  - C. Separate entrances and entry treatments
  - D. Variation in roof lines
  - E. Projecting architectural elements (porches, awnings, balconies, etc.)
  - F. Recessed entries (at least three (3) feet from the primary façade)
  - G. Protruding entries (at least three (3) feet from the primary façade)
  - H. Cupolas
- (v) Buildings shall include a clear visual division (e.g., a cornice or awning) between the first and upper floors.
- (vi) Variable roof forms shall be incorporated into the building design. Long, uninterrupted horizontal lines of parapet are discouraged. Generally it is preferred to break up the parapet, eaves, or ridge line by vertical or horizontal off-sets or changing the roof forms.
- (vii) Commercial and mixed-use buildings shall express a “storefront character,” by including corner building entrances on corner lots, and including regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
- (viii) All proposed motel/motel projects shall be required to meet minimum design criteria outlined in this section and in the Design Review Guidelines of the Esparto General Plan, including requirements for extensive landscaping to buffer structures and parking areas.

(6) The following notice requirements apply in the DMX:

- (i) Purchasers of residential lots or homes in the DMX zone shall be notified that they are purchasing property within a mixed use zone and that adjacent residential uses could be changed to nonresidential uses over time.
- (ii) Residential neighbors within the DMX zone shall be notified of any proposed change of use from residential to a nonresidential use of adjacent lots or homes within 100 feet, regardless whether the new use is permitted by right or by Conditional Use Permit.

**(b) Large retail sales, specialty store, over 10,000 square feet**

Large retail sales, specialty store, over 10,000 square feet must be served by public utilities (water, sewer).

**(c) Alcohol sales**

The sale of alcohol requires the issuance of a Use Permit, as described in Chapter 6 of this Title.

**(d) Live entertainment**

Artists performing activities within or outside a structure that meet the definition of “live entertainment” (see Sec. 8-2.607) requires the issuance of a Site Plan Review or Use Permit, at the discretion of the Planning Director.

**(e) Outdoor eating spaces**

Outdoor dining is permitted and may occur within the public right-of-way with issuance of an encroachment permit. A minimum of five (5) feet of clear sidewalk access for pedestrians shall be maintained, if feasible, otherwise three (3) feet shall be maintained.

**(f) Professional offices**

Professional offices are allowed by right if located above the ground floor of a building in the C-L and DMX zones, or if they meet the definition of a “walk in business.” Professional offices on the ground floor that are not a “walk in business” are permitted through a Site Plan Review in the C-L and DMX zones.

**(g) Research and development parks**

A research and development park is permitted in the C-G zone provided that the project meets the following development and performance standards:

- (1) Minimum lot size of 1.5 acres.
- (2) The project submits and receives approval of a Planned Development (PD) rezoning.
- (3) The PD rezoning includes development and performance standards that are generally consistent with, but exceed in quality, the requirements of the C-G zone.
- (4) The PD rezoning requires offices and service support as the primary use (more than 50 percent of total square footage).

- (5) The PD rezoning requires architectural design and landscaping of a high quality that enhances the commercial district.

#### **(h) Live/work uses**

- (1) Live/work units are allowed in the C-L, C-G, and DMX zones by right provided that the commercial use or activity within the unit is allowed by right in the respective zone and the following development standards are met:
  - (i) Live/work units at the street and/or adjacent to a sidewalk level meet the development and transparency standards of ground-floor retail or commercial establishments of the DMX zone (see Sec. 8-2.606(a), above), and the living area does not exceed one-third of the total floor area of the unit.
  - (ii) At least one resident in each live/work unit maintains a valid business license and other required permits for a business on the premises.
- (2) Live/work units that do not meet the standards in (1), above, may be permitted with the issuance of a Site Plan Review.

#### **(i) Light manufacturing of artisan crafts**

Light manufacturing of artisan crafts, associated with live/work space and/or retail/specialty stores, is allowed by right if the use meets the definition of "Artisan crafts production, small scale." "Artisan crafts production, large scale or mechanized" activities are permitted with the issuance of a Site Plan Review. See definitions in Sec. 8-2.607.

#### **(j) Wholesale, accessory storage activities**

Wholesale uses and accessory storage are permitted in the indicated zones with the issuance of a Site Plan Review if the use meets all development and performance standards for the zone and is less than 3,000 square feet. Otherwise, the use may be permitted through the issuance of a Minor Use Permit.

#### **(k) Warehouses**

Warehouse uses and structures are permitted in the indicated zones if the use is incidental or accessory to an allowed or permitted commercial use. Warehouse uses and structures are permitted with the issuance of a Site Plan Review in the C-G zone if the use meets all development and performance standards for the zone and is less than 5,000 square feet. Otherwise, the use may be permitted through the issuance of a Minor Use Permit.

#### **(l) Attached single and multi-family residential/single room occupancy**

Attached single and multiple family units, and single room occupancy hotels are allowed with the issuance of a Site Plan Review in the C-G, DMX, and C-H zones, provided that the project is designed to be compatible with adjacent commercial uses and any adjoining single family residences, and meets development standards. At the discretion of the Planning Director, a Minor Use Permit may be required if there are any compatibility issues or if setbacks or other development standards are not met.

### **(m) Emergency shelters**

Emergency shelters for the homeless or displaced, fewer than twenty beds in size, are allowed with the issuance of a Site Plan Review in commercial zones, provided that the project is served by public water and wastewater facilities, is designed to be compatible with any adjoining single family residences, and meets the other development standards listed below.. Projects larger than twenty beds are subject to a Minor Use Permit. At the discretion of the Planning Director, a Minor Use Permit may be required for a project under twenty beds, or a Major Use Permit may be required for a project larger than twenty beds, if there are any compatibility issues, or if any of the following development standards are not met:

- (1) The project is designed to be compatible with any adjoining single family residences, including appropriate setbacks, landscaping, and parking.
- (2) The site is connected to public services, including a public water and wastewater system.
- (3) The project provides at least one off-site parking space for each ten residents, plus one space for the manager.
- (4) The project meets any State regulatory requirements and has received, or will receive in the near future, all necessary State operating permits.

### **(n) Fraternal organization, non-profit private club**

Fraternal organizations and non-profit private clubs are permitted through a Site Plan Review if located above the ground floor of a building in the C-L, C-G and DMX zones, or if they are less than 1,000 square feet on the ground floor. Fraternal organizations and private clubs on the ground floor or larger than 1,000 square feet are permitted through a Minor Use Permit in the C-L, C-G and DMX zones, and in specified industrial zones.

### **(o) Public/quasi-public uses**

Public/quasi-public uses such as churches and other religious assembly, government/civic buildings, libraries, public schools, and parks would normally be required to locate on lands that have been zoned "Public/Quasi-Public" (PQP), however smaller uses of less than 5,000 square feet of total building space, or one acre in size for a park, may be permitted to locate in the commercial, and specified industrial, zones without a rezoning to PQP, with the issuance of a Minor Use Permit.

## **Sec. 8-2.607 Definitions**

### **Adult business**

See Chapter 7 of this Title.

### **Artisan crafts production, large scale or mechanized**

“Artisan crafts production, large scale or mechanized” means the creation of unique arts and crafts products using heavy mechanical or industrial tools, e.g., welding, glass blowing, or any production process involving hazardous materials, excluding art paint.

### **Artisan crafts production, small scale**

“Artisan crafts production, small scale” means the creation of unique arts and crafts products using hand operated or light mechanized tools only, e.g., jewelry or ceramics.

### **Artist live/work space**

“Artist live/work space” means a building or spaces within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. “Live-work unit” is further defined as a structure or portion of a structure:

- (1) That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner’s employee, and that person’s household;
- (2) Where the resident owner, occupant, or employee of the business is responsible for the commercial or manufacturing activity performed; and
- (3) Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

### **Auto/vehicle repair, major**

“Auto/vehicle repair, major” means the general repair, rebuilding, or reconditioning of engines, including the removal of the same; motor vehicle, truck, or trailer collision services, including body, frame, or fender straightening or repair; and overall painting or paint shops.

### **Auto/vehicle repair, minor**

“Auto/vehicle repair, minor” means upholstering, replacement of parts, and motor service, not including the removal of the motor, to passenger cars and trucks not exceeding one and one-half (1/2) tons’ capacity, but not including any operation set forth in the definition of “automobile repair, major” or any other use similar thereto.

### **Auto service/gas, station**

“Auto service/gas station” means a place which provides for the servicing, washing, and fueling of operating motor vehicles, including minor repairs and the sale of merchandise and supplies incidental thereto.

### **Emergency shelter**

“Emergency Shelter” shall mean housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, as defined in Section 50801(b) of the California Health and Safety Code.

### **Floor area ratio (FAR)**

The ratio of a building’s total floor area to the size of the parcel of land upon which it is built. Thus, an FAR of 2.0 would indicate that the total floor area of a building is two times the gross area of the plot on which it is constructed, as would be found in a multiple-story building.

**Floor plate**

The total space taken up by a single company, tenant, or user on a single floor.

**Gross floor area**

“Gross floor area” is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use’s minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

**Hotel**

“Hotel” shall mean any building, or portion thereof, containing living quarters or dwelling units without kitchen facilities and designed for, or intended to be used by, six (6) or more transient guests, but not including motels, mobile home parks, boarding houses, dormitories, or farm labor housing.

**Live entertainment**

“Live entertainment” includes the following:

- Music or vocals provided by one or more professional or amateur musicians or vocalists;
- Dancing performed by one or more professional or amateur dancers or performers;
- Acting or drama provided by one or more professional or amateur actors or players;
- Acrobatics or stunts provided by one or more professional or amateur acrobats, performers or stunt persons;
- Athletic or sporting contests, events or exhibitions provided by one or more professional or amateur athletes or sportsmen;
- Comedy or magic provided by one or more professional or amateur comedians, magicians, illusionists, entertainers or performers;
- A show, production, or performance involving any combination of the activities described above; or
- A performance involving one or more of the activities described above by a disc jockey who presents recorded music.

Live entertainment excludes the following:

- Instrumental or vocal music in a restaurant, lounge or similar area if such music does not routinely rise to the volume that interferes with casual conversation and if such music would not generally cause patrons to watch as well as listen;
- Occasional performances by employees whose primary job function is that of preparing or serving food, refreshments or beverages to patrons, or by other non-professional artists, if such performances are not advertised as entertainment to the public; and
- Television, radio, closed circuit or Internet broadcasts of live entertainment.

**Mixed use development project**

“Mixed use development project” means a development project of one or more buildings that includes a mixture of uses, i.e., residential, retail, office, service, industrial, or public, either vertically integrated (a mixture of uses on separate floors of a single building) or horizontally integrated (a mixture of uses in more than one building spread over a large parcel, e.g., retail, office, and upstairs apartments in a building along a main frontage arterial, with residential uses behind).

**Motel**

“Motel” shall mean a building or group of buildings comprising individual living quarters or dwelling units for the accommodation of transient guests, which building or group of buildings is so designed that parking is on the same building site and is conveniently accessible from the living units without having to pass through a lobby, and where luggage is moved between the parking area and living unit without necessarily having to pass through a lobby or interior court.

“Motel” shall include the terms “auto court”, “tourist court”, and “motor hotel” but shall not include accommodations for mobile homes.

**Office, medical/dental**

“Medical office” shall mean a place for the practice of physiotherapy or medical, dental, optical, psychoanalytical, osteopathic, or chiropractic professions.

**Office, professional**

“Professional office” shall mean an office from which, and at which, a doctor, attorney, engineer, architect, accountant, or similar professional person may offer services.

**Retail sales, specialty stores**

“Retail sales, specialty stores” means stores and shops supplying a commodity such as bakeries, florist shops, hardware stores, antique and other specialty shops. “Stores, shops, retail sales” does not include sales or services related to large or heavy commodities such as building materials, furniture manufacturing, electrical and plumbing services, wholesale business and accessory storage, and other similar uses.

**Walk in business**

“Walk in business” means a professional service or office use that relies on some pedestrian foot traffic to thrive, and which contributes to, and does not detract from, a pedestrian-oriented retail/services shopping environment.

**Vacant land**

“Vacant land” means land that is currently undeveloped with urban structures, but may be occupied by a rural residence or structure, and is designated for future urban growth.

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**Title 8 LAND DEVELOPMENT**

**CHAPTER 2: ZONING REGULATIONS**

**Article 7: Industrial Zones**

**Sec. 8-2.701 Purpose**

The purpose of the industrial zones is to provide for areas that allow a wide range of heavy to light manufacturing, repair, wholesaling, business, professional, and research and development uses, that produce goods and services, and create jobs for County residents.

**Sec. 8-2.702 Industrial Zones**

Industrial areas are separated into three zoning districts, with specific Use Types, minimum lot area, and other requirements, as described below.

**(a) Light Industrial (I-L) Zone**

The purpose of the Light Industrial (I-L) zone is to accommodate a limited group of light manufacturing and service uses that have little potential to generate noise, odor, vibrations, or similar impacts to adjacent neighbors. Such uses include equipment sales and repair services, light manufacturing and processing involving non-toxic materials, warehousing and storage, wholesaling, and distribution. Limited amounts of retail, personal services, and food-related uses are permitted to serve area workers and to allow sales of products manufactured on-site.

The development intensity in the I-L zone will be dependent on whether public services (sewer, water) are available. The maximum permitted floor area ratio in the I-L zone is 0.5. The I-L zone implements the Industrial (IN) land use designation in the 2030 Countywide General Plan.

**(b) Heavy Industrial (I-H) Zone**

The purpose of the Heavy Industrial (I-H) zone is to allow all heavy manufacturing and industrial uses that may create objectionable impacts such as noise, odor, vibrations, and use of hazardous materials. Such uses could include the processing, fabrication, manufacture, and storage of metals, cement, chemicals, agricultural products, animal carcasses, wood, grain, furniture, heavy equipment, automobiles and trucks, building materials, etc. All uses that are allowed in the Light Industrial zones are also allowed in the I-H zones, except where noted in Table 8-2.704. Limited amounts of retail, personal services, and food-related uses are also permitted to serve area workers and to allow sales of products manufactured on-site.

The development intensity in the I-H zone will be dependent on whether public services (sewer, water) are available. The maximum permitted floor area ratio in the I-H zone is 0.5. The I-H zone implements the Industrial (IN) land use designation in the 2030 Countywide General Plan.



### **(c) Office Park/Research and Development (OPRD) Zone**

The purpose of the Office Park/Research and Development (OPRD) zone is to provide an area for large employment, research and development (R&D) centers that are subject to high development and architectural standards. Office parks and R&D projects are often developed under a comprehensive plan that integrates a range of office, light industrial, warehouse, and commercial activities in a series of buildings with amenities set in a “campus” setting. Uses that are allowed in the OPRD zone include research, biotechnology, light manufacturing of high technology products, associated offices and laboratories, and limited amounts of retail, personal services, and food-related uses. The regulation of uses is often defined in an overlaying Planned Development District that is unique to the project.

The OPRD zone may be applied on parcels of three (3) or more acres in a town or unincorporated area that provides a full range of public services. The maximum permitted floor area ratio in the OPRD zone is 1.0. The OPRD zone implements the Industrial (IN) land use designation in the 2030 Countywide General Plan.

## **Sec. 8-2.703 Industrial Use Types Defined**

As required by Sec. 8-2.227 in Article 2 of this Chapter, a Use Classification System has been employed to identify industrial Use Types. The most prevalent uses identified for each industrial zone district are “principal” uses allowed by right, as well as “accessory” or “ancillary” uses allowed by right or with the issuance of a Site Plan Review. A smaller number of uses are “conditional” uses permitted through the issuance of a Minor or Major Use Permit.

The industrial Use Types include a full range of manufacturing, processing, research, testing, and office uses. The descriptions of the Use Types in this chapter contain individual specific uses that are classified within the Use Type. These lists of specific typical uses are examples and are not meant to include all uses that may properly be classified within the Use Type. If a specific use is not included under a Use Type, the Planning Director has the discretion of finding that the specific use is similar or consistent with another listed use, and may be allowed as a principal, accessory or conditional, use or, conversely, may find that the use is not an allowed use within the zone.

### **(a) Light Manufacturing or Processing**

This Use Type includes manufacturing and processing of materials and related activities that do not generally result in noise, odor, vibrations, or similar impacts to adjacent neighbors. All activities are conducted within enclosed structures. Typical uses include light manufacturing and processing involving non-toxic materials such as electrical equipment, instruments, furniture and other household goods, clothing, glass products from previously manufactured glass, and numerous other consumer and technical products.

### **(b) General Manufacturing or Processing**

This Use type includes manufacturing processes where the intensity or scale of operations is greater than those classified under “Light Manufacturing” but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of General Manufacturing uses include establishments that make or process raw materials into finished machines or parts for machines; the manufacturing of motor vehicles, transportation

equipment, and large appliances; establishments that cut, shape, and finish marble, granite, slate, and other stone; and establishments that produce brick and structural clay products. Also included in this Use Type are agricultural processing operations such as almond hullers, dehydrators, canneries and packing houses, and grain refining.

**(c) Heavy Manufacturing or Processing**

This Use Type includes the heaviest or most noxious forms of manufacturing and processing, including use of outdoor areas for storage and processing. Such uses traditionally include manufacturing of vehicles and other large equipment; processing of acid, metals, cement, explosives, fireworks, fertilizer, gypsum and plastics; animal feed, sales, stockyards, and slaughtering; recycling and waste disposal; inflammable, explosive, and poisonous liquid or gas storage; junk yards, automobile wrecking yards, building materials and scrap metal yards; oil and gas well drilling and operations; refining of petroleum and its products; tanneries. This Use Type also includes agricultural processing such as large wineries, canneries, and food processing.

**(d) Warehousing, Wholesaling, Distribution**

This Use Type includes storage of manufactured goods inside enclosed warehouse structures and in outdoor yards.

**(e) Research and Development, and Office Uses**

This Use Type includes the activities that are found in typical office parks including research laboratories; data processing and computer operations; other professional offices; light manufacturing and storage of high technology instruments; and biotechnology.

**(6) Commercial and Service Uses**

These uses are small retail, personal services, and food-related activities that serve area workers and allow sales of products manufactured on-site. Typical uses include convenience stores and markets; barbers and dry cleaners; fast food and small sit down restaurants; and retail or outlet stores for products created on-site or in the immediate zone.

**(7) Live/work and Residential Uses**

This Use Type includes “live/work” activities that are involved in light manufacturing and sales of artisan crafts, such as jewelry and pottery; and loft-type residences.

## **Sec. 8-2.704 Tables of Industrial Permit Requirements**

The following Table 8-2.704 lists the permit requirements for examples of each Use Type in each commercial zoning district. Examples of Use Types are defined as “principal,” “ancillary,” or “accessory” uses which are allowed “by right” (with issuance of only a building permit after zoning clearance), or are allowed through issuance of a non-discretionary (no public hearing) Site Plan Review. Additional examples of Use Types are defined as “conditional uses” that are permitted through the issuance of a discretionary Minor or Major Use Permit, after a public hearing.

**Table 8-2.704**

**Allowed Land Uses and Permit Requirements  
for Industrial Uses**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit</b> <b>UP (M) = Major Use Permit</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>			<b>Specific Use Requirements or Performance Standards</b>
	I-L	I-H	OPRD <sup>(1)</sup>	
<b>Light Manufacturing and Processing</b>				
Light manufacturing of household and other finished goods	SP	A	UP(m)	See definition in Sec. 8-2.707
Repair and sales of household products	SP	A	SP	
Outdoor storage of light materials	SP	A	SP	
<b>General Manufacturing and Processing</b>				
General manufacturing of goods	SP	A	N	See definition in Sec. 8-2.707
Agricultural processing	SP	SP	N	
Repair and sales of products	SP	A	N	
Outdoor storage of general materials	N	A	N	
<b>Heavy Manufacturing and Processing</b>				
Processing/storage of hazardous materials	N	SP/ UP(m)	N	See Sec. 8-2.706(a)
Heavy manufacturing of equipment and other large goods	N	A/SP	N	See definition in Sec. 8-2.707
Repair and sales of heavy equipment	UP(m)	A	N	
Outdoor storage of heavy materials	N	A	N	
<b>Warehousing, Wholesaling, Distribution</b>				
Indoor storage of materials	A/SP	A/SP	A/SP	
Outdoor storage of materials	N	SP	N	
<b>Research and Development, and Office Uses</b>				
Research and development park uses	SP	SP	SP	See definition in Sec. 8-2.707 and 8-2.606(g)
Laboratories	SP	SP	SP	
Biotechnology	SP	SP	SP	
Data storage and computer operations	SP	N	SP	
Professional offices ancillary to processing	SP	N	SP	
Financial or professional offices, not ancillary to processing	N	N	SP	See Sec. 8-2.706(b)
<b>Energy and Telecommunications</b>				
Small and medium solar and small wind	See Article 11, Sec. 8-2.1102 (cell tower), 8-2.1103 (wind), and 8-2.1104 (solar)			
Cell tower				
Co-generation facility	UP(M)	UP(M)	N	See Sec. 8-2.1101

**Table 8-2.704 (cont.)**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit</b> <b>UP (M) = Major Use Permit</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>			<b>Specific Use Requirements or Performance Standards</b>
	I-L	I-H	OPRD <sup>(1)</sup>	

<b>Commercial and Service Uses</b>				
Retail sales, less than 3,000 square feet	A	A	A	See Sec. 8-2.706(b) and (c)
Convenience, food and beverage stores	A/SP	A	A/SP	
Winery tasting and sales	A	A	SP	
Restaurant, fast food	N	SP	UP(m)	
Restaurant, sit down	UP(m)	UP(m)	UP(m)	
Drive-through facility	UP(m)	UP(m)	N	
Outdoor eating and drinking	SP	A/SP	A/SP	See Sec. 8-2.606(e)
Bar, cocktail lounge, club	N	N	N	
Barber/hairdresser/nail parlor	A	A	A	See Sec. 8-2.706(b)
Other personal services	A	A	A	
Small appliance, shoe repair	A	A	A	
Laundry, Laundromat	A	A	SP	
Health/fitness clubs	SP	A	SP	
Gas sales and service stations, auto	UP(m)	SP	UP(m)	
Auto repair, minor	SP	SP	SP	See definition in Sec. 8-2.607
Auto repair, major	N	SP	N	
Truck stops, sales and service	N	N	N	
Personal storage facilities	UP(m)	N	N	
Utilities and services	SP	SP	UP(m)	
Parking lot, commercial	SP	SP	UP(m)	
Hotel and motel	N	N	N	
Recycling center	SP	SP	SP	
<b>Live/work and Residential Uses</b>				
Live/work	A/SP	A/SP	A/SP	See Sec. 8-2.606(h)
Attached/detached single family units	N	N	N	
Multiple family units	N	N	N	
Group/home care	N	N	N	
Shelters, transitional, supportive housing	N	N	N	
Farm labor housing	N	N	N	
Child care	N	N	N	
Child care center (over 14 children)	N	N	N	
Church, religious assembly	UP(m)	UP(m)	UP(m)	See Sec. 8-2.606(o)
School, private	N	N	N	
Recreational vehicle parks	UP(m)	N	N	

\* An "Allowed" use does not require a zoning or land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.

Note:

- (1) The regulation of uses in the OPRD zone may be defined in an overlaying Planned Development Zoning district that is unique to the project. The PD zoning would be inserted in place of these regulations.

## Sec. 8-2.705 Table of Development Requirements

The following Table 8-2.705 identifies the development requirements, including minimum parcel sizes, setbacks, and other standards that allowed and permitted uses in the industrial zones must meet as a standard or condition of any issued building permit, Site Plan Review, or Use Permit.

**Table 8-2.705**

### Development Requirements in Industrial Zones

<b>I ZONE</b>	<b>Minimum Lot Area (acres or square ft) (1)</b>	<b>Front Yard Setback (feet)</b>	<b>Rear Yard Setback (feet)</b>	<b>Side Yard Setback (feet)</b>	<b>Height Limits<sup>(2)</sup> (feet)</b>	<b>Maximum Floor Area Ratio<sup>(3)</sup></b>	<b>Maximum Impervious Lot Coverage</b>
<b>I-L</b>	5,000 square feet	None	None, except 25 feet if abutting residential zone		Maximum of 45 feet or four stories	0.5	90%
<b>I-H</b>	5,000 square feet		None, except 50 feet if abutting residential zone				
<b>OPRD</b>	1.5 acres	10 feet or according to an approved Planned Development Ordinance	10 feet, except 20 feet if abutting residential	None, except 20 feet if abutting residential	Maximum of 65 feet or five stories	1.0	75%

- Notes: (1) Parcels in rural areas with no access to public water and/or wastewater services are subject to minimum parcel sizes for new building permits that are established by the Special Building ("B") overlay zone, see Section 8-2.906(b).  
 (2) Structures built in the 100-year flood plain to comply with FEMA and local requirements will be measured from the top of the bottom floor, which may include a basement, crawlspace, or enclosed floor.  
 (3) See definition in Sec. 8-2.607.  
 (4) Development near the toe of any levee is restricted, see Section 8-2.306(ad).

## **Sec. 8-2.706 Specific Use Requirements or Performance Standards**

The following specific use requirements may be applicable to some of the specific uses or zones identified in the previous Tables 8-2.704, and shall be applied to any issued building permits, Site Plan Review, or Use Permit for uses in the industrial zones.

### **(a) Processing and/or Storage of Hazardous Materials**

Industrial processing activities that involve hazardous materials require the issuance of a Site Plan Review or a Use Permit, at the discretion of the Planning Director, following recommendation from the Environmental Health Division.

### **(b) Retail sales, professional services, and food service**

Retail sales, professional services, and food services less than 3,000 square feet in size are allowed in industrial areas if the products are produced on-site or within the industrial area, or offer products and services that are used by employees in the industrial area. Food services are limited to fast food restaurants and small sit down restaurants.

### **(c) Alcohol sales**

The sale of alcohol requires the issuance of a Use Permit, as described in Chapter 6 of this Title.

## **Sec. 8-2.707 Definitions**

### **Automobile wrecking**

"Automobile wrecking" shall mean the commercial dismantling or disassembling of used motor vehicles, trailers, tractors, and self-propelling farm or road machinery or the storage, sale, or dumping of the same, when dismantled, partially dismantled, obsolete, or wrecked, or the parts thereof.

### **General Manufacturing**

A facility accommodating manufacturing processes where the intensity or scale of operations is greater than those classified under "Light Manufacturing" but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of General Manufacturing uses include establishments that make or process raw materials into finished machines or parts for machines; the manufacturing of motor vehicles, transportation equipment, and large appliances; establishments that cut, shape, and finish marble, granite, slate, and other stone; establishments that produce brick and structural clay products; woodworking, including cabinet making and furniture manufacturing; and metal products fabrication, including machine, sheet metal and welding shops;.

### **Hazardous Materials**

Materials that are defined as "hazardous" by the State of California or U.S. Government.

### **Heavy Manufacturing**

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 of Heavy Manufacturing uses and activities 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, pig, or scrap; asphalt and concrete plants; medical waste processing/incineration; paint removal and sandblasting; hazardous or low-level nuclear material disposal; wrecking, junk or salvage yards; and pulp and pulp product manufacturing, including paper mills.

#### **Junk yard**

“Junk yard” shall mean the use of more than 200 square feet of area of any parcel, lot, or contiguous lots as a place where imported waste, discarded or salvaged materials, or junk or salvaged materials are disassembled, handled, baled, packed, processed, or stored. “Junk yard” shall include auto wrecking yards, scrap metal yards, wrecking yards, used lumber yards, and places or yards for the storage of salvaged house wrecking and structural steel materials and equipment. “Junk yard” shall not include such activities when conducted entirely within a completely enclosed building, nor pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, nor the sale of used cars, tractors, farm machinery, house trailers, or boats in operable condition, nor the salvage of materials incidental to manufacturing or farming operations.

#### **Light Manufacturing**

The manufacturing and assembly of finished products or parts, primarily using previously prepared materials. Examples of Light Manufacturing uses and activities include clothing and fabric product manufacturing; electronics, small equipment, and appliance manufacturing; food and beverage product manufacturing, including catering operations and wholesale bakeries; laundry, dry-cleaning, and carpet cleaning plants; establishments manufacturing and assembling small products primarily by hand, including jewelry, pottery and other ceramics; printing, publishing and lithography; establishments that convert pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, and that coat or glaze pre-manufactured paper; and photo/film processing labs.

#### **Research and Development**

A business that engages in research, testing, and development of products and/or services in all 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.

#### **Warehousing, Wholesaling, and Distribution**

An establishment used primarily for the storage, selling or distributing of goods to retailers, contractors, commercial purchasers or other wholesalers, or to the branch or local offices of a company or organization. Examples of Warehousing, Wholesaling, and Distribution uses includes vehicle storage, moving services, general delivery services, minor waste tire storage facilities, fuel yards and house boat storage yards where no maintenance of house boats occurs. The storage of flammables, explosives, or materials that create dust, odors or fumes is excluded from this definition.

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**Title 8 LAND DEVELOPMENT**

**CHAPTER 2: ZONING REGULATIONS**

**Article 8: Public and Open Space Zones**

**Sec. 8-2.801 Purpose**

The purpose of the public and open space zones is to provide for areas that support and enhance a wide range of open space, recreation, and public uses.

**Sec. 8-2.802 Public and Open Space Zones**

Public and open space areas are separated into three zoning districts, with specific Use Types, minimum lot area, and other requirements, as described below.

**(a) Parks and Recreation (P-R) Zone**

The purpose of the Parks and Recreation (P-R) zone is to identify lands that are developed as existing County parks and to designate lands for future parks, including privately owned facilities offering recreation to the greater region. Permitted uses in the P-R zone include a wide range of active recreational activities, whether located outdoors or within recreational or community buildings. Typical development in the P-R zone includes sports fields, tot lots, and public pools. Some P-R zones serve as agricultural buffer areas. Detention basins are an allowed ancillary use in the P-R zone when designed with recreation or sports features. The only retail and service activities allowed in the P-R zone are those that are operated by park personnel or under a concession arrangement (gift stores, restaurants, guides, etc.).

The P-R zone is not usually applied to undeveloped lands that support only passive recreational activities such as hiking or bicycling. These latter lands are zoned Public Open Space (see below). Note that most park uses would normally be required to locate on lands that have been zoned PQP; however, smaller uses of less than 5,000 square feet of total building space, or one acre in size for a park, may be permitted to locate in other zones, such as commercial and some industrial zones, without a rezoning to PQP. The P-R zone implements the Parks and Recreation (PR) land use designation in the 2030 Countywide General Plan.

**(b) Public Open Space (POS) Zone**

The purpose of the Public Open Space (POS) zone is to recognize major publicly-owned open space lands, major natural water bodies, agricultural buffer areas, and habitat preserves. The POS lands are characterized by passive or low management uses. Detention basins are allowed in the POS zone if they are designed with naturalized features and native landscaping. The POS zone implements the Open Space (OS) land use designation in the 2030 Countywide General Plan.



### **(c) Public and Quasi-Public (PQP) Zone**

The Public and Quasi-Public (PQP) zone is applied to lands that are occupied or used for public and governmental offices, places of worship, schools, libraries, and civic uses. Other typical uses include airports, water and wastewater treatment plants, drainage basins, and sanitary landfills. As with park facilities, smaller public/quasi-public uses involving less than 5,000 square feet of building space may be permitted in commercial and some industrial zones. The PQP zone implements the Public and Quasi-Public (PQ) land use designation in the 2030 Countywide General Plan.

## **Sec. 8-2.803 Public and Open Space Use Types Defined**

As with the other zone districts, a Use Classification System has been employed to identify public and open space Use Types, as defined in Sec. 8-2.227 of this Chapter. "Principal" uses are allowed by right. "Accessory" or "ancillary" uses are allowed by right or with the issuance of a Site Plan Review. A smaller number of uses are "conditional" uses permitted through the issuance of a Minor or Major Use Permit.

The Use Types include a wide range of passive and active recreational uses, and public-oriented activities. The descriptions of the Use Types in this chapter contain individual specific uses that are classified within the Use Type. These lists of specific typical uses are examples and are not meant to include all uses that may properly be classified within the Use Type. If a specific use is not included under a Use Type, the Planning Director has the discretion of finding that the specific use is similar or consistent with another listed use, and may be allowed as a principal, accessory, or conditional use or, conversely, may find that the use is not an allowed use within the zone.

### **(a) Passive Recreation Uses**

This Use Type includes low intensity outdoor activities enjoyed by the public such as walking, hiking, bicycling, boating and water sports, picnicking, nature education, and bird watching.

### **(b) Active Recreation Uses**

This Use Type includes all of the typical recreational activities that are offered in a developed County park, from outdoor recreation such as sports fields (baseball, football, soccer), swimming, camping/RV parks, marinas, health resorts and retreat centers to indoor activities in park buildings and community centers.

This Use Type also includes privately owned facilities, such as golf courses with country clubs, upscale campgrounds, RV Parks, and health resorts or retreat centers that draw clientele from a greater regional area.

### **(c) Public and Civic Uses**

This Use Type covers a wide range of uses including governmental offices, libraries, public schools, landfills, the County airport, treatment plants, and other official County or city functions.

#### **(d) Quasi-Public Uses**

This Use Type includes activities conducted in privately-owned facilities such as schools, museums, and fraternal organizations, and also private uses that attract large numbers of customers such as theaters and sports event venues.

### **Sec. 8-2.804 Tables of Public and Open Space Permit Requirements**

The following Table 8-2.804 lists the permit requirements for examples of Use Types in each public or open space zoning district. Examples of Use Types are defined as “principal,” “ancillary,” or “accessory” uses which are allowed “by right” (with issuance of a building permit after zoning clearance), or are allowed through issuance of a non-discretionary (no public hearing) Site Plan Review. Additional examples of Use Types are defined as “conditional uses” that are permitted through the issuance of a discretionary Minor or Major Use Permit, after a public hearing.

**Table 8-2.804  
Allowed Land Uses and Permit Requirements  
for Public and Open Space Uses**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit</b> <b>UP (M) = Major Use Permit</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>			<b>Specific Use Requirements or Performance Standards</b>
	<b>P-R</b>	<b>POS</b>	<b>PQP<sup>(1)</sup></b>	

<b>Passive Recreation</b>				
Walking, hiking, bicycling, kayaking	A	A	A	
Nature center, museum	UP(m)	UP(m)	UP(m)	
Other rural recreation	UP(m)	UP(m)	N	See Sec. 8-2.806(a), 8-2.807
<b>Active Recreation</b>				
Sports fields (baseball, soccer, etc.)	UP(m)	UP(m)	UP(m)	
Swimming pool, aquatic center, boating	UP(m)	UP(m)	UP(m)	
Campground or primitive campground	UP(m)	UP(m)	UP(m)	See Sec. 8-2.806(a), 8-2.307
Recreational vehicle parks	UP(M)	N	N	
Rural recreation	UP(m)	UP(m)	UP(m)	See Sec. 8-2.806(a), 8-2.307
Commercial riding stables, rodeos	UP(m)	N	UP(M)	See Sec. 8-2.306(i), 8-2.307
Golf courses, country clubs	UP(m)	N	UP(m)	
<b>Public and Quasi-public Uses</b>				
Government, civic building, library	SP	SP	SP	
Public landfill, treatment plant, airport	SP	SP	SP	
School, public	SP	SP	SP	Not subject to County zoning
Fraternal organization, non-profit club	N	N	UP(m)	
Church, religious assembly, priv. school	N	N	UP(m)	
Utilities and services	N	SP	UP(m)	
Entertainment and spectator sports	N	N	UP(m)	
Private aviation uses in airport	N	N	SP	See Sec. 8-2.806(b)
<b>Other Uses</b>				
Agricultural production	A	A	A	
Covered habitat mitigation project	UP(m) or UP(M)			See Sec. 8-2.306(a), 8-2.307 and Title 10, Chapter 10
Agricultural processing	SP	SP	N	See definition in Sec. 8-2.307
Retail or service uses	SP	SP	SP	See Sec. 8-2.806(c)
Restaurant, fast food or sit down	SP	SP	SP	
Outdoor eating and drinking	SP	SP	SP	
Professional offices	SP	N	SP	
Residential uses, except caretaker	N	N	N	
Caretaker residence	SP	SP	SP	See Sec. 8-2.806(d)
Cemeteries, mausoleums	N	N	UP(m)	
Industrial and storage uses, except corp	N	N	UP(m)	
Corporation yard	SP	N	SP	
Solar, wind, cell tower facility	See Article 11, Sec. 8-2.1102 (cell), 8-2.1103 (wind), and 8-2.1104 (solar)			
Gas well explor., drilling, extraction	N	SP	N	See Sec. 8-2.306(s)

\* An "allowed use" does not require a zoning or land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.

(1) [to be inserted following review by the Airport Land Use Commission.]

## Sec. 8-2.805 Table of Development Requirements

The following Table 8-2.805 identifies the development requirements, including minimum parcel sizes, setbacks, and other standards that allowed and permitted uses in the commercial zones must meet as a standard or condition of any issued building permit, Site Plan Review, or Use Permit.

**Table 8-2.805**

### Development Requirements in Public and Open Space Zones

ZONE	Minimum Lot Area (acres or square ft)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Height Limits <sup>(4)</sup> (feet)	Maximum Floor Area Ratio
P-R	None <sup>(1)</sup>	None	None, except 15 feet if abutting residential zone		35 feet	0.025
POS					35 feet	0.001
PQP <sup>(2)</sup>		5 feet or match the prevailing setback on the adjacent properties <sup>(3)</sup>	10 feet, except 20 feet if abutting residential <sup>(3)</sup>	None, except 10 feet if abutting residential <sup>(3)</sup>	Maximum of 50 feet or four stories	0.5

- Notes: (1) Parcels in rural areas with no access to public water and/or wastewater services are subject to minimum parcel sizes for new building permits that are established by the Special Building ("B") overlay zone, see Section 8-2.906(b).  
 (2) Small uses of less than 5,000 square feet of total building space, or one acre in size for a park, may be permitted in other zones, such as commercial and some industrial zones, without a rezoning to PQP.  
**(3) [Setbacks for the County Airport property to be inserted following review by the Airport Land Use Commission.]**  
 (4) Structures built in the 100-year flood plain to comply with FEMA and local requirements will be measured from the top of the bottom floor, which may include a basement, crawlspace, or enclosed floor.  
 (5) Development near the toe of any levee is restricted, see Section 8-2.306(ad).

## **Sec. 8-2.806 Specific Use Requirements or Performance Standards**

The following specific use requirements may be applicable to some of the specific uses or zones identified in the previous Table 8-2.804, and shall be applied to any issued building permits, Site Plan Review, or Use Permit for uses in the public and open space zones.

### **(a) Rural recreational facilities**

- (1) Activities on land in the P-R and POS zones shall require issuance of a Major Use Permit for any rural recreational uses requiring new construction and/or generating in excess of 100 vehicle trips per use or per day. Such uses shall be found to meet the following standards:
  - (i) The use will not substantially modify the land's natural characteristics or change them beyond those modifications already related to current or previous open space or agricultural uses;
  - (ii) The use will not be detrimental to surrounding open space and agricultural uses in the area.
- (2) In addition to the above findings, proposed uses such as health resorts, spas, and retreat centers must be found to benefit from locating in a quiet, sparsely-populated, natural environment. In addition, any proposed uses such as health resorts, spas, and retreat centers must operate under a concession arrangement with a public or non-profit organization.

### **(b) Aviation uses**

#### **[new text to be inserted in place of the following after review by the Airport Land Use Commission.]**

The purpose, allowed uses, and other regulations for the AV Zone shall be as follows:

- (1) Purpose. The Airport Zone (AV) classification is intended to be applied on properties used, or planned to be used, as airports and where special regulations are necessary for the protection of life and property.
- (2) Principal permitted uses (AV). The following principal uses shall be permitted in the AV Zone, subject to conformity with Federal Aviation Agency safety standards applicable to the particular airport property:
  - (i) Accessory structures and facilities, including aircraft and aviation accessory sales;
  - (ii) Aircraft fueling facilities;
  - (iii) Aircraft storage, service, and repair hangars;
  - (iv) Lighting, radio, and radar facilities;
  - (v) Runways, taxiways, landing strips, and aprons, grassed or paved; and
  - (vi) Terminal facilities for passengers and freight.
- (3) Conditional uses (AV). The following conditional uses shall be permitted in the AV Zone:
  - (i) Agricultural uses;
  - (ii) Dwellings which are incidental or accessory to other permitted uses;

- (iii) Industrial, manufacturing, and processing uses;
  - (iv) Recreational uses;
  - (v) Sales and service, commercial; and
  - (vi) Public and quasi-public uses subject to a finding the proposed use is consistent with the Yolo County Airport Master Plan and/or grant deed from the United States government, if applicable.
- (4) Height regulations (AV). Federal Aviation Agency height safety standards shall apply in the AV Zone; provided, however, heights in excess of thirty (30') feet may be permitted only upon the securing of a use permit.

**(c) Retail, service, or office uses**

Any retail, service or office uses (gift stores, restaurants, guide services, horseback riding, etc.) must be operated by park personnel or operate under a concession arrangement with a public or non-profit organization.

**(d) Caretaker residence**

Regional parks and campgrounds are allowed one caretaker unit. No allowed residential uses for community and neighborhood parks and similar facilities. Public open space is allowed one caretaker unit.

**Sec. 8-2.807 Definitions**

**Rural recreation**

Outdoor sporting or leisure activities that require large open space areas and do not have any significant detrimental impact on agricultural use of lands that are in the general vicinity of the rural recreation activity. Rural recreation activities shall include, but are not limited to: the shooting of skeet, trap, and sporting clays; archery; gun, hunting, or fishing, clubs; sport parachuting; riding; picnicking; nature study; viewing or enjoying historical, archaeological, scenic, natural or scientific sites; health resorts, rafting, hiking, backpacking, bicycling, or touring excursions; or camping.



**2014 UPDATED  
YOLO COUNTY CODE**

**Title 8 LAND DEVELOPMENT  
CHAPTER 2: ZONING REGULATIONS**

**Article 9: Specific Plan and Overlay Zones**

**Sec. 8-2.901 Purpose**

The purpose of the Specific Plan and the Overlay zones is to implement the 2030 Yolo Countywide General Plan policies by adopting additional zoning tools that enhance and protect a range of land uses. The overlay zones described in this article establish standards and regulations that apply to specified areas that are in addition to the requirements established by the underlying base zone district. If a requirement of an overlay zone should conflict with the underlying base zone, the overlay zone requirements shall control.

**Sec. 8-2.902 Specific Plan Zone**

The Specific Plan is not an overlay zone, but is a base zone similar to agricultural, residential, commercial, and industrial base zoning.

**(a) Specific Plan (S-P) Zone**

The purpose of the Specific Plan (S-P) zone is to identify lands that are planned for future urban growth but which cannot be developed until detailed development standards as outlined in a “specific plan” are adopted. The required contents of a specific plan are defined under State law (Government Code 64540 *et seq*). In addition, the 2030 Yolo Countywide General Plan includes policies that set parameters or requirements for development in each specific plan area, including approximate acres of planned uses and ranges of residential and commercial unit counts. These policies and development parameters are cited in Table 8-2.905.

The areas identified for preparation of specific plans in the 2030 Countywide General Plan include Dunnigan, Knights Landing, Elkhorn, Madison, and Covell/Pole Line Road in north Davis (Table 8-2.902-1).

**Table 8-2.902-1  
Specific Plan (S-P) Areas**

<b>Specific Plan Area</b>	<b>Acreage</b>
Dunnigan	2,254
Knights Landing	212
Madison	413
Elkhorn	344
Covell/Pole Line Rd.	384
<b>Total</b>	<b>3,606</b>

Source: 2030 Countywide General Plan, 2009



The Specific Plan (S-P) zoning allows agricultural uses in the zoned area to continue temporarily until such time as a specific plan has been adopted, or until the zoning or land use designation is otherwise amended. Ultimate land uses must be consistent with the adopted Specific Plan. Capital intensive agricultural uses are discouraged in lands that are zoned S-P so as not to preclude later planned urban uses.

The S-P zone implements the Specific Plan (SP) land use designation in the 2030 Yolo Countywide General Plan.

## Sec. 8-2.903 Overlay Zones

Policy LU-1.1 and Table LU-4 in the 2030 Yolo Countywide General Plan establish and define six overlay land use designations, which correspond to five new overlay zoning districts listed below. The Mineral Resource Overlay defined in the General Plan is implemented by the existing Sand and Gravel, and Sand and Gravel Reserve, zones. A seventh overlay, the Airport Overlay (A-O), is not identified in the General Plan, but has been added to protect properties around the County Airport. An eighth overlay zone incorporates some of the existing Planned Development (PD) zones approved by the County which have been retained for certain development projects.

Overlay zones are added to, or on top of, a base zone, augmenting the base zone regulations with additional regulations related to the unique location or character of the parcels that are subject to the overlay zoning. If there are any inconsistencies between the overlay and the base zoning regulations, the overlay regulations prevail. When referring to an overlay zone, the overlay name is added to the base zoning, following it separated by a slash marking ("/"), e.g., A-N/A-O (except for the Planned Development overlay zones, which are designated with the number of the original approved zone, e.g., PD-45).

The overlay zones, excluding the PD zones, are identified with their corresponding total acreage in Table 8-2.903-1, below.

**Table 8-2.903-1  
Overlay Zone Areas**

<b>Overlay Zone</b>	<b>Acreage</b>
Specific Plan Overlays:	
Dunnigan	927
Knights Landing	224
Madison	100
Elkhorn	5
Covell/Pole Line Road property	0
Natural Heritage	n/a
Agricultural District (Clarksburg)	35,171
Delta Protection	73,053
Sand and Gravel (Mineral Resource)	18,452
Tribal Trust	483
Airport	n/a

Source: 2030 Countywide General Plan, 2009

#### **(a) Specific Plan Overlay (SP-O) Zone**

The Specific Plan Overlay (SP-O) zone, as distinguished from the S-P base zone, applies to existing and planned growth areas subject to a future specific plan, but which retain the underlying base zone until a specific plan is adopted. The SP-O overlay is applied to development areas that are adjacent to identified Specific Plan (S-P) zoned lands. For example, the town of Dunnigan includes approximately 2,254 acres of largely vacant agricultural land that is zoned S-P (with no underlying base zoning). Another 927 acres of adjacent developed land (not zoned S-P, but zoned SP-O) includes the existing rural homes in the Hardwoods subdivision and in the “Old Town” area of Dunnigan, which retain their residential base zone (RR-1 and R-L) and are zoned with the SP-O overlay. In the SP-O overlay, land uses consistent with the existing base zoning are allowed until a specific plan has been adopted, at which point the specific plan takes precedence.

#### **(b) Natural Heritage Overlay (NH-O) Zone**

The Natural Heritage Overlay (NH-O) applies to focused conservation areas identified in the Yolo Natural Heritage Program (the Yolo County Habitat Conservation/Natural Communities Conservation Plan). Allowed land uses are limited to those consistent with the adopted Yolo Natural Heritage Program and HCP/NCCP.

#### **(c) Agricultural District Overlay (AD-O) Zone**

The Agricultural District Overlay (AD-O) applies to designated agricultural districts. Land uses consistent with the base designation and the district specifications are allowed. At the current time only one agricultural district has been adopted in the Clarksburg area. The zoning regulations for the Clarksburg Agricultural District are included in Section 8-2.401 in Article 4 of this chapter.

#### **(d) Delta Protection Overlay (DP-O) Zone**

The Delta Protection Overlay (DP-O) applies to the State designated “primary zone” of the Sacramento-San Joaquin Delta, as defined in the Delta Protection Act. Land uses consistent with the base designation and the Delta Protection Commission’s Land Use and Resource Management Plan are allowed.

#### **(e) Sand and Gravel and Sand and Gravel Reserve Overlay (SG-O and SGR-O) Zones**

The Sand and Gravel and Sand and Gravel Reserve Overlays (SG-O and SGR-O) apply to State designated mineral resource zones (MRZ-2) containing critical geological deposits needed for economic use in the future, as well as applying to existing mining operations.

#### **(f) Tribal Trust Overlay (TT-O) Zone**

The Tribal Trust Overlay (TT-O) applies to tribal trust lands held by the federal government for recognized tribal governments.

**(g) Airport Overlay (A-O) Zone**

The Airport Overlay (A-O) zone is applied to the properties within a 10,000 foot radius around the Yolo County Airport and included within the identified “safety zones” of the airport. The purpose of the overlay zone is to regulate uses and structural heights to ensure aviation safety as required by the Comprehensive Land Use Plan (CLUP) for the County Airport. The regulations specifically advise private property owners of the restrictions related to vegetation and height of structures.

**(h) Planned Development (PD) Overlay Zone**

The purpose of the Planned Development (PD) overlay zone is to encourage a more flexible and efficient use of land for larger urban development projects that include an excellence in site design greater than that which could be achieved through the application of established zoning standards. Use of a PD zone process requires the rezoning of a parcel or parcels from the existing base zone to the base zone overlain with a uniquely defined PD zone with its own number identification (such as PD-45). A PD zone must be generally consistent with its associated base, e.g., residential or commercial. PD zoning is not intended for agricultural zones or uses.

Many of the Planned Development projects in Yolo County were approved decades ago and have since been developed. These completed projects have been rezoned to their appropriate base zones, based on developed densities and uses, and the PD regulations have been rescinded, unless they are still relevant. The relevant PD zones that have been retained in their individual PD zoning, including recently approved subdivisions in Esparto that have not yet been constructed, are identified in Table 8-2.903-2, below.

**Table 8-2.903-2  
Planned Development Zone Areas**

<b>Planned Development No. /Name</b>	<b>Associated Zone</b>	<b>Location</b>
PD-9 Hilltop Estates	A-N/RR-5	Monument Hills
PD-25 Binning Farms	R-L	North Davis
PD-42 Country West I	R-L	Esparto
PD-45 Wild Wings	R-L	Wild Wings
PD-47 North Davis Meadows II	R-L	North Davis
PD-48 Country West II	R-L	Esparto
PD-49 Parker Place	R-L	Esparto
PD-49 Snow Subdivision	R-L	Knights Landing
PD-53 Esperanza Estates	R-L	Esparto
PD-56 Dunnigan Truck and Travel Center	C-H	Dunnigan
PD-57 Lopez Subdivision/Ryland	R-L	Esparto
PD-58 White/Castle Subdivision	R-L	Knights Landing
PD-59 Orciuoli/Castle Subdivision	R-L	Esparto
PD-60 E. Parker Subdivision/Emerald	R-L	Esparto
PD-61 Story Subdivision/Emerald	R-L	Esparto
PD-62 Capay Cottages Subdivision	R-L	Esparto
PD-64 Jensen Parcel Map	I-L	Clarksburg
PD-65 Willowbank	R-L	Davis
PD-66 El Macero	R-L	Davis
PD-67 Patwin Road	RR-1	Davis

### **(i) Special Building Overlay (B) Zone**

The "B" overlay is a Special Building overlay zone that is applied to areas zoned for development where the lack of public facilities and utilities indicates a need for new building sites of larger acreage than otherwise permitted in the zone. The County Environmental Health Division is responsible for setting these minimum parcel size restrictions in compliance with State laws that set standards for on-site sewage disposal and private water wells. The B overlay zone sets a minimum parcel size of two acres for newly created parcels zoned for development that do not have access to public water and public wastewater treatment services. The two-acre minimum parcel size to build a house does not apply to existing lots, only newly created lots. There are numerous areas within the unincorporated area where homes and businesses must rely on private wells and private septic/leachfield systems. In these areas, such as Capay Valley, the Hardwoods in Dunnigan, and Patwin Road in Davis, the Rural Residential (RR-1) or Residential Low Density (R-L) zoning regulations include a B overlay zone that sets a minimum parcel size of two acres for purposes of creating new lots and issuing building permits for homes.

### **Sec. 8-2.904 Use Types Defined**

In contrast to the other zone districts, a detailed Use Classification System has not been employed to identify uses allowed in the S-P, PD, and the eight overlay zones. Instead, allowed and permitted uses are defined based on the Use Types that have already been established for base zones in the previous articles of this chapter.

Rather than repeat the individual examples of specific uses that are classified within the various Use Types for agricultural, residential, commercial, industrial, and open space uses, the following tables simply refer back to the broad Use Type categories and applicable development standards identified in the previous articles of the zoning ordinance.

### **Sec. 8-2.905 Table of Permit Requirements**

The following Tables 8-2.905-1 and 8-2.905-2 lists the permit requirements for examples of each Use Type in each zoning district. Examples of Use Types are defined as "principal," "ancillary," or "accessory" uses which are allowed "by right" (with issuance of only a building permit after zoning clearance), or are allowed through issuance of a non-discretionary (no public hearing) Site Plan Review. Additional examples of Use Types are defined as "conditional uses" that are permitted through the issuance of a discretionary Minor or Major Use Permit, after a public hearing.

Note that the tables do not include permit requirements for the Tribal Trust Overlay (TT-O) zone, since these lands are not subject to the zoning jurisdiction of Yolo County. Additionally, as already noted above, the tables do not include the Agricultural District Overlay (AD-O) zone, since the regulations for the one AD-O zone that has been adopted for the Clarksburg area, are included in Section 8-2.401 in Article 4 of this chapter. The tables also do not include permit requirements for the Special Building (B) overlay zone, since that overlay zone only affects minimum parcel size, not permitted uses.

**Table 8-2.905-1**

**Allowed Land Uses and Permit Requirements  
for S-P, PD, SP-O, and NH-O Zones**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit</b> <b>UP (M) = Major Use Permit</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>				<b>Specific Use Requirements or Performance Standards</b>
	<b>S-P<sup>(1)</sup></b>	<b>PD<sup>(2)</sup></b>	<b>SP-O<sup>(1)</sup></b>	<b>NH-O<sup>(3)</sup></b>	

**USE TYPES**

<b>Agricultural Production</b>					
Agricultural production	A	A	A	A	See Sec. 8-2.906(c)
Covered habitat, mitigation projects	UP(m)/UP(M)	N	N	UP(m)/UP(M)	See Sec. 8-2.306(a) and Title 10, Chap. 10
<b>Agricultural Processing</b>					
Agricultural processing	UP(m)	N	UP(m)	UP(m)	See Sec. 8-2.906(c)
<b>Animal Facilities Uses</b>					
Feedlots, dairies, etc.	N	N	N	UP(M)	See Sec. 8-2.306(c) thru (e)
Kennels, stables, etc.	N	N	N	UP(m)	See Sec. 8-2.306(f) thru (i)
<b>Agricultural Accessory Structures/Uses</b>					
Barns, storage sheds	A	A	A	A	Interim uses allowed
Coolers, dehydrators, silos	UP(m)	N	UP(m)	UP(m)	See Sec. 8-2.906(c)
Greenhouses, commercial	UP(m)	N	UP(m)	UP(m)	
Reservoirs, ponds	UP(m)	N	UP(m)	UP(m)	
<b>Agricultural Commercial and Rural Recreation</b>					
Large wineries, olive oil, stables, special events, B&Bs	N	N	N	UP(m)	See Sec. 8-2.906(c).and Sec. 8-2.306(i) thru (m)
All other ag commercial uses	UP(m)	N	UP(m)	UP(m)	
Game preserves and hunt clubs, over 50 persons/day	UP(M)	N	UP(M)	UP(M)	See Sec. 8-2.906(c).and Sec. 8-2.306(o)
All other rural recreation	N	N	N	UP(M)	
<b>Agricultural Industrial, Resource Extraction, and Utilities Uses</b>					
Solar, wind energy system	--	--	--	--	See Sec. 8-2.906(c) and Article 11 for permit requirements and standards
Wireless communications	UP(M)	UP(M)	UP(M)	UP(M)	
All other ag industrial, resource, utilities uses	N	N	N	UP(m)	See Sec. 8-2.906(c)
<b>Residential Uses</b>					
Residential uses	--	--	--	--	See Sec. 8-2.906(d)
<b>Home and Child Care Uses</b>					
Group/home care <6 beds and child care <9 children	A	A	A	A	See Sec. 8-2.506(f) and (g)
All other related care uses	UP(m)	UP(m)	UP(m)	UP(m)	See Sec. 8-2.906(d)

**Table 8-2.905-1 (cont.)**

**Allowed Land Uses and Permit Requirements  
for S-P, PD, SP-O, and NH-O Zones**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit</b> <b>UP (M) = Major Use Permit</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>				<b>Specific Use Requirements or Performance Standards</b>
	S-P <sup>(1)</sup>	PD <sup>(2)</sup>	SP-O <sup>(1)</sup>	NH-O <sup>(3)</sup>	

**USE TYPES**

<b>Commercial Uses</b>					
All commercial uses	--	--	--	--	See Sec. 8-2.906(e)
<b>Industrial Uses</b>					
All industrial uses	--	--	--	--	See Sec. 8-2.906(e)
<b>Public and Open Space Uses</b>					
Public and open space uses	--	--	--	--	See Sec. 8-2.906(e)

\* An “allowed use” does not require a zoning or land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.

Notes:

- (1) In the S-P and SP-O zones, permit requirements in this table are for interim uses allowed prior to adoption of a Specific Plan, after which all proposed uses and permit requirements must be consistent with the adopted plan. See Sec. 8-2.906(c).
- (2) Additional requirements for a rezoning to a PD zone are included in Sec. 8-2.906(a). For PD zones, permit requirements in this table are for interim agricultural uses allowed prior to urban development or completion of urban development. All proposed non-agricultural uses and permit requirements must be consistent with the individual adopted PD regulations. See Sec. 8-2.906(c).
- (3) In the NH-O zones, prior to adoption of a Natural Heritage Plan, agricultural uses are allowed according to the underlying base zone. After adoption of a Natural Heritage Plan, all proposed uses and permit requirements must be consistent with the adopted plan.

**Table 8-2.905-2**

**Allowed Land Uses and Permit Requirements  
for DP-O, SG-O and SGR-O, and A-O Overlay Zones**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit</b> <b>UP (M) = Major Use Permit</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>			<b>Specific Use Requirements or Performance Standards</b>
	<b>DP-O<sup>(1)</sup></b>	<b>SG-O and SGR-O<sup>(2)</sup></b>	<b>A-O<sup>(3)</sup></b>	

**USE TYPES**

<b>Agricultural Production</b>				
Agricultural production	A	A	--	
Covered habitat, mitigation projects	UP(m) or UP(M)			See Sec. 8-2.306(a) and Title 10, Chap. 10
<b>Agricultural Processing</b>				
Agricultural processing	A	A	--	See Table 8-2.304(a). Large, regional-serving operations may require a Site Plan Review or Use Permit
<b>Animal Facilities Uses</b>				
Animal facilities uses	--	--	--	See Table 8-2.304(b)
<b>Agricultural Accessory Structures/Uses</b>				
Accessory structures	--	--	--	See Table 8-2.304(a)
<b>Agricultural Commercial and Rural Recreation</b>				
Agricultural commercial uses	--	--	--	See Table 8-2.304(c)
Rural recreation	--	--	--	See Table 8-2.304(c)
<b>Agricultural Industrial, Resource Extraction, and Utilities Uses</b>				
Solar, wind energy system	--	--	--	See Sec. 8-2.906(c) and Article 11 for requirements and standards
Wireless communications	UP(M)	UP(M)	--	
Surface mining	UP(M)	UP(M)	--	See Sec 8-2.906(g), 8-2.306(q), and Title 10
All other ag industrial, resource, utilities uses	--	--	--	See Table 8-2.304(d)
<b>Residential Uses</b>				
Residential uses	--	--	--	See Sec. 8-2.906(f)
<b>Home and Child Care Uses</b>				
Group/home care <6 beds and child care <9 children	A	A	--	See Sec. 8-2.506(e) and (f)
All other related home uses	--	--	--	See Sec. 8-2.906(f)

**Table 8-2.905-2 (cont.)**

**Allowed Land Uses and Permit Requirements  
for DP-O, SG-O and SGR-O, and A-O Overlay Zones**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit</b> <b>UP (M) = Major Use Permit</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>			<b>Specific Use Requirements or Performance Standards</b>
	<b>DP-O</b> <sup>(1)</sup>	<b>SG-O and SGR -O</b> <sup>(2)</sup>	<b>A-O</b> <sup>(3)</sup>	

**USE TYPES**

<b>Commercial Uses</b>				
All commercial uses	--	--	--	See Sec. 8-2.906(f).
<b>Industrial Uses</b>				
All industrial uses	--	--	--	See Sec. 8-2.906(f).
<b>Public and Open Space Uses</b>				
Public and open space uses	--	--	--	See Sec. 8-2.906(f).

\* An “allowed use” does not require a zoning or land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.

Notes:

(1) See Sec. 8-2.906(f). All uses must be consistent with the Land Use and Resource Management Plan adopted by the Delta Protection Commission.

(2) See Sec. 8-2.906(g). All uses must be consistent with the Cache Creek Specific Plan and associated policies and regulations. Also see Sec. 8-2.906(f) and Title 10.

(3) **[To be inserted following review by the Airport Land Use Commission.]**



## **Sec. 8-2.906 Specific Use Requirements or Performance Standards**

The following specific use requirements may be applicable to some of the specific uses or zones identified in the previous Tables 8-2.905-1 and 905-2, and shall be applied to any issued building permits, Site Plan Review, or Use Permit for uses in the specific plan and overlay zones.

### **(a) Planned Development (PD) overlay zone requirements**

- (1) The Planned Development overlay zone is to be applied to parcels for which detailed written development plans have been submitted and are approved concurrent with the rezoning to a specific PD. The minimum size for a proposed PD zone shall be three (3) acres.
- (2) Principal uses permitted in a PD overlay zone shall be any uses or combination of uses which are so arranged and/or designed as to result in an overall development which is found to be in general conformity with the standards, regulations, intent, and purposes of the General Plan and the associated zoning district, e.g., R-L or C-G.
- (3) All uses in an approved PD overlay zone shall conform to the height, lot, yard, and area regulations normally required for such uses in the associated base zone district, except where the total development will be improved by a deviation from such regulations. In any event, each subsequent structure approved shall conform to the precise development plan which is a part of the approved PD rezoning and associated regulations.
- (4) In addition to the general application requirements identified in Sec. 8-2.209 of this chapter, the following materials shall be submitted when making an application for a Planned Development overlay rezoning:
  - (i) An ordinance that includes a detailed set of development standards which govern development within the zone, including the requirement of the approval of detailed Site Plans or Use Permits by the Director, the Zoning Administrator, or the Planning Commission prior to the commencement of construction. Such standards may regulate the density, placement, setbacks, height, advertising signs, parking, and similar aspects of development within the zone. Such ordinance may be submitted by the applicant or by the Director. All development in the overlay zone shall be consistent with, and governed by, such standards, once approved.
  - (ii) The proposed access, traffic and pedestrian ways, easements, and lot design;
  - (iii) The areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings, and other such uses;
  - (iv) The areas proposed for commercial uses, off-street parking, multiple-family and single family dwellings, and all other uses proposed to be established within the zone;
  - (v) The proposed locations of buildings on the land, including all dimensions necessary to indicate the size of structures, setbacks, and yard areas;
  - (vi) The proposed landscaping, fencing, and screening; and
  - (vii) Detailed elevation drawings; construction, improvement, utility, and drainage plans; and any other information the Director deems necessary to adequately consider the proposed development.
- (5) When land has been rezoned to a PD overlay, it shall be designated on the official zoning maps by an identifying serial number following the symbol "PD-." Such identifying serial numbers shall refer to the precise plans and detailed written development standards or regulations which apply to the numbered Planned Development zone.

### **(b) Special Building (B) overlay zone requirements**

The Special Building (“B”) overlay zone is applied to areas zoned for development that rely on private wells and private septic/leachfield systems. In these areas, such as Capay Valley, the Hardwoods in Dunnigan, and Patwin Road in Davis, the existing Rural Residential (RR-1) or Residential Low Density (R-L) zoning regulations include a “B” overlay zone that sets a minimum parcel size of two acres for purposes of creating new lots and issuing building permits for homes. The two-acre minimum parcel size to build a house does not apply to existing lots, only newly created lots. The two acre minimum parcel size for newly created rural lots is represented by a “B87” overlay zone (the figure 87 refers to the two acre minimum parcel size measured in thousands of square feet).

### **(c) Interim agricultural uses in the S-P, PD, SP-O, and NH-O zones**

- (1) In the S-P, PD, SP-O, and NH-O zones a range of agricultural uses is allowed as interim uses until a Specific Plan or Natural Heritage Plan is adopted, or until an existing PD zone is developed with urban uses, provided that the interim agricultural use is consistent with any underlying base zone. In the interim, capital intensive agricultural uses such as processing facilities, animal facilities uses, large accessory structures, and agricultural commercial, rural recreation, and agricultural industrial uses are discouraged in the S-P and SP-O zones, and are prohibited in the PD zones.
- (2) Capital intensive agricultural uses such as processing facilities, animal facilities uses, large accessory structures, and agricultural commercial, rural recreation, and agricultural industrial uses may be permitted in the S-P, SP-O, and NH-O zones, prior to adoption of a Specific Plan or Natural Heritage Plan, through the issuance of a Minor Use Permit, provided that the interim agricultural use is consistent with any underlying base zone and provided the Zoning Administrator can make the following findings based on evidence in the record:
  - (i) Approval of the project will not significantly hinder the adoption of a future Specific Plan or create an insurmountable obstacle to urban development of the future planned land uses on the parcel or parcels; or
  - (ii) Approval of the project is consistent with the goals and policies of an adopted or pending Natural Heritage Plan.

### **(d) Residential, group/home and child care uses in the PD and SP-O zones**

- (1) In existing but not fully developed PD zones one rural residence is allowed per undeveloped rural parcel as an interim use only, excluding undeveloped lots in an approved but incomplete subdivision. All other proposed residential uses in a PD zone must be consistent with the permit requirements, densities, and other applicable development standards of the specific adopted PD ordinance for the project.
- (2) In vacant or underdeveloped SP-O zones one rural residence is allowed per undeveloped rural parcel as an interim use only. Accessory structures and all other proposed residential uses in a SP-O zone, including group/home or child care uses must be consistent with the permit requirements, densities, and other applicable development standards of the underlying base zone.

### **(e) Commercial, industrial, and public and open space uses in the S-P, PD, SP-O, and NH-O zones**

- (1) In the S-P and PD zones commercial, industrial, and public and open space uses are prohibited as interim uses prior to the adoption of a Specific Plan or completion of a PD project. All proposed commercial, industrial, and public and open space uses shall be consistent with the adopted Specific Plan and/or PD zoning.
- (2) In the SP-O zones commercial, industrial, and public and open space uses are permitted as interim uses provided that the interim use is consistent with any underlying base zone,

and provided that the use is conditioned to be required to connect with, and financially contribute to, planned public infrastructure improvements following adoption and implementation of the Specific Plan.

- (3) In the NH-O zones commercial, industrial, and public and open space uses are permitted provided that the use is consistent with the underlying base zone, and provided that the project is consistent with the goals and policies of an adopted or pending Natural Heritage Plan.

**(f) Commercial, industrial, and public and open space uses in the DP-O, SG-O/SGR-O, and A-O zones**

- (1) In the DP-O zone, which is the State-designated “primary zone” of the Sacramento-San Joaquin Delta, all proposed uses and permit requirements must be consistent with the regulations for the underlying base zone district and with the policies of the Land Use and Resource Management Plan adopted by the Delta Protection Commission.
- (2) In the SG-O and the SGR-O zones, which are the State-designated “mineral resource area” (MRZ-2) along Cache Creek, all proposed uses and permit requirements must be consistent with the regulations for the underlying base zone district and with Section 8-2.906(g), below.
- (3) Commercial mining is prohibited in, and adjoining, Putah Creek.
- (4) A-O zone **to be inserted following review by the Airport Land Use Commission.**

**(g) All uses in the SG-O and SGR-O zones**

- (1) The Sand and Gravel Overlay zone (SG-O) is intended to be combined with the A-N and A-X zones within the boundaries of the Cache Creek Off-Channel Mining Plan, as defined by Chapter 4 of Title 10 of this Code, so as to indicate land areas in which surface mining operations may be conducted.
- (2) The Sand and Gravel Reserve Overlay zone (SGR-O) is intended to be combined with the A-N and A-X Zones located within the boundaries of the Off-Channel Mining Plan as defined by Chapter 4 of Title 10 of this Code, so as to indicate land areas in which future surface mining operations shall be considered after 2026. The SGR Overlay is an indication to surrounding property owners and lead agencies of areas that are targeted by the County for future extraction after 2026. No commercial surface mining operations shall be conducted on lands classified with the SGR Zone. Commercial surface mining operations shall only be permitted in accordance with the requirements of Chapter 4 of Title 10 of this Code.
- (3) No use permit for commercial surface mining operations shall be issued for any land which is not zoned A-N/SG-O or A-X/SG-O pursuant to this section. All mining permits for lands zoned SG-O shall be issued in accordance with the requirements of Chapters 4 and 5 of Title 10 of this Code.
- (4) Land uses incompatible with commercial surface mining operations shall be discouraged on properties adjoining land within the SGR-O zone. Potentially incompatible land uses include high-density residential development, low-density residential development with high unit value, public facilities, and intensive industrial and commercial uses. Future plans and permit approvals for properties adjoining land within the SGR-O zone shall assess the compatibility of the proposed use with surface mining operations and provide mitigation to reduce potential areas of conflict, if appropriate.

**(h) Development near the toe of any levee**

Development near the toe of any levee is restricted, see Section 8-2.306(ad).

## **Sec. 8-2.907 Definitions**

See definitions of Use Types and specific examples of uses in Articles 3, 5, 6, 7, and 8.



**2014 UPDATED  
YOLO COUNTY CODE**

**Title 8 LAND DEVELOPMENT**

**CHAPTER 2: ZONING REGULATIONS**

**Article 10: General and Special Development Standards**

**Sec. 8-2.1001 Purpose**

The purpose of this Article is to provide for the necessary special provisions and regulations which are not otherwise set forth in this Chapter, as well as to provide for exceptions and modifications to the provisions of this Chapter where necessary for the practical and uniform application of the regulations of this Chapter. If conflicts occur between the provisions of this Article and other provisions of this Chapter, the provisions of this Article shall apply.

**Sec. 8-2.1002 Area of lots**

The minimum lot size and building site size regulations set forth in this Chapter for each particular zone shall be modified as follows:

- (a) Where a public water supply and/or public sanitary sewer is not accessible, the Environmental Health Services Division may establish minimum lot size or lot area requirements for home site or new development in excess of those otherwise set forth in this Chapter, which requirements shall be based upon the area the Division determines to be necessary for the adequate provision of water and sewerage in the location and for the use requested.
- (b) Any lot or parcel of land in an agricultural or residential zone containing an area or dimension smaller than that required by the provisions of this Chapter, which lot or parcel was of record in the office of the Clerk-Recorder on December 18, 1963, may be used as follows: one single-family dwelling may be constructed on a parcel containing less than the minimum parcel size of the zone provided such structure complies with all the other regulations of the zone in which it is situated and regulations of other County departments, including water and sewerage requirements, and regulations of State or federal agencies that have jurisdiction over the development.

**Sec. 8-2.1003 Front yards**

The following modifications shall apply to the front yard regulations set forth in this Chapter for each particular zone:

- (a) On a lot in any residential zone which adjoins a developed lot on which the front yard is less than that required for the particular zone, the required front yard may

be reduced to the average of the established front yard on the adjoining lot and the front yard otherwise required in such zone.

- (b) On a lot in any residential zone which has frontage on the turnaround portion of a cul-de-sac street, the front yard need not exceed twenty (20') feet on the portion of such frontage which is radial to the center point of the turnaround.

## **Sec. 8-2.1004 Height regulations**

The maximum height limitation regulations set forth in this Chapter for each particular zone shall be modified as follows:

- (a) In any zone, other than the Agricultural Intensive Zone (A-N), the Agricultural Extensive Zone (A-X), the Agricultural Commercial Zone (A-C), the Agricultural Industrial Zone (A-I), the Agricultural Residential Zone (A-R), the Airport Overlay Zone (A-O), and other than properties adjacent to an A-O zone within a designated aviation safety zone and/or which are regulated by an applicable airport master or land use plan, the following structures may extend not more than thirty (30) feet above the height limits set forth in such zone; provided, however, applicable State and federal regulations shall govern wherever conflicts occur: chimneys, church spires, flagpoles, monuments, water towers, fire and hose towers, observation towers, distribution lines and poles, communication equipment buildings, smokestacks, television towers, radar towers, masts, aerials, television antennas, outdoor theater screens (provided such screens contain no advertising matter other than the name of the theater), equipment penthouses and cooling towers, grain elevators, farm equipment and storage barns, silos, and gas holders.
- (b) In the Agricultural Intensive Zone (A-N), the Agricultural Extensive Zone (A-X), the Agricultural Commercial Zone (A-C), the Agricultural Industrial Zone (A-I), and the Agricultural Residential Zone (A-R), there shall be no height limits, except for residential uses and small wind energy systems, as specified in Section 8-2.1103, respectively.
- (c) **[To be inserted following review by the Airport Land Use Commission.]**
- (d) Upon the approval of a Use Permit by the Planning Commission, the structures set forth in Subsection (a) of this Section and all structures normally permitted in such zones may be permitted to further exceed the height limits for the particular zone when the Planning Commission finds that such additional height is necessary for the normal operation of a permitted use and will not be injurious to neighboring properties or detrimental to the public health, safety, and welfare.
- (e) Churches, schools, and other permitted public and semi-public buildings may exceed the height limits of the zone in which they are located in accordance with the terms and conditions of an approved Use Permit.
- (f) In any zone, other than the Airport Overlay Zone (A-O), public utility transmission lines may exceed the height limits of the zone in which they are located.

## **Sec. 8-2.1005 Fences and walls, hedges, and trees**

- (a) Fences, walls and hedges may be located anywhere on a property in Residential (R) Zones up to a maximum height of seven feet, except as noted herein:
- (1) Within the front yard setback, they do not exceed three feet in height for a distance of four feet from the sidewalk or edge of pavement, to provide site distance for cars backing into the roadway from the driveway.
  - (2) One foot of lattice may be added to any three-foot front yard fence provided that the lattice is at least 50 percent open.
  - (3) Within the front yard setback, they do not exceed six feet in height, if they are located behind the ten foot setback in the front yard of an interior lot and at the 15-foot setback in the front yard on a corner lot. The height of the fence or wall should be reduced in height in increments between the ten (or 15) foot setback and the four foot setback required by Subsection (1), above.
  - (4) On a corner lot, a fence, wall or hedge over three feet in height, measured from the curb gutter grade, shall not be located in a triangular area measured twenty-five feet along the inside face of the sidewalk in either direction from the sidewalk intersection. Where no sidewalk exists, the measurement shall be made along the right-of-way line.
  - (5) On a corner lot, if not exceeding six feet in height and set back a minimum of ten feet from the property line, they may be located along the street side yard. At such height, they may extend along the rear yard portion of the lot as well as the length of the house on the street side yard until they meet the triangular area described in Subsection (3), above.
  - (6) Atrium and courtyard walls located outside the required yards may exceed six feet in height through approval of a Site Plan Review application.
  - (7) The Planning Director may modify the maximum heights of fences, walls, and hedges as set forth in this section, as long as it is found that the size, shape, topography, location of the site, or orientation of structures on adjacent properties justifies such modification, and the property where the fencing or landscaping is modified will not cause detriment to the surrounding neighborhood nor a safety hazard for the use of adjacent properties or roadways.
- (b) Where trees are located within twenty (20) feet of intersected street lines, the main trunks of such trees shall be trimmed free of branches to a height of seven and one-half (7 1/2) feet above the curb grade.

## **Sec. 8-2.1006 Landscaping**

All applications that are accompanied with plans for lawn and landscaped areas shall comply with the provisions of Chapter 3 of this Title, the Water Efficient Landscaping Ordinance.



## **Sec. 8-2.1007 Nonconforming Buildings and Uses**

### **(a) Purpose**

The purpose of this Section shall be to permit the continued operation of existing uses and buildings which do not otherwise conform to the provisions of this Chapter, while guarding against such uses becoming a threat to more appropriate development, and to provide for the eventual elimination of uses likely to be most objectionable to the neighbors of such uses.

### **(b) Definitions**

For the purpose of this section, the following definitions shall apply:

#### **Nonconforming building**

“Nonconforming building” shall mean a building or structure, or portion thereof, which lawfully existed prior to the adoption of the zoning regulations on November 18, 1963, or a subsequent amendment to this chapter, but which, as a result of such adoption or amendment, does not conform to all the height and area regulations of the zone in which it is located or which is so designed, erected, or altered that it could not reasonably be occupied by a use permitted in the zone in which it is located.

#### **Nonconforming use**

“Nonconforming use” shall mean a use which lawfully occupied a building or land prior to the adoption of the zoning regulations on November 18, 1963, or a subsequent amendment to this chapter, and which, as a result of such adoption or amendment, does not conform with the use regulations of the zone in which it is located.

### **(c) Continuing existing buildings and uses**

Except as otherwise provided in this Chapter, any use of land, buildings, or structures which is legally nonconforming due to the adoption of the zoning regulations on November 18, 1963, or a subsequent amendment to the zoning regulations contained in this Chapter, may be continued. Except as provided for in this Section, no use of land, buildings, or structures shall be enlarged, expanded, or intensified in any manner.

### **(d) Continuing conditional uses**

Any use lawfully existing at the time of the adoption of the zoning regulations on November 18, 1963, or a subsequent amendment to this Chapter, shall be and remain a nonconforming use, and in no case shall such use be enlarged, expanded, or intensified in any manner until a Use Permit has been obtained pursuant to the provisions of this Chapter.

### **(e) Repair of unsafe or unsanitary buildings**

The provisions of this Chapter shall not prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Planning, Public Works and Environmental Services Department or declared unsanitary by the Health Department.

**(f) Replacement of damaged or destroyed nonconforming buildings**

Any nonconforming building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God may be restored or reconstructed; provided, however, such repair or reconstruction shall conform to the applicable Building Codes, including FEMA requirements and local ordinances regulating development in a flood zone, in effect at the date of such restoration or reconstruction and without change to a nonconforming use, should such exist.

**(g) Reconstruction and enlargement of certain nonconforming dwellings**

The provisions of this Chapter shall not prevent the reconstruction or enlargement of any single family dwelling located in any zone on any lot or parcel containing an area or dimension smaller than that required by the provisions of this Chapter, which area or dimension existed or exists at the time of the imposition of such area or dimension regulation; provided, however, any such reconstruction or enlargement shall comply with all the other regulations of the zone in which it is situated.

**(h) Extension of nonconforming uses and buildings**

Upon an application for a Use Permit, the Planning Commission may permit the extension of a nonconforming use throughout those parts of a building, which parts were manifestly designed or arranged for such use prior to the date such use of the building became nonconforming, if no structural alterations, except those required by law, are made therein.

**(i) Changes to other nonconforming uses**

Upon an application for a Use Permit, the Planning Commission may permit the substitution of one nonconforming use for another nonconforming use which is determined by the Planning Commission to be of the same or more restrictive nature. Whenever a nonconforming use has been changed to a more restrictive use or conforming use, such more restrictive use or conforming use shall not thereafter be changed back to a less restrictive use or to a nonconforming use.

**(j) Cessation of uses**

For the purposes of this Section, a use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether with the intent to abandon such use or not, for a continuous time period as set forth in this Section.

**(k) Cessation of uses of buildings designed for nonconforming uses**

A building or structure which was designed for a use which does not conform to the provisions of this Chapter and which is occupied by a nonconforming use shall not again be used for nonconforming purposes when such use has ceased for a period of twenty-four (24) months or more.

**(l) Cessation of uses of buildings designed for conforming uses**

A building or structure which was designed for a use which conforms to the provisions of this Chapter but which is occupied by a nonconforming use shall not again be used for nonconforming purposes when such use has ceased for a period of twelve (12) months or more.

**(m) Cessation of nonconforming uses of land**

Land on which there is a nonconforming use not involving any building or structure, except minor structures, including buildings containing less than 300 square feet of gross floor area, fences, and signs, where such use has ceased for six months or more shall not again be used for nonconforming purposes, and such nonconforming use of land shall be discontinued, and the nonconforming buildings or structures shall be removed from the premises within twelve (12) months after the first date of nonconformity.

**(n) Cessation of nonconforming junk yards**

Regardless of any other provision of this Chapter, no junk yard which exists as a nonconforming use in any zone shall continue as provided in this Section for nonconforming uses unless such junk yard, within one year after the junk yard has become a nonconforming use, shall be completely enclosed within an existing building or otherwise within a continuous solid fence not less than eight (8) feet nor more than twelve (12) feet in height or equivalent continuous hedgerow screening. The operation shall be conducted in such a manner as to be substantially screened at all times by the building, fence, or hedgerow. Plans for the required fence or hedgerow shall meet the approval of the Planning Director. All other provisions of this Section shall apply to any nonconforming junk yard.

**(o) Construction approved prior to November 18, 1963**

The provisions of this Chapter shall not require any change in the overall layout, plans, construction, size, or designated use of any development, buildings, or structure, or part thereof, where official and valid approvals and required building permits have been granted prior to November 18, 1963, the construction of which development, building, or structure, conforming with such plans, shall have been started prior to December 18, 1963, and carried on in the normal manner to completion within the subsequent one-year period.

**(p) Expansion of legal nonconforming residential buildings**

Where an existing single family dwelling unit in the Residential Low Density (R-L) zone is legally nonconforming by reason of off-street parking and/or substandard yard setbacks, it may be enlarged or expanded so long as the improvement does not result in a further encroachment into a required parking area or yard.

**(q) Expansion of legal nonconforming single-family dwellings and duplexes**

Where an existing single-family dwelling or duplex in any of the residential zones is nonconforming by reason of off-street parking and/or substandard yard setbacks, it may be enlarged or expanded so long as the improvement does not result in a greater encroachment into an existing required parking area or yard.

**(r) Densities greater than one per lot**

Dwellings constructed prior to March 18, 1986, in densities greater than one per lot may be expanded or repaired provided the improvement does not result in an encroachment into a required parking area or yard.

**Sec. 8-2.1008 Outdoor storage in residential zones**

**(a) Outdoor storage prohibited**

No outdoor storage, as defined in this Section, shall be conducted on any parcel within the Rural Residential one acre (RR-1), Residential Low (R-L), Residential Medium (R-M), Residential High (R-H) zone, except as otherwise authorized by this Section.

**(b) Outdoor storage defined**

For the purposes of this Section, “outdoor storage” shall mean the physical presence of any personal property not fully enclosed within a structure. “Outdoor storage” shall mean and include, but not be limited to, the following:

- (1) Inoperable motor vehicles and farm, commercial, and industrial equipment of all types;
- (2) Inoperable or unlicensed recreational vehicles;
- (3) Junk, imported waste, and discarded or salvaged materials;
- (4) Dismantled vehicles and vehicle parts, including commercial and industrial farm machinery, or parts thereof, tires, and batteries;
- (5) Scrap metal, including salvaged structural steel;
- (6) Salvaged lumber and building materials;
- (7) Salvaged commercial or industrial trade fixtures;
- (8) Operable or inoperable industrial or commercial equipment or tools, except commercial vehicles as defined in Section 8-2.1314 of Article 13 of this Chapter;
- (9) New building materials and supplies for any project for which no building permit has been issued;
- (10) New or used furniture and/or appliances;
- (11) Bottles, cans, and paper;
- (12) Boxes, cable spools, and packing crates; and
- (13) All other miscellaneous personal property not excluded by Subsection (c) of this Section.

**(c) Exclusions**

Outdoor storage as defined by Subsection (b) of this Section shall exclude the following:

- (1) The parking of operable motor vehicles, including passenger vehicles, commercial vehicles, and recreational vehicles, in compliance with Article 13 of this Chapter; and
- (2) The storage of residential building materials and supplies which are needed to construct a project on the parcel for which a building permit has been issued.

**(d) Regulations regarding outdoor storage**

- (1) The maximum area on any parcel within which outdoor storage shall be allowed shall not exceed 200 square feet in area.
- (2) Such storage areas shall be screened from view by the public and adjoining residents by a fence which meets the height regulations of this Article and which in fact screens the view of the storage area.
- (3) The materials stored within the storage area shall not exceed the height of the fence.
- (4) Such storage areas shall not be located in a required front yard setback.

**(e) Violations and penalties**

Any violation of this Section shall constitute an infraction, punishable as provided by Section 25132 of the Government Code of the State. Four (4) or more violations by any person during the preceding twelve (12) months shall constitute a misdemeanor.

## **Sec. 8-2.1009 Public utility lines and structures**

- (a) *Lines.* With the exception of lines associated with major electrical transmission and distribution projects, local public utility communication and gas and electrical power distribution and transmission lines, both overhead and underground, shall be permitted in all zones without the necessity of first obtaining a use permit or site plan approval. The routes of all proposed utility transmission lines, except communication transmission lines for local service purposes, shall be submitted to the Commission for recommendation prior to the acquisition of rights-of-way therefore.
- (b) *Structures.* Communication equipment buildings and electric power distribution substations shall be permitted in all zones, subject to first obtaining a use permit, unless otherwise provided for in this Chapter. As a condition of the issuance of such permit, the Commission may require screening, landscaping, and/or architectural conformity to the neighborhood. Other structures associated with major electrical transmission and distribution projects, such as poles and towers, shall be subject to Subsection (c), below.
- (c) *Major Electrical Transmission and Distribution Projects.* A use permit requirement applies to all major electrical transmission and distribution projects. Such projects are not allowed in any zone where they are not identified as a conditional use. Section 8-2.1106 of this Chapter governs those projects, and sets forth various standards and requirements for applications, permit review, and related matters. In some cases, State and federal laws may regulate

certain types of characteristics of these projects. This Section shall be construed to provide the County with the maximum control consistent with such other laws.

- (d) *New Development.* Underground utilities shall be required in all new development within unincorporated communities, where feasible.

### **Sec. 8-2.1010 Projections into yards and courts**

Certain architectural features may extend from a main building into required yards or courts as follows:

- (a) Cornices, canopies, and eaves may extend beyond the front wall and/or rear wall a distance not exceeding three (3) feet.
- (b) Open, unenclosed outside stairways may extend beyond the front wall and/or rear wall a distance not exceeding four (4) feet six (6) inches.
- (c) Uncovered landings and necessary steps may extend beyond the front wall and/or rear wall a distance not exceeding six (6) feet; provided, however, such landing and steps shall not extend above the entrance floor of the building except for a railing which does not exceed three (3) feet in height.
- (d) Bay windows and chimneys may extend beyond the front wall and/or rear wall a distance not exceeding three (3) feet.
- (e) Such architectural features may also extend into any side yard a distance of not more than three (3) feet.
- (f) Accessory structures attached to dwellings, consisting of patio covers, sunshades, and similar structures, may extend into required rear yards provided the following conditions are satisfied:
  - (1) No part of the structure shall be located within ten (10) feet of the rear lot line.
  - (2) The structure shall be unenclosed on three (3) sides except for the following:
    - (i) Required vertical supports;
    - (ii) Insect screening; and
    - (iii) Kickboards not exceeding one foot in height as measured from the ground level.

### **Sec. 8-2.1011 Pools**

Any pool, pond, lake, or open tank not located within a completely enclosed building and containing, or normally capable of containing, water to a depth at any point greater than eighteen (18) inches, when used as a private swimming pool in any zone, shall comply with the following requirements:

- (a) Such pools shall be used solely for the enjoyment of the occupants of the premises on which they are located and their guests and not for instruction or parties when fees are paid therefore, unless a Use Permit is first obtained.
- (b) Such pools shall be located on the rear one-half (1/2) of the lot or not less than fifty (50) feet from the front property line.
- (c) Such pools shall maintain the side and rear yards required for accessory buildings but in no case shall be closer than five (5') feet from any lot line nor cover more than forty (40) percent of any required rear yard.
- (d) Lot coverage by a swimming pool shall not be considered in measuring the maximum lot coverage for buildings.
- (e) Filter and heating systems for swimming pools shall not be located:
  - (1) Within any required yard adjacent to a public street; or
  - (2) Within three (3) feet of a side or rear property line; or
  - (3) Within ten (10) feet from the living area of any dwelling unit on an adjacent parcel, unless enclosed in a soundproof enclosure.
- (f) Fencing and barrier requirements set forth in Yolo County Code Section 7-1.04(h).

## **Sec. 8-2.1012 Commercial coaches**

- (a) For the purposes of this Section, the following definition shall apply:
 

“Commercial coach” shall mean “commercial coach” as defined in Section 18001.8 of the Health and Safety Code of the State of California. This Section shall apply to the use of commercial coaches or modular offices where the intent is to locate the coach at the same site for more than six (6) months. Temporary uses of mobile homes and commercial coaches are governed by Section 8-2.1013 of this Article.
- (b) Permanent commercial coaches are allowed through the issuance of a Site Plan Review in the following zones, provided that the proposed use of the coach is an allowed or permitted use in the zone in which it is located:
  - (1) Agricultural Intensive (A-N) zone;
  - (2) Agricultural Extensive (A-X) zone;
  - (3) Agricultural Commercial (A-C) zone;
  - (4) Agricultural Industrial (A-I) zone;
  - (5) Light Industrial (I-L) zone;
  - (6) Heavy Industrial (I-H) zone;
  - (7) Parks and Recreation (P-R) zone;
  - (8) Public Open Space (POS) zone; and
  - (9) Public and Quasi-Public (PQP) zone.
- (c) Permanent commercial coaches shall meet the following development standards:

- (1) The commercial coach shall be constructed on a permanent foundation which meets the requirements of all agencies with jurisdiction.
  - (2) The elevation of the floor shall be the same as other commercial structures in the area.
  - (3) The commercial coach shall be covered with exterior siding materials and of colors which are consistent with other structures in the area.
  - (4) If the commercial coach is placed on an elevated foundation, the exterior siding shall extend to the ground.
  - (5) The roof line and overhang shall be consistent with other structures in the area.
  - (6) The commercial coach shall have a covered and/or recessed entrance.
  - (7) Handicapped ramps shall be required in accordance with the provisions of the Uniform Building Code.
  - (8) Landscaping shall be required around the perimeter of the commercial coach.
  - (9) Building components, such as windows, doors, caves, and parapets, shall be consistent with other structures in the area.
  - (10) Mechanical equipment on the roof, ground, or building shall be screened from the public view with materials harmonious with the structure or shall be located so as not to be viewed from public ways.
  - (11) Refuse and waste removal areas shall be screened from view from public ways with materials harmonious with the building.
  - (12) Utility services shall be underground.
- (d) The Zoning Administrator may waive or modify any of the conditions set forth in Subsection (c) of this Section where the Administrator finds that compliance with such conditions is unnecessary to achieve compatibility of the commercial coach or modular office with surrounding land uses.

## **Sec. 8-2.1013 Manufactured or mobile homes and trailers**

- (a) For the purposes of this Article, the following definitions shall apply:

“Mobile home” shall mean a structure used as semi-permanent housing and designed for human habitation, with or without a permanent foundation and can be transported by a motor vehicle. For the purposes of this Section, mobile homes shall be considered structures when such mobile homes are parked in a mobile home park. “Mobile home” includes “trailers” that are used for habitable purposes, whether temporary or permanent.

“Trailer” shall mean any vehicle without motive power or designed to be drawn by a motor vehicle and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters, or the conduct of any business, trade, or occupation, or use as a selling or advertising device, or use for the storage or conveyance of tools, equipment, or machinery, and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. “Trailer” shall include the terms “camp trailer”, “trailer coach”, “automobile trailer”, and “house trailer” except when “house trailer” falls within the definition of “mobile home”. For the purposes of this chapter, trailers shall be considered structures



when such trailers are parked in mobile home parks or trailer camps and are used on such sites for human habitation, offices, wash houses, storage, or similar auxiliary services necessary to the human habitation of the court or camp.

- (b) In addition to any other requirements set forth in this Chapter, the use of mobile homes and the operation of mobile home parks shall be governed by the sanitary regulations and building regulations prescribed by the State of California and/or Yolo County, together with all amendments thereto subsequently adopted and as may otherwise be required by law.
- (c) Manufactured or mobile homes may be located on individual lots and temporarily or permanently used as substitutes for “stick built” residences in the agricultural zones, and in other zones if the home is an allowed or permitted use, subject to the following development standards:
  - (1) The mobile home or office meets all other development standards of this Chapter, including the agricultural home siting standards contained in Section 8-2.402 and all setback and other standards for the zone in which it is located.
  - (2) The mobile home shall have a floor area of sufficient size to be compatible with existing dwellings in the area.
  - (3) Approved mobile home skirting shall be applied around the base of the mobile home so as to obscure the area beneath the unit. Wood skirting located nearer than six (6) inches to the earth shall be treated wood or wood of natural resistance to decay and termites as defined in the most current edition of the Uniform Building Code, or any amendment thereto. Metal skirting shall be galvanized or treated metal or metal resistant to corrosion.
  - (4) The mobile home, its installation and facilities, any permanent buildings, and any mobile home accessory buildings and structures shall be governed by the standards adopted by the California Department of Housing and Community Development, and said provisions shall govern the maintenance, use, and occupancy of such mobile homes.
- (d) A mobile home, trailer, or commercial coach may be used as a temporary dwelling or office in any zone, pending the construction of a permanent dwelling or office on the same lot or lots, after obtaining a building permit for the construction of the permanent dwelling or office subject to the following development standards:
  - (1) The mobile home or commercial coach shall not be located on the same site for more than six (6) months, except as otherwise provided in this subsection.
  - (2) Such six (6) months period shall commence on the issuance of the building permit and shall automatically and immediately terminate should the building permit become void.
  - (3) The Chief Building Official Inspector may renew the same for one additional six (6) months period provided he or she determines that substantial progress has been made in the construction and that it is reasonable and probable that the structure will be completed within one additional six (6) months’ period.

- (4) Such mobile home or commercial coach shall not be installed on a foundation.
- (e) In the zones wherein the sale of new or used mobile homes is a permitted or conditional use, one mobile home may be used as an office in conjunction with the sales. Such use shall be considered accessory to the principal use of the site.
- (f) Trailers or commercial coaches, with no permanent foundation or structure, may be used by watchmen employed for the protection of the principal permitted use when located in industrial or public and open space zones, on, or adjacent to, the parcel occupied for the principal permitted use, subject to the approval of the Zoning Administrator.

### **Sec. 8-2.1014 Mobile Home Parks**

- (a) For the purposes of this Section, the following definition shall apply: "Mobile home park" shall mean any area or tract of land where one or more mobile home sites are rented or held out for rent. "Mobile home park" shall include the terms "mobile home court", "trailer court", and "trailer park".
- (b) Mobile home parks are permitted through the issuance of a Major Use Permit in the residential (R-L, R-M, and R-H) zones where they are allowed, although new parks are encouraged to apply for a Planned Development rezoning. New mobile parks may be allowed in other urban, non-agricultural zones through a Planned Development rezoning, provided the park is proposed on lands with access to public services (water, sewer) within an established community. Mobile home parks shall meet the development standards outlined in this Section, unless modified through a Planned Development zone, in addition to any conditions which may be imposed by a Use Permit.
- (c) The minimum mobile home park area shall be five (5) acres and the minimum number of sites shall be fifty (50). The Planning Commission may modify the provisions of this requirement to develop mobile home parks with a minimum park area of one and one-half (1½) acres provided all the other standards set forth in this Section are complied with.
- (d) No more than one (1) single-family mobile home may be placed on a mobile home space. No occupied travel trailer, camper, or recreational vehicle shall be allowed on any approved mobile home space except as provided for in Subsection (s)(3), below.
- (e) The minimum space area, and minimum space width, for each mobile home shall be:
  - (1) Two thousand four hundred (2,400) square feet, and forty (40) feet wide, for single wide mobile homes.
  - (2) Three thousand four hundred (3,400) square feet, and fifty (50) feet wide, for double wide mobile homes.
  - (3) Four thousand four hundred (4,400) square feet, and sixty (60) feet wide, for triple wide mobile homes.

- (f) The mobile home and accessory structures shall not cover more than sixty-five (65) percent of the space area.
- (g) The minimum yard setbacks for individual spaces shall be five (5) feet on all sides, except for any side or rear yard abutting the project property line, in which case the minimum yard setback shall be ten (10) feet.
- (h) Spaces beneath mobile homes shall be enclosed with architecturally harmonizing skirts or by a combination of skirts, decks and grading with ventilation and access in accordance with State law.
- (i) The maximum height of the mobile homes shall be twenty (20) feet, and the maximum height of any accessory use structures shall be two (2) stories or thirty (30) feet maximum, whichever is less.
- (j) Each mobile home shall be provided with one or more occupant parking space(s) which may be tandem spaces. For every five spaces within the park, one visitor parking space shall be provided by the park owner/operator.
- (k) Separate recreational vehicle parking spaces shall be provided. RV parking spaces shall be centralized in lots and fenced for security and each space shall be a minimum of ten (10) by twenty (20) feet.
- (l) The park shall include a twenty (20) foot buffer strip along all streets or roadways adjoining the park, which shall be landscaped and into which no mobile homes or parking spaces shall be placed. The buffer strip shall be street side of any perimeter park fencing required.
- (m) At least fifteen (15) percent of the total park area or seven hundred (700) square feet per space, whichever is less, shall be devoted to recreational areas and facilities, excluding any buffer strip. Use of such facilities shall be limited to park residents. All recreational areas and facilities shall be completed prior to park occupancy; except as approved by the Planning Commission in a phasing program. No recreation area shall be less than three thousand (3,000) square feet in area and total recreation area for any park shall not be less than six thousand (6,000) square feet in area. For parks with children, a tot lot of a minimum twelve hundred (1,200) square feet in area equipped with play apparatus shall be provided for each twenty-five (25) spaces.
- (n) All streets shall be designed by a registered civil engineer and paved with asphaltic concrete to not less than twenty-five (25) feet in width if no car parking is permitted; and to not less than thirty-two (32) feet in width if car parking is permitted on one side and forty (40) feet in width if car parking is permitted on both sides. Roads may be divided into separate adjacent one-way traffic lanes by a curbed divider if each lane is not less than fifteen (15) feet in clear width; if car parking is proposed, each lane shall be increased in width by seven (7) feet.
- (o) All utility distribution facilities serving individual mobile home spaces shall be placed underground. The park owner is responsible for complying with the requirements of this Subsection and shall make the necessary arrangements

with each of the serving utilities for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenant structures may be placed above ground. Water and sewer distribution facilities shall be installed in conformance with applicable utility specifications. All mobile home spaces must be served with water, electricity, telephone and cable lines.

- (p) All mobile home park applications shall include a landscaping plan for open space and recreational areas.
- (q) A mobile home park shall be allowed up to fifty (50) square feet of sign area visible from external roadways and adjoining property. Signs shall be limited to:
  - (1) One (1) freestanding sign and one (1) wall sign.
  - (2) No single sign shall exceed twenty-five (25) square feet in area.
  - (3) The maximum height of a freestanding sign shall be six (6) feet.
  - (4) A freestanding sign located in the mobile home park buffer strip.
- (r) The following accessory uses are permitted in a mobile home park:
  - (1) Accessory uses permitted by right through issuance of a building permit include uses that serve park residents and are not available for use by the general public, such as coin operated machines for laundry, soft drinks, and similar uses.
  - (2) Accessory uses permitted subject to first obtaining a Site Plan Review include a management facility or office; recreational facilities or clubhouses; a common car wash; storage facilities; a single family residence for the manager which may also be used in part as an office; and the operation of a business or occupation for the purpose of mobile home sales.
  - (3) Accessory uses permitted subject to first obtaining a Minor Use Permit include permanent or transient recreational vehicle spaces, and associated uses.
- (s) The owner or operator of the mobile home park shall be responsible for maintaining compliance with all Sections of County, State, and other pertinent laws and regulations pertaining to the use, operation, and maintenance of such mobile home park. Nothing contained in this Section shall be construed to abrogate, void or minimize such other pertinent regulations.
- (t) The owner or operator shall have a resident manager on duty at all times who shall be responsible for such compliance in the absence of the owner or operator.
- (u) It shall be the responsibility of the park owner to see that the common landscaped areas are well-kept and maintained.



**2014 UPDATED  
YOLO COUNTY CODE**

**TITLE 8 LAND DEVELOPMENT**

**CHAPTER 2: ZONING REGULATIONS**

**Article 11: Energy and Telecommunications  
Development Standards**

**Sec. 8-2.1101 Co-generation facilities**

**(a) Purpose**

The purpose of this Section is to establish permit requirements and development standards for co-generation energy facilities in the unincorporated area of Yolo County.

**(b) Definitions**

**Co-generation**

“Co-generation” means the production of electricity using waste heat (as in steam) from an industrial process or the use of steam from electric power generation as a source of heat.

**Co-generation facility**

“Co-generation facility” shall mean a facility which involves the generation of more than 500 kilowatts of power.

**Co-generation facility, small**

“Small co-generation facility” shall mean a facility which involves the generation of 500 kilowatts of power or less and does not create secondary uses on the site.

**(c) Permits required**

- (1) Construction of a co-generation facility located on lands zoned for agricultural uses (including the Agricultural Intensive (A-N) zone, the Agricultural Extensive (A-X) zone, the Agricultural Commercial (A-C) zone, and the Agricultural Industrial (A-I) zone), and on lands zoned for industrial uses (including the Heavy Industrial (I-H) and the Light Industrial (I-L) zone, but not in the Office Park/Research and Development (OPRD) zone), may be approved through the issuance of a Major Use Permit by the Planning Commission.
- (2) Construction of a small co-generation facility located on properties zoned for agricultural and industrial uses may be approved through the issuance of a Minor Use Permit by the Zoning Administrator.

**(d) Findings**

Co-generation facilities of any size shall be approved in agricultural zones only if they are located so as to preserve as much land in agricultural production as possible, in addition to complying with all other requirements for issuance of a Use Permit.

**Sec. 8-2.1102 Wireless telecommunication facilities**

**(a) Purpose**

The purpose of this section is to establish permit requirements and development standards for wireless telecommunication facilities in the unincorporated area of Yolo County.

**(b) Definitions**

**Radio**

Radio is a generic term for communication of sound, data, or energy by means of electromagnetic wave propagation. For regulatory purposes “radio” includes the popular terms “television” and “microwave”. The term “wireless” is interchangeable with “radio.”

**Wireless telecommunication facility**

“Wireless telecommunication facility” shall mean an un-staffed facility for the transmission and reception of radio signals, including, but not limited to cellular radiotelephone service facilities, specialized mobile radio service facilities, microwave service facilities, broadband Internet service, communication towers, personal communication service facilities, and commercial paging service facilities.

**Wireless telecommunication facility, small**

“Small wireless telecommunication facility” shall mean a telecommunication facility whose tower height is less than eighty (80) feet.

**Wireless telecommunication facility, large**

“Large wireless telecommunication facility” shall mean one whose tower height is eighty (80) feet or more.

**(c) Permits required**

- (1) Construction of a free-standing small wireless telecommunication facility on rural lands zoned for agricultural uses (including the Agricultural Intensive (A-N) zone, the Agricultural Extensive (A-X) zone, the Agricultural Commercial (A-C) zone, and the Agricultural Industrial (A-I) zone) may be approved through the issuance of a Site Plan Review approval by staff, provided the facility is located on a parcel 20 acres or more in size. This approval is a ministerial, “over the counter” approval like a building permit, and does not require a public hearing, unless the

application fails to meet the minimum parcel size or any of the specific Development Standards set forth in Section 8-2.1102(e), below, in which case the application may be referred by staff to the Zoning Administrator or the Planning Commission for a hearing and decision to issue a Minor or Major Use Permit. Construction of a small wireless telecommunication facility on rural lands zoned for agricultural uses that are less than 20 acres in size shall be approved pursuant to Subsection (2), below.

- (2) Construction of a small wireless telecommunication facility that is attached to an existing structure such as a barn on rural lands zoned for agricultural uses, regardless of the size of the parcel, may be approved with the issuance of a building permit only.
- (3) Construction of a small wireless telecommunication facility located on properties within non-agricultural or urban areas that are zoned for residential, commercial, and industrial uses are allowed through the issuance of a Minor or Major Use Permit, depending on the application's consistency with all of the Design Standards set forth in Section 8-2.1102(e), below. Specifically, wireless facilities are permitted with approval of a Minor Use Permit, issued by the Zoning Administrator, on lots of two acres or more, and which meet all of the Development Standards set forth in Section 8-2.1102(e), below, in areas zoned for residential uses (in the Rural Residential (RR-5 and RR-1), Residential Low (R-L), Residential Medium (R-M), and Residential High (R-H) zones); commercial uses (in the Local Commercial (C-L), the General Commercial (C-G), the Downtown Mixed Use (DMX), and the Highway Commercial (C-H) zones); industrial uses (in the Heavy Industrial (I-H), the Light Industrial (I-L) and the Office Park/Research and Development (OPRD) zones); and open space and recreation uses (in the Public Open Space (POS), Park and Recreation (P-R), and Public Quasi-Public (PQP) zones). If the application for a small telecommunication facility is proposed on a small lot of less than two acres, or if the application fails to meet any of the Development Standards, the application may be referred by staff to the Planning Commission for a public hearing and issuance of a Major Use Permit.
- (4) Construction of large wireless telecommunication facilities on lands zoned for agricultural, industrial, open space and recreation uses, shall be approved through the issuance of a Minor Use Permit, provided the facility is located on a parcel 40 acres or more in size. Large wireless telecommunication facilities constructed on parcels less than 40 acres, on lands zoned for agricultural, industrial, open space and recreation uses, shall be approved in all cases through the issuance of a Major Use Permit. The application shall meet all of the Development Standards set forth in Section 8-2.1102(e), below.

**(d) Application**

In addition to the application requirements set forth in this chapter, each application for a wireless telecommunication facility permit application shall include the following:



- (1) A graphic depiction of the search ring used in determining facility location.
- (2) A photo simulation of the proposed developed site from four directions (north, south, east and west). This requirement for photo simulations may be waived by staff for small wireless facility applications.

**(e) Development standards**

The following development standards shall be satisfied prior to the approval of a Conditional Use Permit for a wireless communications facility:

- (1) The site is adequate for the development of the proposed wireless communication facility.
- (2) Opportunities to co-locate the subject facility on an existing facility have either been exhausted or are not available in the area.
- (3) The facility as proposed is necessary for the provision of an efficient wireless communication system.
- (4) The development of the proposed wireless communication facility will not significantly affect the existing onsite topography and vegetation; or any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resource.
- (5) The proposed wireless communication facility will not create a hazard for aircraft in flight and will not hinder aerial spraying operations.
- (6) The applicant agrees to accept proposals from future applicants to co-locate at the approved site.
- (7) The applicant agrees to reserve space and/or provide conduit available for County and emergency communications.

## **Sec. 8-2.1103 Small and large wind energy systems**

**(a) Purpose**

The purposes of this section are as follows:

- (1) To provide for the placement of small, accessory wind energy systems to enable generation of electricity from the wind, primarily for on-site use, thereby reducing the consumption of electricity supplied by utility companies.
- (2) To provide regulations to process applications for utility-scale large wind energy systems that generate electricity from the wind primarily for off-site customers.

- (3) To minimize potential adverse impacts associated with wind energy systems on area residents, historic sites, aesthetic quality and wildlife through careful siting, design and screening, consistent with state law.
- (4) To avoid or minimize public safety risks associated with wind energy systems by providing standards for the placement, design, construction, modification and removal of such systems, consistent with federal, state and local regulations.

**(b) Definitions**

**Wind energy, free air zone**

“Wind energy, free air zone” shall mean that the bottom of the turbine’s blades are at least 10 feet above any structure or object that is within 300 feet.

**Large wind energy system**

“Large wind energy system” shall mean a utility-scale wind energy conversion system consisting of several wind turbines, towers, and associated control or conversion electronics, which have a rotor size greater than 200 square meters in size (approximately 52 feet in diameter), or which have a rated capacity of more than 150 kilowatts per turbine site, whichever is less, and that will be used to produce utility power to off-site customers.

**Meteorological (met) tower**

“Meteorological (or met) tower” shall mean a temporary wind test tower erected by a wind energy company to measure wind speeds and other meteorological data, in preparation of applying for a permanent large-scale wind energy system.

**Wind energy, on-site**

“Wind energy, on-site” shall mean only the parcel upon which a small wind energy system and its associated accessory structure(s) are located and the location upon which the electrical power generated is primarily used.

**Small wind energy system**

“Small wind energy system” shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 150 kilowatts per customer site consistent with the requirements of paragraph (3) of subdivision (b) of Section 25744 of the Public Resources Code and that will be used to reduce net onsite consumption of utility power. Such uses are accessory to a primary use on the site.

**Wind energy, system height**

“Wind energy, system height” shall mean the height above existing grade of the fixed portion of both a small or large wind energy system tower, and the height to the tip of the blade or the highest point of the system at the 12:00 position.

**Wind energy, tower height**

“Wind energy, tower height” shall mean the height above existing grade of the fixed portion of a small or large wind energy system tower, excluding the wind turbine.

**(c) Permitted and prohibited locations**

The provisions of this Section apply to small wind energy systems that generate more than one (1) kilowatt of electricity, or are greater than thirty-five (35) feet in height, or have rotors one (1) meter or more in diameter. These small wind energy systems require the issuance of a Site Plan Review, Minor Use Permit, or Major Use Permit approval, as set forth below. In addition, the installation of any wind energy system below these size criteria is allowed in any zone district and requires issuance of a building permit only.

The provisions of this Section also apply to large wind energy systems that generate more than one hundred fifty (150) kilowatts of electricity. Any wind energy systems installed prior to the effective date of this section shall be treated as a prior nonconforming use pursuant to this chapter unless, through the issuance of a permit pursuant to this Section, they are subsequently made conforming.

- (1) Permitted locations. Small wind energy systems used to reduce onsite consumption of electricity may be installed and operated in the following districts: agricultural districts (in the Agricultural Intensive (A-N), the Agricultural Extensive (A-X), the Agricultural Commercial (A-C), the Agricultural Industrial (A-I), and the Agricultural Residential (A-R) zones); residential districts (in the Rural Residential (RR-5 and RR-1), Residential Low (R-L), Residential Medium (R-M), and Residential High (R-H) zones); commercial districts (in the Local Commercial (C-L), the General Commercial (C-G), the Downtown Mixed Use (DMX), and the Highway Commercial (C-H) zones); industrial districts (in the Light Industrial (I-L), the Heavy Industrial (I-H), and the Office Park/Research and Development (OPRD) zones); and open space and recreation districts (in the Public Open Space (POS), Park and Recreation (P-R), and Public Quasi-Public (PQP) zones).

Large utility scale wind energy systems used to produce electricity for off-site customers, and meteorological towers, may be installed and operated in the following districts: agricultural districts (the Agricultural Intensive (A-N), the Agricultural Extensive (A-X), and the Agricultural Industrial (A-I) zones).

- (2) Prohibited Locations. Small and large wind energy systems, and meteorological towers, may not be allowed or permitted in locations other than those identified in subsection (1), above, or where otherwise prohibited by any of the following:
  - (i) Sites listed in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

- (ii) A comprehensive land use plan and any implementing regulations adopted by an airport land use commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1, as well as height limits established in any provision of federal, state, or local laws or regulations for structures located in the vicinity of an airport.
- (iii) The terms of an open-space easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.
- (iv) The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.
- (v) The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.
- (vi) The terms of any easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.

**(d) Minimum parcel size**

All small wind energy systems shall be located on parcels of at least one (1) acre in size. All large wind energy systems, and meteorological towers, shall be located on parcels of at least twenty (20) acres in size, subject to a Major Use Permit being issued, as required below.

**(e) Number of systems allowed**

On parcels containing large agricultural operations, up to a maximum of one small wind energy system for every ten (10) acres may be allowed, provided that each of the systems meet the definition of a small wind energy system contained in Section 8-2.1103(b), above. For large wind energy systems, and meteorological towers, up to a maximum of one wind energy system or tower for every ten (10) acres may be allowed, subject to a Major Use Permit being issued, as required below.

**(f) Permits required**

The following types of approvals are required:

- (1) Construction of small wind energy systems on rural lands zoned for agricultural uses (including the Agricultural Intensive (A-N), the Agricultural Extensive (A-X), the Agricultural Commercial (A-C), the Agricultural Industrial (A-I), and the Agricultural Residential (A-R) zones) may be approved through the issuance of a Site Plan Review approval by staff. This approval is a ministerial, “over the counter” approval like a building permit, and does not require a public hearing, unless the application fails to meet the specific Development Standards set forth in Section 8-2.1103(h), below, in which case the application may be referred

by staff to the Zoning Administrator or the Planning Commission for a hearing and decision to issue a Minor or Major Use Permit.

- (2) Construction of small wind energy systems located on properties within non-agricultural or urban areas that are zoned for rural residential, commercial, and industrial uses are also allowed through the issuance of a Minor or Major Use Permit, depending on the application's consistency with all of the Development Standards set forth in Section 8-2.1103(h), below. Specifically, wind systems are permitted with approval of a Minor Use Permit, issued by the Zoning Administrator after a public hearing, on lots of two acres or more, and which meet all of the Development Standards set forth in Section 8-2.1103(h), below, in areas zoned for residential uses (in the RR-5, RR-1, R-L, R-M, and R-H zones), commercial uses (in the C-L, C-G, DMX, and C-H zones), industrial uses (in the I-H, I-L, and OPRD zones), and open space and recreation uses (in the POS, P-R, and PQP zones). If the application for a small wind energy system is proposed on a small lot of less than two acres, or if the application fails to meet any of the Development Standards, the application may be referred by staff to the Planning Commission for a public hearing and issuance of a Major Use Permit.
- (3) Construction of large wind energy systems, and meteorological towers, on rural lands zoned for agricultural uses (including the A-N, A-X, and A-I zones) shall be approved in all cases through the issuance of a Major Use Permit.

**(g) Application**

An application for a large wind energy system shall include all of the application requirements for a Major Use Permit, in addition to all of the detailed site plan materials noted below. An application for a meteorological tower shall be required to submit only the site plan materials that are relevant to its construction and operation:

- (1) Existing topography and drainage channels.
- (2) Direction and velocity of prevailing winds across the project site, at various elevations.
- (3) Location, height, and dimensions of all existing structures.
- (4) Distance to all residences and any sensitive receptors located within two (2) miles of the wind turbine(s).
- (5) Manufacturer and model designation, rated KW capacity, overall machine height (grade level to highest tip extension), total blade diameter, hub height, rated maximum rotor RPM, location of proposed structures and buildings and, upon request of the Planning Director, manufacturer's production record.
- (6) Location, grades, and dimensions of all roads and parking areas, both existing and proposed.

- (7) Location and extent of known archaeological resources.
- (8) Location and type of project security fencing.
- (9) Location of site by longitude and latitude coordinates within ten (10) feet and elevation of site above mean sea level within ten (10) feet.
- (10) A plan of proposed project phasing.
- (11) Any and all technical reports which may be required to prove consistency with applicable policies and design standards listed in this section, and which may be used as the basis for implementing mitigation measures incorporated into the environmental document adopted for the project, such as noise, biological resources, scenic resources, geotechnical and other studies.
- (12) A certificate signed by a registered civil engineer or licensed land surveyor stating that area encompassed by the project has been surveyed under his supervision or that a previous survey was performed by a registered civil engineer or licensed land surveyor and that sufficient monuments have been placed to accurately establish the exterior project boundaries.
- (13) A certificate signed by a registered civil engineer or licensed land surveyor stating that the proposed development is in full compliance with the requirements of this chapter. The Director of the Planning, Public Works and Environmental Services Department may require the submittal of additional documentation of compliance when deemed necessary.
- (14) A soil erosion and sedimentation control plan, including revegetation plan.
- (15) If the application includes any wind energy system tower with a total height over 200 feet or any system which is located within 20,000 feet of the runway of any airport, the application shall be accompanied by a copy of written notification to the Federal Aviation Administration.
- (16) An application including any wind energy system located within two miles of any microwave communications link shall be accompanied by a copy of a written notification to the operator of the link.
- (17) An application including any wind energy system located within a 100-year flood plain area, as such flood hazard areas are shown on the maps designated by the county or the Federal Emergency Management Agency, shall be accompanied by a detailed report which shall address the potential for wind erosion, water erosion, sedimentation and flooding, and which shall propose mitigation measures for such impacts.
- (18) Photo simulations showing how the proposed project would appear visually from several viewing points.
- (19) Such additional information as shall be required by the Planning Director.

**(h) Development standards for small wind energy systems**

Applications for small wind energy systems shall meet all of the following standards and any permit issued for such a system shall be conditioned to meet the standards, unless findings of fact to justify a waiver of any of the standards are adopted by the Zoning Administrator or the Planning Commission. Such a waiver shall be appropriate only where the findings demonstrate that a waiver is consistent with the overall purposes described in this chapter and all relevant considerations of public health, safety, and welfare:

- (1) Maximum tower and system height. Any system application shall include evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system. In no case shall the system height exceed any limits established by applicable Federal Aviation Administration requirements.
- (2) On agricultural and open space/recreation (A-N, A-X, A-C, A-I, A-R, POS, P-R, and PQP) zoned parcels of one acre to five acres, the height of small wind energy systems shall not exceed a maximum height of sixty (60) feet for the tower and eighty (80) feet for the system.
- (3) On agricultural and open space/recreation (A-N, A-X, A-C, A-I, A-R, POS, P-R, and PQP) zoned parcels of more than five acres, the height of small wind energy systems shall not exceed a maximum height of one hundred (100) feet for the tower and one hundred sixty (160) feet for the system unless the applicant can demonstrate that such height is not in the free air zone. In no case shall the system height exceed any limits established by applicable Federal Aviation Administration requirements.
- (4) Small wind energy systems proposed on agricultural and open space/recreation (A-N, A-X, A-C, A-I, A-R, POS, P-R, and PQP) zoned parcels with heights greater than those specified in (1) and (2), above, may be permitted through the issuance of either a Minor Use Permit or a Major Use Permit, to be determined by County staff.
- (5) On parcels of two (2) acres or more within the residential (RR-5, RR-1, R-L, R-M, and R-H) zones, the commercial (C-L, C-G, DMX, and C-H) zones, and the industrial (I-L, I-L and OPRD) zones, the height of small wind energy systems shall not exceed a maximum height of fifty (50) feet for the tower and one hundred (100) feet for the system, and the systems may be permitted through the issuance of a Minor Use Permit. Wind energy systems on parcels between one (1) and two (2) acres within the residential (RR-5, RR-1, R-L, R-M, and R-H) zones, the commercial (C L, C-G, DMX, and C-H) zones, and the industrial (I-L, I-H and OPRD) zones, and wind energy systems between fifty (50) and one hundred (100) feet in height for the tower, and between one hundred (100) feet and one hundred sixty (160) feet in height for the system, may be permitted through the issuance of a Major Use Permit;

- (6) Notwithstanding the height limits in (1) through (5), above, all allowed and permitted wind energy towers located on properties within or adjacent to an Airport Overlay (A-O) zone that are within a designated aviation safety zone and/or which are regulated by an applicable airport master or land use plan, shall comply with applicable Federal Aviation Administration (FAA) safety height requirements and/or the applicable adopted airport master or land use plans.
- (7) Setbacks. The minimum setback from any property line to the base of wind energy system shall be equal to the system's height. The setbacks required by this subsection shall be measured from the base of the tower to the property line of the parcel on which it is located; provided that where guy wire supports are used, setbacks shall be measured from where the guy wire is anchored to the ground, rather than the base of the tower. The Zoning Administrator or Planning Commission may allow reduced setbacks if s/he determines it would result in better screening of the system, i.e., closer spacing would allow greater screening from trees, structures, or topography or otherwise reduce the systems' visual impact, provided that the owner of the neighboring property agrees in writing.
- (8) Lattice and/or guyed towers shall not be allowed within five hundred (500) feet of a residential district (R-L, R-M, R-H districts), excluding Rural Residential (RR-5 and RR-1) districts.
- (9) Measures to minimize aesthetic impacts:
  - (i) Use of existing site features for screening. Wind energy systems should be located to take advantage of the screening afforded by any existing trees, topography and structures to minimize the system's visibility from dwellings on adjacent property and public roads, but without significantly compromising viable system performance. Screening should not significantly block or reduce the wind reaching the turbine and should not increase the turbulence (gustiness) of the wind to the turbine. Priority for appropriate screening shall be given (in descending order) to minimizing visibility from existing dwellings on adjacent properties and across the roadway from the wind energy system, public rights-of-way, and public parks and open spaces. At the discretion of staff, applicants proposing wind energy systems in locations that are not at least partially screened by any existing trees, topography or structures must submit documentation as to why locations which would provide screening are not available or technically feasible due to wind speeds or other characteristics.
  - (ii) Colors and finish. Wind energy system components shall have a nonglare/non-reflective finish (e.g., galvanized metal) or appropriate color of neutral white or light gray. On smaller turbines, darker neutral colors (dark gray, black, unfinished metal) are usually also acceptable. Logos and advertising are explicitly prohibited.



- (iii) Signals, Lights and Signs. No signals, lights or signs shall be permitted on a small wind energy system unless required by the Federal Aviation Administration (FAA). If lighting is required, the County shall review the available lighting alternatives acceptable to the FAA and approve a design that it determines would cause the least impact on surrounding views. Such permitted wind systems shall be of a height that does not require installation of a flashing light or signal in compliance with FAA regulations, unless the lights/signals are screened from view of motorists, pedestrians, and occupants of adjacent structures, consistent with FAA requirements; or the applicant demonstrates that the alternative locations for the system would also require a light/signal and would be no less visible from the surrounding area than the proposed location. However, in documented migratory bird flyways, preference shall be given to white strobe lights operating at the longest interval allowed per FAA requirements.
- (10) Crop Dusting. In the event a wind energy system is proposed to be sited in an agricultural area that may have pest control aircraft operating at low altitudes, the applicant and County shall take reasonable steps to notify and solicit comments from pest control aircraft pilots registered to operate in the County. Wind energy systems shall not be allowed where the Zoning Administrator or Planning Commission determines they would pose a risk for pilots spraying fields.
- (11) Biological Impacts. Wind energy systems shall not be allowed in locations that would significantly affect habitat for special status protected bird and bat species. Monthly monitoring of bird and/or bat strikes for at least the first year of operation shall be required as a Condition of Approval for large wind turbines located within sensitive habitat areas, as modified by recommendations from the wildlife agencies involved.

To minimize the potential for special status birds and bats to collide with towers/turbines, wind energy systems shall not be located in the following general locations, as mapped or determined by the Natural Diversity Data Base, the Yolo County Natural Heritage Program, or similar programs, unless findings are adopted by the Zoning Administrator or Planning Commission, as described in (iv), below:

- (i) Within five hundred (500) feet of wetlands, staging areas, wintering areas, bat roosts, or rookeries documented as supporting birds or bats listed as endangered or threatened species under the federal or California Endangered Species Acts; or
- (ii) Within migratory flyways documented by state or federal agencies; or
- (iii) Within one thousand (1,000) feet of publicly owned wildlife refuges.
- (iv) Wind energy systems may be located in such areas described above in (i), (ii), or (iii), if discretionary Use Permit review is provided and the Zoning Administrator or Planning Commission

adopts findings of fact, after consultation with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service, as appropriate, and consistent with *The California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development*, (October 2007, as amended), that determine installation of a small wind energy system in the proposed location will not have a significant impact on any protected birds and bats. In determining potential impacts, the design of the proposed tower shall be considered, and the use of monopoles, as opposed to lattice or guyed-lattice towers, shall be encouraged.

- (12) Views and scenic corridors. Wind energy systems shall not be located where they would substantially obstruct views of adjacent property owners and shall be placed or constructed below any major ridgeline visible from any designated scenic corridor listed by the state or in the Open Space Element of the Countywide General Plan, unless they are designed to blend in with the surrounding environment in such a manner that they would not have a significant visual impact, as determined by the Zoning Administrator or Planning Commission.
- (13) Slopes. Construction of a wind energy system on any slopes steeper than four to one (4:1) is prohibited.
- (14) Noise. The proposed system shall not generate noise levels exceeding 60 decibels or any existing maximum noise levels applied pursuant to the Noise Element of the General Plan, or noise ordinance, for the applicable zoning district, as measured at the nearest property line, except during short-term events such as utility outages and severe wind storms. This 60 decibel noise threshold may be exceeded if the adjacent property owner agrees in writing, and/or if the adjacent property is commonly owned by the applicant or owner of the project site.
- (15) Climbing apparatus. Climbing apparatus shall be located at least twelve (12) feet above the ground, and the tower shall be designed to prevent climbing within twelve (12) feet of the ground.
- (16) Site access and on-site roads. Construction of on-site roads to install and maintain wind energy systems shall be minimized. Temporary access roads used for initial installation shall be regraded and revegetated to a natural/preconstruction condition after completion of installation.
- (17) Turbine certification. Wind energy system turbines shall be approved by the California Energy Commission or certified by a national program (i.e., National Electrical Code (NEC), American National Standards Institute (ANSI) and Underwriters Laboratories (UL)).
- (18) Building, engineering, and electrical codes. The system shall comply with the California Building Code and be certified by a professional mechanical, structural, or civil engineer licensed by the state. However, a wet stamp shall not be required, provided that the applicant demonstrates that the system is designed to meet the:

- (i) UBC requirements for wind exposure D;
- (ii) UBC requirements for Seismic Zone 4;
- (iii) Requirements for soil strength of not more than 1,000 pounds per square foot; or
- (iv) Other relevant conditions required by the County to protect public safety.
- (v) Electrical components of the system shall conform to the National Electric Code.

**(i) Development standards for large wind energy systems**

Applications for large wind energy systems, and meteorological towers, shall meet all of the following standards and any Major Use Permit issued for such systems shall be conditioned to meet the standards, unless findings of fact to justify a waiver of any of the standards are adopted by the Planning Commission:

- (1) Large wind energy systems, and meteorological towers, shall comply with subsections (5) through (17) of Section 8-2.1103(h), above.
- (2) Maximum tower and system height. Any system application shall include evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.
- (3) Setbacks. The following setbacks shall be required for large wind energy systems:
  - (i) The minimum setback from the base of any large wind energy system to any adjacent property line(s) where the adjacent parcel(s) are not under common applicant ownership and contain less than forty (40) acres shall be equal to two (2) times the overall system's height, or five hundred (500) feet, whichever is more;
  - (ii) The minimum setback from the base of any large wind energy system to any adjacent property line(s) where the adjacent parcel(s) are not under common applicant ownership and contain more than forty (40) acres shall be equal to one and one-half (1.5) times the overall system's height, or five hundred (500) feet, whichever is more;
  - (iii) The minimum setback from the base of any large wind energy system to any off-site residence(s) on adjacent parcels not under common applicant ownership shall be three (3) times the overall system's height, or one thousand (1,000) feet, whichever is more, unless the adjacent neighbor approves a lesser distance;
  - (iv) The Planning Commission may allow a reduction in the setbacks in (i), (ii) or (iii), above, not to exceed a minimum setback of one (1) times the overall wind system's height, if a letter of consent from the owner(s) of record of adjacent parcels is filed with the County. The Planning Commission may also allow a reduction or waiver of the setbacks in (i) or (ii), above, if the project exterior boundary is a common property line between two (2) or more

- approved wind energy projects and the property owner of each affected property has filed a letter of consent to the proposed setback reduction with the County.
- (v) The minimum setback from the base of any large wind energy system to any on-site residence(s) and accessory structures designed for human occupancy shall be equal to one and one-half (1.5) times the overall system's height, or five hundred (500) feet, whichever is less;
  - (vi) The minimum setback from the base of any large wind energy system to any publicly maintained public highway or street, any public access easement, including any public trail, pedestrian easement, or equestrian easement, or railroad right-of-way, shall be equal to one and one-half (1.5) times the overall system's height, or five hundred (500) feet, whichever is less.
- (4) Wind generator setbacks (spacing) within the project boundary shall be in accordance with accepted industry practices pertaining to the subject machine.
  - (5) Fencing shall be erected for each wind machine or on the perimeter of the total project. Wind project facilities shall be enclosed with a minimum four- (4-) foot-high security fence constructed of four (4) strand barbed wire or materials of a higher quality. Fencing erected on the perimeter of the total project shall include minimum eighteen- (18-) inch by eighteen- (18-) inch signs warning of wind turbine dangers. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress. Where perimeter fencing is utilized, the Planning Commission may waive this requirement for any portion of the site where unauthorized access is precluded due to topographic conditions.
  - (6) All on-site electrical power lines associated with wind machines shall be installed underground within one hundred fifty (150) feet of a wind turbine and elsewhere when practicable, excepting therefrom "tie-ins" to utility type transmission poles, towers, and lines. However, if project terrain or other factors are found to be unsuitable to accomplish the intent and purpose of this provision, engineered aboveground electrical power lines shall be allowed.
  - (7) Colors and finish. Wind energy system components shall have a nonglare/non-reflective finish (e.g., galvanized metal) or color appropriate to the background against which they would be primarily viewed, as determined by the Planning Commission, unless it is not technically possible to do so.
  - (8) Signals, Lights and Signs. No signals, lights or signs shall be permitted on a wind energy system unless required by the Federal Aviation Administration (FAA). If lighting is required, the County shall review the available lighting alternatives acceptable to the FAA and approve a design that it determines would cause the least impact on surrounding views. However, in documented migratory bird flyways, preference shall

be given to white strobe lights operating at the longest interval allowed per FAA requirements.

- (9) Noise. Where a sensitive receptor such as a group of residences, a school, church, public library, or other sensitive or highly sensitive land use, as identified in the Noise Element of the County General Plan, is located within one-half (1/2) mile in any direction of a project's exterior boundary, a noise or acoustical analysis shall be prepared by a qualified acoustical consultant prior to the issuance of any Major Use Permit. The report shall address any potential noise impacts on sensitive or highly sensitive land uses, and shall demonstrate that the proposed wind energy development shall comply with the following noise criteria:
  - (i) Audible noise due to wind turbine operations shall not be created which causes the exterior noise level to exceed forty-five (45) dBA for more than five (5) minutes out of any one- (1-) hour time period, or to exceed fifty (50) dBA for any period of time, when measured within fifty (50) feet of any existing group of residences, a school, hospital, church, or public library.
  - (ii) In the event that noise levels, resulting from a proposed development, exceed the criteria listed above, a waiver to said levels may be granted by the Planning Commission provided that: written consent from the affected property owners has been obtained stating that they are aware of the proposed development and the noise limitations imposed by this code, and that consent is granted to allow noise levels to exceed the maximum limits allowed; and a permanent noise impact easement has been recorded on the affected property.
- (10) A toll-free telephone number shall be maintained for each wind energy project and shall be distributed to surrounding property owners to facilitate the reporting of noise irregularities and equipment malfunctions.
- (11) Fire Protection. Any Major Use Permit issued for a large wind energy system project shall include fire control and prevention measures stated in the Conditions of Approval which may include, but are not limited to, the following:
  - (i) Areas to be cleared of vegetation and maintained as a fire/fuel break as long as the wind system is in operation, such as thirty (30) feet around the periphery of the system base and around all buildings (access driveways and roads that completely surround the project may satisfy this requirement); and ten (10) radius feet around all transformers.
  - (ii) All buildings or equipment enclosures of substantial size containing control panels, switching equipment, or transmission equipment, without regular human occupancy, shall be equipped with an automatic fire extinguishing system of a Halon or dry chemical type, as approved by the applicable Fire Department.

- (ii) Service vehicles assigned to regular maintenance or construction at the wind energy system shall be equipped with a portable fire extinguisher of a 4A40 BC rating.
  - (iv) All motor driven equipment shall be equipped with approved spark arrestors.
- (12) Erosion and Sediment Control. Any Major Use Permit issued for a large wind energy system project shall include erosion and sediment control measures stated in the Conditions of Approval which may include, but are not limited to, necessary re-soiling, proposed plant species, proposed plant density and percentage of ground coverage, the methods and rates of application, sediment collection facilities. The soil erosion and sedimentation control plan shall be consistent with the applicable requirements of the California Regional Water Quality Control Board pertaining to the preparation and approval of Storm Water Pollution Prevention Plans.
- (13) Monitoring. Upon reasonable notice, County officials or their designated representatives may enter a lot on which a large wind energy system permit has been granted for the purpose of monitoring noise environmental impacts, and other impacts which may arise. Twenty-four hours advance notice shall be deemed reasonable notice.
- (14) Building, engineering, and electrical codes. The system shall comply with the California Building Code and be certified by a professional mechanical, structural, or civil engineer licensed by the state. A wet stamp shall be required.

**(j) Abandonment, financial surety, and other violations**

- (1) A small wind energy system that ceases to produce electricity on a continuous basis for eighteen 18 months shall be considered abandoned. A large wind energy system that ceases to produce electricity on a continuous basis for twelve months shall be considered abandoned. Facilities deemed by the County to be unsafe and facilities erected in violation of this Section shall also be subject to this provision. The code enforcement officer or any other employee of the Planning, Public Works and Environmental Services Department shall have the right to request documentation and/or affidavits from the system owner/operator regarding the system's usage, shall make a determination as to the date of abandonment or the date on which other violation(s) occurred.
- (2) Upon a determination of abandonment or other violation(s), the County shall send a notice hereof to the owner/operator, indicating that the responsible party shall remove the wind energy system and all associated facilities, and remediate the site to its approximate original condition within ninety (90) days of notice by the County, unless the County determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the wind energy system and restoring of the

site, the County may advise the owner/operator of such alternative means of resolving the violation(s).

- (3) In the event that the responsible parties have failed to remove the wind energy system and/or restore the facility site or otherwise resolve the violation(s) within the specified time period, the County may remove the wind energy system and restore the site and may thereafter initiate judicial proceedings or take any other steps authorized by law against the responsible parties to recover costs associated with the removal of structures deemed a public hazard.
- (4) **Financial Surety.** Prior to the issuance of a building permit authorizing installation of a large wind energy system, the applicant shall provide a demolition surety in a form and amount deemed by the County to be sufficient to remove and dispose of the wind energy system and restore the site to its approximate preconstruction condition. The County shall draw upon this surety in the event the responsible party fails to act in accordance with the provisions of this section within ninety (90) days of termination of operations, or upon determination by the County that the wind energy system is unsafe, has been abandoned, or is in violation of this Chapter. The surety shall remain in effect until the wind energy system is removed.

## **Sec. 8-2.1104 Small and medium solar energy systems**

### **(a) Purpose**

The purposes of this section are as follows:

- (1) To provide for the placement of small to medium solar energy systems to enable generation of electricity from the sun, for on- and/or off-site uses, thereby reducing the consumption of electricity supplied by utility companies.
- (2) To minimize potential adverse impacts associated with solar energy systems on area residents, historic sites, agricultural and biological resources through careful siting, design and operation, consistent with State law.
- (3) To avoid or minimize public health and safety risks associated with solar energy systems by providing standards for the placement, design, construction, modification and removal of such systems, consistent with Federal, State and local regulations.

### **(b) Definitions**

#### **Small solar energy system**

“Small solar energy system” shall mean a single residential or small business-scale solar energy conversion system consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion

electronics, occupying no more than 2.5 acres of land, and that will be used to produce utility power primarily to on-site users or customers.

**Medium-sized solar energy system**

“Medium-sized solar energy system” shall mean a private on-site or utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows or roof-panels, and associated control or conversion electronics, occupying more than 2.5 acres and no more than 30 acres of land, and that will be used to produce utility power to on-site uses and/or off-site customers.

**(c) Applicability**

The provisions of this section apply to small and medium-sized solar energy systems. These solar energy systems require the issuance of a Building Permit, a Site Plan Review, a Minor Use Permit, or a Major Use Permit, as set forth below. Any solar systems installed following the issuance of appropriate County permits prior to the effective date of this section shall be treated as a prior legal nonconforming use pursuant to this Chapter unless, through the issuance of a permit pursuant to this section, they are subsequently made conforming.

**(d) Permitted locations**

(1) Small solar energy systems may be installed and operated in the following districts, provided the systems meet setback and other standards, as provided in this section:

- (i) all agricultural districts (including the Agricultural Intensive (A-N), the Agricultural Extensive (A-X), the Agricultural Commercial (A-C), the Agricultural Industrial (A-I), and the Agricultural Residential (A-R) zones);
- (ii) all residential districts (including the Rural Residential (RR-5 and RR-1), the Residential Low (R-L), the Residential Medium (R-M), and the Residential High (R-H) zones);
- (iii) all commercial districts (including the Local Commercial (C-L), the General Commercial (C-G), the Downtown Mixed Use (DMX), and the Highway Commercial (C-H) zones);
- (iv) all industrial districts (including the Light Industrial (I-L), the Heavy Industrial (I-H), and the Office Park/Research and Development (OPRD) zones); and
- (v) all public and open space districts (including the Public Open Space (POS), the Park and Recreation (P-R), and the Public and Quasi-Public (PQP) zones).

(2) Medium-sized solar energy systems may be installed and operated in the following districts, provided the systems meet setback and other standards, as provided in this section:

- (i) the following agricultural districts: the A-N, the A-X, and the A-I zones;
- (ii) all commercial districts (the C-L, the C-G, the DMX, and the C-H zones);



- (iii) all industrial districts (the I-L, I-H, and OPRD zones); and
- (iv) all public and open space zones (the POS, the P-R, and the PQP zones).

**(e) Approvals required**

The following types of approvals are required in addition to any other permits that may be required by State, federal, and regional agencies and by any other sections of this Code:

- (1) Small solar energy systems may be approved through the issuance of a Building Permit and a Zoning Clearance, provided the application meets setback and other standards, as provided in this Section. However, consistent with Section 65850.5 of the California Government Code, if the Chief Building Official has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the Official may require the applicant to apply for a Use Permit. Such a Use Permit shall be considered by the Zoning Administrator according to the requirements of Section 65850.5.
- (2) Medium-sized solar energy systems may be approved through the issuance of a Site Plan Review, provided the application meets the Development Standards set forth in Section 8-2.1104(g), below. The Site Plan Review approval is ministerial (not discretionary) and does not require a public hearing. If the application fails to meet any of the standards, the application must instead be evaluated as an application for a Minor Use Permit by the Zoning Administrator.

**(f) Development standards for small solar energy systems**

Applications for small solar energy systems shall meet all of the following standards and any permit issued for such a system shall be conditioned to meet the standards:

- (1) Photovoltaic solar energy systems may extend up to five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, or if this exceeds the height limit of an accessory structure (15 feet).
- (2) Solar water or swimming pool heating systems may extend up to seven (7) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, or if this exceeds the height limit of an accessory structure (15 feet).
- (3) Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard, but shall not be closer than two (2) feet from any property line.
- (4) Pole mounted solar collection panels shall comply with existing regulations for accessory structures (Section 506(b) of this Chapter), i.e.,

the panels may not exceed ten (10) feet in height in residential zones and must meet a rear yard setback of five (5) feet.

- (5) Solar facilities proposed on a property or structure that is a designated Historic Landmark or is located within a designated Historic District may be permitted provided that the design of the facilities is consistent with the purposes of the Landmark or District designation.

**(g) Development standards for medium-sized solar energy systems**

Applications for medium-sized solar energy systems shall meet all of the following standards. If the application does not meet one or more of the standards, a Minor Use Permit shall be required and shall be conditioned to meet the standards, unless findings of fact to justify a waiver of any of the standards are adopted by the Zoning Administrator. A waiver may be granted only if the Zoning Administrator concludes that it is consistent with the purposes of this section and that, due to unusual circumstances or other considerations, it is not reasonable to require compliance with one or more of the standards.

- (1) Medium-sized solar energy systems shall comply with subsection (a) of Section 8-2.1104(f) above.
- (2) Medium-sized solar facilities proposed in agricultural and open space zones are encouraged to locate on predominantly (more than 60 percent) non-prime farmland and to locate on non-Williamson Act contracted land. All medium-sized facilities are required to mitigate for the permanent loss of agricultural land, in accordance with Section 8-2.404 (the Agricultural Conservation and Mitigation Program).
- (3) If a medium-sized facility is located on predominantly prime farmland, a Minor Use Permit shall be required. If the facility is located on lands under a Williamson Act contract, a Minor Use Permit shall be required and shall include findings required under Section 51200 *et seq* of the California Government Code.
- (4) Ground-mounted solar facilities shall meet the front, rear, and side yard setback requirements of the zone in which they are located, with the following exception: in agricultural and open space zones, the setbacks shall be at least 50 feet from all property lines.
- (5) Ground-mounted solar facilities shall meet the height limit requirements of the zone in which they are located, except that auxiliary equipment may exceed this limit.
- (6) If the proposed solar facility will impact more than 2.5 acres of Swainson's hawk foraging habitat, a Minor Use Permit shall be required and shall include conditions for mitigation for the permanent loss of Swainson's hawk foraging habitat, as required under the Yolo Natural Heritage Program.

**(h) Sunset**

This ordinance shall expire three years after its effective date unless it is extended by further action of the Board of Supervisors following a noticed public hearing. Any applications pending at the time of its expiration shall remain valid, and shall be processed and considered for approval pursuant to the terms of this ordinance. Prior to its expiration, staff shall return to the Board of Supervisors with a report on the ordinance, including its overall effectiveness at addressing the issues that led to its adoption, and a recommendation for any extension of its term.

**Sec. 8-2.1105 Large and very large solar energy systems**

**(a) Purpose**

The purpose of this Ordinance is to add provisions to the Yolo County Code to address the permitting of large and very large solar energy systems. These changes are necessary and appropriate to improve and enhance public welfare and safety, and to implement the Yolo County General Plan.

**(b) Definitions**

**Large solar energy system**

“Large solar energy system” shall mean a utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, occupying more than 30 acres and no more than 120 acres of land, and that will be used to produce utility power to off-site customers.

**Very large solar energy system**

“Very large solar energy system” shall mean a utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, occupying more than 120 acres of land, and that will be used to produce utility power to off-site customers.

**(c) Applicability**

The provisions of this section apply to large and very large solar energy systems. These solar energy systems require the issuance of a Major Use Permit, as set forth below. Any such solar systems installed prior to the effective date of this Section shall be considered legal, conforming uses so long as a County use permit was issued in connection with their installation.

**(d) Permitted locations**

Solar facilities, depending on their size, may be located in the following zoning districts:

- (1) Large utility scale solar energy systems used to produce electricity for off-site customers may be installed and operated in the following districts, provided the systems meet all the standards and requirements, as provided in this section: agricultural districts (the Agricultural Intensive (A-N) zone, the Agricultural Extensive (A-X) zone, and the Agricultural Industrial (A-I) zone); public and open space districts (the Public Open Space (POS), Park and Recreation (P-R), and Public Quasi-Public (PQP) zones); and industrial districts (the Heavy industrial (I-H) and the Light Industrial (I-L) zones).
- (2) Very large utility scale solar energy systems used to produce electricity for off-site customers may be installed and operated in the following districts, provided the systems meet all the standards and requirements, as provided in this Section: agricultural districts (the Agricultural Intensive (A-N) zone, the Agricultural Extensive (A-X) zone, and the Agricultural Industrial (A-I) zone).

**(e) Approvals required**

Large and very large solar energy systems may be approved through the issuance of a Major Use Permit by the Board of Supervisors, following a recommendation from the Planning Commission, provided the application is consistent with conditions and standards set forth in subsection 8-2.1105(f), below.

**(f) Agricultural land mitigation required**

All large and very large solar facilities shall mitigate for the permanent loss of agricultural land, in accordance with Section 8-2.404 (the Agricultural Conservation and Mitigation Program).

**(g) Sunset**

This ordinance shall expire three years after its effective date unless it is extended by further action of the Board of Supervisors following a noticed public hearing. Any applications pending at the time of its expiration shall remain valid, and shall be processed and considered for approval pursuant to the terms of this ordinance. Prior to its expiration, staff shall return to the Board of Supervisors with a report on the ordinance, including its overall effectiveness at addressing the issues that led to its adoption, and a recommendation for any extension of its term.

## **Sec. 8-2.1106 Major electrical transmission and distribution facilities**

### **(a) Definitions**

#### **Major electrical transmission and distribution project**

“Major electrical transmission and distribution project” shall mean a project that includes a network of transmission lines and related towers and similar facilities with a capacity to convey 200 kilovolts (kV) or greater. It shall also include any project that proposes the designation of a transmission corridor zone to accommodate such facilities.

### **(b) Application required**

At a minimum, each application for a conditional use permit for a major electrical transmission and distribution project shall include the following:

- (1) A completed application form and filing fee.
- (2) A description of a reasonable range of alternatives to the proposed project, including alternatives that use or expand existing rights-of-way and existing infrastructure.
- (3) All application materials (maps, site plans, etc.) necessary to illustrate the proposed location of the proposed facilities and all alternative locations, together with all other materials required for a conditional use permit application pursuant to Section 8-2.217 of this Chapter, as described on application forms provided by the Planning Division.
- (4) A photo simulation of the proposed project and each alternative from at least six locations along its route in the County. Each location shall include simulated views of project facilities from four directions (north, south, east, and west).
- (5) A narrative explanation of the route of the proposed project and each alternative, together with a discussion of any alternative locations and project alternatives considered by the applicant but not formally included for County consideration.
- (6) For the proposed project and each alternative, all of the following:
  - (i) Estimated cost, including construction, land acquisition, and other development costs;
  - (ii) A description of the type of vegetation and soils that would be removed or impacted by construction;
  - (iii) A map showing the number, types, uses, and distances of buildings, public and private airports, dedicated open space, and parklands located within a 1,000 foot distance of project infrastructure;

- (iv) An analysis of the audible noise and lighting impacts of the proposal, together with any other studies reasonably necessary for the County to perform its duties as a lead or responsible agency in connection with the environmental review of the project;
- (v) An analysis of the potential adverse human health effects of the project on those present in residential areas, schools, licensed day-care facilities, playgrounds, and other developed areas in reasonable proximity to the project. The analysis shall use the best available scientific information at the time it is conducted; and
- (vi) An analysis of potential economic impacts on agriculture and related support industries. The Director may also require an analysis of potential economic impacts on other matters relevant to the review criteria set forth below, including potential economic impacts on other industries, on County and special district revenues, on local tourism and economic development efforts, and on other similar matters.

**(c) Coordination and documentation**

Within 30 days of filing an application for a major use permit in connection with a major electrical transmission and distribution project, the applicant shall provide the County with copies of all applications for state, federal, and other permits and licenses in connection with the proposed project. Promptly following the issuance of any state or federal permits or licenses, biological opinions, records of decision, memoranda of understanding, exemptions, variances, or similar authorizations or approvals related to the proposed project, the applicant shall provide copies of those documents to the County.

**(d) Public outreach**

For all major electrical transmission and distribution projects that traverse a significant portion of the County, and whose impacts are not likely to be isolated to a small geographic area, the Director may require the applicant to present the application to interested members of the public at one or more public meetings arranged by the applicant at a location convenient for interested members of the public. Such meetings shall be in addition to any hearings on the permit application held by the Planning Commission or the Board of Supervisors, and in addition to any meetings of local general plan advisory committees to which the application is referred. The Director and the applicant shall, if requested by the Director, develop a mutually acceptable public outreach program that includes such meeting(s) and any similar public outreach efforts to be undertaken by the applicant. If any portion of the proposed project is located within a planning area designated in a city general plan, the outreach program shall also include one or more meetings in that city.

**(e) Deciding authority**

The Deciding Authority for a major electrical transmission and distribution project application shall be the Board of Supervisors. The Planning Commission shall review the project application and any other relevant documents, hold at least one noticed public hearing, and make a recommendation to the Board of Supervisors thereon. Upon receiving this recommendation, the Board of Supervisors shall consider the application

at a noticed public hearing, taking into account the criteria set forth in Subsection (f), below.

**(f) Review criteria**

The purpose of this Section is to establish use permit criteria for major electrical power distribution and transmission projects in the unincorporated area of the County, and shall apply to all such projects that require a use permit. A use permit for such projects may only be approved if all of the following findings are made based on substantial evidence in the record:

- (1) The proposed project is consistent with any applicable policies in the General Plan and any applicable specific plan(s), as well as the Yolo Natural Heritage Program (HCP/NCCP) upon its adoption;
- (2) There is a demonstrated need for the proposed project;
- (3) To the greatest feasible (as that term is defined in Public Utilities Code Section 12808.5) extent, the project utilizes existing infrastructure and rights-of-way or, alternatively, expands existing rights-of-way, in that order of preference;
- (4) There are no feasible alternatives that are superior to the proposed project, taking into consideration and balancing the considerations set forth in this Section;
- (5) The proposed project would not have adverse human health effects, particularly with respect to individuals present in residential areas, schools, licensed day-care facilities, playgrounds, and other developed areas in reasonable proximity to the project;
- (6) To the greatest feasible extent, the proposed project does not have a significant adverse effect on the environment, agriculture, existing land uses and activities, areas with significant scenic qualities, or other relevant considerations of public health, safety, or welfare;
- (7) To the greatest feasible extent, the proposed project avoids lands preserved by the County for public park purposes;
- (8) To the greatest feasible extent, the proposed project avoids lands preserved by a conservation easement or similar deed restriction for agricultural, habitat, or other purposes. The Board of Supervisors may waive this requirement if the applicant provides documentation that the project does not conflict with the conservation easement or deed restriction, or that the conservation easement or deed restriction will be amended or extinguished prior to implementation of the project. If the conservation easement or deed restriction was provided as mitigation for the impacts of a prior development project, however, it shall only be amended or extinguished if adequate substitute mitigation is provided by the applicant;

- (9) The proposed project complies with all laws, regulations, and rules regarding airport safety conditions and similar matters, and would not require a significant change in the operations of a public or private airport in the County, create an undue hazard for aircraft, or substantially hinder aerial spraying operations;
- (10) To the greatest feasible extent, operation of the proposed project would not create conditions that unduly reduce or interfere with public or private television, radio, telemetry, or other electromagnetic communications signals; and
- (11) The applicant has agreed to conduct all roadwork and other site development work in compliance with all laws, regulations, and rules relating to dust control, air quality, erosion, and sediment control, as well as any permits issued pursuant thereto.

**(g) Scope**

The requirements of this Section shall apply to all major electrical power transmission and distribution projects that have not received all required federal, state, and local agency approvals prior to the effective date of this ordinance.

**(h) Costs**

The project applicant shall reimburse all County costs associated with reviewing an application for a major electrical power transmission and distribution project. In addition, if the County is required to review a proposed transmission corridor zone pursuant to California Government Code Section 25334 or other provisions of law, such costs shall also be reimbursed by the project applicant.





**Title 8 LAND DEVELOPMENT  
YOLO COUNTY CODE**

**CHAPTER 2: ZONING REGULATIONS**

**Article 12: Sign Standards**

**Sec. 8-2.1201 Purpose**

The purpose of this article is to establish standards for the uniform regulation of signs and related structures to ensure the adequate identification of businesses and other activities, while also maintaining and improving the quality of the visual environment within the unincorporated area. Accordingly, this Section is adopted to:

- (a) Ensure that signs erected within the unincorporated area are compatible with their surroundings and are consistent with the Countywide General Plan and related land use ordinances;
- (b) Aid in the identification of properties, land uses, and businesses;
- (c) Promote commerce, traffic safety, and community identity while also promoting and enhancing the quality of the visual environment;
- (d) Protect and enhance property values;
- (e) Lessen the objectionable effects of competition in the placement and size of signs;
- (f) Reduce hazards to motorists and pedestrians;
- (g) Avoid visual clutter;
- (h) Provide clear procedures and standards to control the location, size, type, number, and
- (i) All other matters pertaining to signs within the unincorporated area.

**Sec. 8-2.1202 Definitions**

For the purpose of this section, the following definitions shall apply:

**A-frame sign**

A temporary sign which has two sides, the frame or support structure of which is hinged or connected at the top of the sign in such a manner that the sign is easily moved or erected.

**Abandoned**

A sign is “abandoned” where, for a period of 90 days or more, there is no sign copy appearing on the sign or where the establishment to which the sign is attached has ceased operation and it is clear that the sign has been forsaken and deserted.

**Agricultural sign**

A sign advertising the sale of agricultural products grown or produced in the agricultural areas of the County.

**Amortization period**

The term “amortization period” refers to the period of time set forth in Section 8-2.1204, below.

**Animated sign**

A sign with action, motion, sound, or changing colors, including signs that blink or flash with fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color.

**Directional and information signs**

Signs that are necessary to direct or inform the public as to the location of publicly-owned facilities or institutions, business districts or historic locations or districts, not including commercial information such as advertising for specific businesses or products.

**Effective date**

The term “effective date” refers to the date on which the Ordinance substantially revising this section became effective.

**General business sign**

An on-premise sign which identifies a business or which advertises or promotes a commodity or service offered on the premises where such sign is located.

**Home occupation sign**

A sign used in conjunction with a home occupation.

**Identification sign**

A sign used to identify publicly-owned facilities or institutions, business districts or historic locations or districts, as well as individual communities, and may include a community’s name and logo, data, and the identification of community service organizations.

**Monument sign**

A “monument” sign is a sign which is completely freestanding and has its base on the ground on the same or adjacent parcels for the businesses that are being identified or advertised where the project utilizes common facilities, such as driveways and parking areas.

**Nonconforming sign**

Any sign that lawfully existed on the effective date of this ordinance but which does not conform to the provisions of this ordinance.

**Off-premises sign**

A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same lot or parcel on which said sign is located. This definition shall include billboards, posters, panels, painted bulletins, and similar advertising displays.

**Pole sign**

A permanent freestanding sign which is supported by one (1) or more poles in or upon the ground on the same or adjacent parcels for the businesses that are being identified or advertised where the project utilizes common facilities, such as driveways and parking areas.

**Political sign**

A temporary sign used in connection with a local, state, or national election or referendum.

**Projecting sign**

A “projecting” sign is a type of wall sign that extends horizontally from a building.

**Real estate sign**

A temporary sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

**Sign**

A “sign” shall mean anything whatsoever placed, erected, constructed, posted, painted, tacked, nailed, glued, stuck, carved, grown, or otherwise fastened, affixed, constructed, projected, produced, or made visible, including billboards, and signboards, for out-of-door advertising purposes in any manner whatsoever.

**Suspended**

A “suspended” sign is a type of wall sign that is attached to and located below any permanent eve, roof or canopy.

**Wall sign**

A permanent sign which is painted on or attached directly to a building surface and identifies or advertises businesses located within the building.

**Sec. 8-2.1203 Prohibited signs**

In order to achieve the purposes of this section, the following types of signs and devices are prohibited:

- (a) Abandoned signs;
- (b) Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs with the exception of time and temperature displays and information provided by public agencies;
- (c) Any sign illuminated by strobe, flashing light or neon light;

- (d) Moving signs or signs that emit sound in order to attract attention;
- (e) Roof signs;
- (f) Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic;
- (g) Signs on a natural feature such as rock, tree, mound, hill or mountain;
- (h) Signs on inoperative vehicles and vehicles (including vehicle trailers) parked for the primary purpose of displaying a sign to passing pedestrian or vehicular traffic;
- (i) Signs for home occupations that do not comply with subsections (f) and (h) of Section 8-2.1207.

### **Sec. 8-2.1204 Nonconforming signs**

- (a) Any sign lawfully erected and maintained prior to the effective date, but which does not conform to the provisions of this Section, is a legal nonconforming sign during the amortization period. A lawfully erected and maintained sign that exceeds the area or height regulations, as set forth in the provisions of this Section, by five percent or less shall not be deemed nonconforming on the basis of area or height.
  - (1) Every on-site sign that becomes legally non-conforming upon the effective date shall not be required to be removed, except as provided for in California Business & Professions Code sections 5492, 5493 5495, and 5497. Such signs will be allowed within the amortization period, subject to subsections (c) and (d), below.
  - (2) Every off-site sign that becomes legally non-conforming upon the effective date shall not be required to be removed, except as provided for in California Business and Professions Code sections 5412, 5412.1, 5412.2, and 5412.3. Such signs will be allowed within the amortization period, subject to subsections (c) and (d), below.
- (b) Any sign that was not lawfully erected prior to the effective date is an illegal nonconforming sign. An illegal nonconforming sign must be removed in accordance with the provisions of this Section that apply to legal nonconforming signs that have exceeded the authorized amortization period.
- (c) No legal nonconforming sign shall be altered, relocated, replaced, enlarged or reconstructed, except in such a manner as to cause the sign to conform fully to this Section. A legal nonconforming sign may be maintained or the advertising copy changed without violating this provision.
- (d) A legal nonconforming sign destroyed or damaged to the extent of fifty percent or greater of its value as of the date of such destruction or damage ceases to be

nonconforming and shall be replaced, removed or repaired in full conformance with the provisions of this Section.

- (e) Unless a longer period is required by California law, all legal non-conforming signs shall have a useful life and legal life of fifteen years, calculated from the effective date. Upon expiration of the amortization period, or the occurrence of any of the events set forth in subsections (c) and (d), above, the property owner shall remove the sign within thirty (30) days without compensation. If a property owner fails to remove the nonconforming sign following the expiration of the amortization period, the county may proceed with abatement procedures or other legal methods to ensure the prompt removal of the sign, and the County's removal and enforcement costs may be charged against the owner. Nothing in this section precludes a property owner from voluntarily conforming a nonconforming sign at any time before the end of the amortization period.

### **Sec. 8-2.1205 Signs and sign changes allowed without Site Plan Review**

The following signs and activities related thereto are allowed "by right" without a Site Plan Review in all zoning districts, provided that they comply with the general standards of Section 8-2.1207, below, and any required building permit is obtained:

- (a) Nonstructural modifications, including modifications to sign copy and routine maintenance;
- (b) Legal notices, identification, informational or directional/traffic controlling devices erected or required by governmental agencies;
- (c) Flags of national, state, or local governments, or nationally recognized religious, fraternal, or public service agencies, provided that the length of the flag shall not exceed one-fourth the height of the flagpole. The maximum allowed height of a flagpole in a residential zoning district shall be twelve (12) feet; the maximum height of a flagpole in a nonresidential zoning district shall be twenty (20) feet;
- (d) Street address numbers not exceeding an aggregate area of two square feet;
- (e) Holiday or seasonal decorations that are intended to be displayed for a short period of time not to exceed sixty (60) days. No holiday or seasonal decorations shall be placed within the right-of-way of any street, road, or highway located within the unincorporated area of Yolo County. No holiday or seasonal decorations shall have lights that interfere in any manner with the operation of motor vehicles on any street, road, or highway; and
- (f) Temporary signs of any nature, including temporary event and/or political signs, that are posted for a duration of not more than 90 days. Temporary event and/or political signs shall be placed no sooner than 90 days prior to the scheduled event or election, and shall be removed within 10 days after such event or election, as required by the State Outdoor Advertising Act. Such signs shall not be larger than thirty-two (32) square feet and be limited to one (1) per parcel, in

addition to other signs allowed in this Section. No such sign shall be placed within the right-of-way of any street, road, or highway located within the unincorporated area of Yolo County or have lights that interfere in any manner with the operation of motor vehicles on any street, road, or highway.

### **Sec. 8-2.1206 Sign application and approval requirements**

- (a) No sign shall be installed, constructed, or altered without prior approval by the County in accordance with the permit requirements set forth in Table 8-2.1206, below, and this section, with the exception of those signs allowed by right without Site Plan Review pursuant to Section 8-2.1205, above.
- (b) Unless an application for a Minor Use Permit is required, an application for a Site Plan Review shall be filed and processed with the Planning, Public Works and Environmental Services Department and fees shall be paid. The application shall include architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted, and include illustrations of copy, colors, materials, and samples of the proposed colors and materials. The required architectural elevations shall show both the proposed signs, and any structures on which they will be placed. All applications under this section shall be processed and decided in a time and manner consistent with applicable requirements of the Permit Streamlining Act or within 180 days after the application is complete, whichever is greater.

**Table 8-2.1206**

**Allowed Signs and Permit Requirements  
for All Zones**

<b>A = Allowed use, subject to zoning clearance*</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit</b> <b>UP (M) = Major Use Permit</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zones <sup>(1) (2)</sup></b>					<b>Specific Use Requirements or Performance Standards <sup>(3)</sup></b>
	<b>A-N, A-X, A-R</b>	<b>R-R, R-L</b>	<b>R-M, R-H</b>	<b>A-C, C-L, C-G, C-H, DMX</b>	<b>A-I, L-I, H-I, OPRD</b>	

<b>Sign Type</b>						
Real estate signs	A	A	A	A	N	See Sec. 8-2.1207(b)
Directional and information signs	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	See Sec. 8-2.1207(c) and (d)
Identification signs	SP	SP	SP	SP	SP	See Sec. 8-2.1207(e)
Agricultural signs	SP/UP(m)	N	N	N	N	See Sec. 8-2.1207(f) and (g)
General business signs	N	SP	SP	SP	SP	See Table 8-2.1207, Sec. 8-2.1207(h) (i), and (j), and Sec. 1208.
Monument signs	N	N	SP	SP	SP	
Wall signs	N	N	SP	SP	SP	
Pole signs	N	N	N	N/SP/ UP(m) <sup>(4)</sup>	N	
Off-premises signs	N	N	N	N	N	

- Notes: 1. For all other zone districts not listed here (PR, OS, overlay zones), see Section 8-2.1207(k).  
 2. All signs must be appurtenant to the use allowed in the zone district.  
 3. General and design standards for all signs are set forth in Sections 8-2-1207 and 1208.  
 4. Pole signs are only allowed in the C-H zone

(c) The Zoning Administrator shall be the authority for all sign Site Plan Review applications, and may approve only those that comply with the general standards and design standards required in Sections 8-2.1207 and 8-2.1208, below. The Zoning Administrator may impose additional conditions of permit approval as are reasonably necessary to achieve the purposes of this section. The Zoning Administrator may approve monument signs that are larger in area or height than the normal standards under the circumstances described in Section 8-2.1207(i). All other deviations from these sign standards shall be through the Minor or Major Variance process, as outlined in Sections 8-2.216 and 8-2.218.



- (d) In his or her sole discretion, the Zoning Administrator may require a public hearing, or may refer the application to the Planning Commission, if specific issues warrant an opportunity for public notice and an opportunity to comment on a proposed sign and a public hearing is not otherwise required by law, as allowed under Section 8-2.206(e).
- (e) Appeals of decisions of the Zoning Administrator or Planning Commission shall be conducted according to Section 8-2.225.

**Sec. 8-2.1207 General standards for signs**

- (a) Signs are allowed in the various zones in the unincorporated area, subject to the design standards set forth in Section 8-2.1208, and subject to the general standards and limitations set forth in this Section and in Table 8-2.1207, below.

**Table 8-2.1207**

**Sign Standards in Each Zoning District<sup>(1) (2)</sup>**

Zoning Districts	Maximum Size of Ag or General Signs Allowed	Maximum Size and Height of Monument Signs Allowed <sup>(3)</sup>	Maximum Size of Wall Signs Allowed	Maximum Size of Pole Sign Allowed
A-N, A-X	32 sf in size 10 feet in height	n/a	16 sf in overall size	n/a
A-R, RR, R-L <sup>(4)</sup>	24 sf in size 8 feet in height	n/a	n/a	n/a
R-M, R-H <sup>(4)</sup>	24 sf in size 8 feet in height	24 sf in size 8 feet in height	1 sf size per 2 feet of building frontage	n/a
A-C, C-L, C-G, DMX <sup>(5) (6)</sup>	n/a	48 sf in size 15 feet in height	1 sf size per 1 foot of building frontage	n/a
C-H <sup>(5)</sup>	n/a	75 sf in size 15 feet in height	1 sf size per 1 foot of building frontage	200 sf in size 40 feet in height (75 feet with UP)
A-I, I-L, I-H, OPRD <sup>(5)(7)</sup>	n/a	48 sf in size 15 feet in height	1 sf size per 2 feet of building frontage	n/a

- Notes: 1. For all other zone districts not listed here (PR, OS, overlay zones), see Section 8-2.1207(k).  
 2. All signs must be appurtenant to the use allowed in the zone district.  
 3. The Zoning Administrator may approve an increase in the size and height for monument signs, see Sec 8-2.1207(j).  
 4. For signs in residential zones, see Sec. 8-2.1207(h).  
 5. For signs in commercial and industrial zones, see Sec. 8-2.1207(i).  
 6. For signs in the DMX zone, see Sec. 8-2.1208(f).  
 7. The regulation of signs in the Office Park/Research and Development (OPRD) zone district may be defined in an overlaying Planned Development zoning district that is unique to the project.  
 sf = square feet of area  
 n/a = not allowed in zone district

- (b) Real estate signs advertising the sale, lease or exchange of real property are allowed subject to the following requirements: not more than twenty-four (24) square feet in area and eight (8) feet in height; not illuminated; and not more than one such sign per parcel of land.
- (c) Directional and information signs necessary to direct or inform the public as to the location of publicly-owned facilities or institutions, business districts or historic locations or districts, not including commercial information such as advertising for specific businesses or products. Such signs shall not exceed forty (40) square feet in area or ten (10) feet in height and shall be limited to one per parcel.
- (d) Directional and information signs exceeding the size limitations set forth in subsection (c), above, may be allowed with the issuance of a Minor Conditional Use Permit. Such signs shall be no more than seventy-five (75) square feet in area and twenty (20) feet in height.
- (e) Identification signs for a community may include the community's name and logo, data (elevation or population), and the identification of community service organizations with meeting dates and places. Such signs shall be no more than seventy-five (75) square feet in area and twenty (20) feet in height.
- (f) Agricultural signs advertising the sale of agricultural products grown or produced on lands within Yolo County shall not be illuminated, and are limited to one per road frontage per parcel. Signs appurtenant to a licensed home occupation shall be limited to a single non-illuminated free-standing or wall-mounted sign that is not more than six (6) square feet in area and four (4) feet in height.
- (g) Agricultural signs not located on the same parcel that is selling the agricultural products shall be no more than six (6) square feet in area and ten (10) feet in height, are limited to one per road frontage per parcel, shall not be illuminated, and shall be located no more than two (2) miles from the main parcel. Agricultural signs not located on the same parcel exceeding these size or geographic limitations may be allowed with the issuance of a Minor Use Permit. Such signs shall be no more than thirty-two (32) square feet in area and ten (10) feet in height, shall not be illuminated, and are limited to one per road frontage per parcel, and shall be located no more than four (4) miles from the main parcel.
- (h) Signs allowed in the residential zones are limited to the following:
  - (1) One identification sign on the road frontage(s) of a subdivision, mobile home park, apartment or condominium complex, group quarters, or permitted institutional use.
  - (2) For non-residential uses or structures permitted or conditionally permitted In the R-M and R-H zones, one general or one monument sign on the road frontage(s) of each parcel, and one wall sign for each business or tenant on each frontage or building face having a public entrance.
  - (3) Signs appurtenant to a licensed home occupation shall be limited to a single non-illuminated wall-mounted sign that is not more than two (2) square feet in area.

- (i) Signs allowed in the commercial and industrial zones are limited to the following:
  - (1) One monument sign on the road frontage(s) of each parcel.
  - (2) One wall sign for each business or tenant on each frontage or building face having a public entrance.
  - (3) In the C-H zone only, one pole sign on the road frontage(s) of each parcel.
  
- (j) The Zoning Administrator may approve an increase of up to twenty-five percent (25%) in the allowed size and/or height of monument signs in return for an applicant or applicants combining multiple individual tenant signs on several frontages or on adjacent parcels in one shared monument sign. Any other deviation of up to 25% of these sign standards may be approved by the Zoning Administrator through the discretionary Minor Variance process. Any deviation of greater than 25% from these standards shall be approved through a Major Variance process by the Planning Commission.
  
- (k) Signs allowed in the Parks and Recreation (P-R), Public Open Space (POS), Public and Quasi-Public (PQP), Specific Plan (S-P), Planned Development (PD), and the overlay zones are limited to the following:
  - (1) In the P-R, POS, and PQP zones, directional and information signs of any size or number necessary to direct or inform the public as to the location, history, and purpose of publicly-owned facilities, publicly-owned natural or recreational resources, or other appurtenant uses or structures, provided that the signs are consistent with all other regulations and standards included in Article 8.
  - (2) In the P-R, POS, and PQP zones, general signs necessary to direct or inform the public as to the quasi-public services offered on a privately-owned property, including religious, educational, and other allowed quasi-public uses, provided that the general signs are no more than 32 square feet in size and 10 feet in height, and are consistent with all other regulations and standards included in Article 8.
  - (3) In the S-P zone, signs that are consistent with the interim agricultural or other uses prior to the adoption of a Specific Plan, or signs that are consistent with the adopted Specific Plan, provided that any sign is consistent with all other regulations and standards included in Article 9.
  - (4) In the Planned Development (PD) zone, signs that are consistent with the adopted PD zoning or are consistent with the sign regulations for the zone or zones that are associated with the PD zoning.
  - (5) In the overlay zones (SP-O, NH-O DP-O, MR-O, and A-O zones), signs that are consistent with the underlying zoning district, provided that any sign is consistent with all other regulations and standards included in Article 9.

## Sec. 8-2.1208 Design standards for signs

The following design standards apply to permitted signs located in all zone districts:

- (a) Proposed signs shall not unreasonably block the sight lines of existing signs on adjacent properties from nearby public right-of ways and paths of travel. The placement and size of a sign shall not impair pedestrian or vehicular safety.
- (b) The design, height, location, and size of the sign should be visually complementary and compatible with the scale and architectural style of the primary structures on the site, the natural features of the site, and structures and prominent natural features on adjacent properties on the same street.
- (c) **Illuminated Signs:** Illuminated signs are prohibited unless expressly allowed under this section. A non-illuminated sign may be substituted for an illuminated sign in any location where an illuminated sign is expressly allowed. Lighting for illuminated signs shall be so arranged that it will not create a hazardous glare for pedestrians or vehicles on either a public street or on any private premises.
- (d) **Monument Signs:** Monument signs shall be placed so as not to obstruct visibility necessary for safe vehicular and pedestrian circulation, but may be placed in required street yard and/or setback areas.
- (e) **Wall signs:** All wall signs, including but not limited to projecting and suspended signs, shall conform to the following requirements:
  - (1) The placement and height of the sign on the site shall be appropriate to the size of buildings and other features on the site, whether the sign is freestanding or projecting;
  - (2) A proposed suspended, projecting, or wall sign shall be consistent with the architectural design of the structure. Signs that cover windows, or that spill over and/or cover architectural features are not allowed;
  - (3) The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight (8) feet;
  - (4) The minimum horizontal setback between a sign and the curb line shall be two feet. The maximum projection over a public sidewalk shall be two-thirds the width of the sidewalk or six feet, whichever is less;
  - (5) The top of a projecting sign shall not exceed the height of the face of the building by which it is supported.
- (f) In addition to the design standards described above, the following additional design standards shall be applied in the Downtown Mixed Use (DMX) zone. If there is a conflict between the general or design standards for all signs and these sign regulations specifically adopted for the DMX zone, the DMX zone regulations shall apply:
  - (1) Signs shall be provided for commercial uses and buildings along Yolo Avenue and Woodland Avenue that are appropriate in scale and location, and shall be architecturally integrated with the surroundings.

- (2) Signs shall be clearly integrated and consistent in design and materials with the architecture of the building. Signage in the business district should support the district's character and not detract from the area.
- (3) Monument signs are preferred. Pole signs are prohibited.
- (4) Ground signage shall be limited in height of five (5) feet.
- (5) Attached signs shall be flat against the facade, or mounted projection from the facade.
- (6) Window signage shall be limited to twenty (20) percent of the total window frontage per storefront.
- (7) The maximum area of any single sign mounted perpendicular to a given facade shall not exceed ten (10) square feet.
- (8) Signs shall maintain a minimum clear height above sidewalks of eight (8) feet.
- (9) Signs shall not extend beyond the curb line.
- (10) Signs located on the interior of a structure, but visible from the exterior of the building, are permitted and are not charged against the maximum allowable signage area if such signs are not physically attached or painted to the window and do not obscure more than 10% of ground floor street side building transparency. The 10% is not to exceed total glass area calculated for both unattached and temporary window signs.
- (11) Temporary signs can take the form of banners, window graphics, or as placards integrated with a window display. Temporary signs are permitted on the interior of the business establishment only and shall be no more than 5 square feet of text and shall not exceed 10 square feet in size and no more than 10% of ground floor street side building transparency. Temporary signs shall not be displayed more than thirty days in a calendar year.
- (12) One menu or sandwich board shall be allowed per street address. Menu boards shall not exceed eight (8) square feet in size (sign and copy area is calculated on one side only) and shall be positioned so as to be adjacent to that restaurant or business listed on the board and information on that board shall be placed in a manner which is clearly visible to pedestrian traffic. All signs shall be removed at the end of each business day. All signs shall be securely anchored to the ground.
- (13) Murals are allowed and shall be reviewed for design by the Esparto Citizens Advisory Committee.

### **Sec. 8-2.1209 Substitution of non-commercial speech**

Any non-commercial message or speech may be substituted for the copy of any commercial sign allowed under this section.

**2014 UPDATED  
YOLO COUNTY CODE  
Title 8 LAND DEVELOPMENT**

**CHAPTER 2: ZONING REGULATIONS**

**Article 13: Off-street Parking and Loading**

**Sec. 8-2.1301 Purpose**

The purpose of this article shall be to provide safe and convenient vehicular access to all land uses, to minimize traffic congestion and hazards to motorists and pedestrians, and to provide accessible, attractive, secure, and well-maintained off-street parking and loading facilities without precluding the feasible redevelopment and adaptive reuse of existing structures and blocks, when any main building or structure is erected, enlarged, or increased in capacity.

**Sec. 8-2.1302 Definitions**

For the purposes of this Article, unless otherwise apparent from the context, certain words and phrases used in this Article are defined as follows:

**Downtown Mixed Use (DMX) zones**

The Downtown Mixed Use zone applies to downtown business districts of certain unincorporated towns that are planned for development or redevelopment of a mixture of primarily commercial, retail, office, residential, and other uses.

**Gross floor area (GFA)**

Gross floor area is the area within the inside perimeter of the exterior walls of a structure used, or intended to be used, by owners and tenants for all purposes, exclusive of vent shafts and courts. Usable area under a horizontal projection of a roof or floor above, not provided with surrounding exterior walls shall be included within the total gross floor area.

**Live/work unit or Live/work space**

A live/work unit or live/work space is a building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. "Live/work unit" is further defined as a structure or portion of a structure:

- That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; and
- Where the resident owner, occupant, or employee of the business is responsible for the commercial or manufacturing activity performed; and
- Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

**Parking lot**

A parking lot is a designated area, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a fee, free, or as an accommodation for clients, employees, or customers, excluding one-family and two-family dwellings.

**Vacant land**

Vacant land is land that is currently undeveloped with urban structures, but may be occupied by a rural residence or structure, and is designated for future urban growth.

**Sec. 8-2.1303 Applicability**

Unless otherwise specifically provided by this Article or a separately-adopted ordinance, the provisions of this Article shall apply to all uses and development in county zoning districts referenced below. The general standards for parking, loading, and accessible spaces in this Article shall be considered a minimum level of design, and more extensive parking design and circulation provisions may be required by the deciding authority in connection with the approval of a discretionary permit or entitlement. However, the number of parking spaces specified in Table 8-2.1306 shall be considered the maximum number of required spaces unless a greater amount of parking for a specific use is required by the Planning Director, Zoning Administrator, or the Planning Commission.

**Sec. 8-2.1304 General parking provisions**

- (a) **Location of parking - nonresidential use.** Required parking spaces shall be located on the same parcel with the primary use or structure, or on an immediately adjacent and contiguous parcel. If it is not feasible to provide the required amount of parking on the same or adjacent parcel, as determined by the Planning Director, parking spaces located within 250 feet of the premises to which the parking requirements pertain, may be leased or purchased. An agreement providing for the shared use of private parking indicating the hours of the expected use by type of activity, executed by the parties involved, shall be filed with the Planning Director. Property within the existing or anticipated future right-of-way of a street or highway shall not be used to provide required parking or loading facilities, unless allowed through the issuance of a Use Permit.
- (b) **Location of parking - residential use.** Required parking shall not be located in any required front or side yard, except as otherwise permitted for accessory second units in residential (R) zones according to Article 5, Section 8-2.506(b).
- (c) **Change in nonresidential use.** When the occupancy or use of a property, except for property within the Downtown Mixed Use (DMX) zone, is changed to a different use, or the lessee, tenant, or owner of a specific use occupying more than 500 square feet of leasable commercial floor area, or 1,000 square feet of leasable industrial floor area is changed, parking to meet the requirements of this Section shall be provided for the new use or occupancy.

- (d) **Increase in nonresidential use.** When an existing occupancy or use of more than 500 square feet of leasable commercial floor area, or 1,000 square feet of leasable industrial floor area is altered, enlarged, expanded, or intensified, except for property within the Downtown Mixed Use (DMX) zone, additional parking to meet the requirements of this Section shall be provided for the altered, enlarged, expanded, or intensified portion only.
- (e) **Two or more uses.** Where two or more uses are located in a single structure or on a single parcel, required parking shall be provided for each specific use (i.e., the total parking required for an establishment that has both industrial and office uses shall be determined by computing the parking for the industrial use and the office use and then adding the two requirements together). A reduction of the required parking spaces may be approved, as allowed in Section 8-2.1310.
- (f) **Parking and loading spaces to be permanent.** Parking and loading spaces shall be permanently available, marked, and maintained for parking or loading purposes, for the use they are intended to serve. The Planning Director may approve the temporary reduction of parking or loading spaces in conjunction with a seasonal or intermittent use.
- (g) **Parking and loading to be unrestricted.** Owners, lessees, tenants, caretaker or persons having control of the operation of the premises for which parking or loading spaces are required by this Section shall not prevent, prohibit or restrict authorized persons from using these spaces without prior approval of the Planning Director.
- (h) **Use of parking lot for activities other than parking.** Required off-street parking, circulation, and access areas shall be used exclusively for the temporary parking and maneuvering of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the provisions of this Code. The temporary use of parking lots for display and sales may be permitted in advance through the issuance of a Site Plan Review by the Zoning Administrator, with a finding that an adequate amount of parking will still be available for customers.

### **Sec. 8-2.1305 Off-street parking in Downtown Mixed Use (DMX) zones**

- (a) For development projects on vacant or under-developed lands of more than one acre within Downtown Mixed Use (DMX) Zones, off-street parking shall be provided for all residential and nonresidential uses, as required by this Article, excluding subsections (b) through (e), below.
- (b) For all other development projects not on vacant or under-developed lands of more than one acre within Downtown Mixed Use (DMX) Zones, the following parking requirements apply:



- (1) No off-street parking is required for new or expanded nonresidential uses in the DMX zone unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking shall be provided for the floor area in excess of 3,000 square feet, in accordance with all provisions of this Article, or as modified by (3) below.
  - (2) Off-street parking for new residential uses of four or more units in the DMX zone shall be provided, in accordance with all provisions of this Article, or as modified by (3) below.
  - (3) Off-street parking requirements for nonresidential and residential uses may be modified by the Planning Director in accordance with Section 8-2.1310, below.
- (c) For live/work units of less than 2,500 square feet, one parking space is required for each unit. For live/work units greater than 2,500 square feet, required parking will be based on the applicable parking standard for the nonresidential use or the closest similar use as determined by the Planning Director or Zoning Administrator.
- (d) Off-street parking requirements for both nonresidential and residential uses may be satisfied by the leasing or purchasing of nearby parking spaces on adjacent parcels within 400 feet of the use.
- (e) Off-street parking spaces provided on the site must be located to the rear of the principal building or otherwise screened so as to not be visible from the public right-of-way or residential zoning districts.

### **Sec. 8-2.1306 Number of parking spaces required**

- (a) **Number of parking spaces required.** Each land use shall provide the number of off-street parking spaces, as listed in Table 8-2.1306, except where a parking reduction or modification has been granted in compliance with Section 8-2.1310. Accessible parking spaces shall be required in the total count of required spaces as listed in Section 8-2.1307(a). The parking space requirements by land use, specified in Table 8-2.1306, shall be considered the maximum number of spaces that are to be provided for each use, unless a greater amount of parking for a specific use is required by the Planning Director.
- (b) **Land uses not identified.** The required number of parking spaces for a land use not identified in Table 8-2.1306 shall be determined by the Planning Director. The Director may require the preparation of a parking demand study to determine the parking requirement for unlisted uses.

**Table 8-2.1306**

**Parking Requirements by Land Use**

Land Use	Number of Parking Spaces Required
<b>Industrial Uses</b>	
Industrial uses of all types (over 1,000 SF), including warehouses, manufacturing, processing	<ul style="list-style-type: none"> <li>▪ 1 for each 2,000 SF of the first 40,000 SF of GFA; and</li> <li>▪ 1 for each 4,000 SF of GFA for the portion over 40,000 SF</li> </ul>
Retail and sales services accessory to the industrial use (over 1,000 SF)	<ul style="list-style-type: none"> <li>▪ 1 for each 300 SF of GFA</li> </ul>
<b>Recreation, Education and Public Assembly Uses</b>	
Amusement enterprises	<ul style="list-style-type: none"> <li>▪ 1 for each 4 persons of the facility's allowed maximum attendance</li> </ul>
Bowling alleys and billiard halls	<ul style="list-style-type: none"> <li>▪ 3 for each bowling lane; and</li> <li>▪ 2 for each billiard table</li> </ul>
Churches, synagogues, temples, mosques and other places of worship <sup>(1)</sup> , mortuaries, and funeral homes	<ul style="list-style-type: none"> <li>▪ 1 for each 4 fixed seats<sup>(1)</sup> in the main chapel or assembly room; and</li> <li>▪ 1 for every 25 SF of seating area where there are no fixed seats<sup>(1)</sup></li> </ul>
Commercial recreation and similar uses (e.g., shooting ranges, race tracks, miniature golf course, pitch and putt courses, and zoos)	<ul style="list-style-type: none"> <li>▪ 1 for each 4 persons of the facility's allowed maximum attendance</li> </ul>
Commercial swimming pools and swimming schools	<ul style="list-style-type: none"> <li>▪ 1 for each 500 SF of water surface area</li> <li>▪ 10 minimum</li> </ul>
Correctional institutions and facilities	<ul style="list-style-type: none"> <li>▪ 1 for each 2,000 SF of GFA</li> </ul>
Emergency shelters	<ul style="list-style-type: none"> <li>▪ 1 for each 8 beds; and</li> <li>▪ 1 for each 400 SF of office or other non-residential area</li> </ul>
Golf courses and driving ranges	<ul style="list-style-type: none"> <li>▪ 2 for each hole on all golf courses; and</li> <li>▪ 1 for each tee for driving ranges; and</li> <li>▪ 1 for each 300 SF of restaurant/bar area</li> </ul>
Organizational camps	<ul style="list-style-type: none"> <li>▪ 1 bus parking space per 20 campers</li> <li>▪ 1 for each resident staff; and</li> <li>▪ 1 for each nonresident staff on the largest shift</li> </ul>
Meeting facilities - Theaters, auditoriums, conference centers, stadiums, sport arenas, gymnasiums and similar places of public assembly	<ul style="list-style-type: none"> <li>▪ 1 for each 4 fixed seats<sup>(1)</sup> or for every 25 SF of seating area within the main auditorium where there are no fixed seats<sup>(1)</sup></li> </ul>
Schools: general curriculum elementary and middle school	<ul style="list-style-type: none"> <li>▪ 1 for each staff member, faculty member, and employee (full-time, part-time, or volunteer)</li> </ul>
Schools: general curriculum High school, colleges and universities, business and professional schools	<ul style="list-style-type: none"> <li>▪ 1 for each 4 students; and</li> <li>▪ 1 for each staff member, faculty member and employee (full-time, part-time, or volunteer)</li> </ul>
Schools: special schools or trade schools	<ul style="list-style-type: none"> <li>▪ 1 for each 3 students; and</li> <li>▪ 1 for each staff member, faculty member, and employee (full-time, part-time, or volunteer)</li> </ul>

<b>Residential Uses</b>	
One-family and two-family dwellings, ancillary dwelling units, second dwelling units	<ul style="list-style-type: none"> <li>▪ 1 for each dwelling unit containing not more than 2 bedrooms, and 2 parking spaces for each dwelling unit containing 3 or more bedrooms</li> </ul>
Farm labor housing	<ul style="list-style-type: none"> <li>▪ Group quarters: 1 per 4 beds</li> <li>▪ Dwelling units: 2 per dwelling</li> </ul>
Guest house, accessory structure conversion to habitable accessory housing structure	<ul style="list-style-type: none"> <li>▪ 1 space</li> </ul>
Multi-family dwelling	<ul style="list-style-type: none"> <li>▪ 1 for each dwelling unit containing not more than 1 bedroom or one and one-half (1 ½) for each dwelling unit containing 2 or more bedrooms, one shall be covered per dwelling unit</li> </ul>
Caretaker/night watchman housing	<ul style="list-style-type: none"> <li>▪ 1 per unit</li> </ul>
Clubs, conference centers, fraternity and sorority houses, rooming and boarding houses, and similar structures having guest rooms	<ul style="list-style-type: none"> <li>▪ 1 for each guest room</li> </ul>
Residential care facility	<ul style="list-style-type: none"> <li>▪ 1 for each 3 persons cared for</li> </ul>
Mobile home parks	<ul style="list-style-type: none"> <li>▪ 1 for each mobile home parcel</li> <li>▪ 1 guest space for each 5 spaces, or fraction thereof</li> </ul>
Model home/sales office	<ul style="list-style-type: none"> <li>▪ 2 per office; and</li> <li>▪ 2 for visitors</li> </ul>
<b>Commercial Uses- Retail</b>	
Automobile sales, boat sales, mobile home sales, retail nurseries, and other open uses not in an enclosed structure	<ul style="list-style-type: none"> <li>▪ 1 for each 2,000 SF, or portion thereof, for open area devoted to display or sales for the first 10,000 SF; and</li> <li>▪ 1 for each 5,000 SF, or portion thereof, over 10,000 SF</li> </ul>
Equipment sales and rental, indoor	<ul style="list-style-type: none"> <li>▪ 1 for each 400 SF of GFA</li> </ul>
Retail stores (over 500 SF)	<ul style="list-style-type: none"> <li>▪ 1 for each 300 SF of GFA</li> </ul>
Supermarkets and shopping centers (under 200,000 SF of GFA)	<ul style="list-style-type: none"> <li>▪ 1 for each 300 SF of GFA</li> </ul>
Shopping centers (projects over 200,000 SF of floor area)	<ul style="list-style-type: none"> <li>▪ 1 for each 300 SF of GFA up to 100,000 SF; and</li> <li>▪ 1 for each 400 SF of GFA above 100,000 SF</li> </ul>
Restaurants, including drive-ins, cafes, night clubs, bars, and other similar places where food or refreshment are dispensed	<p>The greater of the following:</p> <ul style="list-style-type: none"> <li>▪ 1 for each 300 SF of GFA; or</li> <li>▪ 1 for each 4 fixed seats<sup>(1)</sup> and/or 1 for every 50 SF of floor area where seats may be placed</li> </ul>
Wholesale commercial nurseries	<ul style="list-style-type: none"> <li>▪ 1 for each 500 SF of display area</li> </ul>
<b>Commercial Uses- Services</b>	
Automobile repair, gas and service stations	<ul style="list-style-type: none"> <li>▪ 1 for each 400 SF of GFA</li> </ul>
Bed and breakfast	<ul style="list-style-type: none"> <li>▪ 1 for each guest room; and</li> <li>▪ 1 for resident manager</li> </ul>
Child care centers	<ul style="list-style-type: none"> <li>▪ 1 for each 5 children that the facility is designed to accommodate</li> </ul>
Hospital	<ul style="list-style-type: none"> <li>▪ 1 for each 4 patient beds</li> </ul>

Hotels and Motels	<ul style="list-style-type: none"> <li>▪ 1 for each unit/room; and</li> <li>▪ 1 for each 350 SF of GFA</li> </ul>
Medical offices, clinics, veterinary hospital	<ul style="list-style-type: none"> <li>▪ 1 for each 350 SF of GFA</li> </ul>
Offices, general, financial, business and professional uses (over 500 SF)	<ul style="list-style-type: none"> <li>▪ 1 for each 350 SF of GFA</li> </ul>
Personal services (over 500 SF)	<ul style="list-style-type: none"> <li>▪ 1 for each 350 SF of GFA</li> </ul>
Public/Mini Storage	<ul style="list-style-type: none"> <li>▪ 1 space per 100 storage units or 5 spaces, whichever is greater</li> </ul>
Social care facilities including convalescent and nursing homes, senior living facilities, sanitariums, etc.	<ul style="list-style-type: none"> <li>▪ 1 for each 3 residents of the maximum licensed resident capacity</li> </ul>
<b>Agricultural Uses</b>	
Farm Offices (over 500 SF)	<ul style="list-style-type: none"> <li>▪ 1 for each 500 SF of GFA</li> </ul>
Agricultural Processing (over 1,000 SF)	<ul style="list-style-type: none"> <li>▪ 1 for each 2,000 SF of the first 40,000 SF of GFA; and</li> <li>▪ 1 for each 4,000 SF of GFA for the portion over 40,000 SF</li> </ul>
Agricultural Research facilities (office, laboratory, or similar use) (over 1,000 SF)	<ul style="list-style-type: none"> <li>▪ 1 for each 350 SF of GFA</li> </ul>
Winery and olive oil operations (over 1,000 SF)	<p>For Tasting Rooms:</p> <ul style="list-style-type: none"> <li>▪ 1 for each 300 SF of GFA</li> </ul> <p>For Production Facilities:</p> <ul style="list-style-type: none"> <li>▪ 1 for each 2,000 SF of the first 40,000 SF of GFA; and</li> <li>▪ 1 for each 4,000 SF of GFA for the portion over 40,000 SF</li> </ul>
Private and commercial horse stables	<ul style="list-style-type: none"> <li>▪ 1 for each 5 horse stalls (when boarding)</li> <li>▪ Daily and event parking to be determined by Use Permit review process</li> </ul>
Yolo Stores (over 500 SF)	<ul style="list-style-type: none"> <li>▪ 1 for each 300 SF of GFA</li> </ul>

Notes: (1) Twenty-four linear inches (24”) of bench or pew shall be considered a fixed seat.

GFA = Gross floor area

SF = Square feet of floor area

## Sec. 8-2.1307 Special parking space requirements

In addition to the parking spaces required by Section 8-2.1306, a new use, expanded use, or change in use shall also provide, when applicable, the type and number of spaces required as follows:

- (a) **Accessible parking required.** For multi-family residential, commercial, industrial, institutional, and public uses, California law establishes the required number of accessible parking spaces. The requirements in effect at the time of adoption of this Article are reflected in Table 8-2.1307 (Number of Accessible Parking Spaces Required), and shall apply unless the California Building Code is amended to establish stricter requirements. In all respects, accessible parking spaces shall be designed, located and provided with identification signing as set forth in the California Building Code, as may be amended from time to time. One

in every eight (8) accessible spaces, but not less than one (1), shall be van accessible.

**Table 8-2.1307**

**Number of Accessible  
Parking Spaces Required**

<b>Total Number of Parking Spaces in Lot or Garage</b>	<b>Minimum Required Number of Accessible Parking Spaces</b>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and over	20 plus 1 for each 100, or fraction over 1,001

**(b) Bicycle parking.** The following bicycle parking standards shall apply only for those uses located within community growth boundaries as identified in the General Plan.

- (1) For non-residential uses, bicycle parking spaces shall be provided at a rate equal to five (5) percent of the total required vehicle parking spaces. Spaces may be in the form of racks (for short-term use) or lockers (for long-term use by employees).
- (2) For multiple-family housing, bicycle parking spaces shall be provided at a rate equal to ten percent of the total required parking spaces.
- (3) Bicycle parking spaces shall be conveniently located and generally within proximity to the main entrance of a structure and shall not interfere with pedestrian access.
- (4) Bicycle and vehicle parking areas shall be separated from one another by a physical barrier or sufficient distance to protect bicycles and riders from damage.
- (5) All bicycle parking and storage areas shall be paved with asphalt, concrete or other all-weather surface.

**(c) Company vehicles.** Commercial or industrial uses shall provide one (1) parking space for each company vehicle which is parked on the site during normal business hours. Such space may be located within a building.

## **Sec. 8-2.1308 Loading space requirements**

- (a) **General requirements.** In any zone, in connection with every building or part thereof hereafter erected, having a gross floor area of 5,000 square feet or more, which building is to be occupied for manufacturing, storage, warehousing, goods

display, or retail sales, or as a hotel, hospital, mortuary, laundry, dry cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained, on the same lot with such building at least one (1) off-street loading space, plus one (1) additional such loading space for each additional 20,000 square feet of gross floor area in the building.

- (b) **Location.** Loading spaces shall be situated to ensure that the loading facility is screened from adjacent streets and neighboring residential properties.

## **Sec. 8-2.1309 Determination of fractional spaces**

When units or measurements determining the number of required off-street parking and off-street loading spaces result in a requirement of a fractional space, any fraction up to one-half (1/2) shall be disregarded, and any fraction of one-half (1/2) or more shall require one (1) off-street parking or off-street loading space.

## **Sec. 8-2.1310 Adjustments to parking requirements**

The adjustments to the parking requirements, below, may be used in any combination with each other; however, the total reduction of parking spaces may be no greater than twenty-five percent (25%) of the total spaces. The adjustments shall be applied to all non-residential uses.

- (a) **Shared peak-hour parking.** Where two or more adjacent uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be approved by the Planning Director based on the findings and recommendations of a parking study prepared by a qualified parking or traffic consultant. The amount of reduction may be up to the number of spaces required for the least intensive of the uses sharing the parking. An agreement providing for the shared use of private parking, executed by the parties involved, shall be filed with the Planning Director.
- (b) **Shared on-site parking adjustment.** Where two or more nonresidential uses are on a single site, the number of parking spaces may be reduced through adjustment up to a maximum of twenty-five percent (25%); as long as the total of spaces is not less than required for the use requiring the largest number of spaces. An agreement providing for the shared use of private parking, executed by the parties involved, shall be filed with the Planning Director.
- (c) **Off-street parking.** Off-street parking requirements for nonresidential and residential uses may be modified by the Planning Director, the Zoning Administrator, or the Planning Commission based on a parking supply study prepared by a civil engineer or other certified professional which indicates an

ample supply of on-street or other nearby public parking, or adequate nearby available private parking for shared nonresidential uses.

- (d) **Compact car spaces.** Lots with twenty (20) or more spaces may substitute compact car spaces for up to twenty-five percent (25%) of the total number of required spaces.
- (e) **Motorcycle parking.** Lots with twenty (20) or more spaces may replace regular spaces with motorcycle spaces for up to five percent (5%) of the total number of required spaces.
- (f) **Incentive for porous or permeable paving.** Where porous or permeable paving materials are used to satisfy parking lot paving requirements as set forth in Sec. 8-2.1313(b), a twenty percent (20%) reduction of the total number of required spaces may be granted by the Planning Director.

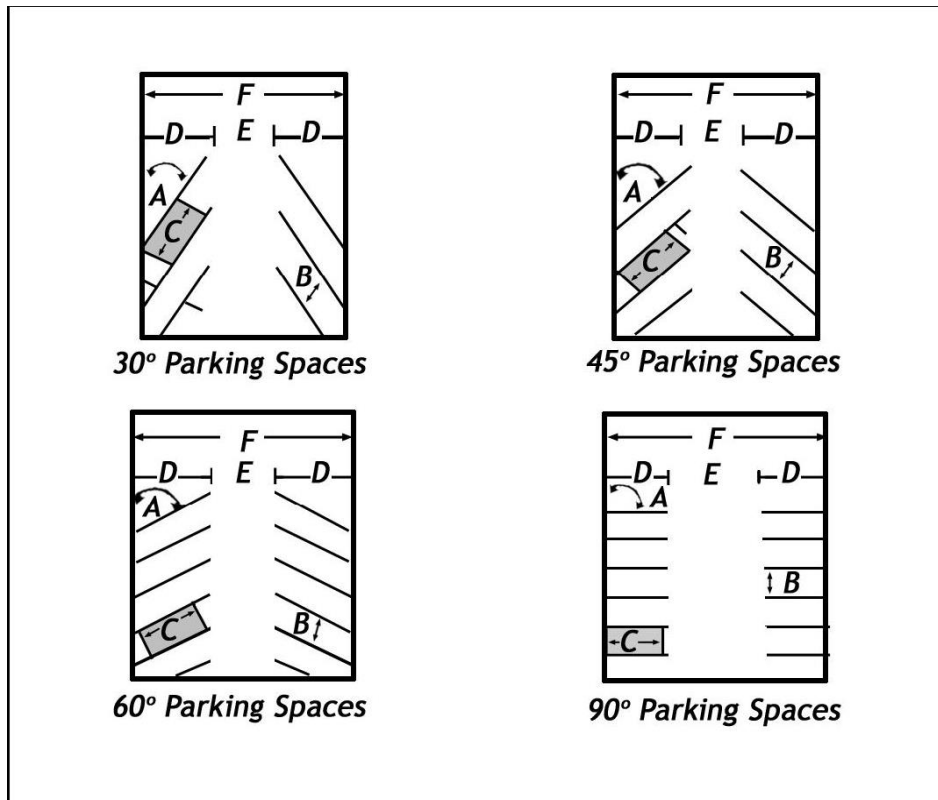
### Sec. 8-2.1311 Development Standards

- (a) **Minimum parking space sizes and lot dimensions.** All off-street parking areas shall be designed and improved as follows:
  - (1) **Size of required parking spaces.** Each required parking space shall be at least nine feet in width and eighteen feet in length (9' x 18'), with adequate provisions for ingress and egress by a standard full size passenger vehicle. This standard shall apply to all uses, including single-family residential, except where noted in Subsections 2, 3, 4, and 5, below. Parking spaces in parking lots shall comply with the minimum dimension requirements in Table 8-2.1311 (Minimum Off-Street Parking Dimensions) and as illustrated in Figure 8-2.1311 (Off-Street Parking Dimensions).

**Table 8-2.1311  
Minimum Off-Street Parking Dimensions**

Angle of Parking (in degrees) (A)	Space Width (in feet) (B)	Space Length (per vehicle) (C)	Space Depth (from curb) (D)	Aisle Width (in feet) (E)
Parallel (0°)	9 ft	18 ft	9 ft	12 ft (one-way)
30°	9 ft	18 ft	15 ft	11 ft (one-way)
45°	9 ft	18 ft	17 ft	13 ft (one-way)
60°	9 ft	18 ft	18 ft	18 ft (one-way)
90°	9 ft	18 ft	18 ft	24 ft (one-way)

**Figure 8-2.1311**  
**Off-Street Parking Dimensions**



- (1) **Enclosed parking spaces.** Enclosed parking spaces (i.e. residential garages) shall be at least ten feet in width and twenty feet in length (10' x 20') for a single vehicle. The width shall increase by ten (10) feet for each additional vehicle.
- (2) **Compact car spaces.** Compact car spaces shall be a minimum of eight feet in width and fourteen feet in length (8' x 14') and shall be identified with pavement markings designating it as a "compact space."
- (3) **Motorcycle parking spaces.** Motorcycle spaces shall be a minimum size of four feet in width and eight feet in length (4' x 8').
- (4) **Loading spaces.** Loading spaces shall be a minimum of ten feet in width, twenty-five feet in length, and fourteen feet of vertical clearance (10' x 25' x 14').

**(b) Minimum aisle widths.** All nonresidential off-street parking lots shall be designed and improved as follows:

- (1) **Aisle width for parallel and angled parking.** Aisles within a parking lot shall be as listed in Table 8-2.1311.
- (2) **Fire access aisles.** The aisles adjacent to nonresidential structures shall be a minimum width of 26 feet to accommodate fire emergency vehicles and shall be located so that the vehicles can park within 150 feet of all sides of the structures. Aisles adjacent to structures that are greater than two stories in height shall be a minimum width of 30 feet.



- (3) **Truck aisles.** Access aisles for multiple-axle trucks in commercial and industrial projects shall be a minimum of 40 feet. Truck movement templates (i.e., turning radii elements including wheel paths, which define the needed width of pavement, and the front overhang, which is the zone beyond the pavement edge that must be clear of obstructions above curb height) shall be included on the site plan design to indicate turning conditions.
- (c) **Access to areas and spaces.** The following access design standards shall be required:
- (1) **Circulation within parking lot.** The parking lot shall be designed so that a car entering the parking lot shall not be required to enter a public street to move from one location to any other location within the parking lot or premises.
  - (2) **Forward entry into right-of-way.** With the exception of parking spaces for dwelling units in residential zones, parking and maneuvering areas shall be arranged so that vehicles entering a vehicular right-of-way can do so traveling in a forward direction only.
  - (3) **Driveway access.** Off-street parking facilities shall be designed to limit access to private property from streets and highways to a minimum number of standard driveways in compliance with the County of Yolo Improvement Standards on file in the Planning, Public Works and Environmental Services Department.
  - (4) **Directional signage.** Signs shall be painted on the pavement or permanently installed on poles indicating the location of "Entrance" and "Exit" areas.
  - (5) **Pedestrian pathways.** Pedestrian pathways shall be defined by use of paint or distinctive paving colors, patterns, or textures that are different from vehicle drive aisles.
- (d) **Lighting.** Parking lots shall provide on-site lighting necessary to protect the public safety.
- (1) Parking lots shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-premises structure(s). All illumination, including security lighting, shall be directed downward, away from adjacent properties and public right-of-way.
  - (2) The maximum height of any parking lot light shall not exceed the height requirements of the zoning district in which it is located.
- (e) **Striping and identification.** Individual parking stalls shall be clearly striped and permanently maintained on pavement surface. Arrows shall be painted on pavement surface to indicate direction of traffic flows.

## Sec. 8-2.1312 Landscaping and screening

- (a) **Landscaping.** Landscaping shall be provided as follows on all parking lots, excluding those in agricultural zones, unless as required by a discretionary approval.
- (1) **Landscape plan required.** A landscape and irrigation plan in conformance with state and local ordinance shall be submitted to the Planning Director for approval.
  - (2) **Shading requirement.** Parking lots shall include tree plantings that will result in fifty percent (50%) shading of the parking lot surface area within ten (10) years of commencement of use. A signed statement from a landscape architect or environmental design professional shall be included within the landscape and irrigation plan certifying that the shading requirement will be met within ten years. The Planning Director may reduce or waive the fifty percent (50%) shading requirement, on a case by case basis, if the parking lot proposal includes solar panels or a paving technique that radiates significantly less heat than traditional asphalt.
  - (3) **Landscaping materials.** Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs, and vegetative ground cover. Water conservation and use of native landscape plant materials shall be emphasized.
  - (4) **Location of landscaping.** Parking lot landscaping shall be located so that pedestrians are not required to cross through landscaped areas to reach building entrances from parked cars.
  - (5) **Curbing.** Areas containing plant materials shall be bordered by a concrete curb or other barrier design as approved by the Planning Director.
- (b) **Screening.** The following screening designs are required:
- (1) **Adjacent to residential uses.** Parking lots that abut a residential use or zone shall be separated from the property line by a landscaping strip. The landscaping strip shall have a minimum width of five feet. A minimum six foot (6') high solid fence shall be installed on the residential side of the landscaping strip, except that the fence shall be a minimum of three feet (3') high where located adjacent to a required front yard setback on an adjoining lot.
  - (2) **Adjacent to streets.** Parking lots adjoining a public street shall be designed to provide a landscaped planting strip or landscape berm between the edge of the street right-of-way and parking lot. The landscaped planting strip or berm shall not encroach on the street right-of-way. (Refer to the County of Yolo Improvement Standards, on file in the Planning, Public Works and Environmental Services Department, for visibility requirements at intersections and driveways)
  - (3) **Modification of screening requirements.** The Planning Director may modify any or all of such screening requirements when, due to special conditions of the size or shape of the lot, differences in elevations between lots, intervening features, such as waterways and other man-

made geographical features, or the distance of the parking lot from the adjoining lot, the modification meets the overall objectives of this Section.

## **Sec. 8-2.1313 Paving**

- (a) **Agricultural zones.** Required parking spaces, loading areas, and roads required in agricultural zones shall be all-weather and usable for the purpose for which they are provided, but are not required to be paved, unless as required as part of a discretionary approval, or when stricter fire access requirements prevail. In conformance with Section 8-2.1307(a), accessible parking shall be required for applicable uses. The required parking spaces shall be clearly marked and maintained, as described in Section 8-2.1304(f), when the land use is in operation. Connections of the access driveway(s) to the public road, and parking lot surface design shall be per County of Yolo Improvement Standards on file in the Planning, Public Works and Environmental Services Department.
- (b) **In all other zones.** Except as otherwise provided in this section, all off-street parking and loading areas shall be paved, graded, and drained so as to dispose of all surface water accumulated within the area. The use of swales and pervious surfaces to capture storm water runoff for maximum groundwater recharge are encouraged. Surfacing materials required to satisfy the paving regulations must be durable and dustless and must be maintained to provide for orderly and safe loading, unloading, parking, and storage of vehicles and equipment. Porous or permeable materials, such as pervious asphalt or pavers and plantable pavers are encouraged. An adjustment to parking requirements may be granted for using permeable or pervious paving, as set forth in Section 8-2.1310(f). Connections of the access driveway(s) to the public road, and parking lot surface design shall be per County of Yolo Improvement Standards on file in the Planning, Public Works and Environmental Services Department.

## **Sec. 8-2.1314 Recreational and commercial vehicle parking in residential zones**

- (a) **Scope.** This Section specifies the requirements for the parking of recreational vehicles and commercial vehicles, and the provision of parking spaces for such vehicles, on residential properties located in any residential zone within the unincorporated county.
- (b) **Definitions.** For the purposes of this Section, certain words and phrases used in this Section are defined as follows.

### **Recreational equipment**

Recreational equipment includes any operable equipment intended for outdoor recreational use including, but not limited to, all-terrain vehicles, boats, canoes, jet skis, pop-up campers, snow mobiles, and trailers for transporting such equipment; and under 18 feet in length and under 10,000 pounds gross weight.

### **Recreational vehicle**

A recreational vehicle includes all of the following: All operable towed vehicles and self-propelled vehicles, including "trailers" as defined in Article 10 of this

Chapter, tent trailers, tractor trailers, fifth-wheel trailers, trailers for towing recreational vehicles and equipment, boats, aircraft, self-propelled motor homes, all-terrain vehicles, dune buggies, racing vehicles, and any other self-propelled or towed vehicle over 10,000 pounds gross vehicle weight but not used by the residents of the site on which the vehicle is parked for a commercial purpose; and campers and camper shells which are detached from a vehicle.

**Passenger vehicle**

A passenger vehicle includes a all automobiles; and all passenger vehicles and pickup trucks of 10,000 pounds gross vehicle weight or less and which have no more than two (2) axles.

**Commercial vehicle**

A commercial vehicle includes: any self-propelled vehicle over 10,000 pounds gross vehicle weight, and/or having more than two (2) axles, and which is used by the owner thereof for commercial purposes; any towed vehicle used by the owner thereof for commercial purposes; and all other self-propelled equipment, including tractors, which are used by the owners thereof for commercial purposes and which are stored outdoors, excluding passenger vehicles.

**(c) Prohibitions.** The following are prohibited:

- (1) No recreational vehicle, as defined in this Section, shall be parked within any required front, side, or rear yard adjacent to a public street.
- (2) No recreational vehicle, as defined in this section, shall be utilized or occupied as a residential dwelling, either temporarily or permanently, unless an application is approved by the Planning Director for a temporary dwelling during the construction of a home.
- (3) No commercial vehicle, as defined in this Section, shall be parked in any area within any residential zone, except for the immediate loading or unloading of goods or people.

**(d) Designated recreational vehicle parking areas.** The parking of recreational vehicles on any parcel in a residential zone shall be allowed only as follows:

- (1) Recreational vehicles may be parked in any area other than a required front, side, or rear yard adjacent to a public street if the area is paved in accordance with Section 8-2.1313 of this Article.
- (2) Recreational vehicles may be parked within a garage so long as the parking space requirements for the applicable residential use, as set forth in Table 8-2.1306, can still be met.
- (3) The Zoning Administrator is authorized to issue a permit allowing a recreational vehicle to be parked in a required front, side, or rear yard adjacent to a public street in accordance with Sec. 8-2.206 in Article 2 of this chapter.

**(e) Designated recreational equipment parking areas in residential zones.** The parking of recreational equipment on any parcel in a residential zone shall be allowed only as follows:

- (1) Recreational equipment may be located on any area on the parcel, except on the street side of a corner lot. The parking area shall not obstruct required parking spaces for passenger vehicles.
  - (2) The parking area shall be paved in accordance with Section 8-2.1313 of this Article.
  - (3) Recreational equipment may be parked within a garage so long as the parking space requirements for the applicable residential use, as set forth in Table 8-2.1306, can still be met.
- (f) **Violations and penalties.** Any violation of this Section shall constitute an infraction, punishable as provided by Section 25132 of the Government Code of the State. Four (4) or more violations by any person during the preceding twelve (12) months shall constitute a misdemeanor.

**2014 UPDATED  
YOLO COUNTY CODE  
Title 8 LAND DEVELOPMENT**

**CHAPTER 2: ZONING REGULATIONS**

**Article 14: Heritage Tree Preservation Ordinance  
(RESERVED)**



**2014 UPDATED  
YOLO COUNTY CODE**

**Title 8 LAND DEVELOPMENT**

**CHAPTER 3: WATER EFFICIENT  
LANDSCAPING ORDINANCE**

**Sec. 8-3.101 Purpose**

The purpose of this Ordinance is to add provisions to the Yolo County Code to address permitting requirements for water efficient landscaping. These changes are necessary to reflect changes in California law (Assembly Bill 1881, Government Code Section 65591 et seq.) and to promote the conservation and efficient use of water. These changes are also necessary and appropriate to implement the Yolo County General Plan.

**Sec. 8-3.102 Definitions**

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

**Backflow prevention device**

Backflow prevention device means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

**California Invasive Plant Inventory**

California Invasive Plant Inventory means the California Invasive Plant Inventory maintained by the California Invasive Plant Council.

**Check valve or anti-drain valve**

Check valve or anti-drain valve means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

**Community garden**

Community garden means a piece of property or area of a property that is dedicated solely to edible plants and gardened by a cooperative group of people living in the area.

**Community water system**

Community water system means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

**Developer-installed**

Developer-installed means a landscape project installed by or under the direction of the developer of a development project.



**Ecological restoration project**

Ecological restoration project means a project, where the primary function of such project is to assist in the recovery of an ecosystem that has been degraded, damaged, or destroyed. For purposes of this ordinance, restoration focuses on establishing the composition, structure, pattern, and ecological processes necessary to make terrestrial and aquatic ecosystems sustainable, resilient, and healthy under current and future conditions.

**Estimated Total Water Use (ETWU)**

Estimated Total Water Use (ETWU) means the total water used for the landscape.

**ET adjustment factor (ETAF)**

ET adjustment factor (ETAF) means, except for special landscape areas, a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ET adjustment factor for special landscape areas shall not exceed 1.0.

**Evapotranspiration or ETo**

Evapotranspiration or ETo means a standard measurement of environmental parameters that affect the water use of plants, and is an estimate of the Evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered.

**Head to head coverage**

Head to head coverage means full coverage from one sprinkler head to the next.

**Homeowner-provided landscaping**

Homeowner-provided landscaping means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner.

**Hydrozone**

Hydrozone means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

**Invasive plant species**

Invasive plant species means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources.

**Irrigation audit**

Irrigation audit means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

**Irrigation efficiency (IE)**

Irrigation efficiency (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

**Landscape area**

Landscape area means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation, non-irrigated orchards or vineyards).

**Landscape contractor**

Landscape contractor means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

**Landscape project**

Landscape project means total area of landscape in a project as defined in landscape area for the purposes of this ordinance, meeting requirements under Section 8-3.103 (Applicability).

**Low volume irrigation**

Low volume irrigation (also point source irrigation) means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

**Low-head drainage**

Low-head drainage means water that flows out of the system after the valve turns off due to elevation changes within the system.

**Maximum Applied Water Allowance (MAWA)**

Maximum Applied Water Allowance (MAWA) means the upper limit of annual applied water for the established landscaped area. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor (ETAF), and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance.

**Mined-land reclamation projects**

Mined-land reclamation projects means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

**Mulch**

Mulch means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

**New construction**

New construction means, for the purposes of this ordinance, a new building or structure with a landscape, such as a house, accessory structure, pool, gazebo, or commercial or industrial building. This definition also includes other new landscapes, such as a park, playground, or greenbelt without an associated building.

**Overhead irrigation system**

Overhead irrigation system means a system that delivers water through the air (e.g., spray heads and rotors).

**Overspray**

Overspray means the irrigation water which is delivered beyond the target area.

**Pervious**

Pervious means any surface or material that allows the passage of water through the material and into underlying soil.

**Plant factor**

Plant factor is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication Water Use Classification of Landscape Species.

**Point source irrigation**

See low volume irrigation.

**Precipitation rate**

Precipitation rate means the rate of application of water measured in inches per hour.

**Rain sensor**

Rain sensor means a component which automatically suspends an irrigation event when it rains.

**Recycled water**

Recycled water means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

**Rehabilitated landscape**

Rehabilitated landscape means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 8-3.103 (Applicability), and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.

**Runoff**

Runoff means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

**Special Landscape Area (SLA)**

Special Landscape Area (SLA) means an area of the landscape dedicated solely to edible plants (food producing gardens), areas irrigated with recycled water, water features using recycled water, storm water detention basins, and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

### **Subsurface irrigation**

Subsurface irrigation means an irrigation device with a delivery line and water emitters installed below the soil surface that slowly and frequently emit small amounts of water into the soil to irrigate plant roots.

### **Swing joint**

Swing joint means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

### **Turf**

Turf means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses. The meaning of turf does not include landscape areas planted with non-irrigated native California grasses.

### **Water feature**

Water feature means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features, and therefore, are not subject to the water budget calculation.

## **Sec. 8-3.103 Applicability**

- (a) The provisions of this Chapter shall apply to all of the following landscape projects that are provided and/or required as part of a building permit, grading permit, discretionary permit, or site plan review:
- (1) Public agency and private development projects. New construction and rehabilitated landscape projects with landscape area equal to or greater than 2,500 square feet.
  - (2) Developer-installed in single-family and multi-family residential projects. New construction and rehabilitated landscape projects with landscape area equal to or greater than 2,500 square feet cumulative.
  - (3) Homeowner-provided in single-family and multi-family residential projects. New construction landscape projects with landscape area equal to or greater than 5,000 square feet that are served by a community water system.
- (b) The provisions of this Chapter shall also apply to the following landscape projects with significant water needs:
- (1) Existing landscapes equal to or greater than one acre, with a dedicated water meter. Such landscapes are limited to preparing a water efficient landscape worksheet in accordance with the specifications in the Landscape Documentation Package (see Section 8-3.104, Submittal Requirements). If water use exceeds the Maximum Applied Water Allowance, the property owner shall consult the

Planning, Public Works and Environmental Services Department for recommendations to reduce water use and to prevent water waste.

- (2) New and rehabilitated cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries shall require the preparation of a water efficient landscape worksheet and submittal of a Certificate of Completion. Existing cemeteries are limited to (1) above.

(c) The provisions of this Chapter shall not apply to the following:

- (1) Registered local, State or federal historical sites;
- (2) Ecological restoration and similar projects that do not require irrigation systems for longer than five years in duration to establish the plants;
- (3) Mined-land reclamation projects that do not require irrigation systems for longer than five years in duration to establish the plants;
- (4) Plant collections, as part of botanical gardens, arboretums, and nature centers open to the public; and
- (5) Community gardens.

### **Sec. 8-3.104 Submittal requirements**

- (a) Prior to commencing construction on a landscape project subject to the provisions of this Chapter, a Landscape Documentation Package shall be submitted to the County for review and approval.
- (b) The Landscape Documentation Package shall be filed with the Planning, Public Works and Environmental Services Department on a County approved application form. The Landscape Documentation Package application shall include all required fees and/or deposits, and all plans, specifications, and submittals required by the Department, including but not limited to:
  - (1) General project information;
  - (2) A water efficient landscape worksheet;
  - (3) A soil management report;
  - (4) A landscape and grading design plan; and
  - (5) An irrigation design plan.

### **Sec. 8-3.105 Approval**

The Landscape Documentation Package application shall only be approved after the Planning Director verifies that the proposed landscape project complies with the provisions of this Chapter, other applicable provisions of this code, and any applicable conditions of a discretionary permit or other entitlement.

### **Sec. 8-3.106 Certificate of Completion**

- (a) Following installation of landscaping subject to the provisions of this Chapter, the project applicant shall submit a Certificate of Completion to the Planning, Public Works and Environmental Services Department for review and final approval.

- (b) Prior to issuance of a certificate of occupancy or final building or grading permit, the Certificate of Completion shall be submitted to the Planning, Public Works and Environmental Services Department on a form prescribed by the Planning Director that shall include the following information and documentation:
  - (1) General project information;
  - (2) A certificate of Installation; and
  - (3) A copy of the landscape irrigation audit.

### **Sec. 8-3.107 Permit issuance and enforcement**

- (a) Upon successful completion of the Certificate of Completion, the County shall issue a final landscape permit to the property owner/project applicant.
- (b) The County may conduct inspections for the purpose of enforcing this Ordinance and, as necessary and appropriate, may utilize any of the enforcement mechanisms set forth in the Yolo County Code or otherwise authorized by law to address violations.

### **Sec. 8-3.108 Landscaping standards**

All landscape projects subject to the provisions of this Chapter shall comply with the following landscaping standards:

- (a) Plant selection and grouping.
  - (1) Any plant may be selected for the landscape, providing the Estimated Total Water Use (ETWU) in the landscape area does not exceed the Maximum Applied Water Allowance (MAWA), and that the plants meet the specifications set forth in (2), (3), (4), and (5) below.
  - (2) With the exception of Special Landscape Areas, a minimum 25% of landscape area shall be comprised of native plants.
  - (3) Plants having similar water needs shall be grouped together in distinct hydrozones. Within distinct hydrozones, plants of moderate and low water use, or moderate and high water use can be mixed, so long as the plant factor of the higher water using plant is used for calculations. High water use plants shall not be mixed with low water use plants.
  - (4) Plants shall be selected appropriately based on their adaptability to the climate, geologic, and topographical conditions of the site. Protection and preservation of existing native California species and natural areas is encouraged.
  - (5) The use of invasive plant species, as listed in the California Invasive Plant Inventory produced by the California Invasive Plant Council, or as determined by the Director of Planning, Public Works and Environmental Services, is prohibited.
  - (6) Fire prevention needs shall be addressed in fire-prone areas. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b).
- (b) Turf requirements.

- (1) Turf shall be used wisely and in response to functional needs and shall not be planted if the ETWU exceeds the MAWA.
  - (2) Turf shall not comprise greater than 25% of the front yard landscape area of developer-installed single-family landscaping.
  - (3) With the exception of Special Landscape Areas, turf shall not comprise greater than 30% of non-residential landscaped area.
  - (4) Turf shall not be planted on slopes exceeding 25% where the toe of the slope is adjacent to or within four feet of an impermeable hardscape (rise divided by run x 100 = slope percent).
- (c) Soil Amendments, conditioning, and mulching.
- (1) A minimum two inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications.
  - (2) Stabilizing mulching products shall be used on slopes.
  - (3) Soil amendments shall be incorporated based on the recommendations of the soil management report.
- (d) Water features.
- (1) Recirculating water systems shall be used for all water features.
  - (2) The surface area of a water feature shall be indicated on the landscape plans and included in the high water use hydrozone area of the water budget calculation.
  - (3) Recycled water shall be used for decorative water features when available on site.
- (e) Stormwater Management.
- (1) The landscape project area shall be graded so that all irrigation and normal rainfall remains within the property lines and does not drain on to non-permeable hardscapes.
  - (2) Rain gardens, cisterns, and other landscape features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.
  - (3) Soil compaction in landscape areas is prohibited unless required by the geotechnical or engineering report.

### **Sec. 8-3.109 Irrigation requirements**

All landscape projects subject to the provisions of this Chapter shall comply with the following irrigation requirements:

- (a) Irrigation system.
- (1) All irrigation systems shall be designed and installed to meet irrigation efficiency criteria as described in the Maximum Applied Water Allowance.
  - (2) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system.

- (3) Manual shut-off valves shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency.
  - (4) Weather-based self-adjusting irrigation controllers with rain sensors shall be required.
  - (5) Pressure regulators and/or booster pumps shall be installed so that all components of the irrigation system operate at the manufacturer's recommended optimal pressure.
  - (6) Irrigation systems shall be designed to prevent runoff or overspray onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
  - (7) Point source irrigation is required where plant height at maturity will affect the uniformity of an overhead irrigation system.
  - (8) Low volume irrigation is required in mulched planting areas.
  - (9) Narrow or irregularly shaped areas, including turf, less than eight feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.
  - (10) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface unless the irrigation audit confirms no overspray or runoff occurs.
  - (11) Slopes greater than 15 percent shall be irrigated with point source or other low-volume irrigation technology.
  - (12) Sprinkler heads, rotors, and other emission devices on one valve shall have matched precipitation rates, unless otherwise directed by the manufacturer's specifications.
  - (13) Head to head coverage shall be required unless otherwise directed by the manufacturer's specifications.
  - (14) Swing joints or other riser protection components shall be required on all risers.
  - (15) Check valves or anti-drain valves shall be installed to prevent low-head drainage.
- (b) Hydrozones.
- (1) Irrigation systems that serve trees shall be exclusively low volume type, and shall be placed on separate valves except when planted in turf areas.
  - (2) Distinct hydrozones shall be irrigated with separate valves.
  - (3) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

### **Sec. 8-3.110 Public education**

Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged throughout Yolo County.

- (a) Literature and resources. The Yolo County Planning, Public Works and Environmental Services Department shall make available information to the general public regarding the design, installation, management, and maintenance of water efficient landscapes.
- (b) Model homes. Landscaping shall be installed, in compliance with this Chapter, for all model homes in subdivisions where a Final Subdivision Map has been approved by the County. The landscaping for model homes shall incorporate the policies of this Chapter and the developer shall include the following:



- (1) Signs that identify the model home landscaping as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
- (2) Literature shall be provided to anyone touring a model home that describes the design, installation, management, and maintenance of water efficient landscapes.

**2014 UPDATED  
YOLO COUNTY CODE**

**Title 8 LAND DEVELOPMENT**

**CHAPTER 4: FLOOD PROTECTION**

**Article 1: Findings of Fact, Purpose and Methods**

**Sec. 8-4.101 Findings of fact**

- (a) The special flood hazard areas of Yolo County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in area of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

**Sec. 8-4.102 Purpose**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (f) Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- (g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and

- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### **Sec. 8-4.103 Methods of reducing flood losses**

In order to accomplish its purpose, this Chapter includes methods and provisions to:

- (a) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Control filling, grading, dredging, and other development which may increase flood damage; and
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

## **Article 2: Definitions**

### **Sec. 8-4.201 Definitions**

Unless specifically defined in this Article, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

#### **Accessory use**

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

#### **Appeal**

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

#### **Area of shallow flooding**

“Area of shallow flooding” means a designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of special flood hazard**

See “Special flood hazard area.”

**Base flood**

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

**Base flood depth (BFD)**

“Base flood depth” means the depth shown on the Flood Insurance Rate Map for Zone AO that indicates the depth of water above highest adjacent grade resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**Base flood elevation**

“Base flood elevation” means the elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. Or, the height in relation to mean sea level (MSL) expected to be reached by the waters of the base flood at pertinent points in the floodplain of Riverine areas.

**Basement**

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

**Building**

See “Structure”.

**Development**

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. For the purposes of this chapter, the following activities shall not be considered development:

- (a) Typical agricultural activities, such as plowing, seeding, cultivating, harvesting, field leveling contouring, and planting; and
- (b) Residential and commercial landscape maintenance.

**Encroachment**

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

**Existing manufactured home park or subdivision**

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities serving the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by Yolo County.

**Expansion to an existing manufactured home park or subdivision**

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

**Flood, or flooding or floodwater**

“Flood, flooding or floodwater” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)**

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

**Flood Insurance Study**

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, and the water surface elevation of the base flood.

**Floodplain or flood-prone area**

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source (see “flood, flooding or floodwater”).

**Floodplain Administrator**

“Floodplain Administrator” is the Director of the Yolo County Planning and Public Work department or their designee.

**Floodplain management**

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain management regulations**

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

**Floodproofing**

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway**

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “Regulatory Floodway.”

**Floodway fringe**

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

**Fraud and victimization**

“Fraud and victimization” as related to Article 6 of this Chapter (Variances), means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Floodplain Administrator will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

**Functionally dependent use**

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Governing Body**

“Governing body” is the Board of Supervisors and its designees, which are empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

**Hardship**

“Hardship” as related to Article 6 of this Chapter means the exceptional hardship that would result from a failure to grant the requested variance. Yolo County requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors otherwise cannot, as a result, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest adjacent grade**

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

**Historic Structure**

“Historic structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

**Levee**

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

**Lowest floor**

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement) (see “Basement”). An unfinished or flood resistant enclosure, below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor; provided it conforms to applicable non-elevation design requirements including, but not limited to:

- (a) The wet floodproofing standards in Section 8-4.501(c);
- (b) The anchoring standards in Section 8-4.501(a);
- (c) The construction materials and methods in Section 8-4.501(b); and
- (d) The standards for utilities in Section 8-4.502.

**Manufactured home**

“Manufactured home” means a structure, transportable in one or more Sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. For floodplain management purposes the term “manufactured home” does not include a “recreational vehicle”.

**Manufactured home park or subdivision**

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

**Mean sea level**

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

**Minor Variance**

“Minor variance” means a grant of relief from the requirements of this chapter to allow the use of wet floodproofing in the construction of specific types of structures, including: structures functionally dependent on close proximity of water; historic buildings; accessory structures; and agricultural structures. Any minor variance approved under this chapter shall comply with the requirements of all other applicable provisions of this chapter.

**New construction**

“New construction” means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by this County and includes any subsequent improvement to such structures.

**Natural grade**

“Natural grade” means the grade unaffected by construction techniques such as fill, landscaping, or berming

**New manufactured home park or subdivision**

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Yolo County.

**Non-residential accessory structure**

“Non-residential accessory structure” means any structure accessory to the primary use of any non-residential property. FEMA defines a non-residential structure as a type of building occupancy that includes, but is not limited to: small business concerns, churches, schools, farm buildings (including grain bins and silos), garages, poolhouses, clubhouses, recreational buildings, mercantile buildings, agricultural and industrial buildings, warehouses, nursing homes, licensed bed and breakfasts, and hotels and motels with normal room rentals for less than six months.

**Obstruction**

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting in any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One hundred-year flood**

See “Base flood.”

**Public safety and nuisance**

“Public safety and nuisance” as related to Article 6 of this Chapter (Variances), means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay stream, canal, or basis.

**Recreational vehicle**

“Recreational vehicle” means a vehicle which is: built on a single chassis; is four hundred (400) square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters for emergency housing, recreational, camping, travel, or seasonal use.

**Regulatory floodway**

“Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, as designated on the FIRMs.

**Remedy a violation**



“Remedy a violation” means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the regulations or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

### **Riverine**

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

### **Special flood hazard area (SFHA)**

“Special Flood Hazard Area (SFHA)” means an area having special flood or flood-related erosion hazards, and shown on a FHBM or FIRM as Zone A, AO, or AE.

### **Start of construction**

“Start of construction” includes substantial improvement and other proposed new development, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

### **Structure**

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

### **Substantial damage**

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

### **Substantial improvement**

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. For purposes of this Section, the cost of all reconstruction, rehabilitation, addition or other development within the one year period prior to the “start of construction” shall be used to calculate whether the proposed “substantial improvement” would exceed 50 percent of the market value of the structure. “Substantial improvement” includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations or comply with state or local health, sanitary, or safety code specifications which have been identified by Yolo County and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

**Variance**

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

**Violation**

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

**Water surface elevation**

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1020, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Watercourse**

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Article 3: General Provisions**

**Sec. 8-4.301 Lands to which this chapter applies**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of Yolo County.

**Sec. 8-4.302 Basis for establishing the areas of special flood hazard**

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study for Yolo County, dated May 16, 2012 and all subsequent revisions) and accompanying Flood Insurance Rate Maps (FIRMs), dated May 16, 2012 and June 18, 2010, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. The flood Insurance Study and FIRMs are on file at the Yolo County Planning, Public Works and Environmental Services Department, 292 West Beamer Street, Woodland, CA, 95695. This Flood Insurance Study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended by the Floodplain Administrator and adopted by the Planning Commission.

### **Sec. 8-4.303 Compliance**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Board of Supervisors from taking such lawful action as is necessary to prevent or remedy any violation.

### **Sec. 8-4.304 Abrogation and greater restrictions**

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another provision of local law, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **Sec. 8-4.305 Interpretation**

In the interpretation and application of this Chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

### **Sec. 8-4.306 Warning and disclaimer of liability**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Yolo County, any officer or employee thereof, the State of California, the Federal Insurance Administration, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

## Article 4: Administration

### Sec. 8-4.401 Flood hazard development permit

- (a) A Flood Hazard Development Permit shall be obtained before any construction or other development begins within any area of special flood hazards established in Section 8-4.302. Application for a Flood Hazard Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
- (1) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or
  - (2) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, if required in Section 8-4.501(c); and
  - (3) All appropriate certifications listed in Section 8-4.403(d) of this Chapter; and
  - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - (5) In the A, AE and AO zones, base flood elevation and construction specifications shall be provided by a licensed engineer.
  - (6) All new proposed development (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is less, and located in areas of special flood hazards where base flood elevations have not been provided, shall include base flood elevation data prepared by a registered professional engineer. In addition to the foregoing, the Floodplain Administrator may require such other information relevant to the project as needed in order to enforce this chapter.
- (b) Application for Flood Hazard Development Permits shall be submitted to the Floodplain Administrator for review and determination as to completeness. If the application is determined to be incomplete, the Floodplain Administrator shall notify the applicant in writing within 40 days of receipt of the application, specifically describing the information necessary to complete the application. The application shall not be processed until the Floodplain Administrator has determined it to be complete and the appropriate fees have been paid.
- (c) After considering the evidence submitted, the Floodplain Administrator shall approve, conditionally approve, or deny the application by a written decision setting forth the findings supporting the action. Approval may be granted subject to any relevant condition which the Floodplain Administrator may deem necessary to effectuate the purposes of this Chapter. If the application is conditionally approved, the conditions shall be specified in writing.
- (d) Within 10 days after the decision, the Floodplain Administrator shall mail a copy of the decision to the applicant. Copies of the decision shall also be mailed to any other person with an interest in the application, who has deposited a self-addressed, stamped

envelope with the Floodplain Administrator for the purpose of receiving a copy of the decision.

### **Sec. 8-4.402 Floodplain Administrator**

The Planning, Public Works and Environmental Services Department Director, or designee, is appointed as the Floodplain Administrator and shall administer, implement and enforce this Chapter by granting or denying development permits in accordance with these provisions.

### **Sec. 8-4.403 Duties of the Floodplain Administrator**

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- (a) *Permit review.* Review all development permits to determine that:
  - (1) The permit requirements of this chapter have been satisfied;
  - (2) All other required state and federal permits have been obtained;
  - (3) The site is reasonably safe from flooding; and
  - (4) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
- (b) *Review and use of any other base flood data.* When base flood elevation data has not been provided in accordance with Section 8-4.302 the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Article 5 of this Chapter. Any such information shall be submitted to the Planning Commission for adoption.
- (c) *Notification of other agencies.* Whenever a watercourse is to be altered or relocated.
  - (1) Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
  - (2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- (d) *Documentation of floodplain development.* Obtain and maintain for public inspection and make available as needed for the following:
  - (1) The certification required in Section 8-4.501(c)(1) (floor elevations);
  - (2) The certification required in Section 8-4.501(c)(2) (elevation or floodproofing of nonresidential structures);
  - (3) The certification required in Section 8-4.501(c)(4) (wet floodproofing standard);

- (4) The certification required in Section 8-4.503(b) (subdivision standards);
  - (5) The certification required in Section 8-4.506(a) (floodway encroachments).
- (e) *Map determinations.* Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 8-4.405 of this Chapter.
- (f) *Remedial action.* Take action to remedy violations of this Chapter as specified in Section 8-4.406.

### **Sec. 8-4.404 Flood hazard development permit procedures within the CCRMP area**

The provisions of this Section shall only apply to construction or development within any area of special flood hazard that occurs within the boundaries of the Cache Creek Resources Management Plan (CCRMP). The provisions of this Section shall be followed in addition to any other regulations of this Chapter applied to the flood hazard development permit.

- (a) *Administration.* The Resources Management Coordinator (RMC) may be the designee for the Floodplain Administrator, for consideration of Flood Hazard Development Permits within the boundaries of the CCRMP.
- (b) *Permit review.* All Flood Hazard Development Permit applications shall be submitted to the RMC for review. The RMC shall solicit the recommendations of the Technical Advisory Committee regarding the proposed Flood Hazard Development Permit for consideration by the Floodplain Administrator, or designee. Applications for Flood Hazard Development Permits shall include, but shall not be limited to, the following:
- (1) A description of the potential effects of the proposed project on hydraulic conditions upstream and downstream of the proposed channel modifications; and
  - (2) A chemical spill prevention and emergency plan (or its equivalent) filed and approved by the appropriate lead agency for all long-term projects that involve the use of heavy equipment.
- (c) *Findings.* A Flood Hazard Development Permit may be approved pursuant to this Section only if all of the following findings are made:
- (1) That the proposed channel modification is consistent with any County-administered general permits from agencies of jurisdiction (e.g. California Department of Fish and Wildlife, U.S. Army Corps of Engineers, Regional Water Quality Control Board); or alternatively, that all other State and federal permits have been obtained;
  - (2) That any sand and gravel removed from the channel as a result of the proposed modification is necessary for one or more of the following reasons:
    - (i) To provide flood control,
    - (ii) To protect existing structures,

- (iii) To minimize bank erosion, and
    - (iii) To implement the Test 4 boundary;
  - (3) That the proposed channel modification will protect sensitive biological resources;
  - (4) That the proposed channel modification is consistent with the requirements of both the CCRMP and the Cache Creek Improvements Plan; and
  - (5) That existing flooding problems are not exacerbated by the proposed channel modification.
- (d) *Permit conditions.* Documentation shall be submitted, once the project has been completed, to provide a record of as-built conditions.

### **Sec. 8-4.405 Appeals**

- (a) *Floodplain Administrator appeals.* The action of the Floodplain Administrator on any decision made pursuant to this chapter shall be final unless, within fifteen (15) days after such action, any person with appropriate legal standing files a written appeal, and pays the appropriate fee, to the Clerk of the Planning Commission. The Planning Commission of Yolo County shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. The timely filing of an appeal shall stay the Floodplain Administrator's decision, which shall serve as a recommendation to the Planning Commission. All such appeals shall reference the decision of the Floodplain Administrator and shall specifically describe the grounds for the appeal.
- (b) *Planning Commission hearing.* The hearing on an appeal of a decision by the Floodplain Administrator shall be scheduled within 60 days from when the appeal was filed. The Floodplain Administrator shall provide written notice of the time, date, and place of the appeal hearing to the applicant and the appellant not later than ten days preceding the appeal hearing. Upon hearing the appeal, the Commission shall affirm, reverse, or modify the appealed decision, or refer the matter back to the Floodplain Administrator for further action.
- (c) *Planning Commission appeals.* The action of the Commission on any decision made pursuant to this chapter shall be final unless, within 15 days after such action, any person with appropriate legal standing files a written appeal, and pays the appropriate fee, to the Clerk of the Board of Supervisors. The timely filing of an appeal shall stay the Planning Commission's decision, which shall serve as a recommendation to the Board of Supervisors. All such appeals shall reference the decision of the Planning Commission and shall specifically describe the grounds for the appeals.
- (d) *Board of Supervisors hearing.* The hearing on an appeal of a decision shall be scheduled within 60 days from when the appeal was filed. The clerk of the Board shall provide written notice of the time, date and place of the appeal hearing to the applicant and the appellant not later than ten days preceding the appeal hearing. Upon hearing the appeal, the Board of Supervisors shall either affirm, reverse, or modify the appealed decision, or refer the matter back to the Planning Commission for further action.

- (e) *Notices.* Any notice authorized or required by this Chapter shall be deemed to have been filed, served, and effective for all purposes on the date when it is personally delivered in writing to the party to whom it is directed or deposited in the U.S. Mail, first class postage prepaid. Whenever a provision in this chapter requires a public hearing to be conducted, notice of the time, date, place, and purpose of the hearing shall be published at least once not later than 10 calendar days in advance of the date of commencement of the hearing in a newspaper of general circulation which is published within the County.

## **Sec. 8-4.406 Violations**

- (a) Violation of any of the provisions in this chapter shall constitute an infraction and shall be subject to fines in accordance with Section 25142 of the Government Code.
- (b) Written notice of violation shall be provided to any person who fails to comply with the provisions of this chapter or an approved Flood Hazard Development Permit. The violation notice shall specifically describe both the nature of the violation and the remedial steps required for compliance. Failure to comply with the notice of violation shall be considered a public nuisance and shall constitute a misdemeanor. Violations may be remedied by injunction or other civil proceeding commenced in the name of the County pursuant to direction by the Board of Supervisors.

## **Article 5: Provisions for Flood Hazard Reduction**

### **Sec. 8-4.501 Standards of construction**

In all areas of special flood hazards the following standards are required:

- (a) *Anchoring.*
  - (1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - (2) All manufactured homes shall meet the anchoring standards of Section 8-4.504.
- (b) *Construction materials and methods.* All new construction and substantial improvements shall be constructed:
  - (1) With materials and utility equipment resistant to flood damage;
  - (2) Using methods and practices that minimize flood damage;
  - (3) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
  - (4) If within zone AO, there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.



- (c) *Elevation and floodproofing.* (See “Basement,” “Lowest floor,” “New construction,” “Substantial damage,” and “substantial improvement.”)
- (1) Residential construction, new or substantial improvement, shall have the lowest floor, including basement:
    - (i) In a zone AO, elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified.
    - (ii) In a zone A, elevated at least one foot above the base flood elevation, as determined by the community.
    - (iii) In all other SFHA Zones, elevated at least one foot above the base flood elevation.
    - (iv) Prior to the framing of walls and/or floors of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor to be properly elevated. Within the AO zone, the elevation of the lowest floor may also be certified to be properly elevated by the County Building Official. Such certification or verification shall be provided to the Floodplain Administrator.
  - (2) Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 8-4.501(c)(1), or together with attendant utility and sanitary facilities:
    - (i) Be floodproofed below the elevation recommended under Section 8-4.501.(c).(1) so that the structure is watertight with walls substantially impermeable to the passage of water;
    - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    - (iii) Be certified by a registered professional engineers that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.
  - (3) All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exist of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria;
    - (i) Have a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
    - (ii) Be certified by a registered professional engineer or architect.
  - (4) Manufactured homes shall also meet the standards in Section 8-4.504.

- (5) In the A, AE, and AO zones all new construction and substantial improvements shall have base flood evaluation and construction specifications determined by a registered professional engineer and approved by the Floodplain Administrator.
- (6) All residential development projects located within a special flood hazard area shall include a prominent deed disclosure regarding the potential flood risk to future buyers.

### **Sec. 8-4.502 Standards for utilities**

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

### **Sec. 8-4.503 Standards for subdivisions**

- (a) All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.
- (b) All final subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

### **Sec. 8-4.504 Standards for manufactured homes**

- (a) All manufactured homes that are placed or substantially improved, within special flood hazard areas, on sites located:
  - (1) Outside of a manufactured home park or subdivision,
  - (2) In a new manufactured home park or subdivision,
  - (3) In an expansion to an existing manufactured home park or subdivision, or
  - (4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest flood of the manufactured home is elevated to at least one foot above the base flood elevation and shall be securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement.

- (b) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of Section 8-4.504(a) shall be securely fastened to an adequately anchored foundation system to resist floatation collapse, and lateral movement, and shall be elevated so that either the:
  - (1) Lowest floor of the manufactured home is at least one foot above the base flood elevation, or
  - (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 46 inches in height above grade.

### **Sec. 8-4.505 Standards for recreational vehicles**

All recreational vehicles placed on sites within special flood hazard areas will either:

- (a) Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway uses – a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
- (b) Meet the permit requirements of Articles 4 and 5 of this Chapter and the elevation and anchoring requirements for manufactured homes in Section 8-4.504(a).

### **Sec. 8-4.506 Floodways**

Located within areas of special flood hazard established in Section 8-4.302 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.
- (b) In addition to the requirements of subsection (a) of this Section, all new construction, substantial improvements, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this Chapter.

## **Article 6: Variances**

### **Sec. 8-4.601 Purpose of variances**

- (a) The variance criteria set forth in this Article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A

variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself (e.g., size, shape, topography, location, and/or surroundings), not to the structure, its inhabitants, or the property owners. Variances shall only be granted when the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and located within identical flood zones. In addition, conditions shall be attached to variances as necessary to ensure that such approvals do not grant special privileges that are inconsistent with the limitations of other properties in the vicinity and flood zone in which the proposed development is located.

- (b) It is the duty of Yolo County to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. Variances may not be granted for any activity which is not expressly authorized by the provisions of this Chapter.

### **Sec. 8-4.602 Variance procedures**

- (a) In passing upon requests for variances, the Planning Commission shall consider all technical evaluations, all relevant factors, standards in other Sections of this chapter, and the:
  - (1) Danger that materials may be swept into other lands to the injury of others;
  - (2) Danger to life and property due to flooding or erosion damage;
  - (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  - (4) Importance of the services provided by the proposed facility to the community;
  - (5) Necessity to the facility of a waterfront location, where applicable;
  - (6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (7) Compatibility of the proposed use with existing and anticipated development;
  - (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
  - (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
  - (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

- (b) Any applicant to whom a variance is granted shall be given written notice over the signature of the Floodplain Administrator that:
  - (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for each \$100 of insurance coverage, and
  - (2) Such construction below the base flood level increases risk to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Yolo County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- (c) The Floodplain Administrator shall maintain the records of variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

### **Sec. 8-4.603 Conditions for variances**

- (a) In general, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Articles 4 and 5 of this Chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (b) Variances may be issued for the repair or rehabilitation or “historic structures” upon a determination that the proposed repair or rehabilitation will preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (c) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means that the Planning Commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to the elevation which the Planning Commission believes will both provide relief and preserve the integrity of the local ordinance.
- (e) Variances shall only be issued upon a:
  - (1) Showing of good and sufficient cause;
  - (2) Determination that failure to grant the variance would result in exceptional “hardship” to the applicant; and
  - (3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, crease

a nuisance, cause fraud or victimization of, the public, or conflict with existing local laws or ordinances.

- (f) Variances may be issued for new construction and substantial improvements, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (a) through (f) of this Section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- (g) The Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

### **Sec. 8-4.604 Minor variances**

The Floodplain Administrator may approve a minor variance to allow wet floodproofing for the following specific categories of structures:

- (a) *Structures functionally dependent on close proximity to water.* A “functional dependent use,” such as docking, seafood processing, and port facilities may be wet floodproofed upon approval of a minor variance.
- (b) *Historic buildings.* Minor variances may be approved for the repair and rehabilitation of “historic structures,” upon determination by the Floodplain Administrator that:
  - (1) The proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure; and
  - (2) The proposed minor variance is the minimum necessary to preserve the historic character and design of the structure.
- (c) *Accessory structures.* Types of accessory structures that qualify for a minor variance shall be limited to those that are used solely for parking (two-car detached garages or smaller) and/or limited storage capacity of inexpensive contents (e.g., small, low-cost sheds). For the purposes of this Section, “small, low-cost accessory structures” shall mean those structures that have a roof area not more than 400 square feet. Minor variances approved for accessory structures shall include the following requirements:
  - (1) The structure shall be anchored to resist flotation, collapse, and lateral movement;
  - (2) Portions of the structure located below the base flood elevation shall be constructed of flood-resistant materials;
  - (3) The structure shall be designed to allow for the automatic entry of flood waters;
  - (4) Mechanical and utility equipment shall be elevated or floodproofed to or above the base flood evaluation;
  - (5) Use of the structure shall be restricted to parking and/or limited storage; and
  - (6) The structure shall comply with all other applicable provisions of this Chapter.
- (d) *Agricultural structures.* Types of agricultural structures that qualify for a minor variance include: farm storage structures used exclusively for the storage of farm machinery and equipment (e.g., pole and prefabricated metal frame structures with open or closed

sides); grain bins; corn cribs; and general purpose barns for the temporary feeding of livestock, provided they remain open on at least one side. Minor variances approved for agricultural structures shall include the following requirements:

- (1) The structure shall be anchored to resist flotation, collapse, and later movement;
  - (2) Portions of the structure located below the base flood elevation shall be constructed of flood-resistant materials;
  - (3) The structure shall be designed to allow for the automatic entry of flood waters;
  - (4) Mechanical and utility equipment shall be elevated or floodproofed to or above the base flood elevation;
  - (5) The structure shall be used solely for agricultural purposes, including the production, harvesting, storage, drying, or raising of agricultural commodities and/or livestock;
  - (6) The structure shall be designed so that damage to the structure and its contents are minimized, and no additional threats to public safety are created; and
- (e) Any minor variance approved under this Section shall ensure compliance with the requirements of all other applicable provisions of this Chapter.

**2014 UPDATED  
YOLO COUNTY CODE**

**Title 8 LAND DEVELOPMENT**

**CHAPTER 5: DEVELOPMENT AGREEMENTS**

**Article 1: Applications**

**Sec. 8-5.101 Purpose and findings**

- (a) The purpose of this Chapter is to establish the procedures and requirements mandated by Article 2.5 of Chapter 4 of the Government Code for the consideration of development agreements.
- (b) Notwithstanding anything herein to the contrary, the Planning Commission shall not consider the adoption of, nor shall the Board of Supervisors approve, any development agreement if the project to which the development agreement pertains is located within a sphere of influence established or under consideration by the Local Agency Formation Commission at the time the development agreement is to be considered by the Planning Commission pursuant to Section 8-5.201 et seq.
- (c) The County takes notice that the Legislature, in passing the State Development Agreement Law, found and declared that:
  - (1) The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.
  - (2) Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.
  - (3) The lack of public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, utility facilities, is a serious impediment to the development of new housing. Whenever possible, applicants and local governments may include provisions in agreements whereby applicants are reimbursed over time for financing public facilities.

**Sec. 8-5.102 Forms and information**

- (a) The Planning Director shall prescribe the form for each application, notice and document provided for or required under these regulations for the preparation, review and implementation of development agreements.



- (b) The Planning Director may require an applicant to submit such information and supporting data as the Planning Director considers necessary to process the application.

### **Sec. 8-5.103 Qualification as an applicant**

Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement. Applicant includes authorized agent. The Planning Director shall require an applicant to submit proof of this interest in the real property and of the authority of the agent to act for the applicant. Such proof may include a preliminary title report issued by a title company licensed to do business in the State evidencing the requisite interest of the applicant in the real property. Before processing the application, the Planning Director may obtain the opinion of County Counsel as to the sufficiency of the applicant's interest in the real property to enter into the development agreement.

### **Sec. 8-5.104 Eligibility for Development Agreement**

- (a) Development proposals which are eligible for consideration for such an agreement shall be limited to projects in which the developer makes a significant contribution to infrastructure, open space, affordable housing, or other public improvements and amenities of benefit to the County that would not otherwise be obtained through other applicable development approval processes.
- (b) An application for a development agreement shall be considered only under the following circumstances:
  - (1) The application is submitted in conjunction with an application for rezoning, a specific plan, subdivision map, a Use Permit, or other discretionary land use entitlement authorizing the development which is the subject of the proposed development agreement; or
  - (2) The application pertains to an area governed by a specific plan previously adopted by the County.

### **Sec. 8-5.105 Filing of application**

- (a) The application for a development agreement shall be submitted together with the applications needed for other required entitlements of the project. The application must be filed in time for the request to be considered in the environmental analysis of the project. In no event shall the application be filed later than the release of the final environmental document in order to allow staff time to analyze the merits of entering into such an agreement, prior to preparation of the staff report and staff recommendation.
- (b) An application for a development agreement may be submitted on any eligible project that has not received a final approval as of the date the ordinance codified in this chapter becomes effective provided that such application for such project has been deemed complete by the Planning Director prior to such date.
- (c) Each application shall be accompanied by the form of development agreement proposed by the applicant, if the Community Development Director has approved a standard form

of development agreement, this requirement shall be met by utilizing such standard form and including specific proposals for changes in or additions to the language or the standard form.

### **Sec. 8-5.106 Review of application**

The Planning Director shall endorse on the application the date of receipt, shall review the application, and may reject it if incomplete or inaccurate. If the application is complete, the Planning Director shall accept it for filing. The Planning Director shall determine any additional requirements necessary to complete the development agreement on the basis of the application as filed. After receiving all required information, the Planning Director shall prepare a report and recommendation as to whether or not the development agreement as proposed, or in amended form, is consistent with the general plan, any applicable specific plan, and the provisions of these regulations.

## **Article 2: Requirements**

### **Sec. 8-5.201 Contents**

A proposed development agreement shall include the following:

- (a) A legal description of the property subject to the development agreement.
- (b) The duration of the development 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.
- (c) Conditions, terms, restrictions, and requirements for subsequent County discretionary actions, provided that such conditions, terms, restrictions and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the development agreement.
- (d) The estimated time when construction and/or any other approved activity on the property will be commenced and completed, including, if appropriate, a phasing plan.
- (e) Public benefits proposed as part of the project in accordance with Section 8-5.202.

### **Sec. 8-5.202 Public benefits**

- (a) In consideration for entering into a development agreement, the County shall gain public benefits beyond those already forthcoming through conditions and mitigations on project approval. Public benefits may include, but are not limited to, contributions to infrastructure, open space, affordable housing, increased energy efficiency in existing development, or other public improvements and amenities of benefit to the County, including reservation, dedication, and improvement of land for public purposes.

- (b) Any fees required pursuant to subsection (a) shall be adjusted during the term of the development agreement to match any adjustments of such fees by the Board of Supervisors.
- (c) A development agreement shall not exempt a project from any subsequently adopted regulatory provisions which may include the use of a fee, for example, air quality mitigation fee, except to the extent that such subsequently adopted fee fulfills the same purposes as the fees required pursuant to this Section.

### **Sec. 8-5.203 Term**

- (a) The maximum term of a development agreement shall be negotiated between the parties, and shall commence from the date of the approval of the project to which it pertains. A development agreement may, upon request of the property owner and at the sole discretion of the Board of Supervisors, be extended for an additional period. Any request for extension shall be noticed and processed in the same manner as an application for a development agreement.
- (b) Notwithstanding subsection (a), the Board of Supervisors may extend the initial term of a development agreement upon making the findings in Section 8-5.401, in support thereof.
- (c) At the end of the term of the development agreement, the development agreement shall terminate for all purposes except any enforcement action by the County for nonconformance with the terms of the agreement or condition of the permit, and the project that was the subject of the development agreement shall be subject to all laws, rules and regulations applicable to such projects and/or uses.

### **Sec. 8-5.204 Reservation of rights**

- (a) Unless otherwise provided by the development agreement, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement shall be those rules, regulations, and official policies in force at the time of execution of the agreement.
- (b) Notwithstanding Section 8-5.204(a), a development agreement shall not prevent the County, in subsequent actions applicable to the property that were not encompassed by the original permitted activities, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent the County from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.
- (c) A development agreement shall not prevent the County from modifying or suspending the provisions of the development agreement if the Board of Supervisors finds that the failure of the County to do so would place residents, businesses, and/or property owners of the County in a condition dangerous to their health or safety or both.

- (d) A development agreement shall apply only to a project as that project is described in an environmental analysis certified, adopted or approved by the County at or before the time the County enters into the development agreement. A development agreement shall not apply to a project or portions of a project not encompassed by the project description in the County's environmental analysis.

### **Sec. 8-5.205 Construction codes**

A development agreement shall contain the acknowledgement of the possibility of changes in the Uniform Building, Plumbing, Mechanical, Electrical, Fire and Grading Codes, as implemented by the County, during the term of the agreement and shall provide that any amendments to these codes, shall apply to the project subject to the development agreement.

### **Sec. 8-5.206 Parties**

All owners of all property included within a development agreement shall be considered a party to the agreement and shall be a signatory.

## **Article 3: Hearings, Standards of Review, Findings and Decision**

### **Sec. 8-5.301 Hearing and recommendation by Planning Commission**

- (a) All development agreements shall be considered at a public hearing before the Planning Commission, which meeting shall be noticed in accordance with the requirements of Article 2, Chapter 2, Section 8-2.211 of this Title, and Section 65090 *et seq.*, of the California Government Code. The notices required by this Section are in addition to any other notices required by law for other actions to be considered concurrently with the development agreement. At the conclusion of the hearing the Planning Commission shall make recommendation in writing to the Board of Supervisors. This recommendation shall include the Commission's determinations as to whether the proposed project:
- (1) Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;
  - (2) Is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is or will be located;
  - (3) Is in conformity with and will promote public convenience, general welfare and good land use practice;
  - (4) Will not be detrimental to the health, safety and general welfare;
  - (5) Will not adversely affect the orderly development of property or the preservation of property values; and
  - (6) Will meet the intent of Section 8-5.202(a).
- (b) This recommendation shall also include the Commission's reasons for its recommendation.

## **Sec. 8-5.302 Hearing and decision by the Board of Supervisors**

Upon receipt of the recommendation of the Planning Commission, the Clerk of the Board shall set the proposed development agreement for hearing by the Board of Supervisors, which meeting shall be noticed in accordance with the requirements of Article 2, Chapter 2, Section 8-2.211 of this Title, and Section 65090 *et seq.*, of the California Government Code. The notices required by this Section are in addition to any other notices required by law for other actions to be considered concurrently with the development agreement. After the Board of Supervisors completes its public hearing it may approve, modify or disapprove the recommendation of the Planning Commission. A development agreement shall not be approved unless the Board finds that the provisions of the agreement are consistent with the findings listed in Section 8-10.301 of these regulations. The decision of the Board shall be final.

## **Sec. 8-5.303 Approval of development agreement**

A development agreement is a legislative act which shall be approved by ordinance and is subject to referendum. The ordinance shall refer to and incorporate by reference the text of the development agreement.

## **Sec. 8-5.304 Recordation of development agreement**

- (a) Within ten (10) days after the County executes a development agreement, the Clerk of the Board shall record with the County Clerk/Recorder a copy of the agreement, which shall describe the land subject thereto.
- (b) If the parties to the development agreement or their successors in interest amend or cancel the development agreement as provided in Article 4 of these regulations and Government Code Section 65868, or if the County terminates or modifies the development agreement as provided in Article 6 of these regulations and Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the development agreement, the Clerk of the Board shall have notice of such action recorded with the County Clerk/Recorder.
- (c) From and after the time of the recordation required by this Section, notice shall be imparted as provided by the recording laws of the State. The burdens of the development agreement shall be binding upon, and the benefits of the development agreement shall inure to, all successors in interest to the parties to the development agreement.

## **Article 4: Amendment or Cancellation**

### **Sec. 8-5.401 Amendment or cancellation by mutual consent**

Any party, or successor in interest, to a development agreement may propose an amendment or cancellation, in whole or in part, of the development agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided under Article 6 of this chapter and Government Code Section 65865.1.

### **Sec. 8-5.402 Procedure**

The procedure for proposing and adoption of an amendment or cancellation, in whole or in part, of a development agreement shall be the same as for entering into the development agreement in the first instance. However, if the County initiates a proposed amendment or cancellation of the development agreement, it shall first give written notice by mail to the property owner of its intention to initiate such proceedings not less than thirty (30) days prior to the giving of public notice of hearing to consider the amendment or cancellation.

## **Article 5: Review**

### **Sec. 8-5.501 Periodic review**

The Planning Director shall review each development agreement annually, on or before the anniversary date of the recordation of the development agreement, in order to ascertain the good faith compliance by the property owner with the terms of the development agreement. The property owner shall submit an annual monitoring report, in a form acceptable to the Planning Director, within thirty (30) days after written notice from the Planning Director. The annual monitoring report shall be accompanied by an annual review and administration fee sufficient to defray the estimated costs of review and administration of the development agreement during the succeeding year. The amount of the annual review and administration fee shall be set annually by resolution of the Board of Supervisors.

### **Sec. 8-5.502 Special review**

The Board of Supervisors may order a special review of compliance with a development agreement at any time. The Planning Director shall conduct such special reviews.

### **Sec. 8-5.503 Procedure**

- (a) During either a periodic review or a special review, the property owner shall be required to demonstrate good faith compliance with the terms of the development agreement.
- (b) Upon completion of a periodic review or a special review, the Planning Director shall submit a report to the Board of Supervisors setting forth the evidence concerning good faith compliance by the property owner with the terms of the development agreement and his recommended finding on that issue.

- (c) If the staff finds on the basis of substantial evidence that the property owner has complied with the terms and conditions of the development agreement, the review shall be concluded.
- (d) If the Board finds on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the development agreement, the Board may set a hearing for the purpose of modifying or terminating the development agreement as provided in Article 6 of this Chapter.

## **Article 6: Modifications or Termination**

### **Sec. 8-5.601 Proceedings upon modification or termination**

If, upon a finding under Section 8-5.503(d), the County determines to proceed with modification or termination of a development agreement, the County shall give written notice to the property owner of its intention to do so. The notice shall contain:

- (a) The time and place of the hearing;
- (b) A statement as to whether or not the County proposes to terminate or to modify the development agreement; and,
- (c) Such other information as the County considers necessary to inform the property owner of the nature of the proceeding including the grounds upon which the proceedings are based.

### **Sec. 8-5.602 Hearing on modification or termination**

At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The property owner shall be required to substantiate compliance with the terms and conditions of the development agreement. The burden of proof on this issue shall be on the property owner. If the Board finds, based upon substantial evidence, that the property owner has not substantially complied with the terms or conditions of the agreement, the Board may terminate or modify the development agreement and impose such conditions as it deems necessary to protect the interests of the County and the public. The decision of the Board of Supervisors is final.

### **Sec. 8-5.603 Enforcement**

Unless amended, canceled, modified, suspended or terminated pursuant to this chapter, or unless otherwise allowed by this chapter, a development agreement shall be enforceable by any party thereto notwithstanding any change in any applicable or specific plan, zoning, subdivision, or building regulation adopted by the County which alters or amends the rules, regulations or policies specified in effect at the time the development agreement is executed by the County.

## **Sec. 8-5.604 Appeal by party other than County**

- (a) Any party to a development agreement, other than the County, seeking to bring an action to enforce the development agreement pursuant to Section 8-5.603 shall first appeal all matters to be raised in the action to the Board of Supervisors. The appeal shall be commenced by the filing of a written statement of issues by the Party appealing setting out in detail the basis for the appeal. The statement shall be filed with the clerk of the Board and Planning Director. The Board of Supervisors shall hold a hearing on the issues raised in the statement no later than forty-five (45) days after the statement has been filed with the Clerk of the Board and Planning Director.
- (b) The Board of Supervisors shall make findings on all matters raised in the appeal. The party shall not commence an action to enforce the development agreement until after the Board of Supervisors has issued its findings. The Board of Supervisors shall issue its findings no later than fifteen (15) days after the hearing.

## **Article 7: State or Federal Law**

### **Sec. 8-5.701 Modification or suspension by State or Federal law**

In the event that State or Federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the development agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations.





**2014 UPDATED  
YOLO COUNTY CODE**

**Title 8 LAND DEVELOPMENT**

**CHAPTER 6: ALCOHOLIC BEVERAGE  
CONTROL ORDINANCE**

**Sec. 8-6.101 Purpose**

The purpose of this Section is to establish permit requirement and development standards for the sale of alcoholic beverages in the unincorporated area of Yolo County.

**Sec. 8-6.102 Definitions**

**Bar**

A business in which alcoholic beverages are sold for on-site consumption and that is not part of a larger restaurant. A bar includes taverns, pubs, cocktail lounges, microbreweries, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Bars may include entertainment on a stage, such as a live bands, comedians, etc.

**Off-Sale**

An off-sale license allows for the sale of beer, wine, and spirits (hard alcohol) for consumption off the premises where sold.

**On-Sale**

An on-sale license allows for the sale of beer, wine, and spirits (hard alcohol) for consumption on the premises where sold.

**Sec. 8-6.103 Application requirements**

The establishment of a use that includes the sale of alcoholic beverages shall submit an application for a Use Permit as follows, unless the use is specifically exempt from this application requirement as described in Sec. 8-6.104, below:

- (a) Any person whose application for an on-sale or off-sale alcohol license is required by the State of California Department of Alcoholic Beverage Control (“ABC”) to be subject to a determination of public convenience or necessity (“PCN”) by the County of Yolo, may apply to the County for a determination that the public convenience and/or necessity would be served by the granting of such license. Such application shall be made on forms approved by the Planning, Public Works and Environmental Services Director or designee (“the Director”), shall contain such information as required by the Director, and shall be filed with the appropriate adopted fee to the Planning, Public Works and Environmental Services Department (“the Department”) for review.
- (b) In addition to (a), above, regardless of whether a PCN determination is necessary, any premise or commercial business that desires to sell alcohol or alcoholic beverages on a

permanent basis within Yolo County shall have an approved Business License and Use Permit, as may be appropriate, together with all other required local, State, and federal approvals and permits required for the operation of such business, unless exempted under Sec. 8-6.104, below.

- (c) An application for a transfer of an existing on-sale or off-sale alcohol license within Yolo County is not subject to a PCN determination pursuant to this ordinance.

### **Sec. 8-6.104 Exemptions**

To facilitate, encourage, and incentivize economic development, agri-tourism, local agricultural beer and wine production, and support family farming, the following types of premises that obtain and comply with the ABC license types described below are exempt from County regulation of alcoholic beverage sales under this Chapter:

- (a) All existing uses, buildings or structures currently in operation selling alcohol or alcoholic beverages prior to the adoption of this original ordinance.
- (b) Winery activities allowed and permitted within the Agricultural Intensive (A-N), Agricultural Extensive (A-X), Agricultural Industrial (A-I), and Agricultural Commercial (A-C) zone districts, and within the Agricultural District (AD-O) overlay zone districts, pursuant to Articles 3 and 4 of Chapter 2 of this Title.
- (c) Local grape growers and manufacturers of wine, beer, or brandy: Premises of a local grape grower and/or manufacturer where beer, wine, or brandy are sold to any person in compliance with an existing ABC license for the sale of beer, wine or brandy to the general public for consumption on or off the licensed premises. By way of example only, and without limitation, the local grower and/or manufacturer may sell beer, wine, and brandy produced on the licensed premises or contiguous properties, regardless of the origin of the source materials, to the general public for consumption. As a further example, the local grower and/or manufacturer may conduct beer, wine, or brandy tastings in compliance with applicable provisions of California law, including Business and Professional Code Sections 23356.1 and 23357.3. Minors are allowed on the premises (License Types 01, 02, and 23). Other types of alcoholic beverage sales and service not specifically described herein are subject to the requirements of this Chapter.
- (d) Eating and Seasonal Places: Premises such as restaurants or other eating places where beer, wine, and distilled spirits are sold for consumption on the licensed premises, as well as similar premises where beer and wine are sold for consumption off the licensed premises. To qualify for this exemption, food service is required in a lawful eating place during normal mealtimes, and minors are allowed on the premises. Normal mealtimes are 6:00 a.m. - 9:00 a.m., 11:00 a.m. - 2:00 p.m., and 6:00 p.m. - 9:00 p.m. Premises that are not open five days a week must serve meals on the days they are open (License Types 47, and 49). Other types of alcoholic beverage sales and service not specifically described herein are subject to the requirements of this Chapter.
- (e) Social Clubs: Premises where beer, wine and distilled spirits are sold solely to members and guests, and solely for consumption on the premises. Food service is not required, and minors are allowed on the premises (License Type 51). Off-sale privileges and other types of alcoholic beverage sales and service not specifically described herein are subject to the requirements of this Article.

- (f) Hotel/Motel Establishments: Premises where beer, wine and distilled spirits are sold or otherwise furnished for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. Such premises will typically hold a license issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises (License Type 70). Off-sale privileges and other types of alcoholic beverage sales and service not specifically described herein are subject to the requirements of this Chapter.
- (g) Bed and Breakfast Inn (Winery and Vineyards): Premises such as bed and breakfast inns where wine is sold to registered guests of the establishment for consumption on the premises. To qualify for this exemption, no beer or distilled spirits may be sold or otherwise furnished on the premises. Wine shall not be given away to guests, but the price of the wine may be included in the price of the accommodation. Removal of wine from the grounds is not permitted, and minors are allowed on the premises (License Type 67). Off-sale privileges and other types of alcoholic beverage sales and service not specifically described herein are subject to the requirements of this Chapter.
- (h) Bed and Breakfast Inn (General): Premises such as bed and breakfast inns that are not associated with a winery or vineyard where beer, wine and distilled spirits may be purchased by registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage may be included in the price of the accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises (License Type 80). Off-sale privileges and other types of alcoholic beverage sales and service not specifically described herein are subject to the requirements of this Chapter.
- (i) Temporary festivals/events, defined as lasting no more than three consecutive days, where alcoholic beverages will be served are exempt from County regulation of alcoholic beverage sales under this Chapter. However, under California law, any temporary festival/event that sells alcoholic beverages is required to apply for a temporary permit (221 Form) through the ABC office prior to the event. In addition, if there are more than 1,000 persons in attendance, the County requires an application and fee pursuant to Title 5, Chapter 12 for permitting of an "Outdoor Festival."

## **Sec. 8-6.105 Review of Application**

Upon receipt of an application for the sale of alcohol, regardless of whether the application is for a Use Permit, PCN determination, or both, the Director shall refer such application to the Economic Development Division, the Sheriff's Department, Environmental Health Division, Building Division, Fire District, School District, and citizens advisory committee for review and comment. If no response is received by the Planning, Public Works and Environmental Services Department from any reviewing agency or interested party within ten (10) working days from the date the application is forwarded, it shall be presumed that the agency or party has no objection.

If any of the following determinations are made during the review of the application for a PCN determination, the Department shall recommend denial of the application to the deciding body unless the applicant can demonstrate that clearly overriding considerations and/or substantial community benefits resulting from the proposed application outweigh the negative determination(s):

- (a) The subject premises for the ABC license does not have a Use Permit, or the applicant has not concurrently applied for a Use Permit, to allow for the sale of alcohol or alcoholic beverages, unless otherwise exempt under Section 8-6.104, above.
- (b) There is a pending code enforcement action regarding the subject premises for the ABC license that has not been properly abated to the satisfaction of the appropriate agency.
- (c) The subject premises for the ABC license does not have a valid business license or the business license is not currently in good standing.
- (d) Substantial protests have been lodged with the State ABC in relation to the applicant's request for the license.
- (e) There is a history of law enforcement actions or known criminal activity at the subject premises or in the area surrounding the subject premises, as documented by the Sheriff's Department.
- (f) The subject premises do not have the appropriate General Plan land use designation or zoning and/or have not received all required entitlements to permit the sale of alcoholic beverages described in the application.
- (g) The proposed application would result in negative economic impacts, as determined by the Economic Development Division.

### **Sec. 8-6.106 Hearing required**

- (a) Proceedings regarding all Use Permit applications for the sale of alcohol or alcoholic beverages, including public hearings, shall be scheduled before the Zoning Administrator or the Planning Commission. The Zoning Administrator or the Planning Commission may approve, conditionally approve, or disapprove a Use Permit application for the sale of alcohol or alcoholic beverages. The Planning Commission shall act on Major Use Permit applications. The Zoning Administrator shall have the discretion to act on Minor Use Permit applications or, at his or her sole discretion, may refer the application to the Planning Commission. Notices of a public hearing shall be given as required by the Yolo County Code.
- (b) A noticed public hearing shall also be held in connection with PCN determinations by the Zoning Administrator or the Planning Commission, whichever is authorized to hear Use Permit applications for the sale of alcohol in the zone where the applicant's premises are located. Any such hearing shall be noticed in accordance with the requirements of California Government Code Section 6061. During a PCN determination hearing, the applicant shall be required to demonstrate, by substantial evidence, that the public convenience will be served by the issuance of a license. The applicant shall also be required to demonstrate, by substantial evidence, that the proposed sale of alcohol or alcoholic beverages shall be accomplished in a manner to eliminate or avoid any adverse issues identified through the review process required by Section 8-6.105, above.
- (c) The public hearing may be continued from time to time. At the conclusion of the hearing, the deciding body shall determine whether the public convenience or necessity will be served by the issuance of a license for the applicant premises. Written notification signed by the Director of Planning, Public Works and Environmental Services, mailed to

the ABC and the applicant, shall serve as the determination of public convenience or necessity by the local agency.

- (d) The Zoning Administrator or the Planning Commission may determine that the public convenience or necessity will be met only if certain conditions are imposed upon the applicant through a conditional use permit as part of the application process in conjunction with the license to sell alcoholic beverages issued by ABC. Such conditions shall be included in the Zoning Administrator's or the Planning Commission's decision and communicated to the ABC within 90 days from the date of initial notification by the applicant to the County regarding the application for a license to sell alcohol within the county.

The conditions may address any issue relating to the privileges to be exercised under the Use Permit. Specific conditions of operation may include, but are not limited to, the following: restrictions on the applicant's qualifications; the age of patron(s) allowed on the premises; hours of operation; maximum occupancy; limitations on live music and dancing; evacuation planning; security measures; persons loitering on the premises; parking lot patrols; externally visible advertising signs; and employee training for responsible beverage sales.

If conditions are imposed, any finding of public convenience or necessity shall clearly state that it is contingent upon the imposition of such conditions through the Use Permit in conjunction with the license issued by the ABC. In addition to the Use Permit, the County may request that conditions be imposed on the ABC license through a Letter of Protest and must be filed as follows:

- (1) A Letter of Protest must be filed within 30 days from the "Copies Mailed Date" that appears on the Application for Alcoholic Beverages License(s) that is filed with ABC; or within 30 days of the placement of the required posted notification on the subject premises that indicates that an ABC license is pending; or within 30 days from the date the applicant provide written notification to the surrounding properties within a 500-foot radius of the subject premises, whichever is later.
  - (2) The local agency may request a 20 day extension to the Letter of Protest notification period.
- (e) The decisions of the Zoning Administrator are appealable to the Planning Commission, and then to the Board of Supervisors, and decisions of the Planning Commission are appealable to the Board of Supervisors, in compliance with Section 8-2.225 of Chapter 2 of this title.

## **Sec. 8-6.107 Enforcement**

The enforcement of complaints regarding infractions or violations of the Business License or Use Permit may result in fines, permit suspension, or revocation of the Business License or Use Permit, pursuant to Title 1 of the County Code and other provisions of State and local law.



**Title 8 LAND DEVELOPMENT  
YOLO COUNTY CODE**

**CHAPTER 7: ADULT ENTERTAINMENT USES  
AND ADULT-RELATED ESTABLISHMENTS**

**Article 1: ADULT ENTERTAINMENT USES**

**Sec. 8-7.101 Purpose**

The purpose of this Article is to declare the zones within which adult entertainment uses, as defined in this Article, may be located, and specify requirements regarding the distance from other types of land uses which must be maintained by adult entertainment uses, in order to minimize the adverse impacts associated with the concentration of adult entertainment uses or their location in residential neighborhoods or near churches or places frequented by minors.

**Sec. 8-7.102 Definitions**

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

*Adult entertainment use.*

“Adult entertainment use” shall include all of the following types of establishments and no other:

(1) *Adult bookstore.* “Adult bookstore” shall mean a retail sales use having as a substantial or significant portion of its stock-in-trade books, magazines, and other periodicals whose dominant or predominant character and theme is the depiction or description of specified sexual activities or specified anatomical areas, as defined in this Section, or a use with a segment or section devoted to the retail sale or display of such materials.

(2) *Adult motion picture theater.* “Adult motion picture theater” shall mean an enclosed building and/or a drive-in motion picture theater to which the public is invited or permitted, either of which is used for presenting filmed or videotaped materials whose dominant or predominant character and theme are the depiction of specified sexual activities or specified anatomical areas, as defined in this Section, for observation by six (6) or more patrons of such use at any one time.

(3) *Adult picture arcade.* “Adult picture arcade” shall mean any place to which the public is permitted or invited wherein coin- or slug-operated, or electronically, electrically, or mechanically controlled, still or motion picture machines, projectors, television sets, or other image producing devices are used to display images to five (5) or fewer persons per machine at any one time, and which images have as a dominant or predominant character and theme the depiction of specified sexual activities or specified anatomical areas as defined in this Section.

(4) *Nude dancing theater.* “Nude dancing theater” shall mean any building or structure used for the presentation of live dancing or modeling, the dominant or predominant



character and theme of which are the display of specified sexual activities or specified anatomical areas, as defined in this Section, and to which the public is permitted or invited.

(5) *Adult hotel.* “Adult hotel” shall mean any hotel wherein material is presented which is distinguishable or characterized by an emphasis on depicting or describing specified sexual activities, as defined in this Section, and which establishment restricts admission to such building, or portion thereof, to adults only. As used in this Section, “hotel” shall mean that term as defined in this Code.

(6) *Adult-related establishment.* “Adult-related establishment” shall mean any such establishment as defined in this Chapter.

*Establishment of an adult entertainment use.* “Establishment of an adult entertainment use” shall mean and include the opening of such a business as a new business, the relocation of such business or the conversion of an existing business, to any adult entertainment use.

*Retail sale.* “Retail sale” shall mean a sale in which the vendor collects from the purchaser the State sales tax.

*Specified sexual activity.* “Specified sexual activity” shall mean and include, and shall be limited to, the following:

- (1) Actual or simulated genital or anal sexual intercourse;
- (2) Oral copulation;
- (3) Bestiality;
- (4) Direct physical stimulation of unclothed genitals;
- (5) Masochism;
- (6) Erotic or sexually-oriented torture, beating, or the infliction of pain; or
- (7) The use of excretory functions in the context of a sexual relationship.

*Specified anatomical areas.* “Specified anatomical areas” shall mean and include, and shall be limited to, the following:

- (1) Less than completely and opaquely covered human genitals, mons pubis, buttocks, and female breasts below the top of the areola; and/or
- (2) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

*Use, used.* “Use” and/or “used” shall mean to practice customarily.

### **Sec. 8-7.103 Allowed zones and spacing requirements**

(a) *Establishment: Allowed zones.* The establishment of adult entertainment uses shall be prohibited in any zone within the County with the exception only of the General Commercial (C-G), and Highway Services Commercial (C-H) zones; provided, however, no adult entertainment use may be established in any such zone unless the entire parcel upon which such use is located is outside all of the specified distance requirements set forth in subsection (b) of this Section and unless the adult entertainment use complies with all the other regulations imposed within the zone by this Chapter.

(b) *Spacing requirements.* The spacing requirements set forth in this subsection shall all be observed in the establishment of any adult entertainment use. Distances shall be measured in a straight line, between the nearest property line of the parcel on which the adult entertainment use is located to the nearest zone line or property line of the parcel upon which the following uses are located:

(1) No adult entertainment use shall be established within 500 feet of any existing adult entertainment use or any existing adult-related establishment.

(2) No adult entertainment use shall be established within 500 feet of any public or private school, publicly-owned park or playground, or church, synagogue, or other place of worship to which the public is invited or permitted to attend.

(3) No adult entertainment use shall be established on any parcel which has any part of its boundary contiguous to any part of the boundary of any parcel which is in the Low Density Residential (R-L), Medium Density Residential (R-M), or High Density Residential (R-H) zones, as specified in Article 5 of Chapter 2, or upon which a residential use exists as the principal permitted use. For the purposes of this subsection, “contiguous” shall mean physically touching, and “residential use” shall include mobile home parks, recreational vehicle campgrounds, and campgrounds, but shall exclude motels. The distance restrictions set forth in this subsection are cumulative, not separate; therefore, adult entertainment uses may be established only on parcels which meet all of the spacing requirements set forth in this subsection.

## **Sec. 8-7.104 Compliance with other laws**

This Article and Chapter shall not be construed as relieving adult entertainment uses from any applicable requirement of any federal or State law, regulation, or this Code, specifically including building and health regulations; provided, however, this Article is not intended and shall not be construed as regulating matters preempted by State or federal laws.

## **ARTICLE 2: ADULT-RELATED ESTABLISHMENTS**

### **Sec. 8-7.201 Purpose**

The purpose of this Article is to regulate the location of adult-related establishments to insure that adverse effects will not contribute to the blight or downgrading of neighborhoods or deter or interfere with the operation and development of hotels, motels, and lodging houses and other businesses in the County, and to adopt regulations and standards will tend to prevent the clustering of such establishments.

### **Sec. 8-7.202 Definitions**

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

*Adult entertainment use.* “Adult entertainment use” shall mean any such use as defined in Article 1 of this Chapter.

*Adult-related establishment.* “Adult-related establishment” shall mean any bathhouse, escort bureau, introductory service, massage parlor, outcall massage service, modeling studio, or sexual encounter center as defined in this Chapter. “Adult-related establishment” shall also include any other business or establishment which has available for, or offers any patron, for pecuniary compensation, consideration, hire, or reward, services, entertainment, or activities which involve specified sexual activities or the display of specified anatomical areas. “Adult-related establishment” shall not include any adult entertainment use. Any use which is both an adult entertainment use and an adult-related establishment shall be defined as an adult entertainment use and be subject to all the requirements of Chapter.

*Bathhouse.* “Bathhouse” shall mean an establishment whose primary business is to provide, for a fee or other consideration, access to any kind of bath facility, including showers, saunas, and hot tubs.

*Escort.* “Escort” shall mean a person who, for hire or reward:

- (1) Accompanies others to or about social affairs, entertainment, or places of amusement; or
- (2) Keeps company with others about any place of public resort or within any private quarters.

*Escort bureau.* “Escort bureau” shall mean a business, which, for a fee or other consideration, furnishes or offers to furnish escorts.

*Establishment of an adult-related establishment.* “Establishment of an adult-related establishment” shall mean and include the opening of such a business as a new business, the relocation of such a business, or the conversion of an existing use to any adult-related establishment.

*Figure model.* “Figure model” shall mean any person who, for hire or reward, poses to be observed, sketched, painted, drawn, sculptured, photographed, or otherwise depicted.

*Introductory service.* “Introductory service” shall mean a business, which, for a fee or other consideration, will help persons to meet or become acquainted with others for social purposes. For the purposes of this subsection, “others” shall include personnel of the introductory service.

*Modeling studio.* “Modeling studio” shall mean a business, which provides, for a fee or other consideration, figure models that display specified anatomical areas to be observed, sketched, photographed, painted, sculptured, or otherwise depicted by persons paying such consideration or gratuity. “Modeling studio” shall not include schools maintained pursuant to the standards set by the Board of Education of the State.

*Outcall massage service.* “Outcall massage service” shall mean a business or establishment where the primary function of such business is to engage in or carry on massage for pecuniary compensation or consideration, hire, or reward not at a fixed location but at a location designated by the customer or client.

*Sexual encounter center.* “Sexual encounter center” shall mean a business which provides two (2) or more persons, for pecuniary compensation, consideration, hire, or reward, with a place to assemble for the purpose of engaging in specified sexual activities or displaying specified anatomical areas. “Sexual encounter center” shall not include hotels or motels.

*Specified sexual activity.* “Specified sexual activity” shall mean an activity as defined in this Chapter.

*Specified anatomical areas.* “Specified anatomical areas” shall mean such areas as defined in this Chapter.

### **Sec. 8-7.203 Allowed zones and spacing requirements**

(a) *Establishment: Allowed zones.* The establishment of adult-related establishments shall be prohibited in any zone within the County with the exception only of the General Commercial (C-G), and Highway Services Commercial (C-H) zones; provided, however, no adult-related establishment may be established in any such zone unless the entire parcel upon which such use is located is outside all of the specified distance requirements set forth in subsection (b) of this Section and unless the adult-related establishment complies with all the other regulations imposed within the zone by this Chapter.

(b) *Spacing requirements.* The spacing requirements set forth in this subsection shall all be observed in the establishment of any adult-related establishment. Distances shall be measured in a straight line, between the nearest property line of the parcel on which the adult-related establishment is located to the nearest zone line or property line of the parcel upon which the following uses are located:

(1) No adult-related establishment shall be established within 500 feet of any existing adult entertainment use or adult-related establishment.

(2) No adult-related establishment shall be established within 500 feet of any public or private school, publicly owned park or playground, or church, synagogue, or other place of worship to which the public is invited or permitted to attend.

(3) No adult-related establishment shall be established on any parcel which has any part of its boundary contiguous to any part of the boundary of any parcel which is in the Low Density Residential (R-L), Medium Density Residential (R-M), or High Density Residential (R-H) zones, or upon which a residential use exists as the principal permitted use. For the purposes of this subsection, “contiguous” shall mean physically touching, and “residential use” shall include mobile home parks, recreational vehicle campgrounds, and campgrounds, but shall exclude motels. The distance restrictions set forth in this subsection are cumulative, not separate; therefore, adult-related establishments may be established only on parcels which meet all of the spacing requirements set forth in this subsection.

### **Sec. 8-7.204 Compliance with other laws**

This Chapter shall not be construed as relieving adult-related establishments from any applicable requirement of any federal or State law, regulation, or this Code, specifically including building and health regulations; provided, however, this Chapter is not intended and shall not be construed as regulating matters preempted by State or federal laws.



**2014 UPDATED  
YOLO COUNTY CODE**

**Title 8 LAND DEVELOPMENT**

**CHAPTER 8: INCLUSIONARY HOUSING**

**ARTICLE 1: ~~AUTHORITY, PURPOSE, FINDINGS AND  
PROVISION OF AFFORDABLE HOUSING~~  
Inclusionary Housing Requirements**

[To be re-adopted with the following edits shown]

**~~Section 8-98.101~~ Authority**

This Ordinance is enacted pursuant to the general police powers granted to the County by Article 11, Section 7 of the California State Constitution to protect the public health, safety and welfare.

**~~Section 8-98.102~~ Purpose**

This Ordinance requires that residential projects within unincorporated Yolo County contain a defined percentage of housing affordable to very low, low and moderate income households as defined herein. To help achieve this goal, this Ordinance also establishes a program of incentives to assist in the production of affordable units. Altogether, this Ordinance is intended to satisfy the Inclusionary Housing Requirement (Program Two: Affordable Housing Requirements for New Residential Development) of the adopted Yolo County Housing Element.

**~~Section 8-98.103~~ Findings**

The Board of Supervisors, having reviewed and considered Yolo County's Inclusionary Housing Ordinance, finds and determines as follows:

- (a) The State of California requires local governments to plan to meet the housing needs of all income groups. Specifically, "local governments have the responsibility to use their powers to facilitate the improvement and development of housing to meet the housing needs of all economic segments of the community (Government Code Section 65580) and to assist in the development of adequate housing to meet the needs of low and moderate income households (Government Code Section 65583(c)(2))."
- (b) It is a public purpose of the County, as expressed in the Housing Element of the County's General Plan, "to provide for the county's regional share of new housing for all income groups (Yolo County General Plan, Goal One)."
- (c) As documented in the Housing Element of the County's General Plan, there is a housing shortage for very low and low income households in the County and a shortage of

ownership housing for moderate income households. Increasingly, very low, low and moderate income persons who work or live within the County are unable to locate suitable housing at prices they can afford and are increasingly excluded from living within the County. Federal and State housing subsidy programs are not sufficient by themselves to satisfy the housing needs of very low, low-income and moderate-income households.

- (d) The County finds that newly constructed housing does not, to any appreciable extent, provide housing affordable to very low, low and moderate income households. New development, which does not include or otherwise provide for affordable housing will further aggravate the current housing shortage for very low and low income households and the shortage of ownership housing for moderate income households, as it will reduce the supply of developable land and increase land costs, thus making affordable housing prohibitively difficult and expensive to develop.
- (e) This Ordinance implements the adopted Housing Element of the County General Plan and carries out the mandates of State Housing Element law, meeting the regional fair share housing requirements by ensuring that the benefits of economic diversity are available to the residents of the County. It is essential that new residential development contain housing opportunities for all income levels, and that the County provide a regulatory and incentive framework, which ensures development of an adequate supply and mix of new housing to meet the future housing needs of all income segments of the unincorporated Yolo County population.
- (f) The County further finds that the housing shortage for very low and low-income households, and the shortage of ownership housing for moderate income households, is detrimental to the public health, safety and general welfare of the County.

## **~~Section 8-98.104~~ Provision of affordable housing**

No Building Permit shall be issued for any new residential project unless such construction has been approved in accordance with the standards and procedures provided for by this Ordinance. The location and type of proposed affordable housing in a development shall be disclosed in writing by each seller to each subsequent purchaser of lots or units in the development, until all the affordable housing unit requirements are constructed.

### **~~ARTICLE 2.~~ Sec. 8-105 Definitions**

#### **~~Section 8-9.201. Definitions~~**

The definitions in this section shall govern the provisions of this ordinance.

#### **~~Sec. 8-9.202.~~ “Affordable Housing**

“Affordable Housing” means affordable for-sale housing or affordable rental housing. Affordable for-sale housing is housing affordable to very low, low, and moderate income households as defined herein. Affordable for-sale housing payments are thirty percent (30%) of gross monthly Household target income as defined in Title 25, Sections 6920 and 6924 of the California Code of Regulations, including maintenance, homeowners association dues, utilities, insurance and

property taxes. Affordable rental housing is housing affordable, based upon monthly rent, to very low, low, and moderate income households. Affordable rental housing payments are no more than thirty percent (30%) of gross monthly household income, including utilities. Affordable rent shall be based on presumed occupancy levels of one person in a studio unit, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.

**~~Sec. 8-9.203.~~ "Affordability Gap"**

"Affordability Gap" means the difference between the cost of constructing a housing unit based on fair market value versus the cost a low-income person can afford for a housing unit, using accepted housing cost calculations as provided in this ordinance.

**~~Sec. 8-9.204.~~ "Affordable Housing Cost"**

"Affordable Housing Cost" for a purchaser means the monthly amount that is affordable to a low or moderate-income household. The method for calculating affordable housing costs is as provided in this ordinance.

**~~Sec. 8-9.205.~~ "Affordable Purchase Price"**

"Affordable Purchase Price" means the maximum sale price a qualified purchaser may be required to pay for the affordable unit, as described in accordance with the provisions of this ordinance.

**~~Sec. 8-9.206.~~ "Annual household income"**

"Annual household income" means the combined gross income for all adult persons living in a dwelling unit as calculated pursuant to Title 25, Section 6932 of the California Code of Regulations, as amended, or its successor.

**~~Sec. 8-9.207.~~ "Board"**

"Board" means the Yolo County Board of Supervisors.

**~~Sec. 8-9.208.~~ "Building permit"**

"Building permit" means a permit issued in accordance with the Yolo County Code.

**~~Sec. 8-9.209.~~ "Construction costs"**

"Construction costs" means the estimated cost per square foot of construction, as established by the Uniform Building Code, or its successor, for use in the setting of regulatory fees, multiplied by the total square footage to be constructed.

**~~Sec. 8-9.210.~~ "Density Bonuses"**

"Density Bonuses" entitles a developer to build additional residential units above the maximum number of units permitted by the General Plan, Community Plan, Specific Plan and Zoning designations in accordance with Government Code Section 65915 et. seq. Density bonus units shall be constructed in the same development where affordable housing units are located.

**~~Sec. 8-9.211.~~ "Developer"**

"Developer" means any person, firm, partnership, association, joint venture, corporation, or other entity or combination of entities, which seeks County approval(s) for all or part of a residential development.



**~~Sec. 8-9.212.~~ Development**

"Development" means one or more projects or groups of projects of residential units constructed in a contiguous area. A development need not be limited to an area within an individual parcel or subdivision map.

**~~Sec. 8-9.213.~~ Discretionary permit**

"Discretionary permit" shall include Variances, Conditional Use Permits, and Site Plan Reviews issued in accordance with the Yolo County Code, and the approval of Tentative Subdivision or Parcel maps pursuant to the Yolo County Code.

**~~Sec. 8-9.214.~~ " Dwelling unit**

"Dwelling unit" shall mean any building, or portion thereof, containing one or more dwelling units designed or used exclusively as a residence or sleeping place for one or more families, but not including a tent, cabin, boat, trailer, mobile home, dormitory, labor camp, hotel, or motel.

**~~Sec. 8-9.215.~~ " Extremely Low-Income**

"Extremely Low-Income" are those households with incomes of less than thirty percent (30%) of County median income as defined by the U.S. Department of Housing and Urban Development.

**~~Sec. 8-9.216.~~ " Family**

"Family" means persons living together as a single, independent and separate housekeeping unit in one dwelling unit and for the purposes of this paragraph, the word "family" includes and shall be deemed to include gratuitous guests and bonafide servants employed as such on the premises containing said dwelling unit.

**~~Sec. 8-9.217.~~ " Feasible**

"Feasible" means that even after complying with the requirements of this ordinance, the residential project as a whole remains reasonably capable of being financed, built and marketed, given the economic conditions prevailing at the time of approval of a residential project taking into account the incentives and alternatives that may be made available to the developer in accordance with this ordinance. In all cases, Feasibility, shall be as reviewed and recommended by the Planning Commission subject to approval by the Board of Supervisors.

**~~Sec. 8-9.218.~~ " For sale-units**

"For sale-units" means housing units which provide an ownership opportunity including, but not limited to, single family dwellings, condominiums, cooperatives and mutual housing associations, except in circumstances where the unit is intended for rental use.

**~~Sec. 8-9.219.~~ "Household**

"Household" means "Family" as defined herein.

**~~Sec. 8-9.220.~~ " Limited Equity Housing Cooperative**

"Limited Equity Housing Cooperative" means a housing cooperative organized in accordance with California Health and Safety Code Section 33007.6 and Business and Professional Code Section 11003.4. A limited equity housing cooperative is owned by a non-profit corporation or housing sponsor. Resident-owners own the cooperative as an individual whole, rather than individuals units within a development.

**~~Sec. 8-9.221.~~ "Low income households**

"Low income households" are those households with incomes from fifty-one percent (51%) to eighty percent (80%) of County median income as defined by the U.S. Department of Housing and Urban Development.

**~~Sec. 8-9.222.~~ "Market rate units**

"Market rate units" means dwelling units in a residential project, which are not affordable units for very low, low and moderate-income households.

**~~Sec. 8-9.223.~~ "Median income**

"Median income" means the median income, adjusted for family size, applicable to Yolo County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the U.S. Department of Housing and Urban Development.

**~~Sec. 8-9.224.~~ "Moderate income households**

"Moderate income households" are those households with incomes from eighty-one percent (81%) and up to one hundred twenty percent (120%) of County median income as defined by the U.S. Department of Housing and Urban Development.

**~~Sec. 8-9.225.~~ "Monthly owner-occupied housing payment**

"Monthly owner-occupied housing payment" shall be that sum equal to the principal, interest, property taxes, utilities, homeowner's insurance and homeowner's association dues paid on an annual basis divided by twelve.

**~~Sec. 8-9.226.~~ "Notice of Intent to Sell**

"Notice of Intent to Sell" means the notice provided by owners of for-sale units to the County of their intent to offer their unit for sale. The covenants recorded against the property on which the unit is located shall provide that the owner shall provide a Notice of Intent to Sell in the manner prescribed in this ordinance.

**~~Sec. 8-9.227.~~ "Planning Commission**

"Planning Commission" shall mean the Yolo County Planning Commission.

**~~Sec. 8-9.228.~~ "Planning Director**

"Planning Director" means the Director of the Yolo County Planning, Public Works and Environmental Services Department or the designee of said Director.

**~~Sec. 8-9.229.~~ "Qualified Purchaser**

"Qualified Purchaser" means a person or household approved for ownership of an affordable dwelling unit by the Planning, Public Works and Environmental Services Director in accordance with the provisions of this ordinance.

**~~Sec. 8-9.230.~~ "Resident controlled nonprofit housing corporation**

"Resident Controlled Nonprofit Housing Corporation" means a housing corporation established to manage for-sale or rental housing projects designated for low to moderate income households in which the majority of households have formed a nonprofit housing cooperation, which need not have an equity interest in such projects.

**~~Sec. 8-9.231.~~ "Residential project**

"Residential Project" means a proposed residential development or subdivision of land, including condominium and timeshare projects, or the construction of any dwelling unit located within the boundaries of unincorporated Yolo County for which a tentative map, parcel map, or for a project not processing a map, a building permit or other County approval is received after the effective date of this Ordinance, unless exempt in accordance with Article 11 of this ordinance.

**~~Sec. 8-9.232.~~ " Section**

"Section" unless otherwise indicated, means a section of the Yolo County Code.

**~~Sec. 8-9.233.~~ " Self-Help Housing**

"Self-Help Housing" means mutual self help housing constructed for very low, low, and moderate income families in which prospective home buyers provide labor to assist in the construction of the units. The intent of this program is to trade-off hours of labor into equity ("sweat equity") to reduce the purchase price of the units.

**~~Sec. 8-9.234.~~ " Targeted income families**

"Targeted income families" means those households that meet the classification as very-low and low-income households as defined in this ordinance.

**~~Sec. 8-9.235.~~ " Very low income households**

"Very low income households" are those households with incomes of up to fifty percent (50%) of County median income as defined by the U. S. Department of Housing and Urban Development.

**~~ARTICLE 3. Standard for sale and rental affordable housing requirements~~**

**~~Section 9-301~~ 8.106 Affordable for-sale housing requirement**

A developer of residential for-sale developments of ten (10) or more units shall provide in each development, twenty percent (20%) of the units for low and moderate income households as follows: Fifty percent (50%) of the required affordable units shall be available at affordable sales prices to low-income households. The remaining fifty-percent (50%) of the affordable units, which are required to be constructed in connection with the construction of market rate units intended for owner-occupancy, shall be available at affordable sales prices to moderate-income households. A plan for the provision of affordable housing within a for-sale housing development shall be submitted concurrently with the application for development of a residential units subject to this ordinance. Projects less than ten (10) units shall be subject to the in-lieu fee option provided in this ordinance.

For sale affordable housing units that are converted into rental units will meet the requirements of this ordinance, pursuant to State law, if the rents meet or do not exceed, the affordable housing standards for rental units set forth in this Ordinance and adopted by the Board of Supervisors.

Each developer shall meet the twenty percent (20%) for sale affordable housing requirement by one or a combination of the following standard for-sale affordable housing requirements contained in this ordinance.

For fractions of affordable units, the developer of the property must either construct the next higher whole number of affordable units or perform an alternative action as specified by this ordinance.

### **~~Section 9-302~~ 8.107 Multifamily rental development affordable housing requirement**

A developer of multifamily rental developments containing twenty (20) or more units shall provide at least twenty-five percent (25%) of the units affordable to very low-income households and at least ten (10%) percent of the units affordable to low-income households. A developer of multifamily rental developments containing between seven (7) and nineteen (19) units shall provide fifteen percent (15%) of the units to very low-income households and ten percent (10%) to low-income households. Such housing shall be provided by the construction of units on-site. Projects of less than seven (7) units shall be subject to the in-lieu fee option provided by this ordinance.

For fractions of affordable units, the developer of the property must either construct the next higher whole number of affordable units or perform an alternative action as specified in this ordinance.

### **~~Section 9-303~~ 8.108 Timing and term**

The affordable units shall be constructed on-site concurrently with the related market rate units, unless one alternative action pursuant to this ordinance is performed. In the event that the County approves a phased project, the inclusionary units required by this ordinance shall be constructed in proportion to the number of units within each phase of the residential development.

- (a) For-sale dwelling units shall include a covenant that each dwelling unit shall be affordable for twenty (20) years. This affordability requirement of at least 20 years for affordable for-sale units will be reset at each transfer of title upon re-sale to a qualified buyer for both low-income and moderate-income purchasers.
- (b) Multi-family rental housing shall include a covenant that each dwelling unit shall be permanently affordable.

### **~~Section 9-304~~ 8.109 Basic design requirements for owner-occupied and rental affordable units**

Affordable units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same development. Subject to the approval of the Planning Director, square footage of affordable units and interior features in affordable units need not be the same as or equivalent to those in market rate units in the same residential

project, so long as they are of good quality and are consistent with contemporary standards for new housing.

Affordable units shall be dispersed throughout the residential project, or, subject to the approval of the Planning Director, may be clustered within the residential project when this furthers affordable housing opportunities.

The developer shall provide both two and three bedroom affordable units, in a mix approved by the Planning, Public Works and Environmental Services Director.

Upon application as provided herein, the County may, to the maximum extent appropriate in light of project design elements, allow builders to finish the interior of affordable units with less expensive finishes and appliances than those present in market rate units.

#### **~~ARTICLE 4. EQUIVALENCY PROPOSALS PERMITTED~~**

#### **~~Sec. 9-401~~ 8.110 Equivalency proposals permitted**

Only when it is substantiated by the applicant that the standard inclusionary housing component requirement is infeasible shall equivalency proposals be considered. Projects proposing to meet the minimum requirement for affordability through equivalency shall submit an equivalency proposal to the Planning Commission for recommendation to the Yolo County Board of Supervisors. Such proposals shall show why compliance with this ordinance is not financially or otherwise feasible and how the alternative proposal will further affordable housing opportunities in the County to an equal or greater extent than compliance with the express requirements contained in this ordinance.

#### **~~Section 9-302~~ 8.111 Alternatives to the standard inclusionary housing component**

Only when it is substantiated by the applicant that the standard inclusionary housing component requirement is unfeasible shall alternatives to the standard inclusionary housing component be considered. A proposal for an alternative equivalent action may include, but is not limited to the construction of affordable units on another site, dedication of land, payment of in-lieu fees or combination thereof.

- (a) **Planning Commission Review.** After reviewing the proposal, the Planning, Public Works and Environmental Services Department will make a recommendation to the Planning Commission subject Board of Supervisors approval. If the off-site proposal, dedication of land, in lieu fees, housing credits, or combination thereof is accepted or accepted as modified by the Planning Commission, the relevant elements of the inclusionary housing plan shall be included in the applicable discretionary and/or legislative approvals for both the residential development generating the requirement for the inclusionary housing component and, if applicable, off-site development project, land dedication, in lieu fees, or combination thereof where all or part of that requirement is proposed to be met. If the off-site proposal, dedication of land, in lieu fees, or rehabilitation project is rejected, the inclusionary housing component shall be applied as provided by this ordinance.

- (b) **Standard for Approval.** The Planning Commission may recommend a proposal submitted under this section only if it is not financially or otherwise feasible to construct the units within the development and the alternative would be superior to on-site development from the perspective of access to transportation, services, public facilities or other applicable residential planning criteria in the applicable General Plan or Specific Plan.
- (c) **Affordable Units Off-Site.** A developer may propose to meet its obligation under this section through new construction of an off-site proposal located within the unincorporated County. The developer may satisfy the requirements of providing inclusionary units as part of the residential development, in whole or part, by constructing a number of units equal to or greater than the required number of inclusionary units at a site different than the site of residential development. A developer may propose another option, when it is demonstrated that another option may be more effective in providing affordable housing. In pursuing another option, a developer shall submit an application to the Planning, Public Works and Environmental Services Department for recommendation to the Planning Commission.
- (d) **Dedication of Land.** A developer may propose to meet its obligation through an irrevocable offer of dedication to the County or designee of sufficient land to satisfy the affordability requirement pursuant to this ordinance, only if: 1) The developer demonstrates to the Planning Commission that it is not feasible to develop the affordable units on-site as part of the residential project; or 2) In the judgement of the Planning Commission, the developer's proposed land dedication would accomplish the objectives of this ordinance.

Dedicated sites for residential projects shall be a minimum of two (2) acres unless the County agrees to a smaller site based on a special housing need in accordance with the adopted Yolo County Housing Element. The dedicated site shall be economically feasible to develop, of sufficient size to build the required number of affordable units, and physically suitable for development of the required affordable units prior to the dedication of the land. The dedicated site shall also have the appropriate General Plan designation and zoning to accommodate the required units. The site shall be fully improved with infrastructure, frontage improvements (i.e. curb, gutter, planter strip, and walk), paved street access, utility (i.e. water, gas, sewer, and electric) service connections stubbed to the property, including paid connection fees for service connections, and other such off-site improvements as may be necessary for development of the required affordable units or as required by the County.

- (e) **Small Developments; In-Lieu Fee Option.** For developments of less than ten (10) units for single family developments and seven (7) units for multifamily developments, the Inclusionary Housing Provisions may be met by the payment of in-lieu fees pursuant to an adopted fee schedule, rather than compliance with the affordable housing on-site construction requirement as shown in Exhibit "1" attached hereto and incorporated herein as reference. Such fees shall be automatically adjusted on an annual basis based on changes in the building valuation data as published by the International Building Code for single family dwellings, type V-N construction and apartment buildings, type V-1hr construction, standard quality, as locally adjusted. Such fees shall be reviewed annually by the Planning, Public Works and Environmental Services Director.

All in-lieu fees collected shall be earmarked for Very Low and Extremely Low-Income Households to provide supplemental funding for Affordable Housing Developers.

- (f) **Housing Credits.** After meeting its affordable housing obligation, a market-rate developer may request the Planning Commission to construct excess Inclusionary units to obtain affordable housing credits. Units approved as affordable housing credits shall be subject to the requirements of Section 8-9.304 and may be used by the developer or transferred through private transaction within five (5) years. Affordable housing credits shall only be accepted by the County when the development proposing to use the credit(s) is within three (3) miles of the donating development.

### **~~Section 9-403~~ 8.112 Inclusionary housing agreements**

An Inclusionary Housing Agreement shall be executed between the applicant and the County. An applicant's proposed discretionary permit, if applicable, will be subject to the conditions of the Inclusionary Housing Agreement. The Inclusionary Housing Agreement shall be completed and signed prior to approval of the applicant's project. The Agreement shall contain all information identified in the Agreement Checklist provided in this article.

The Agreement must include an acknowledgement that the applicant has received a copy of the Affordable Housing Ordinance. The Agreement must also obligate the applicant to provide a copy of the Agreement to anyone to whom the subject residential lots or units are transferred or sold.

The Inclusionary Housing Agreement shall provide assurance satisfactory to the Planning, Public Works and Environmental Services Director that the proposed inclusionary housing plan, meets the affordable housing obligations set forth in this Ordinance. The Inclusionary Housing Agreement shall be recorded with the Yolo County Recorder's Office prior to building permit issuance.

### **~~Section 9-404~~ 8.113 Agreement checklist**

The Inclusionary Housing Agreement shall contain the following information:

- (a) Location, zoning designation and ownership of the residential project;
- (b) The number of affordable dwelling units that the applicant is responsible for providing at each income level;
- (c) The exact location of the affordable dwellings units (i.e. identify specific lots for affordable for-sale units and site/parcel for multifamily rental projects);
- (d) The dwelling unit mix and square footage of the affordable dwelling units as compared to dwelling unit mix and square footage of the market-rate units;
- (e) Term of affordability of the affordable dwelling units;
- (f) Scheduling and phasing of construction of affordable dwelling units;

- (g) Identification of applicant-funded subsidy or financial assistance, if any, for affordable for-sale units.
- (h) Affirmative marketing plan that ensures outreach to income-eligible households regarding the availability of affordable housing units. Such affirmative marketing shall at least include advertising in the local newspaper by sending notices to local government and nonprofit agencies that serve very low, low-income, and moderate income persons and families, depending upon the nature of the affordable housing units at issue. The County should maintain an updated list of these agencies.
- (i) Specify if any or all of the affordable dwelling units will be special needs housing for seniors, disabled, homeless persons or other special needs populations and, if so, the unique features or services that are appropriate for that special needs population. The County will participate in securing funding for those projects that provide special needs housing units, if available. The County's special needs housing demand will be addressed as guided by the adopted Yolo County Housing Element, and based on information regarding increased need or demand for special needs housing as it becomes available from the U.S. Census or other data sources.
- (j) Detailed description of for-sale affordable units, if different than market-rate units, including floor plan and list of amenities and features of the unit.

In addition, the Inclusionary Housing Agreement shall include the following terms:

- (k) Assurances, that the affordable dwelling units will be constructed concurrently with, or prior to, market-rate units in the residential project. In phased developments, inclusionary units may be constructed and occupied in proportion to the number of units in each phase of the residential project. If, as approved by the County, the affordable housing obligation is proposed to be satisfied by a separate third party developer (such as a non-profit housing developer) and it is not feasible to develop the affordable units prior to or concurrently with the market rate units, the Agreement must identify the specific residential lots on which the affordable units will be developed. Developers of for-sale residential projects who construct the required affordable units concurrent with their market-rate development may receive fee waivers or deferrals pursuant to this ordinance, subject to Board of Supervisors approval.
- (l) Affordable rental dwelling units shall be dispersed throughout the residential project and shall be indistinguishable from market-rate units within any project, including identical quality and amenities as the market-rate units, unless prior approval by the Planning Commission and/or Board of Supervisors has been granted.
- (m) Inclusionary Housing Agreements for rental projects shall include the requirement that the project will be subject to the County's Affordable Housing Monitoring Program to ensure ongoing compliance with the affordable housing obligations set forth in this ordinance and the Inclusionary Housing Agreement, including payment of monitoring fees (fee is based on an hourly rate of staff time to review Agreements). The Inclusionary Housing Agreement for a rental residential project shall include the provisions for "Monitoring and Compliance Requirements for Rental Projects."



- (n) Mechanisms for reservation, protection, and disclosure of affordable lots for projects. Description of language in disclosure for use by real estate agents, and visible and prominent signage at residential projects advertising the availability of affordable dwelling units.

## **ARTICLE 5. ~~IN-LIEU FEES FOR SMALL DEVELOPMENTS~~**

### **~~Section 9-501~~ 8.114 In-lieu fees for small developments**

For small residential projects of less than ten (10) units for single-family developments and seven (7) units for multifamily developments, the Inclusionary Housing Provisions may be met by the payment of in-lieu fees, to be established by separate ordinance pursuant to the County Master Fee Schedule, to satisfy the developer's affordable housing obligation.

### **~~Section 9-502~~ 8.115 Method of calculating in-lieu fees**

At the time of discretionary approval, if applicable, the County will provide the developer with an estimate of the in-lieu fee for the residential project. Such in-lieu fees shall be established by separate ordinance in a manner consistent with California law. This in-lieu fee calculation at the time of discretionary approval is only an estimate and is subject to revision and verification prior to the issuance of building permits, as the estimated sales price of units in the residential project at the discretionary approval stage may change by the time the project is actually built.

Except as may otherwise be required by California law, the in-lieu fee shall equal a percentage of the estimated cost to construct all the Inclusionary units that would be otherwise required for each residential development pursuant to Section 8-9.301, and the amount of the fee shall be determined as follows:

- (a) The estimated cost to construct a single unit of average size for the residential development shall be determined by multiplying the square footage of the average size unit by the average cost per square foot to construct the appropriate type of dwelling as shown on the most recent edition of the Building Permit Valuation Table in use by the County Planning, Public Works and Environmental Services Department.
- (b) The estimated cost to construct all Inclusionary units required for the residential development shall be determined by multiplying the number of required Inclusionary units by the estimated cost to construct a single unit of average size for the residential development.
- (c) The required percentage used to calculate the in-lieu fee shall be related to the total number of units in a residential development as specified.
- (d) The estimated cost to construct Inclusionary units shall include consideration of local, regional, State, and Federal subsidy sources available for the development of affordable housing. The fee may be reduced in an amount not to exceed fifty percent (50%), depending upon the availability of subsidy funding.

In-lieu fees shall be paid to the County prior to the issuance of any Building Permits for the construction of any development subject to this Chapter. The Planning, Public Works and

Environmental Services Department shall not issue any Building Permit or Certificate of Occupancy for the construction of such development without first receiving payment of the required impact fees from the applicant.

### **~~Section 9-503~~ 8.116 Collection and use of in-lieu fees**

Any monies contributed to the County pursuant to the provisions of this ordinance shall be payable to the County of Yolo for the purpose of providing affordable housing. Payment of the fee shall be made in full prior to Filing of the Final Map, issuance of the first Building Permit, or Issuance of a Certificate of Occupancy, whichever ever occurs first.

- (a) In-lieu fees collected pursuant to this Chapter shall be placed by the Planning, Public Works and Environmental Services Department in a separate interest bearing account identified as "Affordable Housing Program". All fees collected shall be earmarked to provide supplemental funding for Affordable Housing Developers.
- (b) The Planning, Public Works and Environmental Services Department shall maintain a register for the Affordable Housing Program indicating the date of payment of each fee, the amount paid, the name of the payer, and the Assessor's Parcel Number.
- (c) The Planning, Public Works and Environmental Services Department shall prepare an annual accounting of all fees paid into and withdrawn from each account, showing the source and amounts collected, the amounts expended, and the projects for which such expenditures were made.
- (d) Any fees collected and interest accrued pursuant to this Chapter shall be expended or encumbered within five years of receipt, in accordance with Government Code Section 66006 et. seq. unless the Board of Supervisors identifies in written findings the extraordinary and compelling reasons for the County to hold the fees beyond the five-year period. Under such circumstances, the Board of Supervisors shall establish the period of time within which the impact fees shall be expended or encumbered.

### **~~ARTICLE 6. PRIMARY RESIDENCE CERTIFICATION~~**

### **~~Section 9-601~~ 8-9.117 Primary residence certification**

Purchasers must certify by submitting a signed affidavit (on a form provided by the Planning, Public Works and Environmental Services Department) that the home will be used as their primary residence.

### **~~ARTICLE 7. AFFORDABLE HOUSING INCENTIVES~~**

### **~~Section 8-701~~ 8-9.118 Affordable housing incentives**

A developer may request that the County provide inclusionary incentives as set forth in this ordinance. The goal of these inclusionary incentives is to apply available incentives to qualifying projects in a manner that, to the extent feasible, offsets the cost of providing the inclusionary housing component. The Planning Director shall respond to any inclusionary housing incentive request and make a determination as to a package of inclusionary incentives

under consideration, subject to the approval of the Planning Commission and/or Board of Supervisors.

- (a) **Fee Waivers or Deferrals.** Upon application as provided herein, the County shall make available a program of waiver, reduction, or deferral of development fees, administrative fees, and financing fees for affordable units. Such a program may include a fifty percent (50%) waiver of development-related application and processing fees for affordable units constructed in connection with such residential project, subject to approval by the Board of Supervisors. In addition, the Board of Supervisors may consider, on a case by case basis, the provision of additional incentives as provided by law or as stated in the adopted Housing Element of the Yolo County General Plan.
- (b) **Modification of Planning, Public Works and Environmental Services Department Standards.** Upon application as provided herein the County may modify the standards for affordable units, to the extent feasible, in light of the uses, design, and infrastructure needs of the development, standards relating to road widths, curbs, and gutters, parking, lot coverage, and minimum lot sizes.
- (c) **Streamlining and Priority Processing.** The Planning Director shall review and modify, as appropriate, procedures for streamlining and priority processing which relieve affordable units of permit processing requirements to the maximum extent feasible consistent with the public health, safety, and welfare, subject to the final approval by the Board of Supervisors.
- (d) **Density Bonus.** The County shall make available to the developer a density bonus as provided in state density bonus law (Government Code 65915), however, the affordability requirements to qualify for a density bonus shall be those required by this ordinance. Units produced as part of such a density bonus do not give rise to an inclusionary housing requirement.

## ~~ARTICLE 8. ADMINISTRATION OF AFFORDABILITY CONTROL~~

### ~~Section 9-801 8-9.119 Administration of affordability control~~

Prior to the approval of any discretionary permit, if applicable, regulatory agreements shall be executed between the County and developer. Prior to Issuance of a Certificate of Occupancy, if the affordable units are owner-occupied, resale restrictions, deeds of trust and/or other documents, all of which must be acceptable to the Planning, Public Works and Environmental Services Director and consistent with the requirements of this ordinance, shall be recorded against the parcel having such affordable units and shall be effective for at least the period of time required by Government Code Section 65915(c) with respect to each affordable unit, but not less than 20 years.

The resale restrictions shall provide that in the event of the sale of an affordable unit intended for owner occupancy, the County shall have a right of first refusal to purchase such affordable unit at the market price minus the percentage of the "silent second", subject to the provisions of this ordinance.

No persons shall be permitted to occupy an affordable unit, or purchase an affordable unit for owner-occupancy, unless the County or its designee has approved the household's eligibility, or has failed to make a determination of eligibility within the time or other limits provided by a regulatory agreement or resale restrictions. Households selected to occupy affordable units shall be selected from the list of eligible households maintained by the County to the extent provided in the regulatory agreement or resale restrictions.

### **~~Section 9-802~~ 8-9.120 Procedure for sale of affordable units**

Prior to entering into an Inclusionary Housing Agreement, at the request of the developer of a for-sale residential project, the Planning, Public Works and Environmental Services Director will assist developers in estimating the calculations of maximum affordable purchase prices based on the assumptions provided in this ordinance. These estimates shall only be for the purpose of projecting the feasibility of the project and shall not be binding, as prevailing conditions in the housing market and fluctuations in interest rates that may affect the final calculations of affordable purchase prices. The timing and procedures for final calculations of affordable purchase prices shall occur pursuant to the provisions of this Ordinance.

### **~~Section 9-803~~ 8-9.121 Method for sale of affordable units**

The method for the sale of affordable units is shown below. The Planning, Public Works and Environmental Services Director shall review these assumptions and procedures annually and make revisions as necessary:

- (a) **Units Appraised at Fair Market Value.** At the time that the unit will be marketed and made available for sale, the fair market value of the unit will be determined. This determination will be made by a qualified appraiser who will be selected by the Planning, Public Works and Environmental Services Director and paid for by the developer.
- (b) **Calculation of Affordable Maximum First Mortgage.** The sale of affordable units will be implemented by a "silent second" mortgage program by the County by recordation of a note and deed of trust, or other designated document in the County's favor. After the fair market value of the unit has been determined, the developer will calculate the affordable maximum first mortgage amount for a qualified income purchaser of the unit, which shall be approved by the Planning Director. The following procedure will be used for determining the affordable maximum first mortgage amount:
  - (1) Determine the family size appropriate for the unit. For purposes of this calculation, "adjusted for family size appropriate to the unit" means adjusted for a household of one person in the case of a studio unit; two persons in the case of a one-bedroom unit; three persons in the case of a two-bedroom unit; four persons in the case of a three-bedroom unit; five persons in the case of a four-bedroom unit; and, six persons in the case of a five-bedroom unit.
  - (2) Determine the household income available for the affordable maximum first mortgage calculation for a low-income household based on the appropriate household size using the current HUD Area Median Income figures for Yolo County. The calculation of available household income should be based on the Area Median Income for the appropriate household size.

- (3) Calculate the amount of income available for housing costs by multiplying the income figure by 30 percent. For the purposes of determining the affordable purchase price, the cost of utilities, property taxes, insurance, primary mortgage, insurance, maintenance, and repair costs, and like expenses are not required to be included in the calculation. Homeowner's association dues may be included in the calculation of affordable purchase price if the Planning, Public Works and Environmental Services Director determines that such costs would place a substantial burden on the low-income homeowners' ability to purchase a home and make monthly mortgage payments.

### **~~Section 9-804~~ 8-9.122 Limitation of down payment requirement**

For purposes of this calculation, required down payments for low-income purchasers shall be limited to no more than five percent (5%) of the purchase price. The developer/seller may not require a buyer to make a larger down payment but a buyer may elect to make a larger down payment in order to reduce the amount of the first mortgage. This limit on the down payment requirement is intended to provide greater flexibility for low-income homebuyers who might find it difficult to provide a higher down payment amount.

### **~~Section 9-805~~ 8-9.123 Calculation of "silent second"**

The "silent second" will be the difference between 95% of the purchase price (or purchase price minus down payment amount) and the amount of the affordable maximum first mortgage. A promissory note and deed of trust, or other appropriate document, securing the silent second will be recorded and assigned to the County at the time of sale of each affordable unit. The promissory note and deed of trust, or other designated document, will remain a lien against the property, subordinate to the first mortgage. This note will have a thirty (30) year due date which can be extended at the discretion of the Planning, Public Works and Environmental Services Director.

### **~~Section 9-806~~ 8-9.124 Payoff of the silent second**

The silent second may not be prepaid during its first twenty (20) years, as long as the low-income purchaser occupies the unit as their primary residence during this period. The silent second will be released by the County in thirty (30) years as long as the low-income purchaser occupies the unit as their primary residence for this duration. The amount due to the County at the eventual payoff of the silent second or sale of the affordable unit to a non-qualified purchaser shall be the amount which bears the equal ratio to the fair market value at the time the silent second is paid off as the initial value that the silent second had in relation to the original fair market sales price. For example, if the original sales price was \$250,000 and the "affordability gap" was \$50,000, the original silent second would be \$50,000 (the ratio would be 20%). If the fair market value at the time of payoff was \$400,000, the amount due to the County would be \$80,000, or 20% of \$400,000. In another case, if the property rose in value to \$300,000, the 20% ratio would require the payoff amount to the County to be \$60,000.

## **~~Section 9-807~~ 8-9.125 Resale upon close of twenty year occupancy requirement**

The resale restrictions for affordable units shall be removed after a qualified purchaser has occupied the unit as their primary residence for at least twenty (20) years. However, the silent second note will remain with the property secured by the deed of trust or other applicable document for an additional ten (10) years. The silent second will be released by the County in thirty (30) years as long as the low-income purchaser occupies the unit as their primary residence for this duration.

## **~~ARTICLE 9. SUBORDINATION AND REFINANCING POLICY~~**

### **~~Section 9-901~~ 8-9.126 Subordination policy**

- (a) Subordination requests shall meet County requirements and policies and may include the following considerations:
  - (1) The amount of the new loan may only include the current balance of the senior debt plus debt to pay for all or a portion of the closing costs of the refinance/2<sup>nd</sup> with no cash out.
  - (2) The new loan must not have a balloon or negative amortization feature.
  - (3) The new primary loan (fixed interest rate only) is reduced and/or monthly payment are recorded.
  - (4) If the purpose for the new loan to which the County is to be subordinate is for home improvements, educational, medical, or similar purposes, not to exceed ninety (90%) of the appraised value that has been documented by a qualified third party specialist, the borrower may increase the amount of the new loan with these funds being placed in a supervised escrow account and relevant bills are to be paid out of this account.
- (b) The County of Yolo shall not subordinate its deed of trust to an increase risk/less security position, except for exceptional/special circumstances to be determined by the Planning, Public Works and Environmental Services Director. Exceptions are defined as any action that would depart from policy and procedures stated in the County's policies. Consideration of an exception/special circumstance may be initiated by the County or its agent. A report on the situation will be prepared. This report shall contain a narrative, including the staff's recommended course of action and any written or verbal information supplied by the applicant. The Planning, Public Works and Environmental Services Director shall make a determination of the exception/special circumstances requested at a regular or special meeting of the Planning Commission.
- (c) If the borrower and the new loan comply with the above requirements, the following information will be provided, if applicable:
  - (1) Borrower's request for subordination, including a statement of the reason for the refinance and supporting documentation of income, hardship, copy of loan application, etc.

- (2) Copy of the Lender's instructions for escrow purposes, that specifies proposed use of the borrowed funds, etc.
- (3) Copy of the new loan documents, (i.e. Promissory Note, Deed of Trust, and Loan Disclosure to show the amount of the new loan, rate of interest and terms of the proposed financing).
- (4) Copy of the current appraisal, credit report, and preliminary title report.
- (5) A completed Subordination Agreement for County execution will allow the County to finish processing the request in the event the subordination is approved.
- (6) A Request for Notice of Default or Sale.

### **~~Section 9-902~~ 8-9.127 Refinancing policy**

The County may approve a request to subordinate an Inclusionary Housing restriction in order for the owner to refinance the property under the following conditions:

- (a) The lien position of the County loan will remain the same.
- (b) The purpose of the new primary loan (fixed rate only) is to reduce the interest rate being paid and/or reduce the homeowner's home loan payment.
- (c) No equity cash out is being taken.

### **~~ARTICLE 10 AFFORDABLE RENT DETERMINATIONS~~**

### **~~Section 9-1001~~ 8-9.128 Affordable rent determinations**

The Planning, Public Works and Environmental Services Department will calculate the initial affordable rents for a residential project at the time that the units will be marketed and made available for rent. The developer is to provide information on the utilities that will be included in the rent and the utilities for which the tenants will be responsible (including the specific type of service).

The following procedure will be used for determining affordable rent:

- (a) Calculate Income Available for Housing. Determine the family size appropriate to the unit. For purposes of this calculation, "family size appropriate to the unit" means adjusted for a household of one person in the case of a studio apartment, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, five person in the case of a four-bedroom unit and six persons in the case of a five-bedroom unit.
- (b) Determine the household annual income maximum to use for affordable rent calculation based on the appropriate household size using the current Area Median Income figures for Yolo County as published by HUD. For a very low-income unit, up to 50 percent of Area Median Income shall be used. For a low-income unit, up to 80 percent of Area Median Income shall be used.
- (c) Calculate the amount of monthly income available for housing costs by dividing the maximum household annual income by 12 and then multiplying the maximum household

monthly income figure by 30 percent. The resulting figure shall be the household monthly income available for housing costs.

- (d) Estimate Annual Housing Costs. The household allowance for utilities will be estimated based on the utility costs as shown on the current "Allowance for Tenant-Furnished Utilities and Other Services" table prepared by the Yolo County Housing Authority, using the applicable unit size and unit type (i.e. townhouse, garden apartment). The costs used will be based on the specifications of the particular unit and the utilities provided by the property owner, for example gas or electric for heating, gas or electric for cooking, etc. Utility tables are updated by the Yolo County Housing Authority every year, and shall be provided by the Planning, Public Works and Environmental Services Department to developers of rental residential projects. The maximum rental rates of affordable units shall be adjusted as necessary based on changes to these utility tables.
- (e) Determine Affordable Rent. Affordable rent for an inclusionary unit is determined by subtracting applicable utility costs from the household monthly income available for housing costs. Current affordable rent levels are reviewed, and if necessary, updated by the Planning, Public Works and Environmental Services Department at least every year, and shall be provided to developers of rental residential projects in accordance with the County's Affordable Housing requirements. The maximum rental rates of affordability units shall be adjusted as necessary based on changes to household utility allowances or Yolo County Area Median Income levels.

### **~~Section 9-1002~~ 8-9.129 Buyer screening**

Buyer screening shall be required through a lender certification process or by the developer in a manner approved by the Planning, Public Works and Environmental Services Director.

Resale. The maximum sales price permitted on resale of an inclusionary unit designated for owner-occupancy shall be the seller's lawful market rate price, minus the ratio in percent of the silent second at the time of initial purchase.

All housing that is subject to this ordinance shall be available to all persons regardless of race, color, ethnicity, national origin, ancestry, familial status, disability, gender, marital status, religion, age, sexual orientation, and source of income. Moreover, no rental units subject to this ordinance shall discriminate against persons who have federal, state, or local subsidized rental assistance, including but not limited to the Section 8 Housing Choice Voucher program.

### **~~ARTICLE 11 EXEMPTED RESIDENTIAL PROJECTS~~**

### **~~Section 9-1101~~ 8-9.130 Exempted residential projects**

The following residential projects are exempt from this ordinance and generate no obligation to provide an inclusionary housing component:

- (a) Single Family Residential projects proposed to contain nine (9) or fewer residential dwellings at one location may be exempted from the inclusionary requirement provided that in-lieu fees shall be assessed on a unit percentage basis;



- (b) Multifamily Residential projects proposed to contain seven (7) or fewer residential dwellings at one location may be exempted from the inclusionary requirement provided that in lieu fees shall be assessed on a unit percentage basis;
- (c) Individual single family dwellings for which construction costs do not exceed those meeting the low income or below requirements as defined in this ordinance.
- (d) Replacement of a structure with a new structure of the same gross floor area and use at the same site or lot when such replacement occurs within twelve (12) consecutive months of the demolition or destruction of the prior residence.
- (e) Replacement of a structure with a new structure that does not exceed five-hundred (500) square feet.
- (f) Housing constructed in a self-help housing program that serves owner-occupants below 80% of area median income.

**~~ARTICLE 12. APPEALS, GRANDFATHER PROVISIONS AND ENFORCEMENT~~**

**~~Section 9-1201 8-9.131 Appeals~~**

An applicant or any aggrieved person may appeal decisions of the hearing body as provided by Article 13 of the Yolo County Code, as amended.

**~~Section 9-801 8-9.132 Grandfather provisions~~**

Any Sale/Resale Restriction Agreement executed prior to the adoption of this Inclusionary Housing Ordinance shall conform to the provisions of this ordinance.

**~~Section 9-801 8-9.133 Enforcement~~**

The County may institute any appropriate legal actions or proceedings to ensure compliance with the provisions of this ordinance, including but not limited to: (a) actions to revoke, deny, or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval; (b) actions to recover from any violator appropriate civil fines, administrative penalties, restitution, and/or enforcement costs, including attorney's fees; (c) eviction or foreclosure; (d) criminal prosecution of any violator; and (e) any other appropriate action for injunctive relief or damages. The failure of the County to fulfill or enforce the requirements of this ordinance shall not excuse any person, owner, or other party from compliance with the requirements of this ordinance.

## ARTICLE 2: Inclusionary Housing In-Lieu Fee

### ~~SECTION 1.~~ Sec. 8-8.201 Authority

This ordinance is adopted pursuant to Article 11, Section 7 of the California Constitution and California Government Code sections 66000 et seq., which establish the County's authority to impose and collect fees for the purpose of mitigating impacts related to development projects.

### ~~SECTION 2.~~ Sec. 8-8.202 Purpose

The ~~existing~~ Yolo County Inclusionary Housing Requirements (Article 1 of Chapter 9 8 of Title 8 of the Yolo County Code) require residential projects within unincorporated Yolo County to include a defined percentage of housing affordable to very low, low and moderate income households within each development project. ~~Section 8-9.402 of the existing ordinance~~ Article 1 allows small projects of less than ten (10) units for single family developments and seven (7) units for multifamily developments to meet the Inclusionary Housing Provisions by the payment of in-lieu fees pursuant to an adopted fee schedule, rather than compliance with the affordable housing on-site construction requirement. Specifically, this ordinance establishes and sets forth regulations relating to the imposition, collection, and use of fees for the provision of affordable housing. ~~A related and companion ordinance (ORDINANCE NO. 09- )~~ **makes modifications to the Inclusionary Housing Requirements.**

### ~~SECTION 3.~~ Sec. 8-8.203 Findings

The Board of Supervisors, having reviewed and considered the "Yolo County Inclusionary Housing In Lieu Fee" memoranda dated March 3, 2009 from Economic & Planning Systems (the "In Lieu Fee Analysis") ~~attached hereto as Exhibit A,~~ finds and determines as follows:

- (a) The State of California requires local governments to plan to meet the housing needs of all income groups. Specifically, "local governments have the responsibility to use their powers to facilitate the improvement and development of housing to meet the housing needs of all economic segments of the community (Government Code Section 65580) and to assist in the development of adequate housing to meet the needs of low and moderate income households (Government Code Section 65583(c)(2))."
- (b) It is a public purpose of the County, as expressed in the Housing Element of the County's General Plan, "to provide for the county's regional share of new housing for all income groups (Yolo County General Plan, Goal One)."
- (c) As documented in the Housing Element of the County's General Plan, there is a housing shortage for very low and low income households in the County and a shortage of ownership housing for moderate income households. Increasingly, very low, low and moderate income persons who work or live within the County are unable to locate suitable housing at prices they can afford and are increasingly excluded from living within the County. Federal and State housing subsidy programs are not sufficient by themselves to satisfy the housing needs of very low, low-income and moderate-income households.

- (d) The County finds that newly constructed housing does not, to any appreciable extent, provide housing affordable to very low, low and moderate income households. New development, which does not include or otherwise provide for affordable housing will further aggravate the current housing shortage for very low and low income households and the shortage of ownership housing for moderate income households, as it will reduce the supply of developable land and increase land costs, thus making affordable housing prohibitively difficult and expensive to develop.
- (e) This Ordinance implements the adopted Housing Element of the County General Plan and carries out the mandates of State Housing Element law, meeting the regional fair share housing requirements by ensuring that the benefits of economic diversity are available to the residents of the County. It is essential that new residential development contain housing opportunities for all income levels, and that the County provide a regulatory and incentive framework, which ensures development of an adequate supply and mix of new housing to meet the future housing needs of all income segments of the unincorporated Yolo County population.
- (f) The County further finds that the housing shortage for very low and low-income households, and the shortage of ownership housing for moderate income households, is detrimental to the public health, safety and general welfare of the County.
- (g) This ordinance establishes an Inclusionary Housing In Lieu Fee, consistent with policies and implementation programs of the Housing Element, and with the Inclusionary Housing Requirements.
- (h) There is a reasonable relationship between the per unit mitigation fees that will be collected on small development projects that do not include on-site affordable housing in the project pursuant to the Inclusionary Housing Requirements ordinance, and the cost of building affordable housing units.
- (i) The fee established by this ordinance is based on ~~Exhibit A hereto~~ (the In Lieu Fee Analysis. The cost estimates set forth in the In Lieu Fee Analysis are reasonable estimates of the costs to construct affordable housing units. Those cost estimates are based on the recent values direct construction costs of product types typical of affordable housing projects in Yolo County.
- (j) The cost of providing affordable housing is appropriate borne, in part, by the developers of residential projects that do not include affordable units within the projects. The fees established by this ordinance are reasonable, equitable, and do not unfairly burden new development.

**~~SECTION 4.~~ Sec. 8-8.204 Inclusionary housing in-lieu fee**

- (a) ~~Title 8, Chapter 9 of the County Code, as amended by the related and companion ordinance (ORDINANCE NO. 09-\_\_\_\_\_)~~, **Article 1 of this Chapter** establishes the Yolo County Inclusionary Housing Requirements. The program requires residential development projects to include affordable housing in proportion to the size of the

project or, for small projects, to pay an in lieu fee that would fund construction of affordable housing.

- (b) The Yolo County Inclusionary Housing Requirements specifies that small projects of less than ten (10) units for single family developments and seven (7) units for multifamily developments shall be required to pay an in-lieu fee, based on a per unit calculation of the affordable construction costs.
- (c) The formula for determining the amount of the per unit in lieu fee to be paid shall be as follows, ~~consistent with Table 1 of Exhibit A hereto~~, and as updated according to section (e), below:

**Table 1  
Financing Gap per Affordable Unit  
and In-lieu Fee**

Item	Very Low Income	Low Income	Moderate Income	Total <sup>1</sup>
<b>Rental Units</b>				
Average Financing Gap per Affordable Unit	\$166,100	\$102,999	n/a	
In-Lieu Fee (no additional subsidy)	\$24,915	\$10,300	n/a	<b>\$35,215</b>
In-Lieu Fee (including 50% additional subsidy)	\$12,457	\$5,150	n/a	<b>\$17,610</b>
<b>For-Sale Units</b>				
Average Financing Gap Per Affordable Unit	n/a	\$1339,248	\$125,105	
In-Lieu Fee (no additional subsidy)	n/a	\$13,325	\$12,511	<b>\$25,835</b>
In-Lieu Fee (Including 50% additional subsidy)	n/a	\$6,662	\$6,255	<b>\$12,920</b>

Notes: 1. Rounded down to nearest \$5.

“N/a” refers to not applicable. There is no inclusionary housing requirement for affordable rental units to be provided for moderate income households. Similarly, there is no inclusionary housing requirement for affordable for-sale units to be provided for very low income households.

**Table 2  
Inclusionary Housing  
In Lieu Fee Schedule**

<b>Number of Units in Project</b>	<b>Required Percentage of Fee</b>	<b>In Lieu Fee for 1.0 unit</b>	<b>In Lieu Fee to be Paid</b>
1 unit	0.1	\$12,920 (for sale) \$17,610 (rental)	<b>\$1,292 (for sale)</b> <b>\$1,761 (rental)</b>
2 units	0.2	\$12,920 (for sale) \$17,610 (rental)	<b>\$2,584 (for sale)</b> <b>\$3,522 (rental)</b>
3 units	0.3	\$12,920 (for sale) \$17,610 (rental)	<b>\$3,876 (for sale)</b> <b>\$5,283 (rental)</b>
4 units	0.4	\$12,920 (for sale) \$17,610 (rental)	<b>\$5,168 (for sale)</b> <b>\$7,044 (rental)</b>
5 units	0.5	\$12,920 (for sale) \$17,610 (rental)	<b>\$6,460 (for sale)</b> <b>\$8,805 (rental)</b>
6 units	0.6	\$12,920 (for sale) \$17,610 (rental)	<b>\$7,752 (for sale)</b> <b>\$8,805 (rental)</b>
7 units	0.7	\$12,920 (for sale)	<b>\$9,044 (for sale)</b>
8 units	0.8	\$12,920 (for sale)	<b>\$10,336 (for sale)</b>
9 units	0.9	\$12,920 (for sale)	<b>\$11,628 (for sale)</b>

- (d) The fees collected pursuant to this ordinance shall be used to pay the costs associated with construction of new affordable housing units.
- (e) The Inclusionary Housing In Lieu Fees shall be updated on a regular basis, no later than every two years, based on the changes measured by two indices: the Office of Federal Housing Enterprise Oversight (OFHEO) housing price index for the Sacramento Metropolitan Statistical Area, which is a proxy for land costs; and the average construction cost per square foot as shown on the most recent edition of the Building Permit Valuation Table in use by the Yolo County Planning, **Public Works and Environmental Services Building** Department (or other similar construction cost index for the Yolo County area).

**SECTION 5. Sec. 8-8.205 Payment of fees**

For any development project subject to this ordinance, fees levied hereunder shall be paid to the County of Yolo prior to the acceptance of any final subdivision map, issuance of a conditional use permit or approval of a site plan, or issuance of building permit(s) or certificate(s) of occupancy, whichever occurs first. The Planning, Public Works and Environmental Services Department shall not accept any final subdivision map, issue any conditional use permit or approve any site plan, or issue any building permit(s) or certificate(s)

of occupancy to any development subject to this ordinance without first receiving payment of the required fees from the applicant.

**SECTION 6. Sec. 8-8.206 Accounting and register of payment**

- (a) The fees collected pursuant to this ordinance shall be placed by the Planning, Public Works and Environmental Services Department in a separate interest bearing account for the Inclusionary Housing In Lieu Fee Program, as further described in Section 9, below.
- (b) The Planning, Public Works and Environmental Services Department shall maintain a register for each account indicating the date of payment of each fee, the amount paid, Assessor's Parcel Number and the name of the payor.
- (c) Pursuant to Government Code section 66006(b)(1), within 180 days after the last day of each fiscal year, the Planning, Public Works and Environmental Services Department shall prepare an accounting of all fees paid into and withdrawn from the account during the prior fiscal year. This accounting shall include all of the information required by subdivision (b)(1) of section 66006, including but not limited to the source and amounts collected, the beginning and ending balance of the account, the interest earned during the prior fiscal year, the amounts expended from the account, and the projects for which such expenditures were made.

**SECTION 7. Sec. 8-8.207 Independent fee calculations**

- (a) Following a request made by an affected party, if in the judgment of the Director of the Planning, Public Works and Environmental Services Department ("Director") none of the fee amounts set forth in the schedule in Table 1, above, appears to accurately correspond with the impacts resulting from issuance of the requested building permit (or certificate of occupancy if no building permit is required), the applicant shall provide to the Planning, Public Works and Environmental Services Department for its review and evaluation an independent fee calculation, prepared by a consultant approved by the Director. The independent fee calculation shall show the basis upon which it was made and shall include, at a minimum, the costs of recent easement transactions in Yolo County. The Director may require, as a condition of the issuance of the requested permit, payment of an alternative impact fee based on this calculation. With the independent fee calculation, the applicant shall pay to the Planning, Public Works and Environmental Services Department an administrative processing fee of eight hundred and forty (\$840) dollars per calculation or such amount that may be set in the County's Master Fee Resolution in effect at the time the project is submitted.
- (b) While there is a presumption that the calculation set forth in the Inclusionary Housing In Lieu Fee study is correct, the Director shall consider the documentation submitted by the applicant. The Director is not required to accept as true the facts contained in such documentation. If the Director reasonably deems the facts in such documentation to be inaccurate or not reliable, he or she may require the applicant to submit additional or different documentation or, alternatively, refuse to accept any further documentation and apply the formula set forth in Section 8-8.204, above, to the development at issue. The Director is authorized to adjust the fee on a case-by-case basis based on the

independent fee calculations or the specific characteristics of the permit (or certificate of occupancy if no building permit is required), provided the amount of the adjusted fee is consistent with the criteria set forth in Government Code section 66001(a)-(b) and other applicable legal requirements.

#### **~~SECTION 8.~~ Sec. 8-8.208 Exemptions**

Residential projects that are exempted from this ordinance and from payment of these in lieu fees are as specific in **~~Sec. 8-9.1101 of the Inclusionary Housing Requirements ordinance (Chapter 9, Title 8 of the Yolo County Code) Article 2.~~** These exempted residential projects include: individual single family dwellings for which construction costs do not exceed those meeting the low income or below requirements as defined in this ordinance; replacement of a structure with a new structure of the same gross floor area and use at the same site or lot when such replacement occurs within twelve (12) consecutive months of the demolition or destruction of the prior residence; replacement of a structure with a new structure that does not exceed five-hundred (500) square feet; and housing constructed in a self-help housing program that serves owner-occupants below 80% of area median income.

#### **~~SECTION 9.~~ Sec. 8-8.209 Establishment of impact fee account**

- (a) An interest-bearing account has been established for the fees collected pursuant to this ordinance and is entitled "Inclusionary Housing In-Lieu Fee Account". Impact fees shall be earmarked specifically and deposited in this account and shall be prudently invested in a manner consistent with the investment policies of the County. Funds withdrawn from this account shall be used in accordance with the provisions of this ordinance. Interest earned on impact fees shall be retained in the account and expended for the purpose for which the impact fees were collected.
- (b) On an annual basis, the Director shall provide a report to the Board of Supervisors on the account showing the source and amount of all moneys collected, earned, or received, and system improvements that were financed in whole or in part by impact fees. This report may be identical in format and content with the report or other document prepared pursuant to **subsection (c) of this ordinance** and Government Code section 66006(b)(1).
- (c) In accordance with Government Code section 66001(d), for the fifth fiscal year following the first deposit of fees into the account and every five years thereafter, if some or all of the collected fees have not been expended, the Board of Supervisors shall make the findings set forth in Government Code section 66001(d) or take other measures provided in subdivisions (d) and (e) of section 66001, including a refund of any unexpended moneys pursuant to Section **8-8-211**, below.

#### **~~SECTION 10.~~ Sec. 8-8.210 Refunds**

- (a) Except where the Board of Supervisors has timely made the findings set forth in Government Code section 66001(d), upon application of the property owner made pursuant to subsections **(c) through (e)** of this section, the County shall refund that portion of any impact fee which has been on deposit over five years, whether committed or uncommitted. The refund shall be made to the then-current owner or owners of lots or

units of the development project or projects, as reflected on the last equalized assessment roll.

- (b) The County may refund by direct payment, by offsetting the refund against other impact fees due for development projects by the owner on the same or other property, or otherwise by agreement with the owner. A person who receives a refund under this provision shall not commence construction of the land development for which the refund was made without repaying the required fees.
- (c) If the County fails to expend the fees within five years of payment, or where appropriate findings have been made, such other time periods pursuant to Section 66000 et seq. of the Government Code, the current owner of the property for which impact fees have been paid may receive a refund of the remaining amount of the fee payment. In determining whether fees have been expended, impact fees shall be considered expended on a first in, first out basis.
- (d) The County shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants.
- (e) Property owners seeking a refund of impact fees must submit a written request for a refund of the fees to the Director of Planning, Public Works and Environmental Services within one year of the date that the right to claim the refund arises or the date the notice described in subsection **(d)** of this Section is given, whichever is later.
- (f) Any impact fees for which no application for a refund has been made within the one year period shall be retained by the County and expended on the appropriate affordable housing programs.
- (g) Refunds of impact fees under this ordinance shall include any interest earned on the impact fees by the County.
- (h) When the County terminates the impact fee program established by this ordinance, all unexpended and unencumbered funds, including interest earned, shall be refunded pursuant to this ordinance. The County shall publish notice of the determination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of the claimants. All funds available for refund shall be retained for a period of one year after the second publication. At the end of one year, any remaining funds shall be retained by the County, but must be expended for appropriate affordable housing projects or programs. This notice requirement shall not apply if there are not unexpended or unencumbered balances within the account.
- (i) The County shall also refund the impact fee paid plus interest to the current owner of property for which the impact fee had been paid if the development was never completed or occupied; provided, that if the County expended or encumbered the impact fee in good faith prior to the application for a refund, the Director may decline to provide the refund. If within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development, the owner can petition the Director for an offset against the fees previously paid to, and expended or encumbered by, the County. The petitioner shall provide receipts of impact fees



previously paid for a development of the same or substantially similar nature on the same property or some portion thereof.

**~~SECTION 11.~~ Sec. 8-8.211 Use of funds**

- (a) The fees collected pursuant to this ordinance may be spent for the construction or creation of affordable housing in Yolo County, including any related administrative, planning, monitoring, and legal costs.
- (b) It is the intent of the County to transfer most, if not all, of the fees that are collected to a qualifying entity, that will construct or create affordable housing in Yolo County.
- (c) In lieu fees may be used to recoup costs for affordable housing projects previously incurred by the County, provided the costs recouped by the County were incurred in connection with the Inclusionary Housing program.
- (d) In the event that bonds or similar debt instruments are or have been issued for the advanced construction of affordable housing, in lieu fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the use of the bonds is consistent with the Inclusionary Housing program and this ordinance.

**~~SECTION 12.~~ Sec. 8-8.212 Protests and appeals**

Protests shall be filed in accordance with Sections 66020 and 66021 of the Government Code. At the time any fees are imposed pursuant to this ordinance, County staff shall provide the project applicant written notice of the imposition of the fees, a statement of the amount of the fees, and notification of the commencement of the ninety (90) day period for filing a protest under Government Code section 66020(d)(1).

**2014 UPDATED  
YOLO COUNTY CODE**

**Title 8 LAND DEVELOPMENT**

**CHAPTER 9: REASONABLE ACCOMMODATIONS**

**Sec. 8-9.101 Purpose**

The purpose of this Chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter "Acts") in the application of zoning laws and other land use regulations, policies, and procedures.

**Sec. 8-9.102 Applicability**

- (a) A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this zoning code or other County requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this chapter, a "person with a disability" is any person who has a physical, developmental, 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 chapter is intended to apply to those persons who are defined as disabled under the Acts.
- (b) A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, 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.
- (c) A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.
- (d) A reasonable accommodation may be granted in compliance with this Chapter without the need for the approval of a variance.

**Sec. 8-9.103 Procedure**

- (a) A request for reasonable accommodation shall be submitted on an application form provided by the Planning, Public Works and Environmental Services Department or in the form of a letter to the Director of the Planning, Public Works and Environmental Services Department, 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 use of the property;

- (4) The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;
  - (5) The zoning code provision, regulation, or policy from which reasonable accommodation is being requested; and
  - (6) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- (b) If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (a) of this Section for concurrent review with the application for discretionary approval.
  - (c) A request for reasonable accommodation shall be reviewed by the Director of the Planning, Public Works and Environmental Services Department or his/her designee, if no approval is sought other than the request for reasonable accommodation. The Director or his/her designee shall make a written determination within 45 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.
  - (d) A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

## **Sec. 8-9.104 Approval 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 housing in the request will be used by a person with a disability under the Acts;
- (b) Whether the request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;
- (c) Whether the requested reasonable accommodation would impose an undue financial, administrative or enforcement 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; and
- (g) Other reasonable accommodations that may provide an equivalent level of benefit.

### **Sec. 8-9.105 Conditions of approval**

In granting a request for reasonable accommodation, the Director of the Planning, Public Works and Environmental Services Department or his/her designee, or the Planning Commission as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

### **Sec. 8-9.106 Appeals**

Any person dissatisfied with any action of the Director, or the Planning Commission, pertaining to this Chapter may appeal to the Planning Commission, or Board of Supervisors, within 10 days after written notice of the Director's or Planning Commission's decision is sent to the applicant, according to the provisions contained in Chapter 2, Sec. 8-2.225.



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YOLO COUNTY CODE**

**Title 8 LAND DEVELOPMENT**

**CHAPTER 10: MOBILE HOME PARK  
CONVERSION ORDINANCE**

**Sec. 8-10.101 Purpose**

The purpose of the Mobile Home Park Conversion Ordinance is to ensure that any conversion of these parks to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of a proposed conversion, and that relocation and other assistance is provided to park residents when warranted, consistent with the provisions of this ordinance and the California Government Code, Sections 65863.7, 65863.8, 66427.4, and 66427.5.

**Sec. 8-10.102 Application required**

The conversion of an existing mobile home park to another use, or the closing of a mobile home park, shall require a Major Use Permit to be reviewed and approved by the Planning Commission. An application for such permit shall include the following and such other information as may be required by the Planning Director:

- (a) A general description of the proposed use to which the mobile home park is to be converted, including a narrative and site plan.
- (b) The proposed timetable for implementation of the conversion and development of the site.
- (c) 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 residents of the mobile home park consistent with Section 65863.7 of the California Government Code.
- (d) A survey of support by the residents of the proposed conversions, consistent with Section 66427.5 of the California Government Code.

**Sec. 8-10.103 Conversion impact report**

The conversion impact report shall include the following information:

- (a) Detailed description of the mobile home spaces within the mobile home park;
- (b) The monthly rent currently charged for each space, including any utilities or other costs

- paid by the present resident(s) thereof to the park owner;
- (c) Name and mailing address of the primary resident(s) of each mobile home;
  - (d) A list of all comparable mobile home parks within the area. This list shall include the number of spaces and vacancies, a schedule of rents, and the criteria for acceptance of new tenants and mobile homes.
  - (e) An analysis of the economic impact of the relocation on each resident including the estimated costs of moving a mobile home and personal property to a comparable mobile home park.
  - (f) A relocation plan for which the applicant agrees to pay all reasonable moving expenses to a comparable mobile home park within the area to any mobile home resident who relocates from the park after County approval of the Use Permit authorizing conversion of the park.

### **Sec. 8-10.104 Relocation plan**

- (a) The reasonable cost of relocation and moving expenses shall include the cost of relocating a displaced homeowner's mobile home; payment of any security deposit required at the new site; and the reasonable difference (up to 25%) between the rent paid in the existing park and any higher rent at the new site for the first twelve (12) months of the relocated tenancy. Relocation assistance shall not exceed the in-place value of a unit. When any resident has given notice of his intent to move prior to County approval of the Use Permit, eligibility to receive moving expenses shall be forfeited.
- (b) If the Planning Commission determines that a particular mobile home cannot be relocated to a comparable mobile home park within the area, and the mobile home owner has elected to sell his or her mobile home, the relocation plan shall identify those mobile homes, the reasons why the mobile homes cannot be relocated, then the Planning Commission shall, as a part of the reasonable cost of relocation as provided for in Government Code Section 65863.7(e) require the applicant to provide for purchasing the mobile home of a displaced home owner at its in-place market value.

Such value shall be determined after consideration of relevant factors, including the value of the mobile home in its current location including the blocks and any skirting, siding, porches, decks, storage sheds, cabanas, and awnings, and assuming the continuation of the mobile home park in a safe, sanitary, and well maintained condition, and not considering the effect of the change of use on the value of the mobile home. If a dispute arises as to the in-place value of a mobile home, the applicant and the homeowner shall have appraisals prepared by separate, or mutually agreed upon, qualified MAI appraisers with experience in establishing the value of mobile homes. The Planning Commission shall determine the in-place value based upon the average of the appraisals submitted by the applicant and mobile home owner.

## **Sec. 8-10.105 Survey of residents**

The Planning Commission may consider in its deliberations, the results of the survey of support by the residents of the proposed conversion, prepared consistent with Section 66427.5 of the California Government Code.

## **Sec. 8-10.106 Required findings**

The Planning Commission may approve a Use Permit for a mobile home park conversion if it finds that the proposed conversion meets the following requirements, in addition to the requirements of Chapter 2, Section 8-2.217:

- (a) That the proposed use of the property is consistent with the General Plan or any community plan, and all applicable provisions of this ordinance are met;
- (b) That the residents of the mobile home park have been adequately notified of the proposed conversion, including information pertaining to the anticipated timing of the proposed conversion.
- (c) That there exists land zoned for new or replacement comparable mobile home parks or adequate space is available in other comparable mobile home parks within the area for the residents who will be displaced.
- (d) That the conversion will not result in the displacement of any residents without other acceptable options to mitigate loss of housing.
- (e) That the age, type, size, and style of mobile homes to be displaced as a result of the conversion will be able to be relocated into other comparable mobile home parks within the area or that the applicant has agreed to purchase any mobile home that cannot be relocated at its in-place value as provided for in this Section.
- (f) That if the mobile home park is to be converted to another residential use, the mobile home residents to be displaced shall be provided the right of first refusal to purchase, lease, rent, or otherwise obtain residency in the replacement dwelling units, and the construction schedule for such replacement dwelling units shall not result in a displacement of unreasonable length for those mobile home residents electing to relocate in these replacement units;
- (g) That any mobile home residents displaced as a result of the conversion shall be compensated by the applicant for all reasonable costs incurred as a result of their relocation; and
- (h) That the relocation plan mitigates the impacts of the displacement of individuals or households for a reasonable transition period and mitigates the impacts of any long-term displacement.

## **Sec. 8-10.107 Conditions of approval**

The Planning Commission shall impose the following conditions of approval for a Use Permit for a mobile home park conversion, in addition to any other conditions as might be required:



- (a) The applicant shall implement a relocation plan that shall make adequate provisions for the relocation of all mobile homes and mobile home residents to be displaced as a result of the conversion. Such plan shall include provisions to relocate such mobile homes and mobile home residents in comparable mobile home parks within the area.
- (b) The applicant shall bear all reasonable costs of relocating mobile homes and mobile home residents displaced by the conversion. Such costs may also include the cost of in place value of mobile homes which cannot be relocated, pursuant to this Section, or establishing a new mobile home park for the relocation of displaced mobile homes.
- (c) The Planning Commission shall establish the date on which the permit for conversion will become effective. Such date shall not be less than one year from approval of the Use Permit, provided that conversion at an earlier date may be approved if the Commission receives a written petition requesting an earlier date signed by a majority of those persons residing in the subject mobile home park at the time of the public hearing to consider the conversion application. The effective date of the approval in such a case shall be the date set forth in the petition. Conversion at the earlier date may be approved only if the applicant has complied with all the provisions of an approved relocation plan and submitted evidence of such compliance to the Planning Director.
- (d) No building or grading permit shall be issued for the development of a new use to which a mobile home park is being converted, pursuant to this Chapter unless and until the applicant has filed with the Planning Director a verified statement made under penalty of perjury that all conditions of approval have been met or otherwise incorporated into the final project plans including the payment of all relocation assistance required pursuant to this Section. Such statement shall identify in itemized form each payee, the amount paid, the date of payment, and the type of relocation or other assistance for which each such payment was made.

### **Sec. 8-10.108 No increase in rent**

A resident's rent shall not be increased within two (2) months prior to filing an application for conversion of a mobile home park, nor shall the rent be increased to an amount greater than the Consumer Price Index for one (1) year from the date of filing of the conversion application or until relocation takes place, whichever is later.

### **Sec. 8-10.109 Violations**

In addition to any remedies or penalties for noncompliance with any County Ordinance as provided elsewhere in the County Code, any park owner or applicant who violates any rights of any mobile home owner or mobile home resident established under this Section shall be liable to said person for actual damages caused by such violation, plus costs and reasonable attorney's fees. In addition, no park owner shall take any willful action to threaten, retaliate against, or harass any park resident with the intent to prevent such residents from exercising his or her rights under this Section.

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**CHAPTER 11: HISTORIC LANDMARKS  
AND HISTORIC DISTRICTS**

**Sec. 8-11.101 Purpose**

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation and use of improvements, buildings, structures, signs, objects, features, sites, places and areas within the County that reflect elements of its cultural, agricultural, social economic, political, aesthetic, military, maritime, engineering, archaeological, religious, ethnic, natural, architectural and other heritage for the following reasons:

- (a) To safeguard the County's heritage as embodied and reflected in such resources;
- (b) To encourage public knowledge, understanding, and appreciation of the County's past;
- (c) To promote their use for the education and welfare of other residents of the County;
- (d) To strengthen the economy of the County by protecting and enhancing the County's attraction to tourists, visitors and residents;
- (e) To stabilize and improve property values in historic areas of structures and objects for the ultimate aesthetic and economic benefit of the County;
- (f) To provide increased availability to building owners of construction code, financing aids and tax benefits permitted under State and Federal laws when buildings have been designated a historic landmark status or lie within a designated historic district; and
- (g) To enhance the visual character of the County by encouraging new design and construction that complement the County's historic buildings.

**Sec. 8-11.102 Standards for designation of historic landmarks and historic districts**

- (a) A building, structure, object, particular place, vegetation or geology, may be designated for preservation as a historic landmark if it meets one or more of the following criteria:
  - (1) It exemplifies or reflects valued elements of the County's cultural, agricultural, social, economic, political, aesthetic, military, religious, ethnic, natural vegetation, architectural, maritime, engineering, archaeological or geological history; or
  - (2) It is identified with persons or events important in local, state or national history; or

- (3) It reflects significant geographical patterns, including those associated with different eras of settlement and growth and particular transportation modes; or
  - (4) It embodies distinguishing characteristics or an architectural style, type, period, or method of construction or is a valuable example of the use of indigenous materials or craftsmanship; or
  - (5) It is representative of the notable work of a builder, designer or architect; or
  - (6) It represents an important natural feature or design element that provides a visual point of reference to members of the community.
- (b) An area may be designated as a historic district when it includes at least two designated historic landmarks in such proximity that they create a setting historically or culturally significant to the local community, the state, or the nation, sufficiently distinguishable from other areas of the County to warrant preservation by such means. Such district may include structures and sites that individually do not meet criteria for landmark status but which geographically and visually are located so as to be part of the setting in which the other structures are viewed.

### **Sec. 8-11.103 Procedure for designation of historic landmarks and historic districts**

- (a) For the purposes of this Chapter, the Yolo County Planning Commission is designated and shall act as the Historic Preservation Commission.
- (b) The Historic Preservation Commission, upon its own initiative or upon request of any affected property owner or County agency, by resolution may recommend to the Board of Supervisors designation of a Historic Landmark or Historic District upon compliance with the following procedure:
- (1) Information concerning the proposal shall be filed with the Planning and Public Works Department and shall include:
    - (i) The assessor's parcel number for the site;
    - (ii) A description detailing the special aesthetic, cultural, architectural, or engineering interest or value of a historic nature;
    - (iii) A detailed site plan;
    - (iv) Sketches, drawings, photographs or other descriptive material showing what is to be designated;
    - (v) A statement of condition of the structure, object, or particular place;
    - (vi) Such other information as reasonably may be requested by the Commission or the Planning, Public Works and Environmental Services Department.
  - (2) The proposal shall be considered at a public hearing. Notice of the time, place, and purpose of such hearing shall be given by the Planning, Public Works and Environmental Services Department in a newspaper of the general circulation in the county and by mail to each owner of property subject to the proposed designation as a historic landmark or inclusion in the historic district, and adjacent property owners not less than fifteen (15) calendar days prior to the

date of hearing. A copy of the ordinance codified in this chapter shall be mailed to the property owners only.

- (3) Recommendation of designation of all or part of the proposal shall be based on enumerated facts which show that the standards contained in this article for designation as a historic landmark or a historic district have been met.
- (c) Upon receipt of the recommendation from the Historic Preservation Commission, the Board of Supervisors shall approve, modify or disapprove the recommendation upon compliance with the following procedure:
- (1) A public hearing on the matter shall be scheduled for the next regular meeting consistent with demands of the agenda. Notice of the time, place, and purpose of such hearing shall be given by the Clerk of the Board of Supervisors in a newspaper of general circulation in the County and by mail to each owner of property subject to the proposed designation not less than fifteen (15) calendar days prior to the date of hearing.
  - (2) Final approval of the recommendation for designation shall be by resolution of the Board of Supervisors. The Clerk of the Board of Supervisors shall give written notice of such designation to each owner of property subject to the designation and other persons or agencies requesting notice thereof.

### **Sec. 8-11.104 Permit required**

No person shall demolish, remove, move, or make alterations which affect the exterior appearance of, or cause excavations which affect a designated historic landmark or undertake the same with respect to any structure located in a designated historic district without first obtaining written approval from the Historic Preservation Commission; excepting therefrom those items specified in the design review guidelines or work authorized by the Building Official upon written approval of the Planning, Public Works and Environmental Services Department for protection of public safety.

### **Sec. 8-11.105 Design review guidelines**

The intent of this article is to safeguard the County's heritage as embodied and reflected in the historic resources. The County recognizes the need for a balance between the historic value of a landmark and a property owner's rights. Future construction or exterior alterations to historic landmarks will require design review by either the Planning, Public Works and Environmental Services Department staff or the Historic Preservation Commission. The criteria for the method of review of repair or alteration plans is as follows:

- (a) The following items are exempt from this article. Prior to issuance of a building permit for any of these items, the Planning, Public Works and Environmental Services Department shall confirm conformity of the project with these exclusions: house painting; routine maintenance or repair; landscaping including sprinkler system work; flat concrete work; all interior alterations; and screens and awnings.
- (b) The following items do not require review by the Historic Preservation Commission. Approval by the Planning, Public Works and Environmental Services Department will be

issued upon approval of a building permit. The Department may refer applications to the Historic Preservation Commission as deemed reasonably necessary in the discretion of the Department Director: roofing; front, back and side yard fences or walls; retaining wall; chimney and foundation work; alterations or replacement of windows and exterior doors; solar collectors on roof; mechanical systems including air-conditioning and heating.

- (c) The following projects which affect the exterior appearance of the structure shall be reviewed by the Historic Preservation Commission, if the estimate and construction cost is in excess of Five Hundred and no/100ths (\$500.00) Dollars: repairs to replace or replicate original architecture; surfacing or re-surfacing exterior walls; additions or alterations to porches; (Building permit fees are exempted for such projects).
- (d) The following item requires review by the Historic Preservation Commission and will require a building permit: room additions to historic structures.

### **Sec. 8-11.106 Application for permit**

- (a) A property owner who desires to construct, move, remove or demolish a designated historic landmark or any structure within a designated historic district shall file an application with the Planning, Public Works and Environmental Services Department upon a form prescribed by the County. The application shall include all necessary information required by the rules of the Historic Preservation Commission. When the application is filed it shall be referred to the Historic Preservation Commission.
- (b) *Alterations.* A property owner who desires to alter a designated historic landmark or any structure within a designated historic district is subject to design review guidelines criteria specified in Section 8-11.105 of this Article.
- (c) *Application Contents.* The owner shall file an application with the Planning, Public Works and Environmental Services Department upon a form prescribed by the County. The application shall include all necessary information required by the rules of the Historic Preservation Commission.
- (d) *Process.* If the proposed alteration does not require review by the Historic Preservation Commission, the application shall be referred to the Planning, Public Works and Environmental Services Department for review.

If the proposed alteration requires review by the Historic Preservation Commission, the application shall be referred to the Historic Preservation Commission.

### **Sec. 8-11.107 Procedure upon applications requiring Commission review**

- (a) Upon the filing of an application requiring review by the Historic Advisory Commission, the Secretary of the Historic Preservation Commission shall refer the matter to any local Historical Society or Committee, set the matter for hearing and shall give written notice to the applicant. The secretary shall cause publication of notice in a newspaper of

general circulation in the County of the date, time, and place of the hearing. Any local Historical Society or Committee shall have thirty (30) days in which to review and make a recommendation. The Commission shall hold a public hearing and shall make its decision within ninety (90) days from the date the application is filed with the Planning, Public Works and Environmental Services Department. The Commission may approve an application for demolition or stay the application for a period up to ninety (90) days in order to seek an alternative to demolition. If the Commission fails to act within ninety (90) days, the application shall be considered approved unless the applicant and the Commission agree to an extension of time.

- (b) At the conclusion of the hearing the Commission shall make its decision and shall file a letter of approval with the Building Official or deny the application. No person may do any work upon a designated historic landmark or any structure within a designated historic district which requires Commission approval, and the Building Official shall not issue a building permit, until the Commission files a letter of approval.
- (c) Approved work shall begin within one year from the date of approval.

### **Sec. 8-11.108 Criteria for evaluating application**

In reviewing and acting upon each application, the Commission shall consider:

- (a) The recommendations of any local Historical Society or Committee;
- (b) The historical value and significance, or the architectural value and significance, or both, of the designated historic landmark or of the structure within a designated historic district and its relation to the historical value of the surrounding area;
- (c) The relationship of the exterior architectural features of the structure to the rest of the structure itself and to the surrounding area;
- (d) The general compatibility of the exterior design, arrangement, texture and material which is proposed by the applicant;
- (e) Plans for structures which have little or no historic value or plans for new construction for their compatibility with surrounding structures;
- (f) Conformance with the design review guidelines specified in Section 8-11.105 of this Article;
- (g) Conformance with the Yolo County General Plan or applicable area general plan.

### **Sec. 8-11.109 Commission restricted to exterior features only**

The Commission shall consider and pass upon only the exterior features of a designated historical landmark, or new structures upon sites located within a designated historic district unless the applicant voluntarily requests that interior features be included.

### **Sec. 8-11.110 Special considerations**

- (a) If an application proposes to move, remove, or demolish a structure which the Commission considers will be a great loss to the County, the Commission shall not approve the project unless it finds that the project proponent has been unable to develop any reasonably economically feasible alternative plan for the preservation of the structure. The owner shall be required to show documented evidence to the Commission of a good faith attempt (i.e. seeking funding and advertising the structure for purchase) to save the property.
- (b) If the Commission finds that the proposed construction or alteration will not materially impair the historical and architectural value of the structure, it shall approve the application.
- (c) If the Commission finds that the retention of the structure constitutes a hazard to public safety and the hazard cannot be eliminated by economic means available to the owner, the Commission shall approve the application for demolition.
- (d) The Commission may approve the moving of a structure of historical or architectural value as a last alternative to demolition if the Commission finds that all other options for maintaining the structure on the site have been exhausted.

### **Sec. 8-11.111 Limit on application within one year**

No application for the same or substantially similar work may be filed within one year after the Commission has disapproved it.

### **Sec. 8-11.112 Exemptions from regulations**

The regulations contained herein which require approval by the Historic Preservation Commission do not apply to work exempted from such review by Section 8-11.105 of this Chapter, design review guidelines.

### **Sec. 8-11.113 Pre-existing building permits**

The provisions of this chapter do not apply to construction, alteration, moving, removing, or demolition of a designated historic landmark or a structure within a designated historic district started under a building permit issued before the effective date of the ordinance codified in this Chapter.

### **Sec. 8-11.114 Appeals from actions of the Historic Preservation Commission**

- (a) *Filing.* The action of the Historic Preservation Commission on any decision made pursuant to this chapter shall be final unless, within fifteen (15) days after such action, any person with standing to appeal shall appeal therefrom by filing a written appeal with the Board of Supervisors together with an appeal fee as established by resolution of the

Board of Supervisors. Such appeal shall specifically delineate the decision which is appealed and specifically recite the grounds for the appeal.

- (b) *Hearings: Setting: Notices.* At the second regular meeting after the filing of an appeal, the Board of Supervisors shall set a date for a hearing upon such appeal and shall give notice thereof to all interested parties in the manner specified for the hearing of initial applications as set forth in Section 8-11.103 of this Chapter.
- (c) *Decisions.* Upon hearing the appeal, the Board of Supervisors shall either announce its findings and decision or announce its intention and order the preparation of formal written findings and its decision for subsequent adoption.
- (d) *Procedures.* All appeals pursuant to this Article shall be heard by the Board of Supervisors pursuant to the procedures set forth in Section 8-2.225 of Chapter 2. No official action such as the issuance of a building permit, license or other type of permit shall be taken while an appeal or proceedings for designation are pending.

### **Sec. 8-11.115 Appeals from actions of the Director**

All decisions of the Director may be appealed to the Historic Preservation Commission in the same manner and upon the payment of the same fees as provided for appeals of Zoning Administrator decisions by Section 8-2.225 of this Title. No official action such as the issuance of a building permit, license or other type of permit shall be taken while an appeal or proceedings for designation are pending.

### **Sec. 8-11.116 Regulations enforced by Building Official**

The provisions of this Chapter shall be enforced by the Building Official of the County with the aid of persons from such other County departments as may be requested by the Building Official. The Building Official shall make applicable the State Historic Building Code (California Administration Code, Title 24, Part 8) in reviewing all plans, in permitting repairs, alterations and additions necessary for the preservation, restoration, moving or continued use of a historic building or structure made under the provision embodied in this Chapter.

### **Sec. 8-11.117 Violation is a nuisance and may be abated**

A person who violates the provisions of this chapter is guilty of maintaining a public nuisance. An authorized employee of the Building Department may mail written notice to the owner that a violation exists. The owner then shall have thirty (30) days to remedy the violation. The notice shall state that if the violation is not corrected within the time specified, legal proceedings to abate the violation shall be instituted. The County may follow the procedure conferred by Government Code Sections 38773, 38773.5, Civil Code Section 3494, Code of Civil Procedure Section 731, or other lawful authority.



### **Sec. 8-11.118 Criminal penalty for violation**

A person who violates a provision of this Chapter is guilty of a misdemeanor and shall be punished by a fine of up to Five Hundred and no/100ths (\$500.00) Dollars, imprisonment for up to six (6) months in the County Jail, or both.

### **Sec. 8-11.119 Remedies are cumulative**

The remedies for violation of the provisions of this chapter are alternative and cumulative rather than exclusive in nature.

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**Title 8 LAND DEVELOPMENT**

**CHAPTER 12: HOUSING DENSITY BONUSES**

**Sec. 8-12.101 Purpose**

The purpose of this Section is to provide housing density bonus incentives as required by State law (Sections 65915 and 65917 of the California Government Code) for the production of housing for very low, low, and moderate income households, and senior households. In enacting this section, it is the intent of the County to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the County's Housing Element.

**Sec. 8-12.102 Definitions**

**Nonrestricted unit**

"Nonrestricted unit" means all units within a housing development excluding the target units.

**Senior citizen housing development**

"Senior citizen housing development" means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least five dwelling units and complies with the requirements in Civil Code Section 51.3.

**Target unit**

"Target unit" means a dwelling unit within a housing development which will be reserved for sale or rent to very low, low, or moderate income households, as defined in the County's Inclusionary Housing Requirements Ordinance, or to senior citizens.

**Sec. 8-12.103 Approval of Density Bonus**

- (a) The County shall grant a density bonus to an applicant or developer of a housing development consisting of five or more dwelling units, who agrees to provide the following:
  - (1) At least another ten percent of the total units of a housing development for low income households; or
  - (2) At least another five percent of the total units of a housing development for very low income households; or
  - (3) A senior citizen housing development.
- (b) All density calculations resulting in fractional units shall be rounded up to the next whole number.

- (c) In determining the number of target units to be provided pursuant to this section, the maximum residential density shall be multiplied by .05 where very low income households are targeted, or by .10 where low income households are targeted. The density bonus units shall not be included when determining the total number of target units in the housing development. When calculating the required number of target units, any fractions of units shall be rounded to the next larger number.

### **Sec. 8-12.104 Amount of Density Bonus**

- (a) **General Density Bonus.** The density bonus shall be a density increase of at least twenty percent, unless a lesser percentage is elected by the applicant/developer over the otherwise maximum allowable residential density. The amount of density bonus to which the applicant/developer is entitled shall vary according to the amount by which the percentage of affordable units exceeds the percentage set forth in Section 8-12.103(a). For each percent increase above ten percent in the percentage of units affordable to low income households, the density bonus shall be increased by one and one-half percent up to a maximum of thirty-five percent. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two and one-half percent up to a maximum of thirty-five percent. For senior citizen housing developments, the density bonus shall be a flat twenty percent.
- (b) **Density Bonus for Condominium Projects.** If a development does not meet the requirements set forth above, but the applicant/developer agrees or proposes to construct a condominium project as defined in subdivision (f) or a planned development as defined in subdivision (k) of Section 1351 of the Civil Code, in which at least another ten percent of the total dwelling units are reserved for persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, a density bonus of at least five percent shall be granted, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density. For each one percent increase above ten percent of the percentage of units affordable to moderate-income households, the density bonus shall be increased by one percent up to a maximum of thirty-five percent.
- (c) **Density Bonus for Land Dedication.** When an applicant for a tentative subdivision map, parcel map, or other residential approval donates land to the County and otherwise satisfies the requirements of Government Code Section 65915(g), the applicant shall be entitled to a fifteen percent increase above the otherwise maximum allowable residential density. For each one percent increase above the minimum ten percent land donation, the density bonus shall be increased by one percent, up to a maximum of thirty-five percent. The land donation density bonus and general density bonus can be used together, up to a combined maximum of thirty-five percent.

- (d) Upon request by the applicant, the County shall not require that a housing development meeting the requirements of this section provide a vehicular parking ratio, inclusive of handicapped parking that exceeds:
  - (1) For studio and one bedroom projects: one on-site parking space per unit;
  - (2) For two to three bedroom projects: two on-site parking spaces per unit; and
  - (3) For four and more bedroom projects: two and one-half parking spaces per unit.
- (e) If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide “on-site parking” through tandem parking or uncovered parking, but not through on-street parking.

### **Sec. 8-12.105 Incentives or Concessions**

- (a) The County shall grant an incentive or concession unless the County makes one of the following findings:
  - (1) The incentive or concession is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for affordable rents for the targeted units.
  - (2) The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
  - (3) The concession or incentive would be contrary to State or federal law.
- (b) In addition to the eligible density bonus percentage described in this section, and in accordance with Government Code Section 65915(d)(2), the applicant shall receive the following number of incentive(s) or concession(s):
  - (1) One incentive or concession for projects that include at least ten percent of the total units for low income households, at least five percent for very low income households, or at least ten percent for persons and families of moderate income in a condominium or planned development.
  - (2) Two incentives or concessions for projects that include at least twenty percent of the total units for low income households, at least ten percent for very low income households, or at least twenty percent for persons and families of moderate income in a condominium or planned development.
  - (3) Three incentives or concessions for projects that include at least thirty percent of the total units for low income households, at least fifteen percent for very low income households, or at least thirty percent for persons and families of moderate income in a condominium or planned development.

## **Sec. 8-12.106 Development standards**

- (a) The site shall be connected to public services, including a public water and wastewater system.
- (b) Target units shall be constructed concurrently with nonrestricted units unless both the County and the applicant/developer agree, in writing, to an alternative schedule for development.
- (c) If the applicant/developer is entitled to a density bonus pursuant to this chapter and the County grants at least one additional incentive, the applicant/developer shall agree to and ensure the continued affordability of all low income and very low income target units for a minimum of thirty years or such longer period of time as required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. The target units for low income households shall be affordable at a rent that does not exceed thirty percent of eighty percent of area median income. The target units for very low income households shall be affordable at a rent that does not exceed thirty percent of fifty percent of area median income.
- (d) In determining the maximum affordable rent or affordable sales price of target units, the following household and unit size assumptions shall be used, unless the housing development is subject to different assumptions imposed by other governmental regulations:
  - (1) Studio: 1 person;
  - (2) 1 bedroom: 2 person;
  - (3) 2 bedroom: 3 person;
  - (4) 3 bedroom: 4 person;
  - (5) 4 bedroom: 5 person.
- (e) Target units shall be dispersed within the housing development wherever possible. Where feasible, the number of bedrooms of the target units shall be equivalent to the bedroom mix of the nontarget units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. Housing developments shall comply with all applicable development and design standards, except those which may be modified as provided by this section.
- (f) Compliance with all of the provisions of this section shall be made a condition of the discretionary planning permits (e.g., tentative subdivision maps, tentative parcel maps, site plans, planned development permits, conditional use permits, etc.) for all housing developments.
- (g) Applicant/developer shall execute and record any agreements or documents reasonably deemed necessary by the County to ensure compliance with and implementation of this Section.

## **Sec. 8-12.107 Additional incentives or concessions**

The need for additional incentives or concessions will vary for different housing developments. Therefore, the allocation of additional incentives or concessions shall be determined on a case-by-case basis. The additional incentives or concessions may include any of the following:

- (a) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to:
  - (1) Reduced minimum lot sizes and/or dimensions.
  - (2) Reduced minimum lot setbacks.
  - (3) Reduced minimum outdoor and/or private outdoor living area.
  - (4) Increased maximum lot coverage.
  - (5) Increased maximum building height and/or stories.
  - (6) Reduced on-site parking standards, including the number or size of spaces and garage requirements.
  - (7) Reduced minimum building separation requirements.
- (b) Approval of mixed use zoning in conjunction with the housing development if commercial, office, industrial, or other non-residential land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other non-residential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located.
- (c) Other regulatory incentives or concessions proposed by the applicant/developer or the city that result in identifiable cost reductions.
- (d) Priority processing of a housing development that provides income-restricted units or a senior citizen housing development.

## **Sec. 8-12.108 Additional density bonus for child care facility**

- (a) Housing developments meeting the requirements of this Section and including a child care facility that will be located on the premises of, as part of or adjacent to, the housing development shall receive either of the following:
  - (1) An additional density bonus that is an amount of square footage of residential space that is equal to or greater than the amount of square footage in the child care facility.
  - (2) An additional incentive or concession to be determined by the County at its sole and complete discretion that contributes significantly to the economic feasibility of the construction of the child care facility.

- (b) The density housing bonus agreement for the housing development shall ensure that:
  - (1) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable.
  - (2) Of the children who attend the child care facility, the children of very low income households, low income households, or moderate income households shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to this Section.
- (c) The County shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.

### **Sec. 8-12.109 Application review and approval**

- (a) An application submitted pursuant to this Section for a density bonus and an additional incentive or concession shall be processed concurrently with and in the same manner as any other application(s) required for the housing development unless the development is granted priority processing. Final approval or denial of a request for an additional incentive or concession shall be made by the Board of Supervisors.
- (b) If an applicant/developer is requesting a waiver or modification of development and zoning standards on the grounds that existing development and zoning standards would otherwise inhibit utilization of a density bonus, such request shall be made concurrently with any request for an additional incentive or concession and shall be processed with and approved or denied in accordance with the provisions herein. Waiver or modification of development and zoning standards shall only be approved if the waiver or modification is necessary to make the housing units economically feasible.
- (c) Any approval or denial of a request for a waiver or modification of development and zoning standards or an additional incentive or concession shall be supported by written findings in support of such approval or denial.
- (d) Nothing in this Section requires the County to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, or if the waiver or reduction would have an adverse impact on any real property listed in the California Register of Historic Resources or be contrary to State or federal law.
- (e) An applicant/developer is strongly encouraged to submit a Pre-application for the housing development prior to the submittal of any formal requests for rezoning, subdivision map, Use Permit, or other approvals.

- (f) If a waiver or modification of development and zoning standards is requested, the application shall demonstrate how the existing development and zoning standards inhibit the utilization of the density bonus on the specific site and that the waiver or modification is necessary to make the housing units economically feasible.
- (g) If an additional incentive or concession is requested, the application shall describe why the additional incentive or concession is necessary to provide the target units in accordance with this Section.

### **Sec. 8-12.110 Resale and occupancy restrictions on target units**

An applicant shall agree to, and the City shall ensure that the initial occupant of target units that are directly related to the receipt of the density bonus in a housing project are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. Upon resale of the unit, the City shall enforce an equity sharing agreement in accordance with Government Code section 65915.

### **Sec. 8-12.111 Expiration and extension**

- (a) Any waiver or modification of development and zoning standards and/or the granting of additional incentives or concessions is project specific. In any case where a housing development with approved waivers or modifications of development and zoning standards and/or additional incentives or concessions has not commenced construction within the time limit set by the Board of Supervisors or within one year, if no specific time limit has been set, then without further action such waivers or modifications of development and zoning standards and/or additional incentives or concessions shall be null and void. Construction is deemed commenced, for purposes of this Section, upon issuance of a building permit for an approved dwelling unit.
- (b) The Board of Supervisors may extend the deadline for commencement of construction for a period or periods not to exceed twelve months upon receipt of a written request which shall include the reason for the delay and the requested extension and any other information as reasonably deemed necessary by the Planning, Public Works and Environmental Services Director.





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**CHAPTER 13: ADDRESSING SYSTEM**

**Sec. 8-13.101 Purpose**

This article is adopted to provide a Countywide comprehensive address numbering system to enable emergency vehicles from fire, sheriff, and ambulance services to respond quickly to calls and to facilitate postal and other delivery service. A positive identification system that eliminates error and confusion and aids prompt response is deemed to be in the public interest and necessary to protect the public health, general welfare, and safety of the citizens of the County.

**Sec. 8-13.102 System description and maps**

- (a) The Yolo County Master Address Numbering System shall consist of index lines corresponding to the Township Section Line System within the County. The northwest corner of Section 4, T12N, R5W shall be designated as the point of origin of the Yolo County Master Address Numbering System and is hereby assigned the North-South grid reference number 1000 and the East-West grid reference number 4000. One thousand numbers shall be allocated sequentially for each Sectional increment to the east and south from the point of origin.
- (b) The Yolo County Master Address Numbering System shall be delineated on a series of maps at a scale of one (1) inch equals 1,600 feet. The maps shall show the grid index system and the address numbers assigned. Maps at a scale other than one (1) inch equals 1,600 feet may be substituted in areas requiring greater precision or graphic clarity. Copies of said maps shall be kept at the offices of the Planning, Public Works and Environmental Services Department.

**Sec. 8-13.103 Administration**

The system shall be implemented within the unincorporated areas of the County by the Planning Director and supersedes any system used prior to its implementation. Private road sign installation and fee reception shall be accomplished by the Director of Planning, Public Works and Environmental Services pursuant to the provisions of this chapter. Technical assistance and information shall be mutually exchanged among all County departments as may be required in carrying out the provisions of this chapter. Funds, if any, collected from fees pursuant to this chapter shall be maintained by the Planning, Public Works and Environmental Services Department.

**Sec. 8-13.104 Assignment of numbers**

- (a) The Planning Director shall determine and assign all address numbers to single-family dwellings, duplex residences, properties, and business establishments and issue the same to property owners and occupants without charge in accordance with the provisions of this chapter. A record of all numbers assigned pursuant to this chapter shall be maintained by the Planning Director and open for inspection by the public during business hours.
- (b) Multiple units within a residential, industrial, or commercial building or complex shall be identified with a sequential numerical suffix and shall be classified as apartment, suite, unit, or other classification as determined to be appropriate by the Planning Director. There shall be no duplications of identifiers within any building or complex.
- (c) An address number for a particular location shall be assigned to the principal access based on the incremental distance between index grid lines as determined by the Planning Director.
- (d) Odd numbers shall be assigned to the westerly and northerly sides of all roads and even numbers assigned to the easterly and southerly sides of all roads.
- (e) The predominant direction of curvilinear and diagonal roads and applicable index increments shall be determined by the Planning Director.

### **Sec. 8-13.105 Display of numbers**

- (a) Upon receipt of the address number from the Planning Director, the owner of the property or building shall cause the number to be displayed upon the building or land in such a manner as to be visible from the road upon which the land or building fronts, and shall remove or obscure from public view any old or obsolete number not in accordance with the system.
- (b) In areas where buildings and/or property front roads where mail delivery is provided, the number and street name shall be displayed upon mailboxes or receptacles designed for receipt of mail.
- (c) Where residences and/or properties front upon roads not receiving mail delivery, the number and road name upon which the building and/or property fronts shall be displayed upon mailboxes or receptacles at the intersection of the frontage road and the road where mail delivery is provided.
- (d) Where residences and/or properties are not clearly visible from the road, access identification other than mailboxes shall be on four (4) inch by four (4) inch wood posts, metal stakes, or equivalent markers elevated at least three (3) feet for clear visibility and rapid directional identification.
- (e) Residence and/or building address numbers shall be conspicuous to ensure positive identification and placed at front doors, on lamp posts, near garage doors, at driveway entrances, or other areas of similar proximity and visibility.

- (f) All address numbers shall be a minimum height of four (4) inches for residential structures and six (6) inches for commercial structures, of reflective and/or a color contrasting with the surface where placed.
- (g) Before final inspection can be completed on new construction, including additions and alterations, the building address and any unit addresses assigned by the Planning Director shall be posted in accordance to minimum standards.

## **Sec. 8-13.106 Names of roads**

- (a) The following process applies to naming of County roads:
  - (1) Any County road may be officially named or the official name may be changed by the Board of Supervisors upon petition of sixty (60) percent of the property owners whose property is serviced by the County road proposed to be affected, upon recommendation by the Planning Director, or upon resolution of intention by the Board of Supervisors.
  - (2) The Board of Supervisors may refer the proposed County road name to the Planning Commission for report and recommendation. The petition, recommendation, or resolution shall be set for hearing and notice posted at a conspicuous place along the County road to be affected. Such posting is to be made at least ten (10) days before the hearing. At the hearing or continued hearing, the Board shall hear and consider all name proposals for such County road, and upon the adoption or change thereof shall make an order in its minutes officially designating the name for said County road. Thereafter, such County road shall be known by the name so designated.
  - (3) Upon motion of the Board and without any resolution, hearing, or notice, any County road which has not been officially named by the Board of Supervisors shall be named by an order duly made and entered on the minutes of the Board. Thereafter the road shall be known by the name thus designated.
- (b) The following process applies to naming of private roads:
  - (1) Private road names shall be assigned to every access road that serves four (4) or more dwellings and/or business establishments or combination thereof, except in shopping centers, apartment-type developments, and other multiuse developments as may be determined by the Planning Director.
  - (2) When naming or renaming private roads, the Planning Director shall contact one property owner on the road, access road, or easement to circulate a petition for selecting a name. If within thirty (30) days a new name has not been submitted to the Planning Director, the County shall have the right to select a name or new name for the road, access road, or easement.
  - (3) Any private road within the unincorporated area of the County may be officially named or the existing name be changed by the Board of Supervisors upon petition of sixty (60) percent of the property owners whose property is serviced by the private road proposed to be affected, upon recommendation by the Planning Director or upon a resolution of intention by the Board of Supervisors. The Board of Supervisors may refer the proposed private road name to the Planning Commission for report and recommendation. The petition shall be set for hearing

and notice posted at a conspicuous place along the private road proposed to be affected. Such posting is to be made at least ten (10) days before the hearing. At the hearing or continued hearing, the Board shall hear and consider all name proposals for such private roads, and upon the adoption or change thereof shall make an order in its minutes officially designating the name for the private road. Thereafter such private road shall be known by the name so designated.

### **Sec. 8-13.107 Road naming requirements**

- (a) Road name selections shall be made on the basis of appropriateness and shall not exceed a length of seventeen (17) letters.
- (b) Each road shall be known by the same name for its entire length, and where roads change directions by an angle greater than ninety (90) degrees, each directional segment shall be known by a different name, unless and except for those roads deemed by the Director of Planning as meandering.
- (c) An alphabetical list of all City streets and County road names in the County shall be established and known as the Yolo County Master Road Index. The list shall be compiled and maintained by the Planning Director. To provide future road names which are easily understood in verbal and written communications, new road names shall not be approved which have a similar spelling or sound to names in the Yolo County Master Road Index or do not conform to the specifications of this article.
- (d) Road naming exceptions may be granted where general naming integrity is otherwise preserved and name confusion is not likely to result.

### **Sec. 8-13.108 Road signs**

- (a) Private road signs shall be identical in design to that of public road signs except the background color shall be brown for private road signs.
- (b) The fee for private road signs, including the installation thereof, shall be determined by the Board by resolution. All signs shall be installed by the County Planning, Public Works and Environmental Services Department.
- (c) Signs shall be required as a condition of approval for all private roads created through the subdivision process. A fee as established by the Board of Supervisors by resolution shall be imposed for each sign required.

### **Sec. 8-13.109 Penalties and appeals**

- (a) Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, failing to comply with the provisions of this article shall be guilty of an infraction, and upon conviction thereof, shall be punishable by a fine of not more than Three Hundred (\$300.00) Dollars.
- (b) Any individual whose property is affected by the implementation of this article and who is dissatisfied with implementation as it applies to his/her property may submit a written

request for hearing by the Planning Commission to the Planning Director. Such request must be received by the Director or postmarked no later than fifteen (15) days after the Director sent the individual notice of the Planning Director's action. The appeal shall be governed by the procedures set forth in Section 8-2.225 of Chapter 2 of this Title.

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**CHAPTER 14: DEFINITIONS**

**Sec. 8-14.101 Purpose**

The purpose of this Chapter is to list all the definitions that apply to Title in one place, including the definitions that have already been inserted into individual chapters, articles, or sections.

**Sec. 8-14.102 Definitions**

**Abutting**

“Abutting” shall mean land having a common property line or separated only by an alley, easement or private street.

**Accessory use**

“Accessory use” shall mean a use lawfully permitted in the zone, which use is incidental to, and subordinate to, the principal use of the site or of a main building on the site and serving a purpose which does not change the character of the principal use, and which is compatible with other principal uses in the same zone and with the purpose of such zone.

**Ancillary**

“Ancillary” shall mean subordinate to a main or principal use, or that which serves as an aid.

**Appurtenant**

“Appurtenant” shall mean an addition to, an adjunct of, or attached to a more important thing and passing with it upon sale, transfer, or conveyance.

**Building**

“Building” shall mean any structure having a roof, which structure is used, or intended to be used, for the shelter or enclosure of persons, animals, or property. When such structure is divided into separate parts by one or more unpierced walls extending from the ground or foundation up, each part shall be deemed a separate building, except for minimum side yard requirements. The word “building” shall include the word “structure.”

**Building, accessory**

“Accessory building” shall mean a detached subordinate building located on the same building site as the main building and designed and intended for a use which is subordinate to the use of the main building.

**Building height**

“Building height” shall mean the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof.

**Building, main**

“Main building” shall mean a building in which is conducted the principal use of the building site on which such building is situated.

**Conditional use**

“Conditional use” shall mean a principal or accessory use of land or of structures thereon, which use may be essential or desirable to the public convenience or welfare in one or more zones, but which use may also impair the integrity and character of the zone restrictions on the location and extent of the use are imposed and enforced. Such use shall become a principal permitted use or accessory use when all specific additional restrictions are completed and permanently satisfied in conformance with an approved use permit. Should such restrictions be of a continuing nature, the use shall remain conditional so long as the restrictions are complied with but shall become an unlawful use whenever and so long as the restrictions are not complied with. A conditional use shall require a use permit from the appropriate authority.

**Incidental**

“Incidental” shall mean a use or activity that is accompanying but not a major part of a primary use.

**Lot or ground coverage**

“Lot or ground coverage” shall mean the percentage of the total lot area which is covered by structures.

**Lot area**

“Lot area” shall mean the total horizontal area included within lot lines but excluding any portion of such area which has been dedicated for public right-of-way purposes.

**Lot, corner**

“Comer lot” shall mean a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees.

**Lot depth**

“Lot depth” shall mean the total horizontal area included within lot lines, but excluding any portion of such area which has been dedicated for public right-of-way purposes.

**Lot, interior**

“Interior lot” shall mean a lot other than a corner lot.

**Lot, key**

“Key lot” shall mean the first lot to the rear of a corner lot, the front line of which key lot is a continuation of the side line of the corner lot (exclusive of any alley) and fronting on the street which intersects or intercepts the street upon which the comer lot fronts.

**Lot lines**

“Lot lines” shall mean the property lines bounding a lot. The definitions set forth in this Chapter shall be applicable to lots which are basically square or rectangular in shape. When such definitions are not applicable due to irregularity in the shape of the lot, as would be the case with a triangular or wedge-shaped lot, “lot lines” shall be as determined by the Planning Director, subject to appeal and review by the Commission.

**Lot line, front**

“Front lot line” shall mean, in the case of an interior lot, the line separating the lot from the street right-of-way and, in the case of a comer lot, the shorter street frontage.

**Lot line, rear**

“Rear lot line” shall mean the lot line opposite and most distant from the front lot line.



**Lot line, side**

“Side lot line” shall mean any lot boundary which is not a front or rear yard line.

**Lot line, side street**

“Side street lot line” shall mean a side lot line separating a lot from a street.

**Lot width**

“Lot width” shall mean the horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard setback line. Whenever such definition cannot be applied due to irregularity in the shape of the lot, the lot width shall be as determined by the Planning Director, subject to appeal and review by the Commission.

**Principal use**

“Principal use” shall mean the primary use of land or a main building, which use is compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it shall mean that the owner, lessee, or other person who has a legal right to use the land, can conduct such principal permitted use, subject to general limitations, such as health, safety, parking, drainage, utilities, access, site plan and building permit review, approval, or conditional approved, and such other limitations are generally applied to similarly situated uses in such zone.

**Primary Dwelling**

“Primary Dwelling” shall mean a structure designed, intended, and use for residential purposes, as elsewhere provided for herein. It shall not include Ancillary Dwelling; Secondary Dwelling; Guest House; or Living Quarters.

**Residential density, gross**

“Gross residential density” or “residential units per gross acre” shall mean the average number of units on one acre of land in a given area where the acreage is based upon the total land in the area, including nonresidential uses.

**Residential density, net**

“Net residential density” or “residential units per net acre” shall mean the average number of residential units on one acre of land used or available for residential purposes, subtracting out land used for non-residential purposes, e.g., parking, landscaping, drainage or improvement areas, swimming pools, garages, etc.

**Setback or setback line**

“Setback” or “setback line” shall mean a line established by the provisions of this Title or other provisions of this Code to govern the placement of buildings or structures with respect to lot lines, streets, or alleys.

**Story**

“Story” shall mean that portion of a building included between the surface of any floor and the surface next above such floor or, if there is no floor above such floor, the space between the floor and the ceiling next above the floor.

**Street line**

“Street line” shall mean the boundary between a street right-of-way and abutting property,

**Structural alteration**

“Structural alteration” shall mean any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

**Structure**

“Structure” shall mean anything constructed, the use of which requires permanent location on the ground, including swimming pools, but excluding driveways, patios, or parking spaces where the area is unobstructed from the ground up (also see “Building”).

**Yard**

“Yard” shall mean an open space, other than a court, on the same site with a building, which open space is unoccupied and unobstructed from the ground upward except for landscaping or as set forth elsewhere in this Title, but not including any portion of any street, alley, or road right-of-way except as set forth elsewhere in this chapter.

**Yard, front**

“Front yard” shall mean a yard of uniform depth extending across the full width of the lot between the front lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto. The front yard of a corner lot shall mean the yard adjacent to the shorter street frontage.

**Yard, rear**

“Rear yard” shall mean a yard of uniform depth extending across the full width of the lot between the rear lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto; provided, however, the rear yard of a corner lot shall extend only to the side yard adjacent to the street.

**Yard, side**

“Side yard” shall mean a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line on the lot and the nearest vertical support or main wall of each building or enclosed or covered porch attached thereto. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line.